

SCRIVENER'S AFFIDAVIT

STATE OF ALABAMA
COUNTY OF SHELBY

Before me the undersigned a Notary Public in and for said County and State, personally appeared William B. Hairston III, who having been duly sworn, doth depose and state as follows:

1. I am William B. Hairston, III, an attorney practicing law in the State of Alabama.
2. In September of 1998, based on a title commitment issued by FIRST AMERICAN TITLE INSURANCE COMPANY by its agent Cahaba Title, Inc (Agent's file No 118586, Policy # FA-33 258383) and a May 27, 1998 survey prepared by Barton F. Carr and Carr & Associates Engineers, Inc. (Project 98-0504)(the "1998 Survey", a copy of which is attached as Exhibit "A"), I prepared a Warranty Deed (along with grant and reservation of easement) (hereinafter "Deed") from David Luther Allen and Pamela Jennings Allen to Charles Richard Byrd, Jr.. The Deed is recorded as Instrument 1998-34666 in the Office of the Judge of Probate of Shelby County, Alabama.
3. In September of 1998, I also prepared a Mortgage, Assignment of Rents and Leases, and Security Agreement (hereinafter "Mortgage 1") from Charles Richard Byrd, Jr. and I.C.E., Inc. to Regions Bank. Mortgage 1 is recorded as Instrument 1998-34667 in the Office of the Judge of Probate of Shelby County, Alabama.
4. In June of 1999, I also prepared a Mortgage and Assignment of Leases and Rents (collectively "Mortgage 2") from Charles Richard Byrd, Jr. and I.C.E. Inc. to BIRMINGHAM CITY WIDE LOCAL DEVELOPMENT COMPANY. Mortgage 2 is recorded as Instrument 1999-25365 and 1999-25366 in the Office of the Judge of Probate of Shelby County, Alabama. BIRMINGHAM CITY WIDE LOCAL DEVELOPMENT COMPANY assigned Mortgage 2 to the U.S. Small Business Administration by instrument recorded as Instrument 1999-29466 in the Office of the Judge of Probate of Shelby County, Alabama.
5. In October of 2003, I also prepared a Mortgage, Assignment of Rents and Leases and Security Agreement (hereinafter "Mortgage 3") from Charles Richard Byrd, Jr. to Regions Bank. The proceeds from Mortgage 3 went to pay off Mortgage 1 and Mortgage 2 and Mortgage 1 and Mortgage 2 are now satisfied of record (see satisfactions recorded as Instrument 20031020000698720 and 20031029000720820). Mortgage 3 is recorded as Instrument 20031020000698730 in the Office of the Judge of Probate of Shelby County, Alabama.
6. In August of 2007, Barton F. Carr and Carr & Associates Engineers, Inc. corrected its 1998 Survey of the property described in the Deed, Mortgage 1, Mortgage 2, and Mortgage 3 and determined that the north reference shown on the 1998 Survey was incorrect along with the legal descriptions of the property described as Tract 1 on such survey. A copy of that corrected survey is attached hereto as Exhibit "B"

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7. Based on this corrected survey, the correct description of the property that should have been referred to in the Deed, Mortgage 1, Mortgage 2, and Mortgage 3 (and the documents executed in connection therewith) is the following (hereinafter "Correct Legal"):

A PARCEL OF LAND BEING A PART OF LOT 14-B OF RIVERCHASE TRADE CENTER – FIRST ADDITION AS RECORDED IN MAP BOOK 15, PAGE 99 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

