

STATE OF ALABAMA)
COUNTY OF SHELBY)

SCRIVENER'S AFFIDAVIT

COMES NOW Mitchell A. Spears, the Scrivener and Affiant herein, and after first having been duly sworn, said Scrivener states as follows:

1. Scrivener is a licensed practicing attorney at law, who practices real estate law within the State of Alabama. Scrivener is over the age of twenty-one (21) years, of sound mind, and has personal knowledge of the facts set forth in this Affidavit.
2. On or about June 27, 1995, the Scrivener drafted a Deed whereby Richard R. Harrison, an unmarried man, also known as Richard Ryan Harrison and R. R. Harrison, conveyed certain real estate situated in Shelby County, Alabama to Patricia F. Hudnall, who since said date, has conveyed said realty to Herman Carl Fochtman on June 15, 2000.
3. In the drafting of the Deed, dated June 27, 1995, said Scrivener used the legal description provided by survey prepared by Frank B. Garrett, Jr., Alabama Registration Number 9500, dated June 26, 1995.
4. Said deed to Patricia F. Hudnall was duly recorded at Instrument Number 1995-18636 in the Office of the Probate Judge, Shelby County, Alabama, and conveyed to Herman Carl Fochtman on June 15, 2000, which Deed was duly recorded at Instrument Number 2000-33297.
5. Richard R. Harrison, the Grantor upon the face of said Deed, deceased on the 6th day of June, 1996; and subsequent to the decease of said Grantor, said Scrivener discovered that the surveyed description contained an error.
6. The first call upon the face of said Deed reads as follows: "thence South 88 deg. 10' 14" East and run 1464.85 feet". The first call of such Deed should read as follows: "thence South 88 deg. 10' 14" East and run 730.80 feet".

Consequently, the description contained within such Deed should read as follows: Commence at the Northwest Corner of Section 8, Township 22 South, Range 3 West; thence S 88°10'14" E and run 730.80 feet; thence S 12°48'17" W and run 1994.96 feet; thence S 87°12'20" E and run 783.02 feet; thence N 09°16'19" E and run 291.98 feet to the Point of Beginning; thence S 86°06'34" E and run 862.70 feet to the westerly right-of-way line of County Road No. 17; said point being on a curve to the left having a central angle of 04°18'49" and a radius of 833.17 feet; thence along the chord of said curve N 39°19'47" E and run 62.71 feet; thence N 86°06'34" W and run 364.90 feet; thence N 05°57'07" E and run 957.00 feet to the center line of King Creek; thence N 55°40'24" W and run 70.78 feet along said center line; thence N

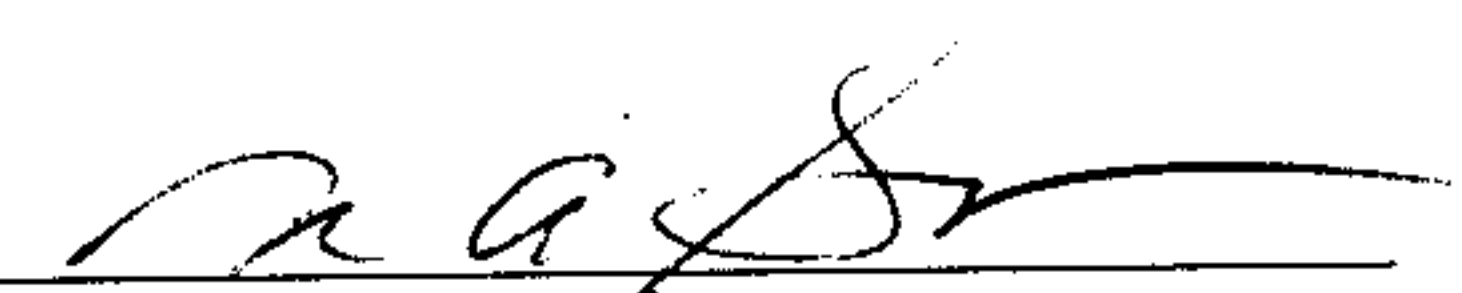
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32°51'07" W and run 88.69 feet along said center line; thence N 29°17'56" W and run 97.87 feet along said center line; thence N 39°53'03" W and run 84.01 feet along said center line; thence N 36°14'52" W and run 68.57 feet along said center line; thence N 24°30'41" W and run 102.94 feet along said center line; thence N 24°30'28" W and run 50.00 feet along said center line; thence S 24°23'31" W and run 457.40 feet; thence N 86°08'24" W and run 239.77 feet; thence S 12°48'15" W and run 176.59 feet; thence S 86°08'24" E and run 33.41 feet; thence S 12°48'15" W and run 35.91 feet; thence S 03°32'27" W and run 98.79 feet; thence S 86°08'24" E and run 168.71 feet; thence S 03°32'27" W and run 706.76 feet to the Point of Beginning.
Containing 17.28 acres, more or less.

7. The purpose of this Scrivener's Affidavit is to correct the legal description appearing upon the face of those certain Deeds recorded at Instrument Number 1995-18636 and Instrument Number 2000-33297 in the Office of the Probate Judge, Shelby County, Alabama, to reflect the correct legal description of same, as hereinabove set forth.


FURTHERMORE, the Scrivener, as Affiant, saith naught.



Mitchell A. Spears, Affiant
Scrivener of Deed

STATE OF ALABAMA)
COUNTY OF SHELBY)

Sworn to and subscribed before me this the 29th day of January, 2001.



Notary Public
My commission expires: 5/17/03

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