

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. Affiant is a licensed practicing attorney in good standing with the Alabama State Bar, is over the age of fifty-two (52) years, is competent to execute this Affidavit, and has personal knowledge of the facts stated herein.
2. On or about November 18, 2003, Brad S. Lucas, a professional land surveyor, Alabama License Number 23005, prepared a survey for Brad W. Davis, and wife, Kelli F. Davis, as purchasers of certain real property situated in Shelby County, Alabama. The true and correct legal description of said property is designated, as follows:

Commence at a 5/8" rebar locally accepted as the Southeast corner of the Northwest quarter of the Southeast quarter of Section 4, Township 22 South, Range 3 West; thence run West along the South line of said quarter-quarter section a distance of 1299.368 feet to a 5/8" rebar; thence turn a deflection angle to the right of 33 degrees 04 minutes 24 seconds and run 917.322 feet to an angle iron and also the point of beginning; thence turn a deflection angle to the left of 30 degrees 33 minutes 31 seconds and run 657.939 feet to an angle iron; thence turn a deflection angle to the right of 86 degrees 12 minutes 00 seconds and run 755.789 feet to a 5/8" rebar on the south right of way line of County Road No. 22; thence turn a deflection angle to the right of 88 degrees 47 minutes 04 seconds and run along said right of way line 326.942 feet to the beginning of a curve to the right having a central angle of 02 degrees 17 minutes 07 seconds and a radius of 6044.846 feet; thence along the arc of said curve 241.102 feet to the end of said curve; thence continue along said right of way line a distance of 90.9444 feet to a 5/8" rebar; thence turn a deflection angle to the right of 89 degrees 06 minutes 02 seconds and run 804.940 feet back to the Point of Beginning.

3. The above-referenced survey erroneously designated the legal description commencement point of said real property "at a 5/8 inch" rebar locally accepted as the Southeast corner of the **Northeast** Quarter of the Southeast Quarter of Section 4, Township 22 South, Range 3 West"; whereas, the correct commencement point is "at a 5/8 inch" rebar locally accepted as the

*Return to: M. A. Spears, Atty*

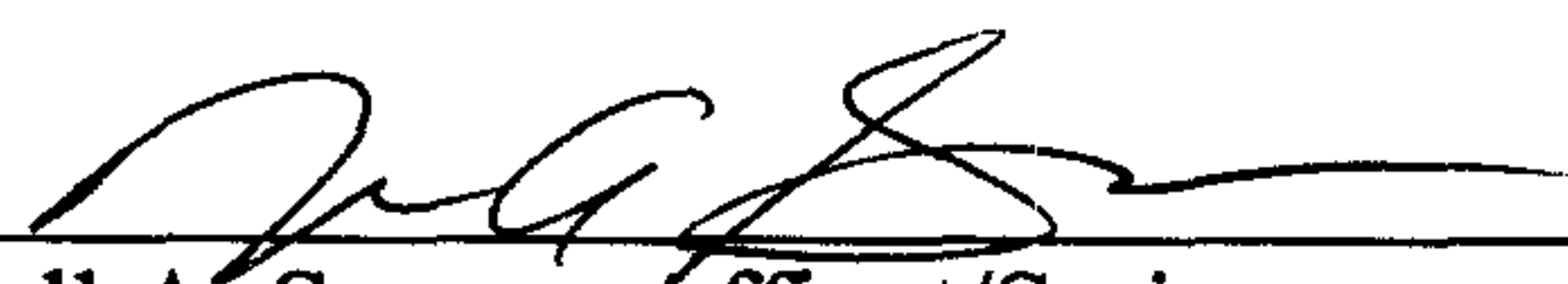
Southeast corner of the **Northwest** Quarter of Section 4, Township 22 South, Range 3 West". Consequently, the directional indicator upon the face of said survey for "**Northwest**" was erroneously stated as "**Northeast**".