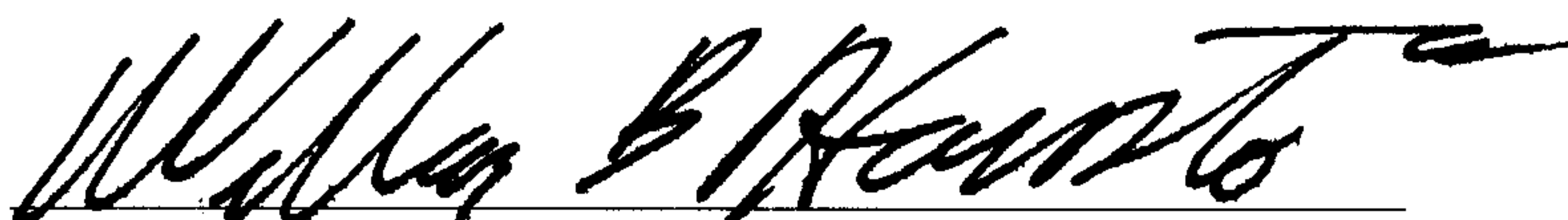
COMMENCE AND BEGIN AT THE SOUTHWEST CORNER OF LOT 14-B OF RIVERCHASE TRADE CENTER – FIRST ADDITION AS RECORDED IN MAP BOOK 15, PAGE 99 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE RUN 207.00 FEET ALONG THE WESTERLY LOT LINE OF LOT 14-B TO THE NORTHERNMOST CORNER OF LOT 14-B; THENCE AN INTERIOR ANGLE LEFT OF 80 DEGREES 01' 59" ALONG THE NORTHERLY LOT LINE OF LOT 14-B A DISTANCE OF 271.26 FEET TO THE NORTHEAST CORNER OF LOT 14-B; THENCE AN INTERIOR ANGLE LEFT OF 135 DEGREES 35' 01" ALONG THE EASTERLY LOT LINE OF LOT 14-B A DISTANCE OF 54.10 FEET; THENCE RIGHT 109 DEGREES 47' 29" WESTERLY A DISTANCE OF 65.78 FEET; THENCE AN INTERIOR ANGLE RIGHT OF 164 DEGREES 16' 36" A DISTANCE OF 63.84 FEET; THENCE AN INTERIOR ANGLE RIGHT OF 166 DEGREES 17' 45" A DISTANCE OF 139.26 FEET TO THE SOUTHERLY LOT LINE OF LOT 14-B; THENCE AN INTERIOR ANGLE LEFT NORTHWESTERLY OF 112 DEGREES 20' 24" A DISTANCE OF 89.73 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT, LICENSE, AND RIGHT OF WAY UPON, UNDER, OVER, ACROSS, AND THROUGH PROPERTY KNOWN AS COMMON ACCESS AREA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 14-B OF RIVERCHASE TRADE CENTER – FIRST ADDITION AS RECORDED IN MAP BOOK 15, PAGE 99 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE RUN SOUTHEASTERLY 89.73 FEET ALONG THE SOUTHERLY LOT LINE OF LOT 14-B; THENCE AN INTERIOR ANGLE RIGHT OF 112 DEGREES 20' 24" NORTHEASTERLY 73.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHEASTERLY ALONG THE SAME COURSE A DISTANCE OF 66.60 FEET; THENCE 74 DEGREES 44' 53" LEFT NORTHEASTERLY 32.21 FEET; THENCE RIGHT 90 DEGREES 00' 00" NORTHEASTERLY A DISTANCE OF 75.00 FEET; THENCE RIGHT 37 DEGREES 22' 46" EASTERLY DISTANCE 65.32 FEET TO THE EASTERLY LOT LINE OF LOT 14-B; THENCE RIGHT 46 DEGREES 27'

40" SOUTHEASTERLY A DISTANCE OF 20 FEET ALONG THE
EASTERLY LOT LINE OF LOT 14-B; THENCE RIGHT 95 DEGREES 20'
02" SOUTHWESTERLY A DISTANCE OF 192.78 FEET; THENCE RIGHT
90 DEGREES 00' 00" NORTHWESTERLY A DISTANCE OF 10.00 FEET TO
THE POINT OF BEGINNING.

8. Due to a scrivener's error, the Correct Legal was not included in the Deed, Mortgage 1, Mortgage 2, and Mortgage 3, and this affidavit is being filed for the purposes of amending the Deed, Mortgage 1, Mortgage 2, and Mortgage 3 to correct this scrivener's error and include therein the Correct Legal for the property incorrectly described therein.


William B. Hairston III

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William B. Hairston III, 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 29th day of August, 2007.

