

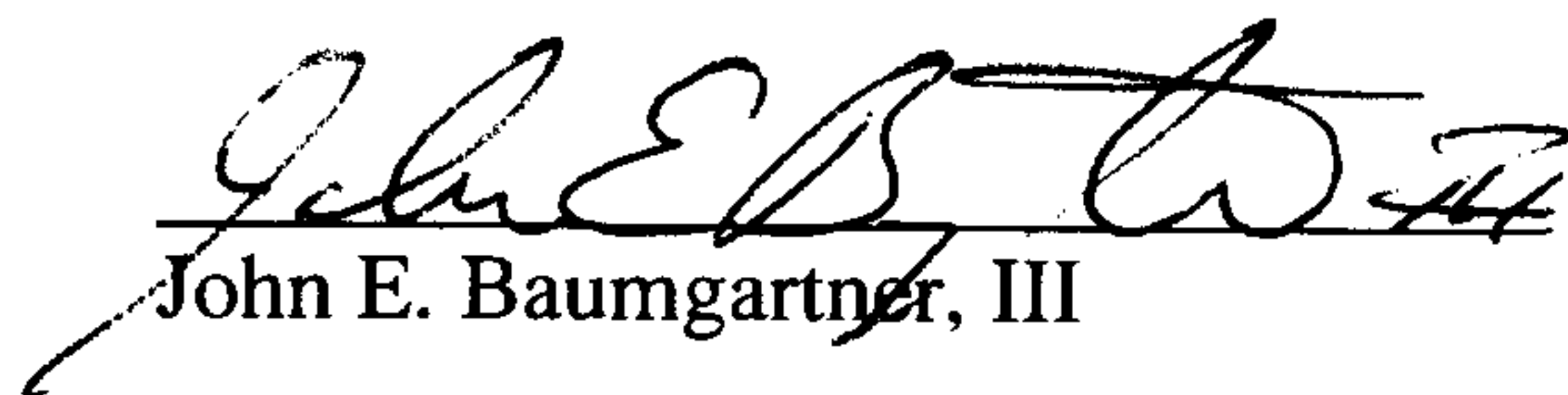
03-433-CEJ

PAYOFF AFFIDAVIT AND RELEASE OF MORTGAGE

We, John E. Baumgartner, III and Debra J. Baumgartner, hereby state as follows:

1. In regard to Title Souths commitment number 228256 specifically Schedule B - Section I, number Item 2 which reads as follows: "Mortgage given by John E. Baumgartner, III and Debra J. Baumgartner to New South Federal Savings Bank in the amount of \$10,000.00 dated April 3, 1992, filed April 22, 1992, and recorded in **Instrument #: 1992-5428**, in the Probate Office of Shelby County, Alabama, to be paid in full and properly satisfied of record or same to be released."
Said property being legally described as follows:
Lot 46, according to the Survey of Meadow Brook, Fifth Sector, First Phase, as recorded in Map Book 8, page 109, in the Probate Office of Shelby County, Alabama.
1. We hereby swear that this loan has been paid in full and that no monies are owed to New South Federal Savings Bank
2. We have made several attempts to obtain a release from New South Federal Savings Bank and have been informed that this loan no longer exists in their system. Therefore, they have no information in order to give us a release.
3. By way of this affidavit, we agree to hold Title South, Stewart Title Guaranty Company, their successors and or assigns, and Charles E. Davis, Jr. harmless from any loss, cost, damages, and claims or liability that may arise from this particular mortgage.

Further affiant sayeth not.


John E. Baumgartner, III


Debra J. Baumgartner

State of Alabama)
Jefferson County)

Sworn and subscribed before me on this the 15 day of January, 2004.

Prepared by:
Charles E. Davis, Jr., LLC
400 Vestavia Parkway, Suite 101
Birmingham, AL 35216


Notary Public

My commission expires: 10/28/2006

Charles Davis