

Scrivener's Affidavit to Correct Legal Description for  
Instrument Number: 20071029000498990 Filed in Shelby County Probate  
Court, State of Alabama & To Remove Cloud on Title for 2312 Mt. Run, Whose  
Legal Description is: Lot 10, Shadowbrook Subdivision, Map Book 6, Pg 102,  
Shelby County Probate Court, Alabama

My name is Cheryl A. Daugherty. I am licensed to practice law in the State of Alabama. My mailing address is 1601 Gentilly Drive and I have resided at this address for approximately Twenty (20) years.

From 2001 to 2007, our firm of Daugherty & Daugherty have been representing the North Shelby County Fire & Emergency Medical District {hereinafter referred to as "Fire District"}. We represent the Fire District in all legal matters, including their collections. As part of the collection process, we foreclose all delinquent liens which have not been paid for two years or longer.

One such lien which we foreclosed was "2312 Mt. Run" assessed to "Tany J. Campbell". Our firm commenced collection proceedings against 2312 Mt. Run, but we did not foreclose the fire lien as the fire lien was paid in full prior to the foreclosure date of September 21<sup>st</sup> 2007.

During the foreclosure auction, all of the fire liens were purchased by third parties, including First Properties, L.L.C., an Alabama Limited Liability Company organized and filed for record in the State of Alabama and in Mobile County, Alabama, with the Managing Member by the name of "Banks Ladd".

After the September 21<sup>st</sup> 2007 foreclosure sale, our office prepared the foreclosure deeds for North Shelby County Fire & Emergency Medical District into the third parties which purchased the fire liens, including the foreclosure deeds for First Properties, L.L.C.

Daugherty & Daugherty procures the legal descriptions for each parcel sold from the Shelby County Tax Assessor's office located in Columbiana, Alabama 35051. Our legal descriptions are bound together, in book form. After said foreclosure sale, the legal description for 2312 Mt. Run was next to the legal description for 5153 South Broken Bow Drive. The person who prepared the foreclosure deeds was preparing the deed for 5153 So. Broken Bow Drive. Instead of picking up the legal for 5153 So. Broken Bow Drive, he inadvertently picked up and typed the legal description for 2312 Mt. Run when the correct legal should have been for 5153 So. Broken Bow Drive. The legal for 5153 So. Broken Bow Drive was on page 28 in our book of legal descriptions which is the correct page he should have turned to. Instead he turned to the previous page and inadvertently used the legal for 2312 Mt. Run, thinking it was the legal description for 5153 So. Broken Bow Drive.

This scrivener's affidavit is to correct the legal description for 5153 So. Broken Bow Drive and to remove any cloud on the title for 2312 Mt. Run whose

legal description is "Lot 10, Shadowbrook Subdivision, recorded in Map Book 6, Page 102, in the office of the Judge of Probate, Shelby County, Alabama. Property located at 2312 Mt. Run has been paid in full and there should be no fire liens {which is considered a municipal under Alabama law} against said property as all liens against this property are paid in full.

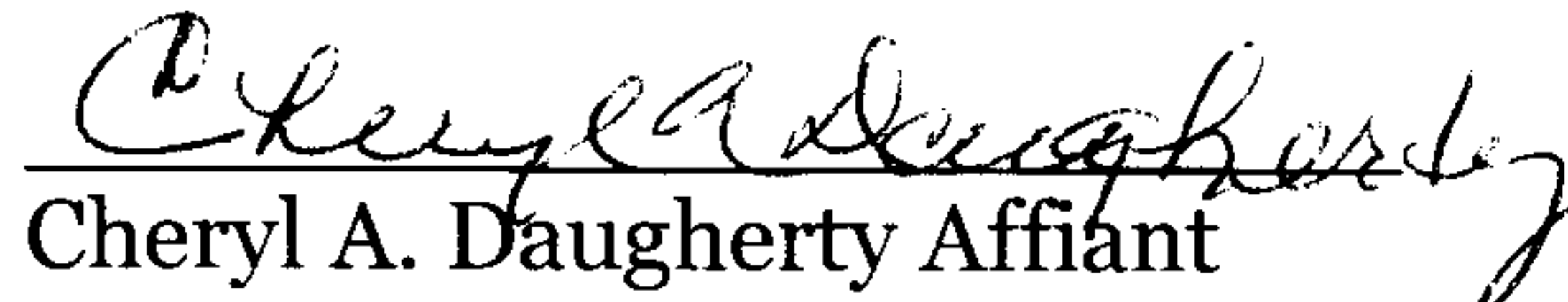
The **Correct** legal description for 5153 So. Broken Bow Drive {which should have been on reflected on the foreclosure deed initially, which said foreclosure deed from North Shelby County Fire & Emergency Medical District to First Properties, L.L.C., was recorded in the Shelby County Probate Court and its Instrument Number which Identifies this property in said Shelby County Probate Court is as follows: **20071029000498990**} Is as follows; to wit:

