03/14/2007 01:38:40PM FILED/CERT

(SEAL)

STATE OF ALABAMA	)
	)
COUNTY OF SHELBY	1

## RATIFICATION OF MORTGAGE ERRONEOUSLY SATISFIED OF RECORD

WHEREAS, FIRST AMERICAN BANK, an Alabama banking corporation having its principal place of business in Birmingham, Alabama (the Bank) is present owner and holder of that certain mortgage from, Gardner Builders, Inc. (the Borrower), dated 9/22/2004 and recorded in Instrument No. 20041021000581850 in the office of the Judge of Probate of Shelby County, Alabama (the Mortgage) and of the promissory note secured thereby in the original, principal amount of (the Note); and \$74,953.45

WHEREAS, by instrument dated 1/29/2007 and recorded in Instrument No. 20070131000047350 and in the Office of the Judge of Probate of Shelby County, Alabama, the Bank by error and mistake filed for record an acknowledgment of full payment of the Note secured by the Mortgage and purported to release the lien of the Mortgage; and

WHEREAS, said acknowledgment and release of the Mortgage was executed and filed for record by reason of administrative error and mistake and, in fact, the Mortgage and the Note secured thereby has not been paid in full and both the Note evidencing said indebtedness and the Mortgage securing the same are each still in full force and effect; and

the undersigned desire to correct such error and mistake and to ratify and confirm the Note and WHEREAS, Mortgage: 20070314000115790 1/1 \$12.00 Shelby Cnty Judge of Probate, AL

## NOW, KNOW ALL MEN BY THESE PRESENTS, THAT:

For and in consideration of the premises and for the purpose of curing and correcting the aforesaid error and mistake in the satisfaction and release of the Mortgage aforesaid, Gardner Builders, Inc., does hereby acknowledge that the Mortgage and the Note secured thereby have not, in fact, been paid in full, as of this date, but remain in full force and effect according to their respective terms and provisions, said, jointly and severally, do hereby, expressly ratify and confirm the Mortgage and the Note.

has hereunto set their hands and affixed IN WITNESS WHEREOF, the undersigned, Garry B. Gardner their seals on this the <u>28th</u> day of <u>Feb</u>, 2007. GARDNER Builders, Ine

ACKNOWLEDGMENT FOR INDIVIDUAL(S)

## STATE OF ALABAMA COUNTY OF JEFFERSON

Notary Public, in and for said county in said state, undersigned, \_whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, Garry B. Gardner acknowledged before me on this day that, being informed of the contents of said conveyance, (he)(she)(they) executed the same voluntarily on the day the same bears date.

February

Given under my hand and official seal this 28th day of \_\_\_\_\_, 2007.

AFFIX NOTARIAL SEAL

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE MY COMMISSION EXPIRES: May 15, 2007 BONDED THRU NOTARY PUBLIC VINEY PRINTERS

Prepared by: Deandra Shrum FIRST AMERICAN BANK P.O. Box 10686 Birmingham, AL 352022-0686