


STATE OF ALABAMA     )  
SHELBY COUNTY         )

  
20070613000277120 1/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
06/13/2007 09:56:04AM FILED/CERT

**SCRIVENER'S AFFIDAVIT  
CONDITIONAL FOR DECLARATAION OF EASEMENTS  
(Recorded June 11, 2007 at Instrument #20070611000271480)**

1. My name is J. David Dresher. I prepared that certain Conditional Declaration of Easements dated June 11, 2007, entered into by and among Shelby Commerce Park, LLC, an Alabama limited liability company ("Shelby"), Dixon LLC, an Alabama limited liability company ("Dixon"), and O'Brien LLC, an Alabama limited liability company ("O'Brien"), which instrument was recorded June 11, 2007 in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument 20070611000271480 (the "Easement").

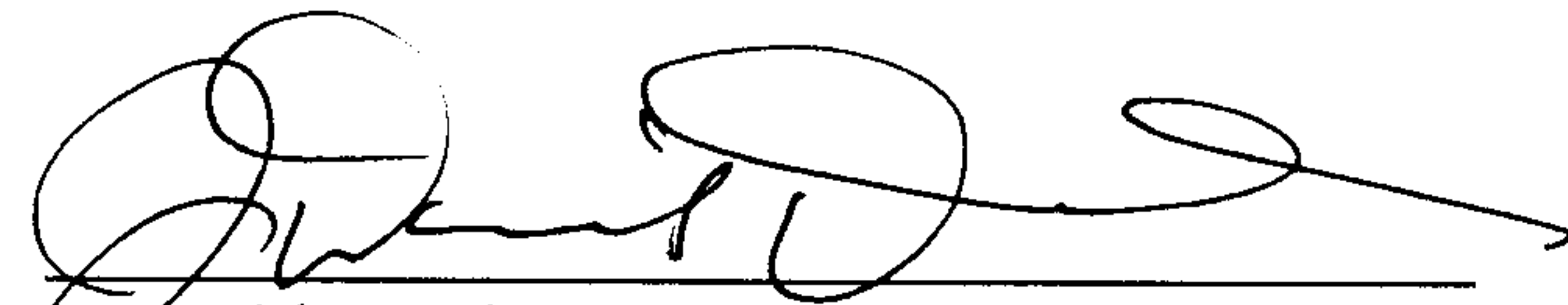
2. The legal description of the utility easement ("Utility Easement Area"), contained on Exhibit B to the Easement, was in error. Certain language and call references were omitted; the correct legal description for the Utility Easement Area, with the omitted information underlined, is set out below.

**LEGAL DESCRIPTION OF UTILITY EASEMENT AREA**

Being part of Lot 1, of Shelby Commerce Park, as recorded in Map Book 31, Page 138, in the Probate Office of Shelby County, Alabama and being more particularly described as follows; Commence at the Northeast corner of said Lot 1 and run S09°18'35"E along the Southwesterly Right of Way of U.S. Highway No. 31 101.85 feet to the Point of Beginning of herein described easement; thence continue S09°18'35"E along said Right of Way 100.99 feet to an offset in said Right of Way; thence run N82°18'50"E, 14.90 feet; thence run S07°20'25"E along said Right of Way, 100.01 feet to an offset in said Right of Way; thence run S82°39'00"W, 14.98 feet; thence run S07°11'56"E along said Right of Way 358.29 feet to a Point of Curve of a curve to the right, having a radius of 125.00 feet and a central angle of 98°02'42"; thence run S41°49'25"W along the chord of said curve 188.74 feet (arc = 213.90') to the Point of Tangent of said curve being on the Northerly Right of Way of Distribution Way; thence run N00°50'46"E, 25.00 feet; to the Point of Curve of a curve to the left, having a radius of 100.00 feet and a central angle of 98°02'42"; thence run N41°49'25"E along the chord of said curve 150.99 feet (arc = 171.12') to the Point of Tangent; thence run N07°11'56"W, 453.24 feet; thence run N09°18'35"W, 109.88 feet to a point on the Southerly line of above described Drainage Easement; thence run S88°21'33"E, along said Southerly line of Drainage Easement 25.46 feet to the Point of Beginning.

3. Exhibit B attached to this Scrivener's Affidavit contains the corrected legal description for the Utility Easement Area, and correctly describes such Utility Easement Area, including the previously omitted language, and should be used to identify and determine the correct legal description for the Utility Easement Area.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit as of the 12<sup>th</sup> day of June, 2007.

  
J. David Dresher

STATE OF ALABAMA

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JEFFERSON COUNTY

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I, the undersigned, a notary public in and for said county in said state, hereby certify that J. David Dresher, whose name 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12<sup>th</sup> day of June, 2007.

  
Notary Public


[NOTARIAL SEAL]

My commission expires: 9-10-2010

This instrument prepared by:  
J. David Dresher  
Bradley Arant Rose & White LLP  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203



## EXHIBIT B

  
20070613000277120 3/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
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### UTILITY EASEMENT AREA

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