


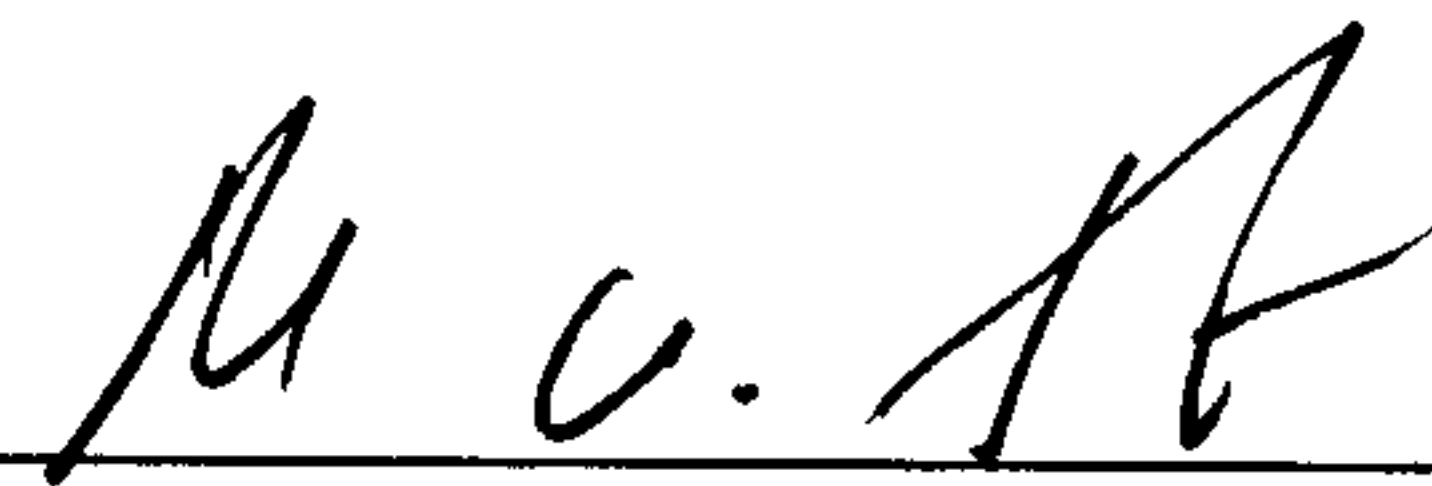
STATE OF ALABAMA)
COUNTY OF SHELBY)


20091118000429580 1/3 \$17.00
Shelby Cnty Judge of Probate, AL
11/18/2009 01:43:58 PM FILED/CERT

SCRIVENER'S AFFIDAVIT


Before me, the undersigned Notary Public is and for said County in said State, personally appeared Richard W. Theibert, Esq. ("Affiant"), who, being known to me, and who being by me first duly sworn, deposes under oath and says the following:

1. Affiant is *sui juris*, acting under no compunction or disability, and is now, and was at all times pertinent to this Affidavit, a member in good standing of the bar of the State of Alabama.
2. On or about January 30, 2006, Affiant prepared that certain Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (the "Mortgage") to be executed by Shiloh Creek, L.L.C. (the "Grantor"), in favor of AmSouth Bank (the "Grantee").
3. The Mortgage was duly executed by Grantor and delivered to Grantee, the original of which was recorded as Instrument Number **20060209000067450** in the Office of the Judge of Probate of Shelby County, Alabama.
4. The Exhibit A of the Mortgage contains the legal description of the real property (the "Property"), which legal description contains an inadvertent scrivener's error. The correct legal description of said Property is more particularly set forth on Exhibit A attached hereto and made a part hereof.
5. This Affidavit is given for the purpose of correcting the scrivener's error and is to be filed for record in the Office of the Judge of Probate of Shelby County, Alabama, as an amendment to and correction of said Mortgage by substituting, in its entirety, the legal description of the Property, as set forth on Exhibit A attached hereto, in place of the legal description for the Property as currently shown in said Mortgage.



RICHARD W. THEIBERT, ESQ.

STATE OF ALABAMA)
COUNTY OF JEFFERSON)


20091118000429580 2/3 \$17.00
Shelby Cnty Judge of Probate, AL
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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Richard W. Theibert, Esq. 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 said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 5th day of November, 2009.



Notary Public


My Commission Expires
[SEAL]

NOTARY PUBLIC - ALABAMA AT LARGE
MY COMMISSION EXPIRES: Apr 27, 2012
~~BONDED THROUGH PUBLIC UNDERWRITERS~~

This instrument prepared by:
Casey Graves Moore, Esq.
Maynard, Cooper & Gale, P.C.
2400 Regions Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203-2602
(205) 254-1000

Exhibit A

(Legal Description)


20091118000429580 3/3 \$17.00
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PARCEL V:

Commence at the Southeast corner of the NE 1/4 of the NE 1/4 of Section 10, Township 24 North, Range 13 East, Shelby County, Alabama; thence run North along the East line of said Section 10, a distance of 210.0 feet to the point of beginning; thence continue along the last described course a distance of 420.0 feet; thence turn left 90°00' and run West a distance of 420.0 feet; then turn left 90°00' and run South a distance of 420.00 feet; thence turn left 90°00' and run East a distance of 420.0 feet to the point of beginning.

From the Southeast corner of the Northeast 1/4 of the Northeast 1/4, Section 10, Township 24 North, Range 13 East, Shelby County, Alabama, as beginning point, run along the South 1/4-1/4 Section line South 89°58'03" West 1,305.48 feet; thence North 00°59'50" West 19.36 feet; thence North 89°25'26" West 316.02 feet; thence North 00°15'23" West 409.28 feet; thence South 89°40'45" East 965.06 feet; thence North 00°15'59" East 243.01 feet; thence South 89°40'43" East 659.72 feet; thence South 00°11'29" West 34.98 feet; thence North 89°48'31" East 420.0 feet; thence South 89°48'31" East 420.00 feet; thence South 00°11'29" West 210.0 feet, back to the beginning point.

LESS AND EXCEPT:

From the Northeast corner of Section 10, Township 24 North, Range 13 East, Shelby County, Alabama, run along the North Section line North 89°38'02" West for 1,317.7 feet; thence South 00°20'30" West 666.31 feet; thence North 89°40'49" West 307.55 feet; thence South 00°15'23" East 243.02 feet to the point of beginning of the parcel here described; from said point continue said course 409.28 feet; thence South 89°25'26" East 212.86 feet; thence north 00°15'17" West 410.23 feet; thence North 40°45' West 212.86 feet, back to the beginning.

From the Southeast corner of the NE 1/4 of the NE 1/4, Section 10, Township 24 North, Range 13 East, Shelby County, Alabama, run South 89°58'03" West 898.48 feet to the beginning point of the parcel of land herein described; from said point continue said course 407.0 feet; thence North 00°59'50" West 430.13 feet; then South 89°40'45" East 407.0 feet; thence Southerly 427.6 feet back to the beginning point.

Also, a 30 foot easement for ingress, egress and utilities across the following described property:

Begin at the SE corner of the NE 1/4 of NE 1/4 of Section 10, Township 24 North, Range 13 East; thence run South 89°58'03" West 898.48 feet; thence run Northerly parallel to the East line of said 1/4-1/4 Section a distance of 30 feet; thence run Easterly parallel with the South line of said 1/4-1/4 Section a distance of 898.48 feet to a point on the East side of 1/4-1/4 Section; thence run Southerly 30 feet to point of beginning.