

AFFIDAVIT TO CORRECT LEGAL DESCRIPTION

STATE OF ALABAMA }

SHELBY COUNTY }

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared WILLIAM R. JUSTICE, whose names is signed to this Affidavit and who is known to me and who being by my first duly sworn, deposes and says as follows;

My name is William R. Justice. I am In-House Counsel for FIRST NATIONAL BANK OF SHELBY COUNTY in the City of Columbiana, Shelby County, Alabama. On or about February 27, 2004 a mortgage was prepared by First National Bank of Shelby County from **GREGG RUSHTON, unmarried** to First National Bank of Shelby County which said mortgage is recorded in Instrument Number 20040227000102130 in the Probate Office of Shelby County, Alabama.

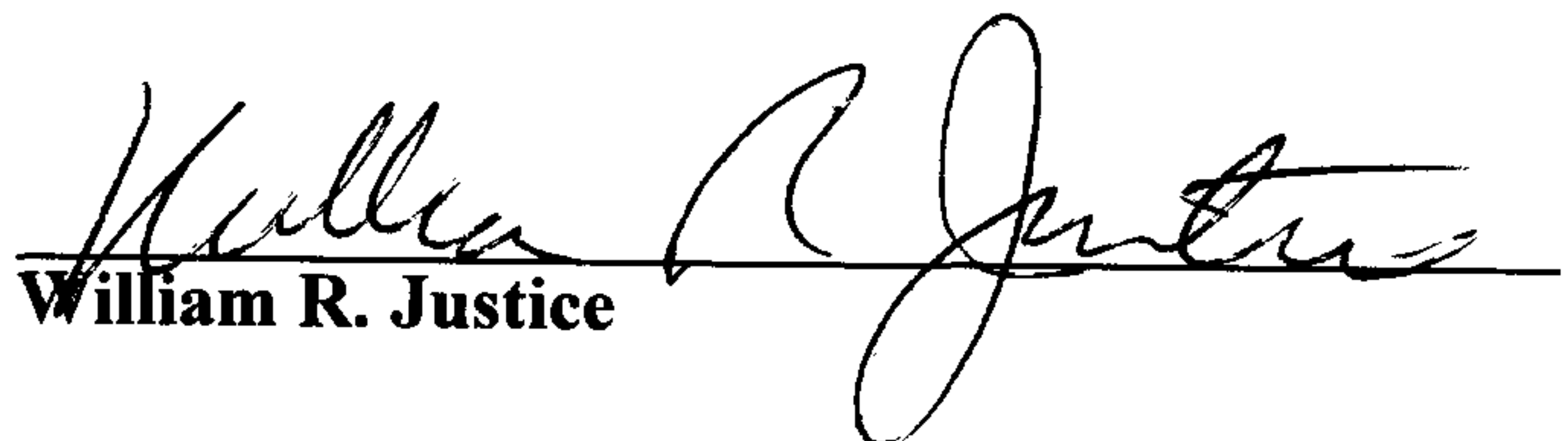
The legal description in the aforesaid mortgage was incorrect. The property was described as follows:

**A parcel of land lying in the Northeast Quarter of Section 26, Township 21 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:**  
**Commence at the Southeast corner of the Northeast Quarter of said Section 26; thence run North 40 degrees 50 minutes 32 seconds West a distance of 993.31 feet to a ½-inch rebar found; thence run North 02 degrees 21 minutes 12 seconds West along the Westerly right of way of an alley a distance of 87.87 feet to a ½-inch rebar set and the point of beginning; thence run South 65 degrees 16 minutes 26 seconds West a distance of 114.80 feet to a ½-inch rebar set on the Easterly right of way of an alley; thence run North 04 degrees 19 minutes 13 seconds West along said Easterly right of way a distance of 63.09 feet to ½-inch rebar found at the intersection of said Easterly right of way and the Southerly right of way of West College Street; thence run North 86 degrees 16 minutes 16 seconds East a distance of 116.97 feet to a ½-inch rebar found on the Westerly right of way of an alley; thence run South 02 degrees 21 minutes 12 seconds East along said Westerly right of way a distance of 63.11 feet to the point of beginning.**  
**According to survey of Rodney Y. Shifflett, RLS 21784, dated February 5, 2004.**

The correct description of the property described in the aforesaid mortgage is as follows:

**A parcel of land lying in the Northeast Quarter of Section 26, Township 21 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:**  
**Commence at the Southeast corner of the Northeast Quarter of said Section 26; thence run North 40 degrees 50 minutes 32 seconds West a distance of 993.31 feet to a ½-inch rebar found; thence run North 02 degrees 21 minutes 12 seconds West along the Westerly right of way of an alley a distance of 87.87 feet to a ½-inch rebar set and the point of beginning; thence run South 86 degrees 16 minutes 26 seconds West a distance of 114.80 feet to a ½-inch rebar set on the Easterly right of way of an alley; thence run North 04 degrees 19 minutes 13 seconds West along said Easterly right of way a distance of 63.09 feet to ½-inch rebar found at the intersection of said Easterly right of way and the Southerly right of way of West College Street; thence run North 86 degrees 16 minutes 16 seconds East a distance of 116.97 feet to a ½-inch rebar found on the Westerly right of way of an alley; thence run South 02 degrees 21 minutes 12 seconds East along said Westerly right of way a distance of 63.11 feet to the point of beginning.**  
**According to survey of Rodney Y. Shifflett, RLS 21784, dated February 5, 2004.**

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 11th day of March, 2004.

  
William R. Justice

Sworn to and subscribed before me  
on this 11th day of March, 2004.

  
Notary Public

My Commission Expires: 12-19-07