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Shelby Cnty Judge of Probate, AL  
03/09/2009 03:31:43PM FILED/CERT

STATE OF ALABAMA  
COUNTY OF ST. CLAIR

SCRIVENER'S AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared Tonya Peters who, after being first duly sworn by me, deposes and says as follows:

My name is Tonya Peters and I am employed with Back 40 Real Estate Services, LLC as their Closing Supervisor. I prepared a certain Mortgage from Mathew Benjamin Rice and Susan L. Rice, Husband and Wife, to MERS (Mortgage Electronic Registration Systems, Inc.), a separate corporation acting solely as a nominee for Lender, Delta Funding Corporation, in the amount of \$232,000.00, dated July 27, 2007 and filed August 7, 2007 as Instrument #20070368510 in the Office of the Judge of Probate of Shelby County, Alabama.

Through error or inadvertence, there was a typographical error in the legal description and this Affidavit is given to correct that error.

As stated in the instrument, line 17 of the legal description reads as follows:

"86 DEGREES 38 MINUTES TO THE LEFT; THENCE RUN 309.9 FEET ALONG TANGENT OF SAID 30"

Line 17 of the legal description should read as follows:

"36 DEGREES 38 MINUTES TO THE LEFT; THENCE RUN 309.9 FEET ALONG TANGENT OF SAID 30"

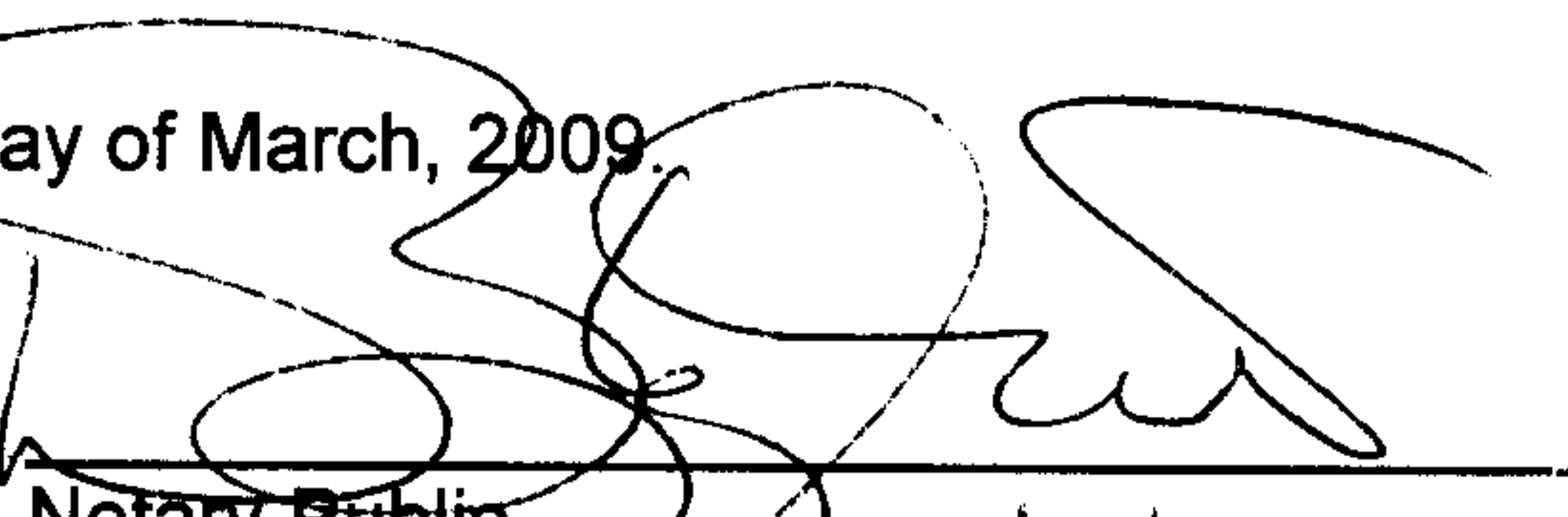
Except as specifically amended herein, all other terms and conditions of the aforementioned instrument shall remain the same. This Affidavit, upon its execution by the Affiant, is herewith made an integral part of said instrument.

IN WITNESS WHEREOF, Tonya Peters has hereunto set her hand and seal on this the 5<sup>th</sup> day of March, 2009.

Back 40 Real Estate Services, LLC

By:  L. S.  
Tonya Peters  
Its: Closing Supervisor

Sworn to and subscribed before me on this 5<sup>th</sup> day of March, 2009.

  
Notary Public  
My Commission Expires: 1/18/2013

THIS INSTRUMENT PREPARED BY:  
MITCHELL & GRAHAM, P.C.  
Attorneys-at-Law – Gregory S. Graham  
c/o Back Forty Real Estate Services, LLC  
307 7<sup>th</sup> Avenue / P.O. Box 1493  
Ashville, AL 35953

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