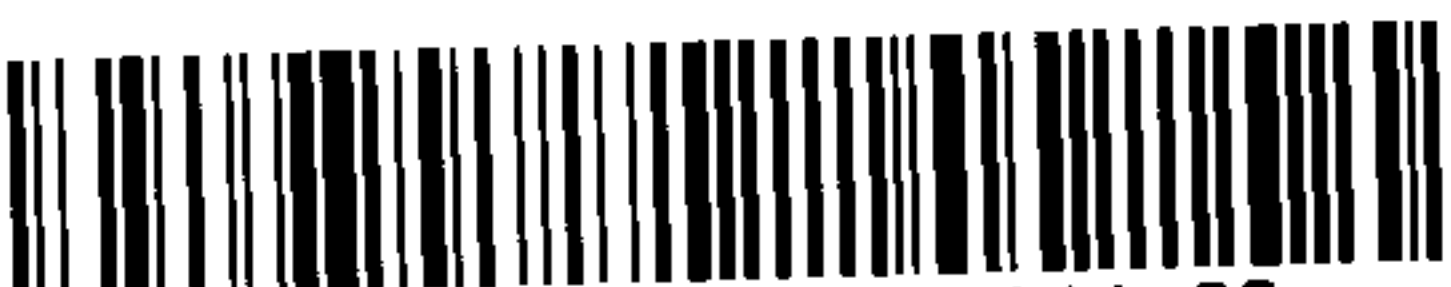


STATE OF ALABAMA)
:
COUNTY OF SHELBY)


20070614000280490 1/1 \$11.00
Shelby Cnty Judge of Probate, AL
06/14/2007 01:58:12PM FILED/CERT

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

Before me, the undersigned Notary Public, personally appeared Richard W. Theibert, Esquire, who being duly sworn deposes and says as follows:

My name is Richard W. Theibert, Esquire and I am an attorney with the law firm Najjar Denaburg, P.C., who was the preparer of that certain Warranty Deed dated April 1, 2005 and recorded for record on April 5, 2005 and recorded in Instrument Number 20050405000157170, in the Probate Office of Shelby County, Alabama, and re-recorded for record on May 4, 2005 and recorded in Instrument Number 20050504000213570, whereby the property described in the above mentioned deed was conveyed unto American Homes & Land Corporation. I was also the preparer of that certain Future Advance Mortgage Assignment of Rents and Leases and Security Agreement dated April 1, 2005 and recorded in the Office of the Judge of Probate of Shelby County, Alabama, and recorded for record on April 4, 2005 and recorded in Instrument Number 20050405000157180, in the Probate Office of Shelby County, Alabama, and re-recorded for record on May 4, 2005 and recorded in Instrument Number 20050504000213580, whereby the property described in the above mentioned Future Advance Mortgage Assignment of Rents and Leases and Security Agreement executed by American Homes & Land Corporation was collateral to secure a lien to New South Federal Savings Bank, a Federally Chartered Savings Bank.

The undersigned has examined the Warranty Deed and Future Advance Mortgage Assignment of Rents and Leases and Security Agreement prepared and finds the title company that provided the legal description made errors in the legal description relative to the **complete Subdivision Name and the Page Number of the Map Book**. The correct **complete Subdivision Name should be Forest Lakes, Sector 5 and the Page Number should be Page 122, A, B, C, instead of Forest Lakes and Map Book 34, Page 122A** as reflected in the above mentioned deed.

From this date forward, let the records reflect that the correct legal description is as follows:

Lots 392-430, 433-503, according to the Survey of Forest Lakes, Sector 5, as recorded in Map Book 34, Page 122, A, B, C, in the Probate Office of Shelby County, Alabama.

Lots 506-523 and 526-527, according to the Survey of Forest Lakes, Sector 5, as recorded in Map Book 34, Page 122, A, B, C, in the Probate Office of Shelby County, Alabama.

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in that drafting of said deed filed in the Office of the Judge of Probate of Shelby County, Alabama.

FURTHER, Affiant saith not.

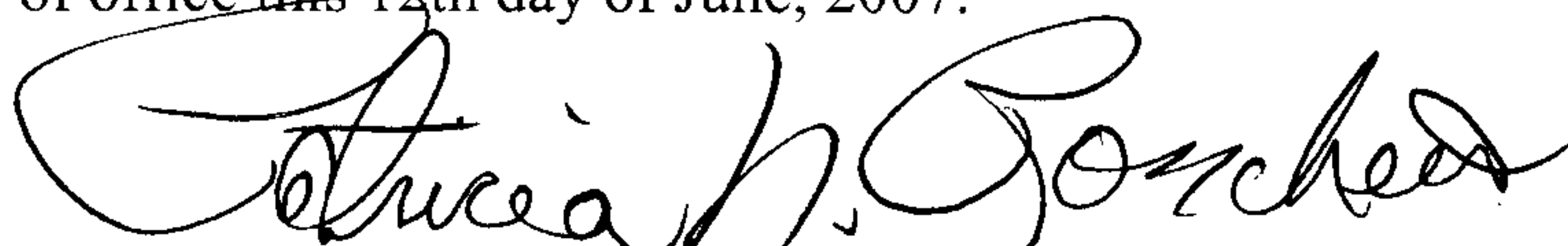


Richard W. Theibert, Esquire

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned authority, a Notary Public in and for said county and in said state, hereby certify that Richard W. Theibert, whose name is signed to the foregoing Affidavit Evidencing Scrivener's Error, and who is known to me, acknowledged before me that, being informed of the contents of the Affidavit, he executed the same voluntarily and as his act on the day the same bears date.

Given under my hand and seal of office this ~~12th~~ day of June, 2007.



NOTARY PUBLIC

My commission expires ~~MY COMMISSION EXPIRES FEBRUARY 20, 2009~~

THIS INSTRUMENT WAS PREPARED BY: Richard W. Theibert, Attorney
Najjar Denaburg, P.C., 2125 Morris Avenue, Birmingham, AL 35203