

THIS INSTRUMENT WAS PREPARED BY: ✓ MIKE T. ATCHISON  
ATTORNEY AT LAW, INC.  
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STATE OF ALABAMA  
SHELBY COUNTY

AFFIDAVIT

My name is Mike T. Atchison, and I am Vice-President of Shelby County Abstract & Title Company, Inc., and I am familiar with the following facts:

Shelby County Abstract & Title Company, Inc. issued a title policy, Our Case No. S-04-13108 and S-04-14149, dated December 23, 2004, insuring First National Bank of Shelby County for what is commonly called Magnolia Meadows Golf Course. The mortgage insured under that policy is that certain mortgage recorded in Instrument #20041223000701050, as recorded in the Probate Office of Shelby County, Alabama. The legal description contained in said mortgage contains an error. The description for the golf course failed to less and except a parcel of property described in Instrument #2001-18815, and corrected in Instrument #2001-24014, recorded in the Probate Office of Shelby County, Alabama. These two instruments describe what is commonly called the "caretaker's home", which is a separate parcel from the golf course proper. The correct description for the golf course should be as follows:

PARCEL I:

A part of the SW 1/4 of Section 25, Township 21 South, Range 1 West, being more particularly described as follows:

Beginning at the NE corner of Lot 16, Magnolia Parc as recorded in Map Book 21, Page 155, Shelby County, Alabama; thence run North 9 degrees 50 minutes 49 seconds East a distance of 220.00 feet; thence turn an angle of 81 degrees 31 minutes 56 seconds right and run a distance of 942.86 feet; thence turn an angle of 41 degrees 32 minutes 19 seconds left and run a distance of 90.48 feet; thence turn an angle of 60 degrees 36 minutes 35 seconds left and run a distance of 483.65 feet; thence turn an angle of 100 degrees 17 minutes 42 seconds right and run a distance of 543.08 feet; thence turn an angle of 90 degrees 02 minutes 25 seconds right and run a distance of 876.26 feet; thence turn an angle of 87 degrees 13 minutes 55 seconds right and run a distance of 143.40; thence turn an angle of 100 degrees 52 minutes 07 seconds left and run a distance of 114.96 feet; thence turn an angle of 99 degrees 54 minutes 49 seconds right and run a distance of 1335.27 feet to the point of beginning.

According to the survey of Rodney Shiflett, dated August 23, 2000.

LESS AND EXCEPT that certain parcel described in Instrument #2001-18815, and corrected in Instrument #2001-24014, recorded in the Probate Office of Shelby County, Alabama

PARCEL II:

Commence at the SW corner of Section 25, Township 21 South, Range 1 West and run northerly along the west boundary line of said Section 25 a distance of 432.86 feet to a point; thence turn an angle of 90 degrees 12 minutes 13 seconds to the right and run a distance of 205.26 feet to a rebar found in place at the corner of a wire fence which is the point of beginning of the parcel of land herein described; thence continue along the same line of direction a distance of 971.23 feet to a rail found in place; thence turn an angle of 0 degrees 09 minutes 11 seconds to the right and run a distance of 586.01 feet to a 1" square iron rod found in place; thence turn an angle of 0 degrees 30 minutes 27 seconds to the right and run a distance of 748.88 feet to a rail found in place; thence turn an angle of 79 degrees 51 minutes 17 seconds to the right and run a distance of 420.44 feet to a 1 1/4" open end pipe found in place; thence turn an angle of 97 degrees 55 minutes 04 seconds to the right and run a distance of 663.67 feet to a 1" open end pipe found in place; thence turn an angle of 88 degrees 18 minutes 13 seconds to the left and run a distance of 148.10 feet to an axle found in place; thence turn an angle of 88 degrees 27 minutes 31 seconds to the right and run a distance of 1581.51 feet to an axle found in place on the easternmost right of way line of County Highway No. 47; thence turn an angle of 62 degrees 18 minutes 08 seconds to the right and run along said right of way line a distance of 15.35 feet to a point; thence continue along said right of way line and along a curve to the right (concave easterly and having a radius of 2834.79 feet and a central angle of 5 degrees 04 minutes 00 seconds) an arc distance of 250.68 feet to a concrete right of way monument found in place; thence continue



along said right of way and along the tangent of said curve a distance of 93.70 feet to a rebar set on this survey; thence turn an angle of 91 degrees 41 minutes 00 seconds to the right and leaving said right of way run a distance of 170.80 feet to a rebar set on this survey; thence turn an angle of 96 degrees 01 minute 18 seconds to the left and run a distance of 275.10 feet to the point of beginning. Said parcel of land is lying in the SW 1/4 of SW 1/4 and SE 1/4 of SW 1/4 of Section 25, Township 21 South, Range 1 West and the NW 1/4 of NW 1/4 and NE 1/4 of NW 1/4, Section 36, Township 21 South, Range 1 West, Shelby County, Alabama.

