

THIS INSTRUMENT PREPARED BY:

PADEN & PADEN
ATTORNEYS AT LAW
FIVE RIVERCHASE RIDGE, SUITE 100
BIRMINGHAM, AL 35244-2893

STATE OF ALABAMA)

COUNTY OF SHELBY)

Inst # 1999-19069

3343
05/06/1999-19069
01:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
11.00
002 MMS

SCRIVENER'S AFFIDAVIT

Know all men by these presents, that, I, the undersigned, a notary public in and for said county and in said state, hereby certify that before me personally appeared R. SHAN PADEN, who is known to me, and who being by me first duly sworn on his oath depose and say as follows:

I, R. SHAN PADEN, Attorney At Law, and in my capacity as such, did prepare that certain MORTGAGE from SCOTT THOMAS CHERONES AND LINDA KATHLEEN CHERONES, HUSBAND AND WIFE to THE HUTSON COMPANY AND ASSIGNED TO CASTLE MORTGAGE CORPORATION dated NOVEMBER 5, 1997 and filed for record NOVEMBER 21, 1997 in the office of the Judge of Probate of SHELBY County, Alabama as INSTRUMENT #1997-38099 and RE-RECORDED OCTOBER 23, 1998 as INSTRUMENT #1998-41523 in the office of the Judge of Probate of SHELBY County, Alabama.

The legal descriptions set forth in the mortgage was incorrect. It is the purpose and intent of this affidavit to correct the legal description to read as follows:

THE CORRECT LEGAL DESCRIPTION IS AS FOLLOWS:

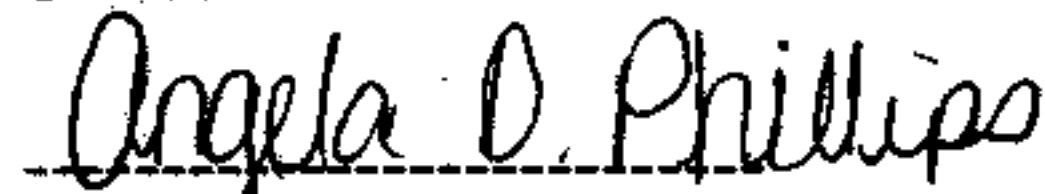
COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 5 WEST; THENCE RUN SOUTH 87 DEGREES 44'05" EAST, ALONG THE NORTH LINE OF SAID 1/4-1/4, A DISTANCE OF 331.74 FEET; THENCE RUN SOUTH 0 DEGREES 22'40" WEST A DISTANCE OF 338.77 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 0 DEGREES 22'40" WEST A DISTANCE OF 834.59 FEET; THENCE RUN SOUTH 89 DEGREES 04'47" EAST A DISTANCE OF 10.0 FEET; THENCE RUN SOUTH 0 DEGREES 34'54" WEST A DISTANCE OF 587.27 FEET TO A POINT IN THE CENTER OF A POND; THENCE RUN NORTH 60 DEGREES 01' 18" EAST A DISTANCE OF 37.15 FEET; THENCE RUN NORTH 59 DEGREES 12' 51" EAST A DISTANCE OF 125.00 FEET; THENCE RUN NORTH 59 DEGREES 12' 51" EAST A DISTANCE OF 219.64 FEET; THENCE RUN NORTH 0 DEGREES 15'20" EAST A DISTANCE OF 218.15 FEET TO A POINT ON THE SOUTH LINE OF SAID 1/4-1/4; THENCE RUN NORTH 0 DEGREES 15'20" EAST A DISTANCE OF 995.76 FEET; THENCE RUN NORTH 87 DEGREES 44'20" WEST A DISTANCE OF 332.46 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS.

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 5 WEST; THENCE RUN NORTH 87 DEGREES 51' 31" WEST, A DISTANCE OF 334.57 FEET; THENCE RUN SOUTH 0 DEGREES 07' 60" WEST A DISTANCE OF 58.00 FEET TO THE POINT OF BEGINNING OF A 40 FOOT EASEMENT FOR INGRESS AND EGRESS LYING 20 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTER LINE; THENCE RUN NORTH 87 DEGREES 23' 01" WEST A DISTANCE OF 338.45 FEET; THENCE RUN SOUTH 61 DEGREES 40' 02" WEST A DISTANCE OF 44.95 FEET; THENCE RUN SOUTH 50 DEGREES 16' 56" WEST A DISTANCE OF 62.39 FEET; THENCE RUN SOUTH 72 DEGREES 37' 22" WEST A DISTANCE OF 45.03 FEET; THENCE RUN SOUTH 84 DEGREES 45' 10" WEST A DISTANCE OF 111.82 FEET; THENCE RUN NORTH 83 DEGREES 55' 42" WEST A DISTANCE OF 81.04 FEET TO THE END OF SAID EASEMENT


R. SHAN PADEN

Sworn and subscribed before me this 5TH day of MAY, 1999.



NOTARY PUBLIC

MY COMMISSION EXPIRES: 01/16/00

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