

STATE OF ALABAMA )  
COUNTY OF SHELBY )

20040218000083960 Pg 1/3 17.00  
Shelby Cnty Judge of Probate, AL  
02/18/2004 12:42:00 FILED/CERTIFIED

**SCRIVENER'S AFFIDAVIT**

Personally appeared before the undersigned, a Notary Public in and for Jefferson County, State of Alabama, authorized and empowered to take and administer oaths, Gregory K. Mixon ("Affiant"), personally known to me, who, after being duly sworn, deposes and says that:

1. Affiant is *sui juris*, acting under no compunction or disability, and is now, and was at all times pertinent to this Affidavit, a member in good standing of the bar of the State of Alabama, practicing in the City of Birmingham, County of Jefferson.

2. On or about February 10, 2004, Affiant prepared a certain Statutory Warranty Deed (the "Deed") to be executed by Shelby Land Partners, LLC and Mark E. Osborn (collectively, the "Grantor") in favor of The City of Alabaster, Alabama (the "Grantee").

3. The Deed was duly executed by the Grantor and delivered to the Grantee. The original of the Deed is recorded as Instrument No. 20040211000072100 in the Office of the Judge of Probate of Shelby County, Alabama.

4. Exhibit A of the Deed contains a legal description of the real property (the "Property") being conveyed by the Grantor to the Grantee under the Deed. Said legal description contains an inadvertent scrivener's error. The correct legal description of said Property is more particularly set forth on Exhibit A attached hereto and made a part hereof.

5. This Affidavit is given for the purpose of correcting this scrivener's error and is to be filed for record in the office of the Judge of Probate of Shelby County, Alabama, as an amendment to and correction of the Deed by substituting, in its entirety, the legal description of the Property set forth on Exhibit A attached hereto in place of the legal description for the Property currently contained on Exhibit A of the Deed.

  
Gregory K. Mixon

STATE OF ALABAMA                    )  
COUNTY OF JEFFERSON            )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Gregory K. Mixon, 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 16<sup>th</sup> day of February, 2004.

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

[AFFIX SEAL]

My Commission Expires: My Commission Expires: 7/9/2006

This instrument prepared by:  
Gregory K. Mixon  
Maynard, Cooper & Gale, P.C.  
2400 AmSouth/Harbert Plaza  
1901 Sixth Avenue North  
Birmingham, Alabama 35203-2602  
(205) 254-1000

**Exhibit A**

(Legal Description)

A parcel of land situated in the Southeast 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 613.31 feet to the POINT OF BEGINNING of the parcel described herein; thence continue along the last stated course a distance of 646.04 feet to a point on the Easterly Right-of-Way line of a proposed road, said point also being on a curve to the left having a radius of 500.00 feet and a central angle of  $26^{\circ}14'59''$ ; thence  $111^{\circ}52'06''$  to the right (angle measured to tangent) in a Northerly direction along the arc of said curve and along said Right-of-Way line a distance of 229.07 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Northerly direction along said Right-of-Way line a distance of 140.49 feet to the P.C. (point of curve) of a curve to the right having a radius of 775.00 feet and a central angle of  $34^{\circ}26'26''$ ; thence in a Northerly and Northeasterly direction along the arc of said curve and along said Right-of-Way line a distance of 465.85 feet to a point; thence  $82^{\circ}29'40''$  to the right (angle measured to tangent) in a southeasterly direction (leaving said Right-of-Way line) a distance of 563.37 feet to a point; thence  $67^{\circ}26'47''$  to the right in a southerly direction a distance of 595.84 feet to the POINT OF BEGINNING.