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Shelby Cnty Judge of Probate, AL  
06/21/2004 10:33:00 FILED/CERTIFIED

THIS INSTRUMENT PREPARED BY:

Amy Niesen, Esq.  
Land Title Company of Alabama  
600 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

**RATIFICATION OF PLAT**

This Ratification of Plat ("Ratification") is executed by **COLONIAL BANK, N.A.**, ("Colonial Bank"), this 29<sup>th</sup> day of March, 2004.

**RECITALS**

**WHEREAS**, Colonial Bank is the holder of that certain real estate mortgage executed by Kevin Miller and Penny Miller (collectively, "Miller"), dated September 12, 2003 and recorded in Instrument #200310010000659570 in the Probate Office of Shelby County, Alabama, the indebtedness for which is secured by Lot 2, according to the survey of Springtime, as recorded in Map Book 31, page 131 in Probate Office of Shelby County, Alabama (the "Miller Mortgage"); and

**WHEREAS**, Lots 2 and 3 of Springtime were subsequently resurveyed by Miller (as owner of Lot 2) and Kenneth H. Garner (as owner of Lot 3), said resurvey being platted as **Miller's Addition To Helena**, and recorded in **Map Book 32, page 144** in the Probate Office of Shelby County, Alabama (the "Resurvey Plat"); and

**WHEREAS**, Colonial Bank, in its capacity as holder of the Miller Mortgage, did not join in the execution of the Resurvey Plat prior to its recording in the Probate Office of Shelby County, Alabama; and

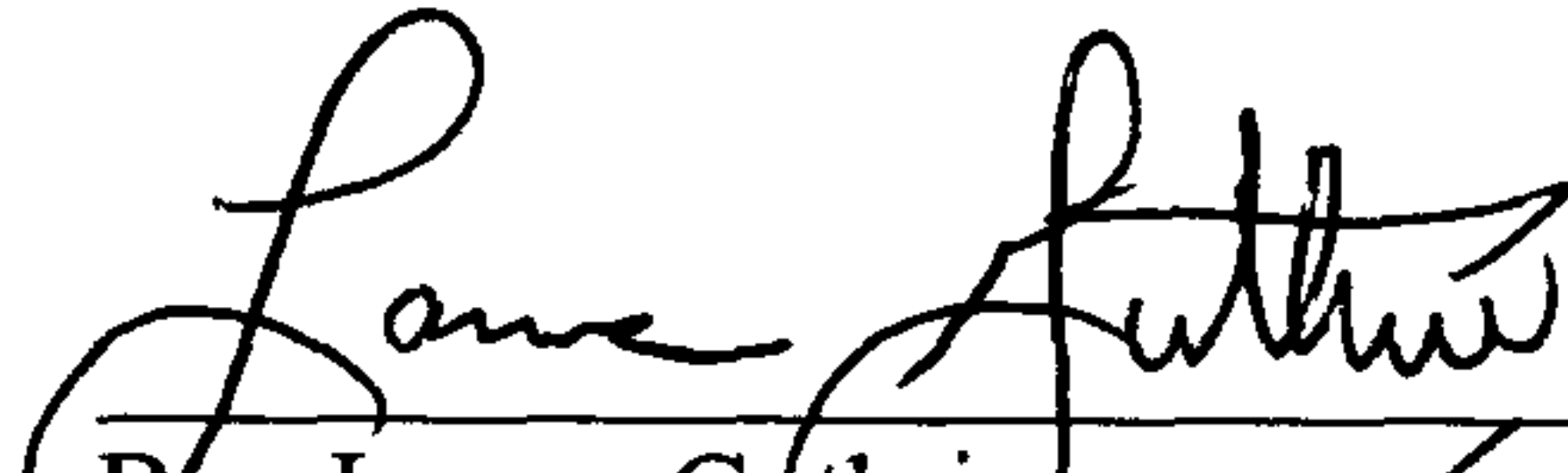
**WHEREAS**, Colonial Bank now desires to ratify and consent to the execution of said Resurvey Plat and its recording in said Probate Office.

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**NOW THEREFORE**, for value received, Colonial Bank, in its capacity as holder of the Miller Mortgage, does hereby join in, approve, ratify and confirm the Resurvey Plat as defined above and its recordation in the Probate Office of Shelby County, Alabama.

IN WITNESS WHEREOF, this Ratification is executed by Colonial Bank by  
Lamar Guthrie, its duly authorized representative, as of the date first above written.

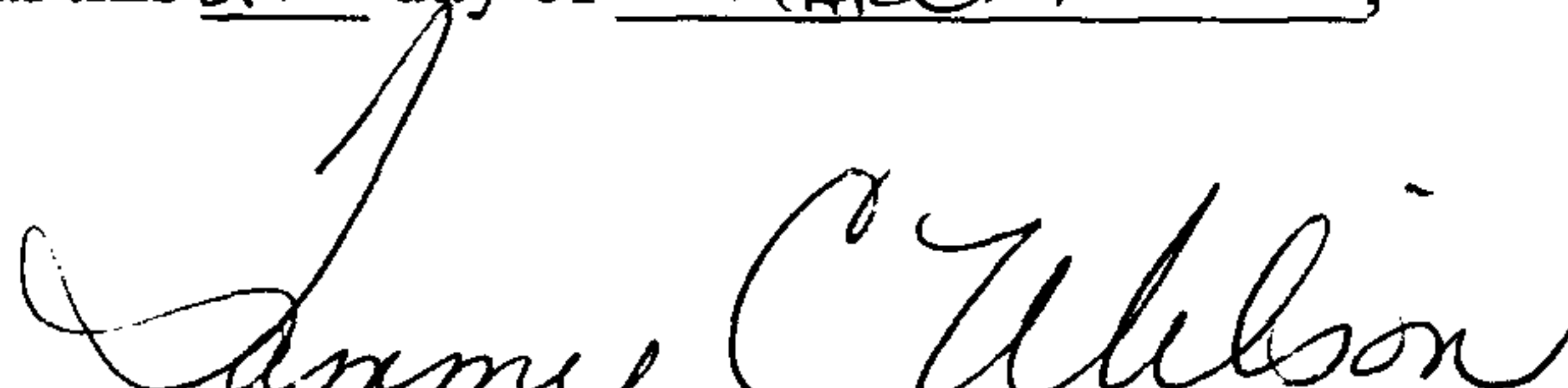
COLONIAL BANK, N.A.

  
By: Lamar Guthrie  
Its: Senior Vice President

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County in said State,  
hereby certify that Lamar Guthrie, whose name as Senior Vice President of  
COLONIAL BANK, N.A., 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 the instrument,  
he, as such officer and with full authority, executed the same voluntarily for and as the act of  
said bank

Given under my hand and official seal this 29<sup>th</sup> day of March,  
2004.

  
Notary Public  
My Commission expires: 4-22-06