***{5153 So. Broken Bow Drive Legal  
Description}***

***Lot 2, in Block 3, according to the survey of  
Broken Bow, as recorded in Map Book 7,  
Page 145, in the Probate Office of Shelby  
County, Alabama.***

The legal description reflected on the current foreclosure deed in the wrong legal description. The legal description on that deed is for 2312 Mt. Run and should be replaced with the new legal description set out herein-above. The above legal description was taken from that certain General Warranty Deed from Mathew Jason Fotheringham to Clyde P. Davis, III. This legal description is the most recent deed for 5153 So. Broken Bow Drive which is recorded in Instrument Number: 20061107800055110 in the Probate Court of Shelby County, Alabama, copy attached as Exhibit "A", attached hereto and made a part hereof and incorporated herein by reference.

Sworn to and subscribed before me this the 21<sup>st</sup> day of December, 2007.

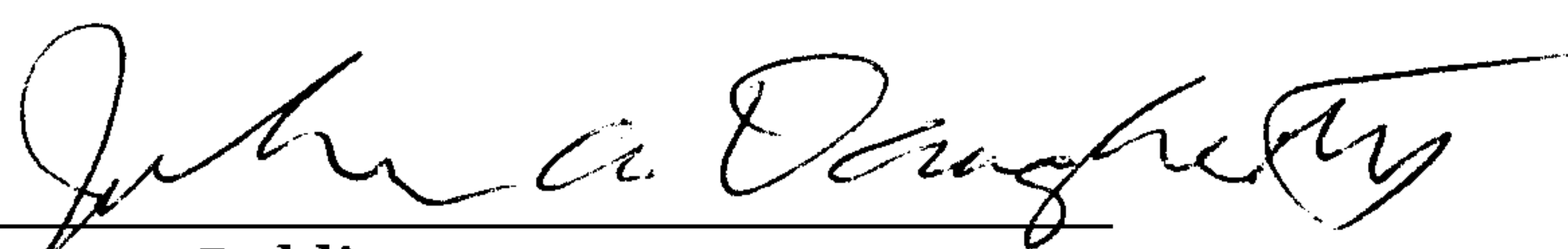
  
Cheryl A. Daugherty Affiant



State of Alabama  
County of Jefferson

I, the undersigned authority, a notary public in and for said county in said state, hereby certify that Cheryl A. Daugherty, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand this 21<sup>st</sup> day of December, 2007.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: June 27<sup>th</sup> 2011

JOHN A. DAUGHERTY, NOTARY PUBLIC,  
ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES JUNE 27, 2007

SEND TAX NOTICE TO:  
Clyde P. Davis, III  
5313 South Broken Bow Drive  
Birmingham, AL 35242

THIS INSTRUMENT PREPARED BY:  
Tompkins & Somma LLC  
3009 Firefighter Lane  
Birmingham, Alabama 35209



STATE OF ALABAMA )

GENERAL WARRANTY DEED

COUNTY OF SHELBY )

**KNOW ALL MEN BY THESE PRESENTS**, that for and in consideration of One Hundred Seventy-Four Thousand Nine Hundred and 00/100 Dollars (\$174,900.00), and other good and valuable consideration, to the undersigned Grantor, in hand paid by the Grantee herein, the receipt and sufficiency whereof is hereby acknowledged, I/we, **Mathew Jason Fotheringham**, an unmarried man and one and the same person as Matthew Jason Fotheringham (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto **Clyde P. Davis, III** (herein referred to as Grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to wit:

20080205000046670 4/5 \$23.00  
Shelby Cnty Judge of Probate, AL  
02/05/2008 12:57:25PM FILED/CERT

**LOT 2, IN BLOCK 3, ACCORDING TO THE SURVEY OF BROKEN BOW, AS RECORDED IN MAP BOOK 7, PAGE 145, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.**


**Subject To:**

1. Those taxes and special assessments for the year 2006, and subsequent years, which are not yet due and payable.
2. Restrictions, reservations, conditions, easements, set back lines, right of ways, and limitations shown of record.
3. Coal, oil, gas and other mineral or mining interests in, to or under the land herein described that are not owned by Grantor.

