

SCRIVENER'S AFFIDAVIT

Before me, the undersigned this day personally appeared, B. Christopher Battles, who after being duly sworn, deposes and says the following:

My name is B. Christopher Battles, Attorney at Law. In my capacity as Attorney at Law, I prepared and caused to be filed of record two mortgages from John M. Whitmer and Tina L. Whitmer, Husband and Wife to Charter One Mortgage Corporation recorded in Inst. Numbers 2000-30702 and 2000-30643 in the office of the Judge of Probate of Shelby County, Alabama.

This Affidavit is being given to correct the order of recordings on said mortgages. Mortgage recorded in Inst. Number 2000-30702 should have been recorded first. This mortgage should hold first lien position. The Mortgage recorded in Inst. Number 2000-30643 should have been recorded last. This mortgage should hold second lien position and be subordinate to the first mortgage.

Further the affiant said not.

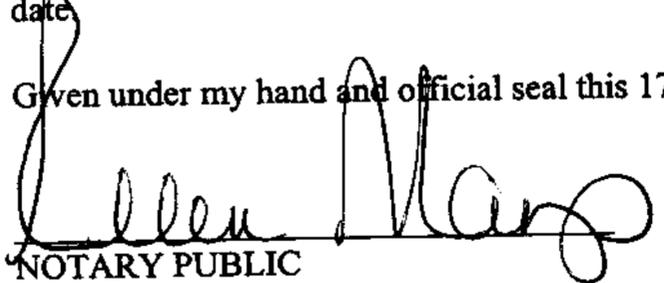

B. CHRISTOPHER BATTLES

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county, in said State, hereby certify that B. Christopher Battles, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 17th day of October, 2000.


NOTARY PUBLIC

My Commission Expires: 2-12-2003

file: WHITMER 2000

Inst # 2000-36749

10/23/2000-36749
10:10 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

001 MMB 11.00