

STATE OF ALABAMA
COUNTY OF SHELBY

SCRIVENER'S AFFIDAVIT

Before me, the undersigned Notary Public in and for said County and State, personally appeared Kevin Hays, Attorney at Law, who states the following:

My name is Kevin Hays, and I am a real estate closing attorney in Birmingham, Alabama. I was the closing attorney/settlement agent for a real estate transaction on or about the 13th day of December, 2002, wherein **Frankie J. Swinea, Jr. and Donald J. Twilley** purchased the following real estate from **American Homes and Land Corporation**:

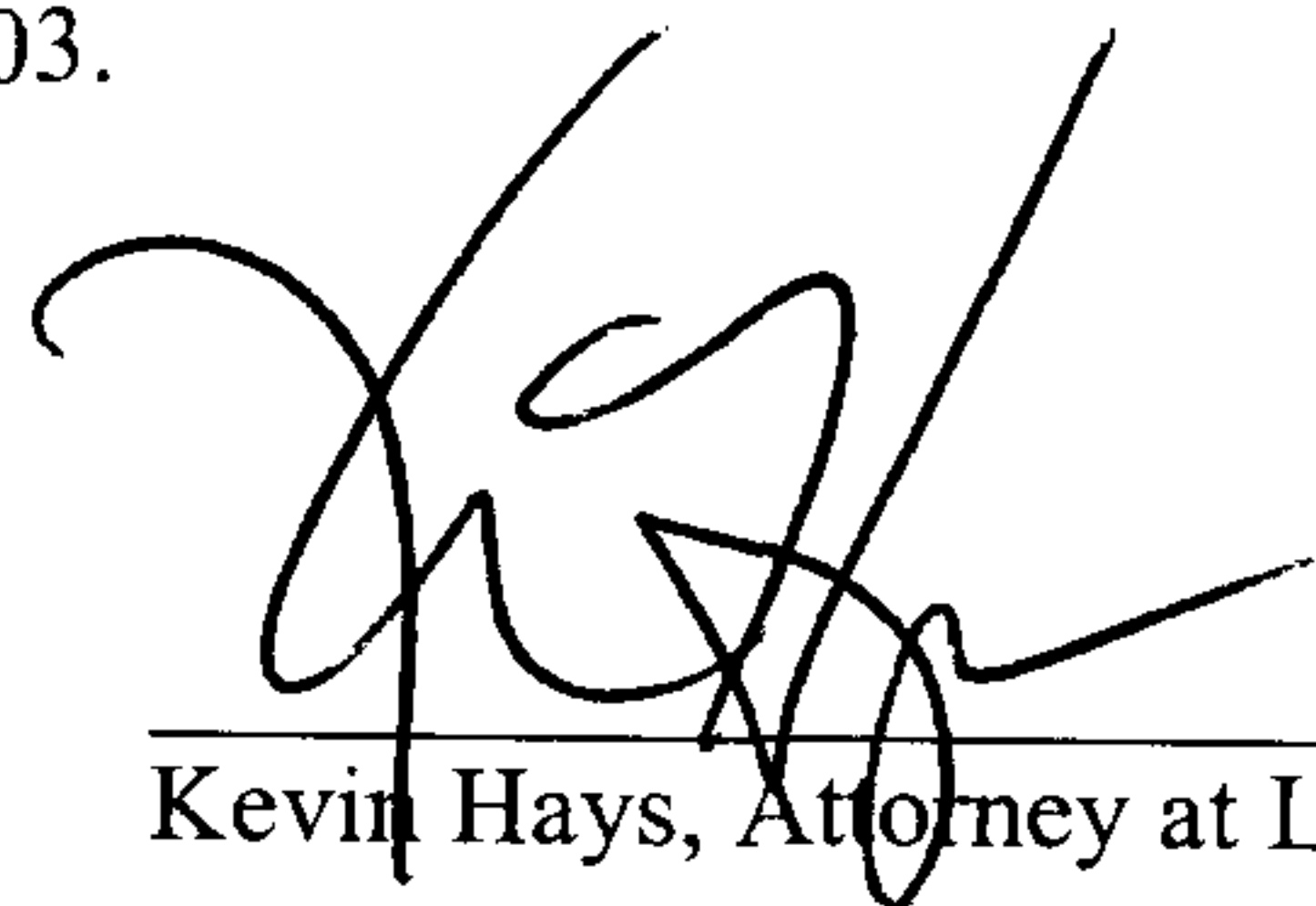
Lot 28, according to the Map and Survey of Old Cahaba II-B, as recorded in Map Book 30, Page 28, in the Probate Office of Shelby County, Alabama.

Address: 565 Old Cahaba Drive
Helena, Alabama 35080

The Warranty Deed, dated December 13, 2002, and recorded in Shelby County, Alabama as **Instrument Number 2002-1218000633650**, and the Mortgage/Security Instrument given by the above-referenced Purchasers to New South Federal Savings Bank, also dated December 13, 2002 and recorded in Shelby County, Alabama as **Instrument Number 2002-1218000633660**, contains an incorrect legal description due to the property having been re-surveyed prior to closing without the knowledge of either the closing attorney or the title insurance company issuing title. The correct legal description for the property subject to this transaction shall be corrected to read as follows (pertaining to both Instruments previously recorded):

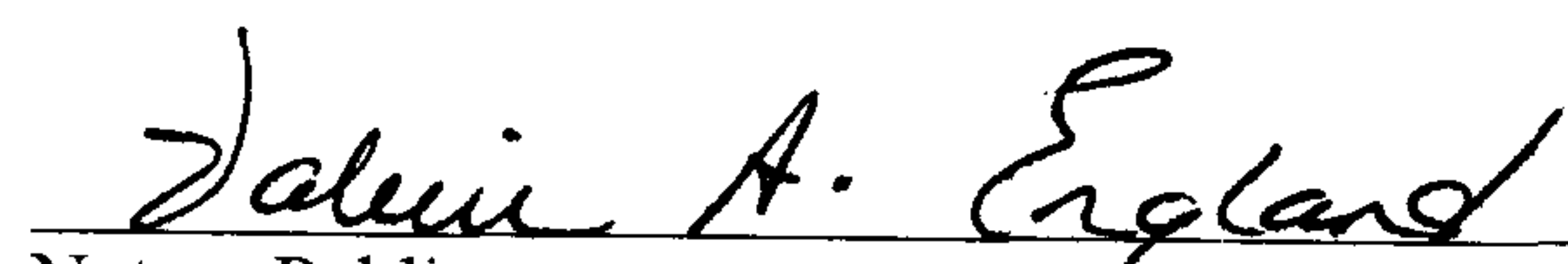
Lots 28A and 28B, according to the Resurvey of Lots 12, 13, 14, 15, 16, 28, 29, 32, 43, 53, 54, 55, 56, 57, 58, 59, 60, 79, 80, 81, 82 and 83 of Old Cahaba II-B, as recorded in Map Book 30, Page 124, in the Probate Office of Shelby County, Alabama.

Done this the 23rd day of January, 2003.



Kevin Hays, Attorney at Law

Sworn to and subscribed before me on January 23, 2003.



Valerie A. England
Notary Public
Commission Expires: February 25, 2004