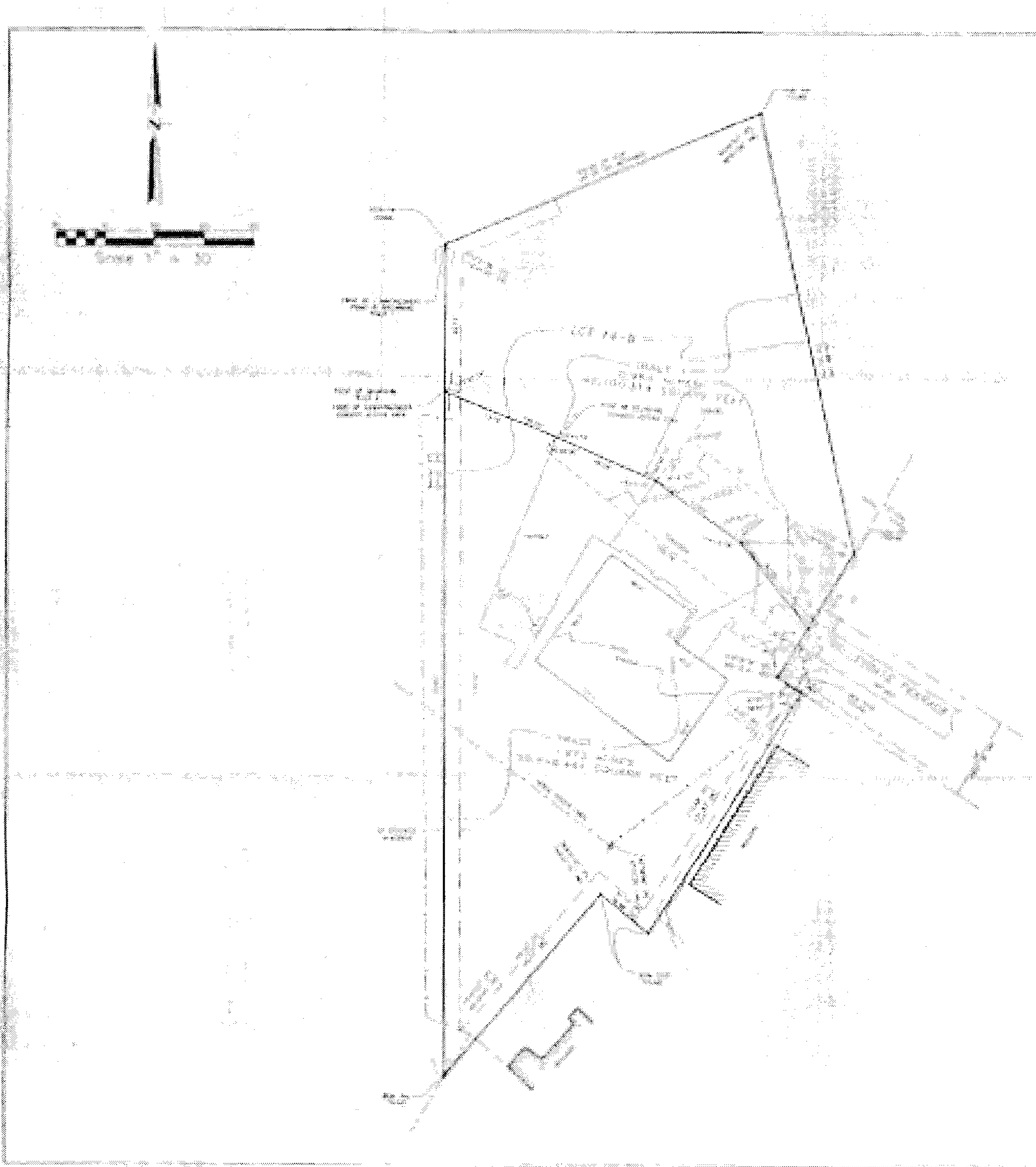

NOTARY PUBLIC (My Commission Expires: 9/20/09)

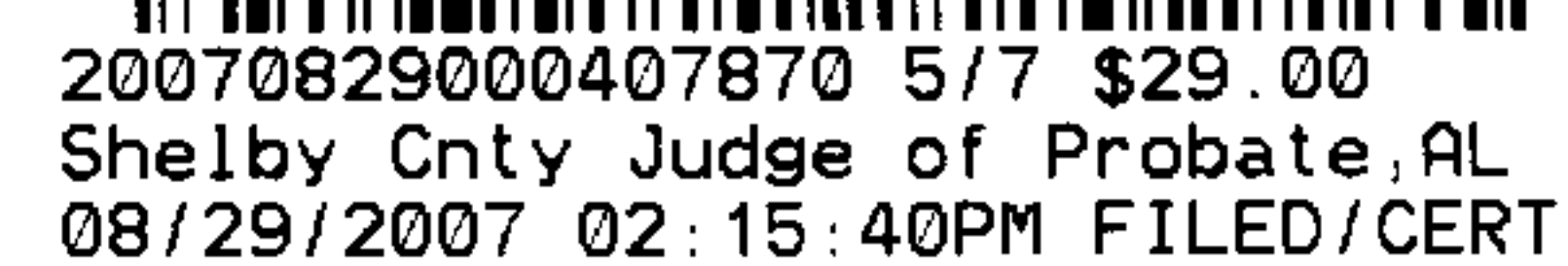


20070829000407870 4/7 \$29.00
Shelby Cnty Judge of Probate, AL
08/29/2007 02:15:40PM FILED/CERT

EXHIBIT "A"

1998 Survey



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20070829000407870 6/7 \$29.00
Shelby Cnty Judge of Probate, AL
08/29/2007 02:15:40PM FILED/CERT

EXHIBIT "B"

"Corrected Survey"

