## AFFIDAVIT OF JAMES W. FUHRMEISTER

STATE OF ALABAMA )
COUNTY OF SHELBY )

Before me, the undersigned, a Notary Public in and for said county and said state, personally appeared James W. Fuhrmeister, who after being duly sworn, deposes and says as follows:

"My name is James W. Fuhrmeister and I am a practicing attorney in the State of Alabama. On April 14, 2005 I prepared a deed conveying certain real property located in Shelby County, Alabama and executed by Daniel M. Acker, Sr. and Judith H. Acker, (Grantors) to Daniel M. Acker, Jr. and Andrea S. Acker, husband and wife, (Grantees). This deed was recorded on April 15, 2005 and appears of record in the Office of the Judge of Probate of Shelby County, Alabama as Instrument Number 20050415000178810. This Real Property conveyed is more particularly described on the deed as:

Lots 4 and 5 in Block 3, according to a resurvey of Farris Smith Subdivision as shown by map recorded in Map Book 4, Page 60, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

In the aforesaid deed there was a clerical error in that the deed failed to state that above described property was not the homestead of the Grantors. The deed also failed to state that Daniel M. Acker, Sr. and Judith S. Acker are husband and wife.

I give this affidavit of my own personal knowledge of the facts set out herein."

In Witness Whereof, I have hereunto set my hand and seal on this the 21st day of July, 2005.

JAMES-W. FUHRMEISTER

Sworn to and subscribed before me this 21<sup>ST</sup> day of July, 2005.

Notary Public

My Commission Expires: 07.17.07