

SCRIVENER'S AFFIDAVIT

STATE OF ALABAMA)

SHELBY COUNTY)

SOURCE OF TITLE: INSTRUMENT 2002-16919

Mortgagors: Gary W. Upton and Mary Christine Upton

**Mortgagee/Grantee: Deutsche Bank National Trust Company, Trustee on behalf of the
Certificate Holders of Morgan Stanley ABS Capital I, Inc., Trust 2004-NC2, Mortgage Pass-
Through Certificates, Series 2004-NC2**

I, Heather H. Renfro, being duly sworn, depose and state the following:

1. I am the attorney who prepared that certain Foreclosure Deed dated September 14, 2004, recorded in Instrument No. 20040922000522450, in the Office of the Judge of Probate of Shelby County, Alabama, which evidences the foreclosure of that certain mortgage granted by Gary W. Upton and Mary Christine Upton, in favor of Best Rate Funding Corporation, and recorded in Instrument No. 2003-1216000806970, said mortgage having subsequently been transferred and assigned to Deutsche Bank National Trust Company, Trustee on behalf of the Certificate Holders of Morgan Stanley ABS Capital I, Inc., Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2, by instrument recorded in Instrument No. 20040024000473640 in the aforesaid Probate Office;

2. Said Foreclosure Deed incorrectly stated the legal description as follows:

The following described real-estate situated in Shelby County, Alabama, to wit: Beginning at the NE Corner of the NE 1/4 of the SW 1/4 of Section 16, Township 20 South, Range 2 West, Shelby County, Alabama and run thence South 02 degrees 47 minutes 07 seconds E along the East line of said quarter-quarter a distance of 383.92 feet to a found rebar corner on the South line of an Alabama Power Company Transmission Line Easement on right of way; thence run North 78 degrees 21 minutes 38 seconds W along said right of way or easement line a distance of 782.65 feet to a found rebar corner on the Southeasterly margin of Shelby County Highway No. 11; thence run North 58 degrees 11 minutes 10 seconds E along said margin of said highway a distance of 394.28 feet to a found rebar corner; thence continue along said margin of said Highway North 57 degrees 59 minutes 35 seconds E a distance of 472.05 feet to a found rebar corner on the East line of the Southeast Quarter of NW 1/4 of same said Section 16; thence S 03 degrees 05 minutes 29 seconds E along said East line of said quarter-quarter section a distance of 232.83 feet to the Point of Beginning, more or less.

Less and Except

Commence at the Northeast Corner of the NE 1/4-SW 1/4 of Section 16, Township 20 South, Range 2 West, Shelby County, Alabama and run thence N 03 degrees 05 minutes 29 seconds W along the East line of the SE 1/4-NW 1/4 of said Section 16 a distance of 232.83 feet to a point on the Southerly Margin of Shelby County Highway

No. 11; thence run S 57 degrees 59 minutes 35 seconds W along said margin of said highway a distance of 34.27 feet to the Point of Beginning; on the center line of a sixty foot wide (60.0 feet) easement or right of way; thence run S 03 degrees 05 minutes 29 seconds E along said centerline of said right of way or easement a distance of 216.26 feet to the P.C. of a curve to the left having a central angle of 28 degrees 03 minutes 10 seconds and a radius of 250.00 feet; thence run Southeasterly along the arc of said centerline of said easement or right of way with the East line of the NE 1/4-SW 1/4 of said Section 16 and the end of required easement or right of way.


3. The purpose of this Affidavit is to correct the legal description in said Foreclosure Deed as follows:

The following described real-estate situated in Shelby County, Alabama, to wit: Beginning at the NE Corner of the NE 1/4 of the SW 1/4 of Section 16, Township 20 South, Range 2 West, Shelby County, Alabama and run thence South 02 degrees 47 minutes 07 seconds E along the East line of said quarter-quarter a distance of 383.92 feet to a found rebar corner on the South line of an Alabama Power Company Transmission Line Easement on right of way; thence run North 78 degrees 21 minutes 38 seconds W along said right of way or easement line a distance of 782.65 feet to a found rebar corner on the Southeasterly margin of Shelby County Highway No. 11; thence run North 58 degrees 11 minutes 10 seconds E along said margin of said highway a distance of 394.28 feet to a found rebar corner; thence continue along said margin of said Highway North 57 degrees 59 minutes 35 seconds E a distance of 472.05 feet to a found rebar corner on the East line of the Southeast Quarter of NW 1/4 of same said Section 16; thence S 03 degrees 05 minutes 29 seconds E along said East line of said quarter-quarter section a distance of 232.83 feet to the Point of Beginning, more or less.

Less and Except

Commence at the Northeast Corner of the NE 1/4-SW 1/4 of Section 16, Township 20 South, Range 2 West, Shelby County, Alabama and run thence N 03 degrees 05 minutes 29 seconds W along the East line of the SE 1/4-NW 1/4 of said Section 16 a distance of 232.83 feet to a point on the Southerly Margin of Shelby County Highway No. 11; thence run S 57 degrees 59 minutes 35 seconds W along said margin of said highway a distance of 34.27 feet to the Point of Beginning; on the center line of a sixty foot wide (60.0 feet) easement or right of way; thence run S 03 degrees 05 minutes 29 seconds E along said centerline of said right of way or easement a distance of 216.26 feet to the P.C. of a curve to the left having a central angle of 28 degrees 03 minutes 10 seconds and a radius of 250.00 feet; thence run Southeasterly along the arc of said curve an arc distance of 122.40 feet to the intersection of said centerline of said easement or right of way with the East line of the NE 1/4- SW 1/4 of said Section 16 and the end of required easement or right of way.


Executed this 8th day of November, 2004.


Heather H. Renfro

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Heather H. Renfro, whose name as Attorney at Law, is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this date, that being informed of the contents of the affidavit, he, as such Attorney at Law and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 8th day of November, 2004.


Notary Public
My Commission Expires: 11-17-05

This Instrument Prepared By:
Sirote & Permutt, P.C.
Heather H. Renfro, Esq.
2311 Highland Avenue South
Birmingham, AL 35205