

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

SCRIVENER'S AFFIDAVIT


COMES NOW Mitchell A. Spears, as "Affiant" herein, and after first having been duly sworn, said Affiant does hereby depose and say as follows:

1. That Affiant is a licensed, practicing attorney, who is over the age of nineteen (19) years, competent to execute this Affidavit, and has personal knowledge of the facts stated herein.
2. On February 17, 2004, the Affiant prepared a Warranty Deed whereby Nathan S. Stamps was Grantor and Merkle Properties, LLC was Grantee. The real property conveyed to Merkle Properties, LLC, within said Deed, is more particularly described as follows:

Commence at the intersection of the South line of Section 2, Township 22 South, Range 3 West and the East R/W of Alabama Highway No. 119; thence run North along the East R/W along a curve to the left having a central angle of 05 degrees 19 minutes 37 seconds and a radius of 1613.51 feet; thence run along the arc of said curve along the East R/W for 150.01 feet to the point of beginning; thence continue along a curve to the left having a central angle of 01 degree 31 minutes 13 seconds and a radius of 1613.51 feet; thence run along the arc of said curve along the East R/W for 42.81 feet; thence run along the tangent if extended to said curve along the East R/W for 104.03 feet; thence turn an angle to the right of 94 degrees 20 minutes 46 seconds and run East for 303.03 feet; thence turn an angle to the right of 88 degrees 52 minutes 43 seconds and run South for 146.97 feet; thence turn an angle to the right of 91 degrees 12 minutes 55 seconds and run West for 295.34 feet to the point of beginning.

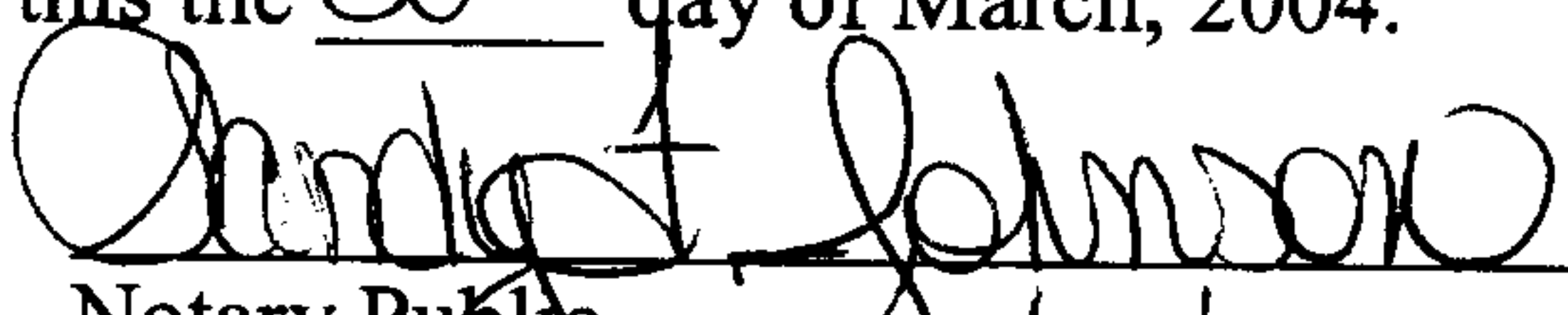
3. The above referenced Deed was recorded in the Office of the Probate Judge, Shelby County, Alabama, at Instrument Number 20040220000088750, and through mistake or inadvertence, said Affiant, as Scrivener of said Warranty Deed, neglected to enter the marital status of Grantor. The Affiant herein states that, upon the date of said conveyance, said Grantor, Nathan S. Stamps, was a married man.
4. The property described within the above-referenced Deed, upon the date of said conveyance, did not constitute the homestead of Grantor, nor that of his spouse, neither was it contiguous thereto.
5. This Affidavit is rendered for the purpose of curing the defects existing in the above-designated recorded Warranty Deed, within the Office of the Probate Judge, Shelby County, Alabama.

FURTHERMORE, the Affiant saith naught.

  
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Mitchell A. Spears  
Attorney at Law  
P. O. Box 119  
Montevallo, AL 35115  
(205) 665-5076

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

Sworn to and subscribed before me this the 30<sup>th</sup> day of March, 2004.

  
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Notary Public  
My commission expires: 2/13/07

INSTRUMENT PREPARED BY:  
Mitchell A. Spears  
Attorney at Law  
P. O. Box 119  
Montevallo, AL 35115