

THIS INSTRUMENT WAS PREPARED BY:  
LAW OFFICES OF CHRISTOPHER R. SMITHERMAN, LLC  
POST OFFICE BOX 261  
MONTEVALLO, ALABAMA 35115

STATE OF ALABAMA            )  
  )  
SHELBY COUNTY                )

**SCRIVENER'S AFFIDAVIT**

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared CHRISTOPHER R. SMITHERMAN, who after being by me first duly sworn, deposes and says on oath as follows:

My name is Christopher R. Smitherman, and I am a practicing attorney in Montevallo, Shelby County, Alabama and I was the preparer of that certain deed from Thomas Myron Fancher, Jr., a married man and Angeline D. Fancher, a single woman, to James M. Denney and wife, Helen M. Denney, dated March 5, 2002, recorded in the Probate Office of Shelby County, Alabama, as Instrument #2002-22151.

It has been brought to my attention that the legal description in said deed and mortgage contains a typographical error. The correct description should be as follows:

Commence at the Northeast corner of Section 6, Township 24 North, Range 13 East; thence South 86 degrees 52 minutes 30 seconds West along the Freeman Baseline and run 2332.68 feet; thence South 06 degrees 00 minutes 00 seconds and run 429.82 feet; thence run South 84 degrees 00 minutes 00 seconds West and run 1500.00 feet; thence South 06 degrees 00 minutes 00 seconds East and run 1500 feet; thence South 84 degrees 00 minutes West and run 1431.02 feet; thence South 22 degrees 48 minutes 00 seconds West and run 79.26 feet to the Point of Beginning; thence continue South 22 degrees 48 minutes 00 seconds West and run 503.06 feet; thence North 72 degrees 11 minutes 43 seconds West and run 726.89 feet; thence North 25 degrees 36 minutes 28 seconds East and run 165.91 feet to a point on the South right of way line of Alabama Highway No. 25; thence along said right of way line for the next 3 calls; thence North 83 degrees 54 minutes 55 seconds East and run 537.84 feet; thence North 82 degrees 29 minutes 50 seconds East and run 200.15 feet; thence North 83 degrees 55 minutes 48 seconds East and run 82.52 feet back to the point of beginning.

According to the survey of Brad Lucas, dated February 26, 2002.

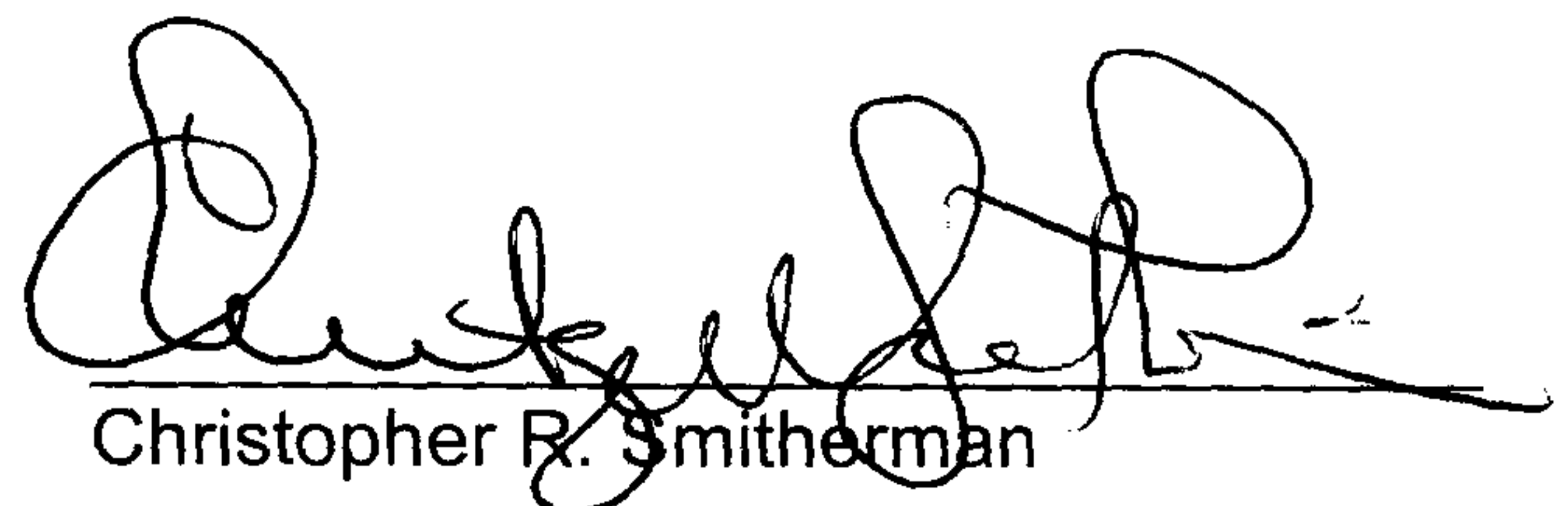
This affidavit is given to correct the legal description in said deed.

Further the affiant saith not.

SWORN TO and SUBSCRIBED before  
me, this the 7<sup>th</sup> day of July, 2004.

Notary Public

My Commission Expires: 12/11/07

  
Christopher R. Smitherman