

STATE OF ALABAMA)
)
SHELBY COUNTY)

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

Before me, the undersigned Notary Public, personally appeared J. Steven Mobley, Esquire, who, being duly sworn, deposes and says as follows:

My name is J. Steven Mobley and the name of my law firm is Law Offices of J. Steven Mobley. I was the preparer of the following documents:

- (1) Declaration of Protective Covenants for Lochinvar at Ballantrae, filed in the Office of the Judge of Probate of Shelby County, Alabama, and recorded as Instrument #20031001000660220, being dated September 29, 2003.
- (2) Declaration of Protective Covenants for Haddington Parc at Ballantrae, Phase 1, filed in the Office of the Judge of Probate of Shelby County, Alabama, and recorded as Instrument #20031001000660230, being dated September 29, 2003.
- (3) Declaration of Protective Covenants for Stoneykirk at Ballantrae, Phase 1, filed in the Office of the Judge of Probate of Shelby County, Alabama, and recorded as Instrument #20031001000660210, being dated September 29, 2003.

The undersigned has examined these Declarations of Protective Covenants and finds that a typographical error was inadvertently made as follows:

On page 8 of each Declaration, Section 3.03, 10th line, the following is reflected: **"... approval, permit or authorization by none such member in accordance with the terms hereof...."** The correct line should read: **"... approval, permit or authorization by one such member in accordance with the terms hereof...."**

From this date forward, let the records reflect that the correct language for Section 3.03 of the Declarations of Protective Covenants described above is as follows:

3.03 Except as hereinafter provided, the affirmative vote of a majority of the membership of the Committee shall be required in order to adopt or promulgate any rule or regulation, or to make any findings, determinations, ruling or order, or to issue any permit, authorization or approval pursuant to directives or authorizations contained herein. With regard to review of plans and specifications as set forth in this Article III, however, and with regard to all other specific matters (other than the promulgation of rules and regulations) as may be specified by resolution of the entire Committee, each individual member of the Committee shall be authorized to exercise the full authority

granted herein to the Committee. Any approval by one such member of any plans and specifications submitted under this Article III, or the granting of any approval, permit or authorization by one such member in accordance with the terms hereof, shall be final and binding. Any disapproval or approval based upon modification or specified conditions by one such member shall also be final and binding, provided, however, that in any such case, any applicant for such approval, permit or authorization may, within ten (10) days after receipt of notice of such adverse decision, file a written request to have the matter in question reviewed by the entire Committee. Upon the filing of any such request, the matter with respect to which such request was filed shall be submitted to and reviewed as soon as possible by the entire Committee. Thereafter, the decision of a majority of the members of the Committee with respect to such matter shall be final and binding.

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in the drafting of said Declarations of Protective Covenants filed in the Office of the Judge of Probate of Shelby County, Alabama.

FURTHER, Affiant sayeth not.


J. Steven Mobley, Esquire

Dated: January 27, 2004

STATE OF ALABAMA)
SHELBY COUNTY)

20040130000051430 Pg 2/2 14.00
Shelby Cnty Judge of Probate, AL
01/30/2004 15:50:00 FILED/CERTIFIED

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that J. Steven Mobley, whose name is signed to the foregoing Affidavit Evidencing Scrivener's Error, and who is known to me, acknowledged before me that, being formed of the contents of the Affidavit, he executed the same voluntarily and as his act on the day the same bears date.

Given under my hand and seal of office this 27th day of JANUARY, 2004.


NOTARY PUBLIC

My Commission Expires: 3/29/05

THIS INSTRUMENT WAS PREPARED BY:

J. Steven Mobley, Attorney at Law
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Birmingham, Alabama 35233