LESS AND EXCEPT property described in deed recorded in Real Book 312, Page 65 in Probate Office of Shelby County, Alabama.

PARCEL III:

Commence at the Southwest corner of Section 25, Township 21 South, Range 1 West, and run Northerly along the West boundary line of said Section 25 a distance of 432.86 feet to a point; thence turn an angle of 90 degrees 12 minutes 13 seconds to the right and run Easterly a distance of 54.40 feet to the point of beginning on the Easternmost right of way line of County Highway No. 47; thence continue along the same line of direction a distance of 150.86 feet to a point; thence turn an angle of 61 degrees 37 minutes 07 seconds to the right and run Southeasterly a distance of 275.10 feet to a point; thence turn an angle of 96 degrees 01 minutes 18 seconds to the right and run Southwesterly a distance of 170.8 feet to a point on the Easternmost right of way line of County Highway No. 47; thence turn an angle of 88 degrees 19 minutes to the right and run Northwesterly along said right of way line a distance of 154.90 feet to a point; thence turn an angle of 3 degrees 57 minutes to the right and continue Northwesterly along said right of way line a distance of 176.29 feet to the point of beginning.

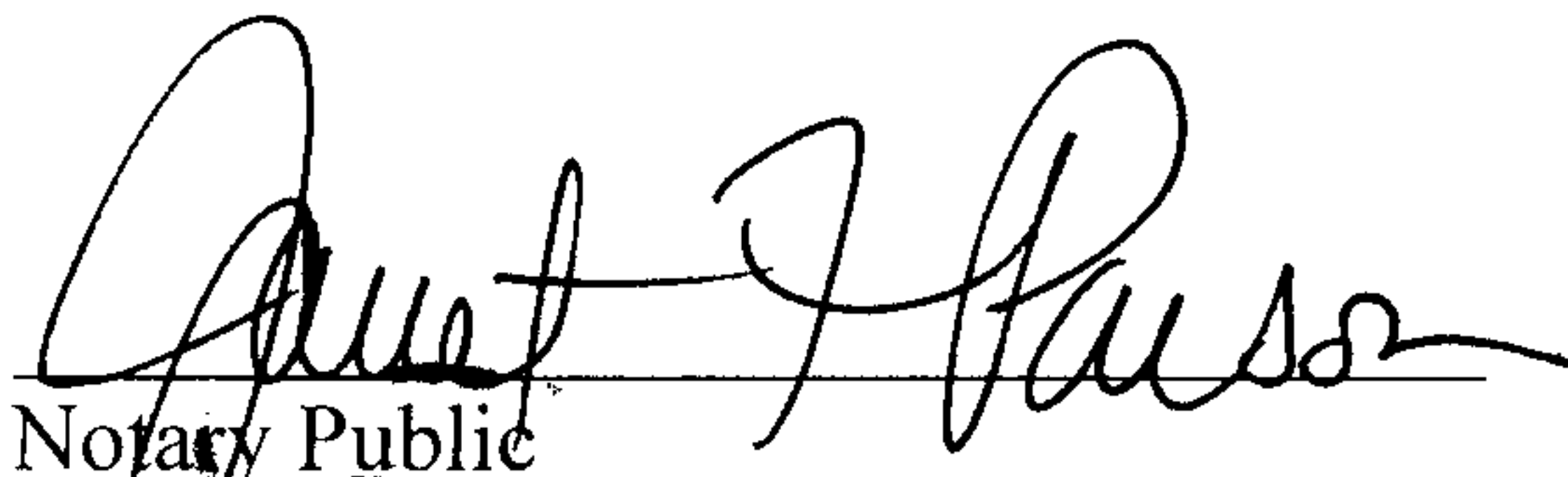
Said parcel of land is lying in the SW 1/4 of the SW 1/4 of Section 25, Township 21 South, Range 1 West, Shelby County, Alabama.

