

STATE OF ALABAMA  
SHELBY COUNTY

Inst # 2000-01414

AFFIDAVIT

01/12/2000-01414  
12:32 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

002 FMS 11.00

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared Michael S. Moore, who being duly sworn, deposes and says under oath as follows:

My name is Michael S. Moore and I am Community Development Manager of Rural Development located at 733 Logan Road, Clanton, Alabama. On May 5, 1997, Richard Knight and wife, Carol Knight, executed a mortgage to Chase Manhattan Mortgage Corporation, which said mortgage was recorded in Instrument No. 1997-14155 in the Probate Office of Shelby County, Alabama. Simultaneously with the execution of the mortgage to Chase Manhattan Mortgage Corporation, the said Richard Knight and wife, Carol Knight, executed a second mortgage to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, which said mortgage is recorded in Instrument No. 1997-14154 in the Probate Office of Shelby County, Alabama. Rural Development is the successor in interest to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, mortgagee in that certain mortgage recorded in Instrument No. 1997-14154. At the time the two mortgages referred to hereinabove were executed, the mortgage to Chase Manhattan Mortgage Corporation was intended to be a first mortgage lien on the following described real property situated in Shelby County, Alabama, and the mortgage to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, was intended to be a second mortgage lien on said real property, which is described as follows, to wit:

Lot 5, Block A, according to the Survey of Hubbard and Givhan's Subdivision of the NW 1/4 of the NE 1/4 of Section 21, Township 22 South, Range 3 West, as recorded in Map Book 3, Page 81, in the Probate Office of Shelby County, Alabama.

After the two mortgages referred to hereinabove were executed, they were inadvertently recorded in the Probate Office of Shelby County in reverse order in that the first mortgage to Chase Manhattan Mortgage Corporation was recorded directly after the mortgage to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture. The purpose of this Affidavit is to acknowledge that the mortgage from Richard Knight and Carol Knight to Chase Manhattan Mortgage Corporation is a first mortgage on the real property described hereinabove and is prior and superior to the mortgage of the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, notwithstanding the fact that they were recorded in reverse order.

In addition, on March 1, 1995, Steven R. Smith and Deana R. Smith executed a mortgage to the United States of America, acting through the Farmers Home Administration, United States


Department of Agriculture, which said mortgage was recorded in Instrument No. 1995-05312, in the Probate Office of Shelby County, Alabama. Said mortgage was paid off and satisfied on May 5, 1997 when Richard Knight and Carol Knight executed the two mortgages referred to hereinabove to Chase Manhattan Mortgage Corporation and the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture.

The purpose of this Affidavit is to clarify the priority of the mortgages referred to hereinabove. Further the affiant saith not.

Dated this 10<sup>th</sup> day of JANUARY, 2000.

  
Michael S. Moore

Sworn to and subscribed before me on this 10 day of January, 2000.

  
Notary Public  
My Commission Expires: 6-22-03

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