


**STATE OF ALABAMA  
SHELBY COUNTY**

**NOTE TO PROBATE JUDGE OF SHELBY COUNTY, ALABAMA:**

**This Affidavit should be indexed under the following names:**

**Grantors: EMC Company, LLC  
Stonegate Farms, LLC  
Grantee: Compass Bank**

  
20030606000356070 Pg 1/2 17.00  
Shelby Cnty Judge of Probate, AL  
06/06/2003 14:47:00 FILED/CERTIFIED

**AFFIDAVIT OF SCRIVENER**

Before me, the undersigned Notary Public in and for said County in said State, personally appeared Richard W. Theibert, who, being known to me, and who being by me first duly sworn, deposes under oath and says as follows:

1. I am a licensed practicing attorney, over the age of twenty-one (21) years and a resident of Jefferson County, Alabama, with knowledge and information pertaining to the facts in this Affidavit.

2. I prepared the following documents:

- a. Third Accommodation Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (Alabama), dated February 27, 2003, executed by EMC Company, LLC, an Alabama limited liability company ("EMC"), and Stonegate Farms, LLC, an Alabama limited liability company ("Stonegate"), to Compass Bank ("Lender"), which was filed in the Office of the Judge of Probate of Shelby County, Alabama, on March 4, 2003, and recorded under Instrument #200303040000130880 (the "Mortgage");
- b. Assignment of Rents and Leases dated February 24, 2003, executed by Stonegate to Lender, which was filed in said Probate Office on March 4, 2003, and recorded under Instrument #200303040000130890 (the "Assignment"); and
- c. UCC Financing Statement by EMC and Stonegate, as debtors, to Lender, as secured party, which was filed in said Probate Office on March 4, 2003, and recorded under Instrument #200303040000130900 (the "UCC").

3. The legal description in the Mortgage, the Assignment and the UCC sets forth the following erroneous phrase (the "Phrase"):

ALSO Known as Lots 02A , 02B and 03, according to the Map of Stonegate Realty, Phase One – 1<sup>st</sup> Addition, as recorded in Map Book 31, Page 11, in the Probate Office of Shelby County, Alabama.

4. The Phrase was included in the Mortgage, the Assignment and the UCC through error. The subdivision referred to in the Phrase relates to real property other than that described in such documents. Therefore, the Phrase is to be disregarded as to the real property otherwise described in such documents.

5. Such error is a scrivener's error and this affidavit is given for the purpose of correcting such scrivener's error

IN WITNESS WHEREOF, I have set my hand and seal this 22 day of May, 2003


  
\_\_\_\_\_(SEAL)  
Richard W. Theibert

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that Richard W. Theibert, 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22 day of May, 2003.

  
\_\_\_\_\_  
Notary Public

6-23-04  
My Commission Expires:

THIS INSTRUMENT PREPARED BY:  
Kathryn S. Carver  
Kathryn Carver & Associates P.C.  
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(205) 977-4336

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