**\$172,197.00** of the consideration recited above was paid from the proceeds of a mortgage loan(s) executed simultaneously herewith.

**TO HAVE AND TO HOLD** unto the said Grantee, his, her or their heirs and assigns forever. And I/we do, for myself/ourselves and for my/our heirs, executors and administrators, covenant with said Grantee, his, her or their heirs and assigns, that I/we am/are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I/we have a good right to sell and convey the same as aforesaid; that I/we will, and my/our heirs, executors and administrators shall warrant and defend the same to the said Grantee, his, her or their assigns forever, against the lawful claims of all persons.

**IN WITNESS WHEREOF**, I/we have hereunto caused this instrument to be executed this 27<sup>th</sup> day of October, 2006.

  
Mathew Jason Fotheringham

Shelby County, AL 11/08/2006  
State of Alabama

Dead Tax: \$3.00

20061108000550110 2/2 \$17.00  
Shelby Cnty Judge of Probate, AL  
11/08/2006 03:35:12PM FILED/CERT

STATE OF ALABAMA )

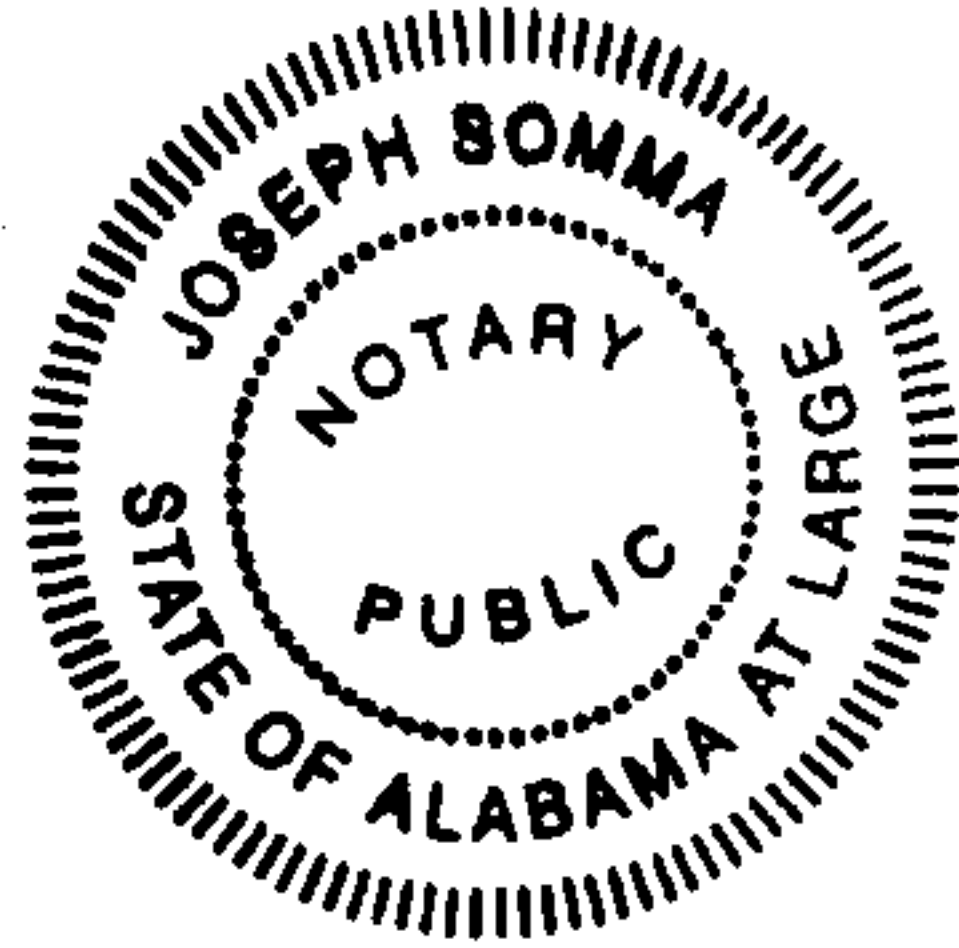
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Mathew Jason Fotheringham, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, s/he executed the same voluntarily on the day the same bears date.

Given under my hand this 27<sup>th</sup> day of October, 2006.

*MSF*

[NOTARIAL SEAL]



Notary Public

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Apr 24, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

20080205000046670 5/5 \$23.00  
Shelby Cnty Judge of Probate, AL  
02/05/2008 12:57:25PM FILED/CERT