4. In reliance upon the aforementioned survey, the Affiant herein, as Scrivener, prepared closing documentation to complete the conveyance of subject property from Kathleen Elizabeth Bradshaw Graham, as Personal Representative of the Estate of Kenneth Elwood Bradshaw, deceased, to Brad W. Davis and wife, Kelli F. Davis, (as Grantees). Affiant prepared a **Warranty Deed** which was recorded at **Instrument Number 20031201000778280**, in the Office of the Probate Judge, Shelby County, Alabama, same of which had been duly executed on November 26, 2003. Simultaneously therewith, Affiant prepared a **Mortgage and Security Agreement** in favor of The Peoples Bank and Trust Company, said document having been executed by said Grantees (as Mortgagors) upon the aforementioned date and subsequently recorded at **Instrument Number 20031201000778290**. Both the Deed and Mortgage, included the erroneous directional indicator of "Northeast", in the place of "Northwest". The true and correct commencement point of the legal description of said property for said Deed and Mortgage is at the "Southeast Corner of the Northwest Quarter of the Southeast Quarter of Section 4, Township 22 South, Range 3 West".
5. On April 20, 2004, the map of BKG Estates, as a single family residential subdivision situated in Section 4, Township 22 South, Range 3 West, was recorded at Instrument Number 20040420000204110 and included at Map Book 33, Page 29 in said Probate Office. Said subdivision map contains the same error as the survey first mentioned above. Said surveyor has corrected said subdivision map and recorded same as the "Amended Map of BKG Estates", in Map Book 33, Page 61, in the Office of the Probate Judge, Shelby County, Alabama. Said Amended Map of BKG Estates contains the true and accurate description of said subdivision.
6. On May 7, 2004, said Affiant prepared a Warranty Deed from Brad W. Davis and wife, Kelli F. Davis to Guy H. Wolfe and wife, Carolyn F. Wolfe (same



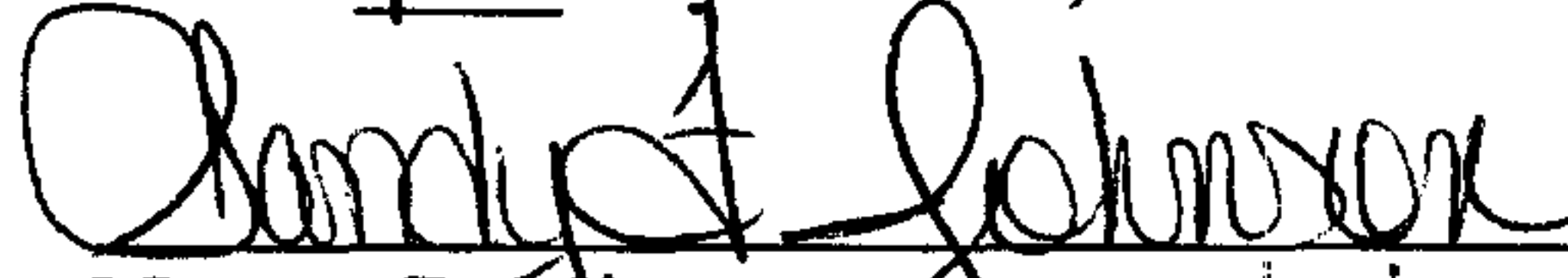
of which is recorded at Instrument Number 20040511000246560, in the Office of the Probate Judge, Shelby County, Alabama); as well as a Release of Mortgage (same of which is recorded at Instrument Number 20040511000246550, in the Office of the Probate Judge, Shelby County, Alabama). Both, the recorded Warranty Deed and recorded Release of Mortgage designated the legal description of said property conveyed to the Wolfes as "Lot 1, according to the Map of BKG Estates, as recorded in Map Book 33, Page 29, in the Probate Office of Shelby County, Alabama". Due to the above referenced correction of said surveyor of said subdivision map, the true and correct legal description of the property conveyed to the Wolfes, as well as the true and correct legal description for the above designated Release of Mortgage, is: "Lot 1, according to the Amended Map of BKG Estates, as recorded in Map Book 33, Page 61, in the Probate Office of Shelby County, Alabama". Said Lot 1, conveyed to the Wolfes, maintains the exact legal description within the Amended Map of BKG Estates, as said legal description designated within the original Map of said subdivision, with the exception of the directional indicator hereinabove designated, which has now been corrected by the Amended Map.

7. This Affidavit is submitted and recorded for the purpose of curing defects in title which may appear upon the face of the above-referenced documents recorded in the Office of the Probate Judge, Shelby County, Alabama.

  
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Mitchell A. Spears, Affiant/Scrivener  
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 1<sup>st</sup> day of June, 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  
(205)665-5076