

STATE OF ALABAMA

COUNTY OF JEFFERSON

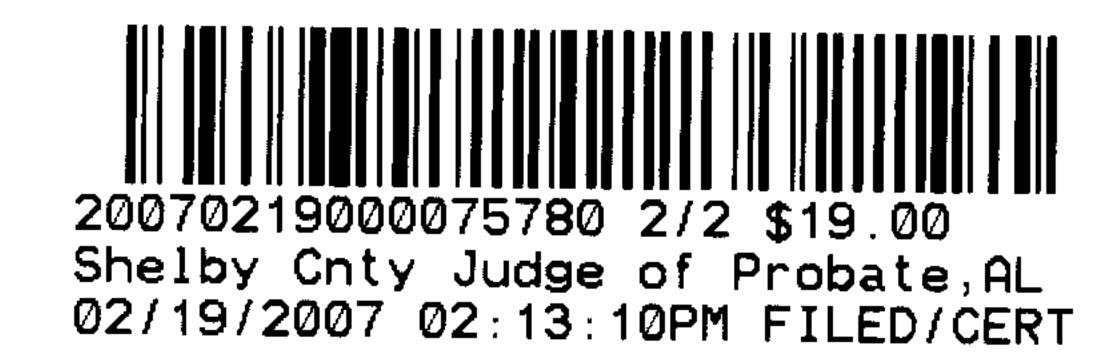
SCRIVENER'S AFFIDAVIT

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 Mortgage from Kathryn Ross Cheatham who is one and the same person as Kathryn R. Cheatham, a single woman (Mortgagor) to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Superior Bank (Mortgagee), dated July 26, 2006 and recorded in Instrument # 20060804000377690 and Deed from Eddleman Homes, LLC to Kathryn R. Cheatham, dated July 26, 2006 and recorded in Instrument #20060804000377680, in the Probate Office of Shelby County, Alabama. In preparing said Mortgage and Deed, the legal description was typed incorrectly stating "Phase II, Map Book 36, Page 41" in the legal description. Said legal should have read as follows: Lot 2555, according to the Survey of Highland Lakes, 25th Sector, Phase I, an Eddleman Community, as recorded in Map Book 35, Page 3, 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 further 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, 25th Sector, Phase II, recorded as Instrument No. 20051229000667940 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration"). This Scrivener's Affidavit is executed by Clayton T. Sweeney, said scrivener as stated hereinabove and is given for the purpose of correcting the legal on said Mortgage and Deed.

In Witness Whereof, the undersigned has caused this affidavit to be executed on this 17th day of January, 2007.

Clayton T. Sweeney



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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 17th day of January, 2007.

O Notary Public

My commission expires: 42910