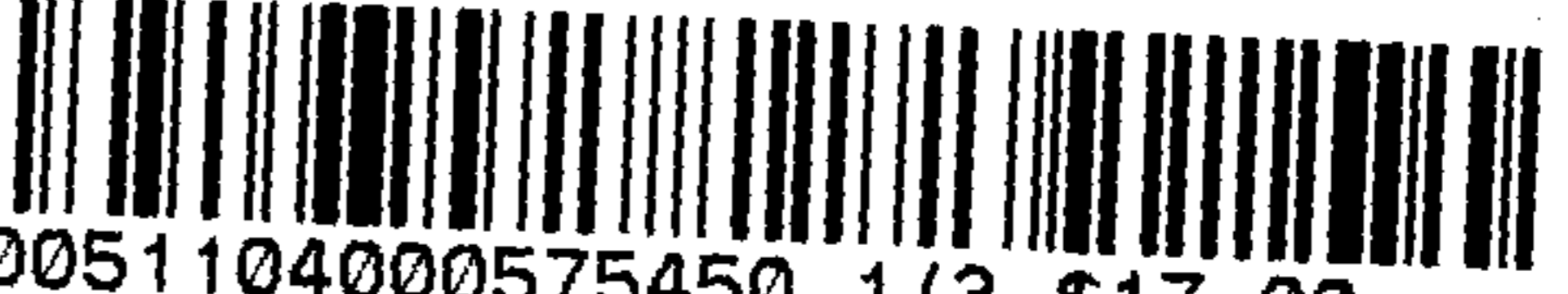


STATE OF ALABAMA

COUNTY OF SHELBY

  
20051104000575450 1/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
11/04/2005 01:17:25PM FILED/CERT


***SCRIVENER'S AFFIDAVIT***

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Clayton T. Sweeney, who after, being duly sworn by me, deposes and says:

Affiant prepared that certain Deed attached as Exhibit "A" from Rosewood, Inc. (Grantor) to Laurence W. Angell and Joanne M. Angell (Grantee), dated June 20, 2002 and recorded on June 24, 2002 in Instrument #20020624000294340 in the Probate Office of Shelby County, Alabama. In preparing said Deed, the legal description was typed incorrectly. The Lot being conveyed was Lot 1822, Highland Lakes, 18<sup>th</sup> Sector; however, following that legal is an extra legal the typist failed to delete which was previously in the computer for Lot 1219, according to the Map of Highland Lakes, 12<sup>th</sup> Sector, Phase 1, an Eddleman Community, as recorded in Map Book 26, Page 137, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Scrivener is also preparing a Corrective Deed from Rosewood, Inc. to Laurence W. Angell and Joanne M. Angell to clarify the erroneous mention of Lot 1219 in Instrument #20020624000294340 and correct the Legal description. Lot 1219 was outside the chain of title as it was previously and correctly deeded by Scrivener on March 14, 2002, from Sterling Companies, LLC, an Alabama Limited Liability Company, to Kafi W. Terry and Timothy L. Terry and recorded in the Probate Office of Shelby County on March 20, 2002 in Instrument # 2002/13223. Lawrence W. Angell and Joanne M. Angell also subsequently executed a mortgage on March 25, 2005 which was recorded on May 6, 2005 in the Probate Court of Shelby County in Instrument # 2005050600216840, which said mortgage also contains the erroneous reference to Lot 1219 in its legal description following the correct legal to Lot 1822. The Legal description on this Mortgage is followed by a reference that the Source Deed is the one Scrivener prepared from Rosewood, Inc. as referenced herein above. Said mortgage was not prepared or recorded by Scrivener, but Scrivener's deed was apparently used as the source of the Legal description. This Scrivener's Affidavit is executed by Clayton T. Sweeney, said Scrivener as stated herein above, and is given for the purpose of correcting the Legal to delete the erroneously mentioned Lot 1219 and stating that the Legal was to read as follows:

Lot 1822, according to the Map of Highland Lakes, 18<sup>th</sup> Sector, an Eddleman Community, as recorded in Map Book 26, Page 130, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama;  
Together with nonexclusive easement to use the private roadways, Common Area all as more particularly described in the Declaration of Easements and Master

Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 and amended in Inst. # 1996-17543 and amended in Inst. #1999-31095 in the Probate Office of Shelby County, Alabama , and the Declaration of Covenants, Conditions, and Restrictions for Highland Lakes, a Residential Subdivision, 18<sup>th</sup> Sector, recorded as Instrument No. 2000-15021 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

  
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In Witness Whereof, the undersigned has caused this affidavit to be executed on this 26<sup>th</sup> day of September, 2005.

  
Clayton T. Sweeney

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Clayton T. Sweeney, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this       day of September, 2005.

  
Notary Public

My commission expires: 4/29/06

This instrument was prepared by:  
Clayton T. Sweeney, Attorney  
2700 Highway 280 East, Suite 160  
Birmingham, AL 35223

Send Tax Notice To:  
Laurence W. Angell and Joanne M. Angell  
145 Southledge  
Birmingham, AL 35242

STATE OF ALABAMA

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## JOINT SURVIVORSHIP DEED

COUNTY OF SHELBY

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**KNOW ALL MEN BY THESE PRESENTS:** That, for and in consideration of **Five Hundred Seventy-Six Thousand Two Hundred Twenty-Five and 00/100 (\$576,225.00)**, and other good and valuable consideration, this day in hand paid to the undersigned **Rosewood, Inc.** (hereinafter referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES, **Laurence W. Angell and Joanne M. Angell**, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of **Shelby**, State of Alabama, to-wit:

Lot 1822, according to the Map of Highland Lakes, 18th Sector, an Eddleman Community, as recorded in Map Book 26, page 130, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Lot 1219, according to the Map of Highland Lakes, 12th Sector, Phase I, an Eddleman Community, as recorded in Map Book 26, Page 137, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Together with nonexclusive easement to use the private roadways, Common Area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 and amended in Inst. #1996-17543 and amended in Inst. # 1999-31095 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 18th Sector, recorded as Instrument No. 2000-15021 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

Subject To:

Ad valorem taxes for 2002 and subsequent years not yet due and payable until October 1, 2002. Existing covenants and restrictions, easements, building lines and limitations of record.

\$400,000.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

IN WITNESS WHEREOF, said GRANTOR has hereunto set its hand and seal this the 20th day of June, 2002.

Rosewood, Inc.

*Tammy Downard, President*  
Tammy Downard, President

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Shelby Cnty Judge of Probate, AL  
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STATE OF ALABAMA

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COUNTY OF JEFFERSON

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I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Tammy Downard, whose name as President of Rosewood, Inc., 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 the Instrument, she as such Officer and with full authority, signed the same voluntarily for and as the act of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 20th day of June, 2002.

NOTARY PUBLIC

My Commission Expires: 6-5-2003