20050503000209760 1/2 $14.00
Shelby Cnty Judge of Probate,AL
05/03/2005 08:15:46AM FILED/CERT

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY AT LAW
P.O. BOX 822
COLUMBIANA, ALABAMA 35051

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 Mike T. Atchison, who after being by me first duly sworn, deposes, and says on oath as follows:

My name is Mike T. Atchison, and I am a practicing attorney over the age of 21 years, and I am familiar with the following facts:

I was the preparer of that certain deed from Raymond L. Smith, Jr., a married man to Sarah Jo Richards, dated December 7, 2004, recorded as Instrument #20041216000688830, in the Probate Office of Shelby County, Alabama.

It has been brought to my attention that there is a mistake in the legal description contained in said deed and mortgage. The legal description should have been as follows:

PARCEL I:
Commence at the Northwest corner of the NE 1/4 of the SW 1/4, Section 22, Township 21 South, Range 1 East; thence run East along the North line of said 1/4-1/4 section a distance of 60.00 feet to the East line of a 60-foot road easement; thence turn an angle of 83 degrees 48 minutes 01 second to the right and run a distance of 224.03 feet; thence turn an angle of 89 degrees 57 minutes 30 seconds to the left and run a distance of 525.76 feet to the point of beginning; thence continue in the same direction a distance of 336.16 feet; thence turn an angle of 101 degrees 06 minutes 32 seconds to the left and run a distance of 665.12 feet; thence turn an angle of 75 degrees 27 minutes 06 seconds to the right and run a distance of 300.00 feet to a point on a gravel road; thence turn an angle of 115 degrees 53 minutes to the left and run along said gravel road a distance of 248.05 feet to a point on the South right of way line of Shelby County Highway No. 61; thence turn to the left and run along said highway right of way a distance of 369.85; thence turn an angle of 64 degrees 58 minutes to the left and run a distance of 778.24 feet to the point of beginning. Situated in the the NE 1/4 of the SW 1/4 and the S 1/2 of the SE 1/4 of the NW 1/4 of Section 22, Township 21 South, Range 1 East, Huntsville Meridian, Shelby County, Alabama.

LESS AND EXCEPT property conveyed to Richard B. Smith and wife, Laura B. Smith in Inst. No. 20030701000413570 described as follows:

Commence at the SE corner of the NW 1/4 of Section 22, Township 21 South, Range 1 East, Shelby County, Alabama, and run North 24 degrees 56 minutes 43 seconds West for 524.22 feet to the point of beginning, being on the West right of way of Horton Road; from said point of beginning, continue along said road North 34 degrees 30 minutes 27 seconds West for 44.59 feet; thence continue along said road North 45 degrees 34 minutes 00 seconds West for 203.76 feet to the intersection of County Road 61; thence run along the South right of way of County Road 61, South 69 degrees 17 minutes 04 seconds West for 128.13 feet; thence leaving said right of way run along a fence South 08 degrees 29 minutes 24 seconds East for 208.83 feet; thence along a fence North 76 degrees 03 minutes 48 seconds East for 139.96 feet; thence continue along said fence North 72 degrees 37 minutes 57 seconds East for 129.85 feet to the point of beginning.
According to survey of Michael G. Moates, RLS #19262, dated June 12, 2003.

ALSO LESS AND EXCEPT:
A part of the NE 1/4 of the SW 1/4 and the SE 1/4 of the NW 1/4 of Section 22, Township 21 South, Range 1 East and being described as follows:
Commence at the NW corner of the NE 1/4 of the SW 1/4 of Section 22, Township 21 South, Range 1 East; thence run South 83 degrees 51 minutes 20 seconds East along the North line of said 1/4-1/4 for 60.00 feet to the East line of a public road; thence run South 00 degrees 03 minutes 19 seconds East for 224.03 feet; thence run North 89 degrees 59 minutes 11 seconds East for 525.75 feet to a found 1/2 inch reebar and the point of beginning; thence continue on the last described course for 336.22 feet to a found 1/2 inch open pipe; thence run North 11 degrees 07 minutes 21 seconds West for 369.00 feet to a set 1/2 inch rebar; thence run South 82 degrees 21 minutes 05 seconds West for 287.42 feet to a set 1/2" rebar; thence run South 3 degrees 30 minutes 08 seconds East for 324.50 feet to the point of beginning.

ALSO, 15-foot easement for ingress and egress being described as follows:
Commence at the NW corner of the NE 1/4 of the SW 1/4 of Section 22, Township 21 South, Range 1 East; thence run South 83 degrees 51 minutes 20 seconds East, along the North line of said 1/4-1/4 for 60.00 feet to the East line of a public road; thence run South 00 degrees 03 minutes 19 seconds East for 224.03 feet; thence run North 89 degrees 59 minutes 11 seconds

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East for 526.75 feet to a found 1/2" rebar; thence continue on the last described course for 336.22 feet to a found 1/2" open pipe; thence run North 11 degrees 07 minutes 21 seconds West for 369.00 feet to a set 1/2" rebar; thence run South 82 degrees 21 minutes 05 seconds West for 279.92 feet to the point of beginning of a 15' easement lying 7.50 feet on either side of the following described centerline; thence run North 3 degrees 30 minutes 08 seconds West for 494.00 feet more or less, to the centerline of Shelby County Highway No. 61 and the end of said easement.
Situated in Shelby County, Alabama.

PARCEL II:

Commence at the SW corner of the SE 1/4 of the NW 1/4 of Section 22, Township 21 South, Range 1 East; thence run East along said 1/4-1/4 line a distance of 881.47 feet; thence turn an angle of 102 degrees 16 minutes 34 seconds left and run a distance of 178.72 feet to the point of beginning; thence continue along last described course a distance of 275.00 feet; thence turn an angle of 75 degrees 27 minutes 39 seconds right and run a distance of 300.00 feet; thence turn an angle of 93 degrees 55 minutes 20 seconds right and run a distance of 315.00 feet; thence turn an angle of 93 degrees 57 minutes 13 seconds right and run a distance of 350.80 feet to the point of beginning.
According to survey of Rodney Y. Shiflett, RLS #21784, dated October 26, 1998.

This affidavit is given to correct the legal description in the above described deed, and to induce Shelby County Abstract & Title Company, to issue its final title policies in Case No. S-04-13103.

Further the affiant saith not.

Mike T. Atchison - Affiant

Sworn to and subscribed to before me
This 27th day of April, 2005.

Notary Public

My commission expires: 10-16-08