

THIS INSTRUMENT PREPARED BY:

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

STATE OF ALABAMA)
COUNTY OF SHELBY)

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 ROBERT S. PADENN, who is known to me, and who being by me first duly sworn on his oath depose and say as follows:

I, ROBERT S. PADEN, Attorney At Law, and in my capacity as such, did prepare that certain MORTGAGE from MARK E. SMITHERS, A SINGLE PERSON and KATHY J. TRESCOTT, A SINGLE PERSON to CHARTER ONE BANK, F.S.B., dated SEPTEMBER 30, 1999 and filed for record in the office of the Judge of Probate of SHELBY County, in INSTRUMENT #1999-41755.

It is the purpose and intent of this affidavit to correct the following error to read as follows:

THE LEGAL DESCRIPTION IS INCORRECT. THE CORRECT LEGAL DESCRIPTION IS AS FOLLOWS:

LOT 12, ACCORDING TO THE SURVEY OF WINDSTONE II, AS RECORDED IN MAP BOOK 25, PAGE 110, IN THE PROBATE OFFICE OF SHELBY COUNTY,

ALABAMA


ROBERT S. PADEN

Sworn and subscribed before me this 9TH day of NOVEMBER, 1999.



NOTARY PUBLIC

MY COMMISSION EXPIRES: 01/16/00

Inst # 1999-46270

11/12/1999-46270

09:10 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

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