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Shelby Cnty Judge of Probate, AL  
08/05/2010 09:50:05 AM FILED/CERT

Please Cross Reference to:

Instrument Number

**20100322000082550**  
Shelby County, Alabama

## **AFFIDAVIT**

STATE OF ALABAMA  
COUNTY OF SHELBY

Personally appeared before me, the undersigned attesting officer duly authorized to administer oaths, the undersigned (hereinafter "deponent"), who being first sworn deposes and says on oath the following:

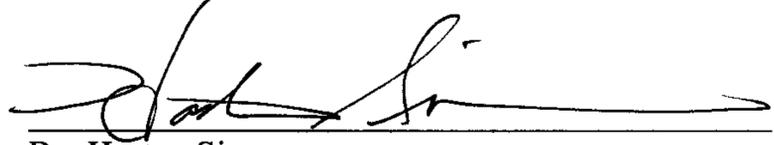
- 1) That **Southlake Plaza, LLC** executed a Mortgage and Security Agreement to First Commercial Bank, dated **July 20, 2005 (the "Mortgage")**, and recorded on July 22, 2005 as **Instrument Number 20050722000366950**, in the Probate Court of Shelby County, Alabama Records;
- 2) That **Southlake Plaza, LLC** executed an Assignment of Rents and Leases to First Commercial Bank, dated **July 20, 2005 (the "Assignment")**, and recorded on July 22, 2005 as **Instrument Number 20050722000366960**, in the Probate Court of Shelby County, Alabama Records;
- 3) That **Southlake Plaza, LLC** executed a UCC-1 Financing Statement to First Commercial Bank filed **July 22, 2005 (the "UCC")**, and recorded as Instrument Number 20050722000366970 in the Probate Court of Shelby County, Alabama;
- 4) That **First Commercial Bank** transferred by Assignment of Mortgage and other Recorded Loan Documents the Mortgage, the Assignment and the UCC, on March 19, 2010 (the "Assignment of Mortgage"), to Denston, LLC, which Assignment of Mortgage was recorded on March 22, 2010, at Instrument Number 20100322000082550 in the Probate Court of Shelby County, Alabama;
- 5) That **First Commercial Bank** recorded a Mortgage Release dated **March 24<sup>th</sup>, 2010**, as filed **April 6, 2010**, and recorded as **Instrument Number 20100406000103060**, Shelby County, Alabama Probate Records, which Mortgage Release was executed by mistake and in error since First Commercial Bank no longer owned the Mortgage, the Assignment or the UCC;
- 6) That **First Commercial Bank** recorded a UCC-3 Termination, as filed **April 5, 2010**, and recorded as **Instrument Number 20100405000101430**, Shelby County, Alabama Probate Real Estate Records, which UCC;
- 7) That **First Commercial Bank** issued and recorded said **Mortgage Release and UCC-3 Termination in error. The Mortgage, the Assignment and the UCC was transferred prior to the Mortgage Release and prior to the UCC Termination and First Commercial Bank did have ownership of the Mortgage, the Assignment and the UCC at the time it signed and filed the Mortgage Release and the UCC Termination.**

**That said Mortgage and Security Agreement and said UCC-1 Real Estate Financing Statement are still open and constitute liens against the property as Assigned by First Commercial Bank, dated March 19, 2010, to Denston, LLC and recorded as Instrument Number 20100322000082550 in the Shelby County, Alabama Probate Records.**

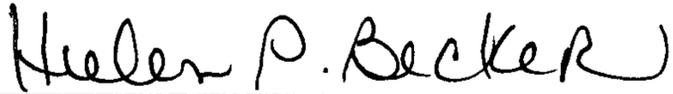
Deponent further avers that he has personal knowledge of the information contained in this affidavit and Deponent further acknowledges that this Affidavit will be relied upon by future Purchasers, Attorneys, and Title Insurance Companies.

Sworn to and subscribed before me  
this 14, July, 2010.

**First Commercial Bank**



By: Haston Simmons  
Title: Vice President



Notary Public

My Commission expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Nov 14, 2010  
BONDED TO THE NOTARY PUBLIC UNDERWRITERS

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**Prepared by and return to:**  
Claude McCain Moncus  
CORLEY MONCUS, P.C.  
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Birmingham, AL 35209