

STATE OF ALABAMA)
COUNTY OF SHELBY)

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

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

My name is Richard W. Theibert and I am with Najjar Denaburg, P.C., the preparer of that certain Mortgage prepared and filed in the Office of the Judge of Probate of Shelby County, Alabama and recorded in Instrument # 20050707000340070, between The Peoples Bank and Trust Company and CAC-Pelham, LLC.

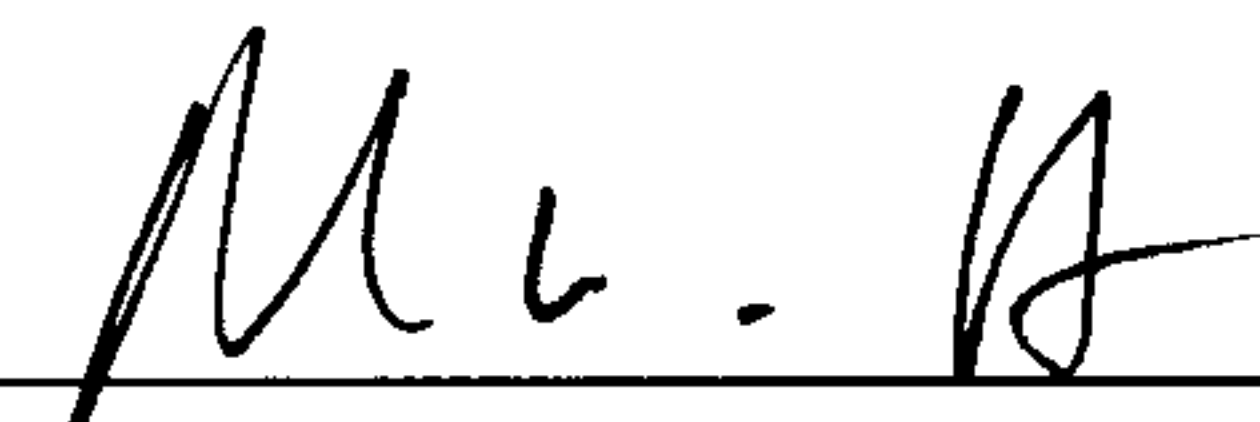
The undersigned has examined the mortgage prepared and finds that the legal description reflected in the Mortgage is different from the legal description reflected in the title commitment provided by Chicago Title Insurance Company. After review, it has been concluded that the acreage described in the Mortgage is one and the same as the legal description provided by Chicago Title Insurance Company.

From this date forward, let the records reflect that the legal description reflected in the Mortgage is the same as the following:

Lot 2, according to the Survey of Dinsmore Resurvey, as recorded in Map Book 26, page 94, 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 mortgage filed in the Office of the Judge of Probate of Shelby County.


FURTHER, Affiant saith not.



Richard W. Theibert

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Sworn to and subscribed before me this 4th day of February, 2008.



Notary Public
My Commission Expires: 4/27/08

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