

THE STATE OF ALABAMA)

COUNTY OF SHELBY)

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

Before me, the undersigned Notary Public, personally appeared Richard W. Theibert, Attorney, who being duly sworn deposes and says as follows:

My name is Richard W. Theibert and I was the preparer of that certain \$1,067,000.00 Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement from J. Elliott Corp. to AmSouth Bank, being dated March 31, 2003 and filed in the Office of the Judge of Probate of Shelby County, Alabama in Instrument No. 20030404000200300.

The undersigned has examined the Mortgage and found that a typographical error was made relative to the Borrower's name on the signature page and notary acknowledgment. The name was shown as J. Elliott Corporation in lieu of the correct name of J. Elliott Corp.

From this date forward, let the records reflect that the Borrower's correct name is J. Elliott Corp.

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in that drafting of said deed filed in the Office of the Judge of Probate of Shelby County, Alabama and also to induce Mississippi Valley Title Insurance Company/Old Republic National Title Insurance Company to issue its title insurance policy to said mortgagee reflecting said correction.

FURTHER, Affiant saith not.

Richard W. Theibert
Richard W. Theibert

Sworn to and subscribed before me this 10th day of July, 2003.

Karin Sue Underwood
Notary Public MY COMMISSION EXPIRES 6-23-04

THIS INSTRUMENT WAS PREPARED BY: Richard W. Theibert, Attorney
Najjar Denaburg, P.C., 2125 Morris Avenue, Birmingham, AL 35203