


STATE OF ALABAMA
COUNTY OF SHELBY
20050131000045360 Pg 1/1 11:00
Shelby Cnty Judge of Probate, AL
01/31/2005 10:52:00 FILED/CERTIFIED

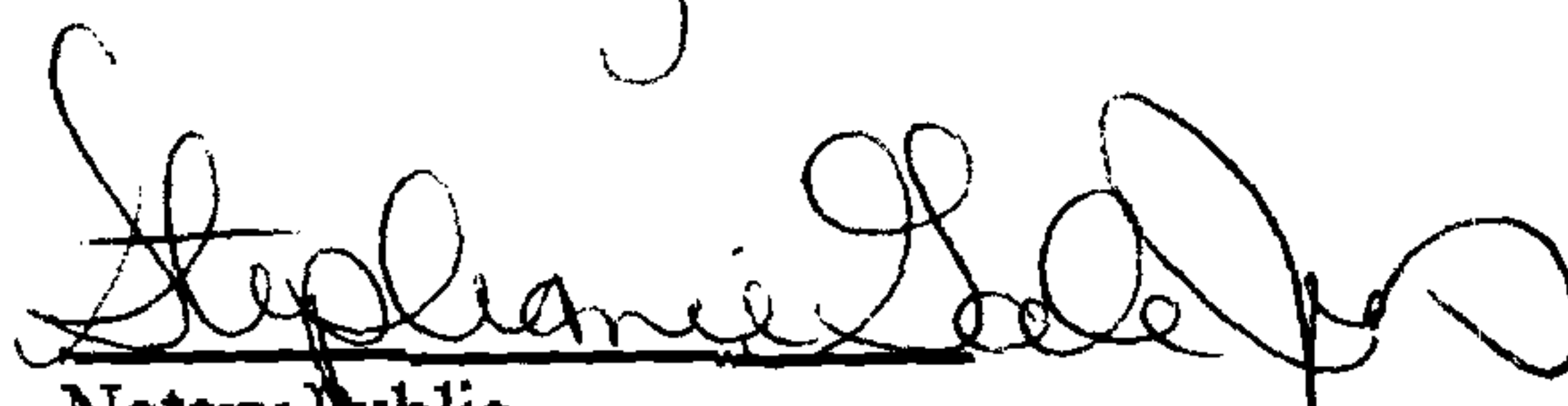
SCRIVENER'S AFFIDAVIT

1. My name is B. Christopher Battles, and I am an attorney licensed to practice law in the State of Alabama.
2. My firm is responsible for that certain preparation of a Warranty Deed from April Smitherman and Jayson Smitherman, wife and husband to Jerry W. Smitherman and Judy B. Smitherman as recorded in Instrument # 2001-54925 and a Mortgage to Mortgage Electronic Registration Systems, Inc. from Jerry W. Smitherman and Judy B. Smitherman as recorded in Instrument # 2001-39348 in the Office of the Judge of Probate of Shelby County, Alabama.
3. Due to inadvertence, the legal description on said deed and mortgage contained a typographical error.
4. The legal description on the instruments should read:
A parcel of land in the Northeast quarter of the Southwest quarter of Section 26, Township 20 South, Range 4 West, being a part of the same land described in, a deed to Edgar J. and Mary Margaret Martin Whitfield, recorded in Deed Book 220, at Page 953 of the real property records of Shelby County, Alabama. Said parcel of land being more particularly described as follows: Commencing at a 3 inch pipe and cap set by US Steel found for the Northeast corner of the Northeast quarter of the Southwest quarter of said Section 26: thence South 89 degrees 27 minutes 30 seconds West, along the North line of said Sixteenth Section, a distance of 249.00 feet to a 3/4 inch crimped pipe, found at the point of beginning; thence South 89 degrees 27 minutes 30 seconds West, along the North line of said Sixteenth Section, a distance of 223.84 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502", on the East right-of-way of County Highway No.93; thence South 36 degrees 58 minutes 08 seconds West, along said right-of-way, a distance of 265.93 feet, to a point; thence along a curve, to the left, in said right-of-way, having a radius of 805.81 feet and a chord bearing of South 35 degrees 11 minutes 25 seconds West, an arc length of 50.03 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence South 53 degrees 01 minutes 52 seconds East, a distance of 124.90 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 89 degrees 53 minutes 31 seconds East, a distance of 84.81 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 45 degrees 00 minutes 00 seconds East, a distance of 90 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 89 degrees 53 minutes 31 seconds East, a distance of 164.85 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 00 degrees 06 minutes 29 seconds West, a distance of 266.47 feet to the point of beginning..
5. The purpose of this affidavit is to correct the error in the legal description on the aforesaid instruments.


B. Christopher BattlesSTATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, in and for said State and County, do hereby certify that B. Christopher Battles, whose name is acknowledged before me this day that, being informed of the content of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 14th day of January ²⁰⁰⁵ ~~2004~~.


Notary Public

04-1504

THIS INSTRUMENT PREPARED BY:
SHAPIRO & TUCKER, L.L.P.
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