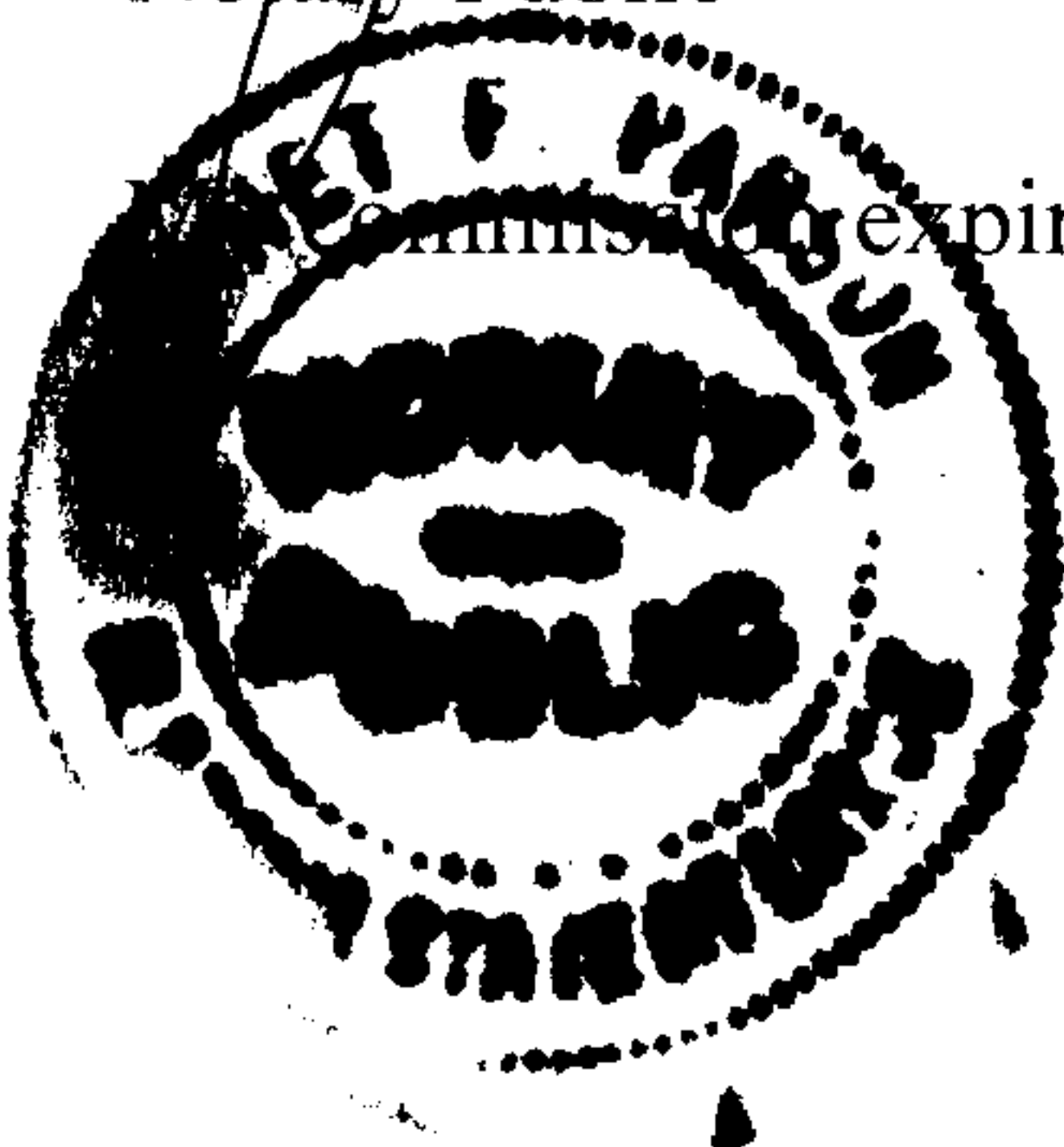
Any subsequent documents executed by Merchants & Farmers Bank should contain the corrected legal description.

Further the affiant saith not.

  
Mike T. Atchison – Affiant

Sworn to and subscribed to before me  
This 24<sup>th</sup> day of August, 2007.

  
Notary Public



Commission Expires: 10/16/2008