

STATE OF ALABAMA)
SHELBY COUNTY)

Mortgagors: Cynthia S. Brothers and John Robert Brothers
Mortgagee: First Tennessee Bank, National Association

AFFIDAVIT REGARDING ERRONEOUS RELEASE OF MORTGAGE

WHEREAS, on 7-14-98, Cynthia S. Brothers and John Robert Brothers, wife and husband ("Mortgagors") executed a mortgage to First Tennessee Bank, National Association ("Mortgagee"), said mortgage being filed for record on July 29, 1998 in Instrument No. 1998/28820 (hereinafter the "Mortgage") in the Office of the Judge of Probate of Shelby County, Alabama;

WHEREAS, said Mortgage secures the following described property:

Lot 4, according to the Survey of Spring Gate Sector One, as recorded in Map Book 17, Page 142 and corrected in Map Book 18, Page 31 Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

WHEREAS, said Mortgage was released in error by Mortgagee as evidenced by that certain Satisfaction of Mortgage recorded in the Probate Office of Shelby County, Alabama in Instrument No. 1998-28820 and attached hereto as Exhibit "A";

NOW THEREFORE, Mortgagee declares said Satisfaction of Mortgage to be null and void and intends by this declaration to rescind and cancel the Satisfaction of Mortgage recorded in Book 1998, Page 28820, in the aforesaid Probate Office.

IN WITNESS WHEREOF, Mortgagee has caused its name to be affixed hereto on this 20th day of Dec., 2004.

First Tennessee Bank, National Association

By: Kim Brooks
Its Bankruptcy Supervisor

STATE OF Tennessee
KNOX COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Kim Brooks, whose name as Bankruptcy Supervisor of First Tennessee Bank, National Association, 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 said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Kelley D. Brown
Notary Public

My Commission Expires: My Comm. Expires 12/31/2006