

This Instrument Prepared By:

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**STATE OF ALABAMA** §  
**COUNTY OF TUSCALOOSA** § **SCRIVENER'S AFFIDAVIT**

Before me, the undersigned authority, personally appeared Jerry C. Oldshue, Jr., who, having been duly sworn by me, stated as follows:

“My name is Jerry C. Oldshue, Jr. I am an attorney licensed to practice in the State of Alabama, and I drafted the Mortgage Foreclosure Deed recorded on January 27, 2009, in Instrument #20090127000025660 in the office of the Probate Judge in Shelby County, Alabama. The property description within said deed erroneously consisted of two parcels, Parcel 1 and Parcel 2. Parcel 2 should not have been a part of said property description, but was inadvertently included. I became aware of the error within the property description as a result of the following chain of events, and this affidavit is being given to document same.

On September 2, 2005, Vanderbilt Mortgage and Finance, Inc. (hereinafter “VMF”), recorded a Deed of Trust given by Frederick Eugene Burns to Kevin T. Clayton, Trustee, and Vanderbilt Mortgage and Finance, Inc., within the Probate Office of Shelby County in Instrument #20050902000453880 wherein the Exhibit “A” property description to said Deed of Trust erroneously consisted of Parcel 1 and Parcel 2. On September 9, 2005, VMF attempted to correct the property description by recording a Corrective Deed of Trust which appears of record in said office in Instrument #20050909000468040; however, said instrument contained two separate Exhibit “A” property descriptions, an Exhibit “A” containing both Parcel 1 and Parcel 2 as set forth in the prior Deed of Trust, and the second Exhibit “A” only describing Parcel 1. When VMF initiated

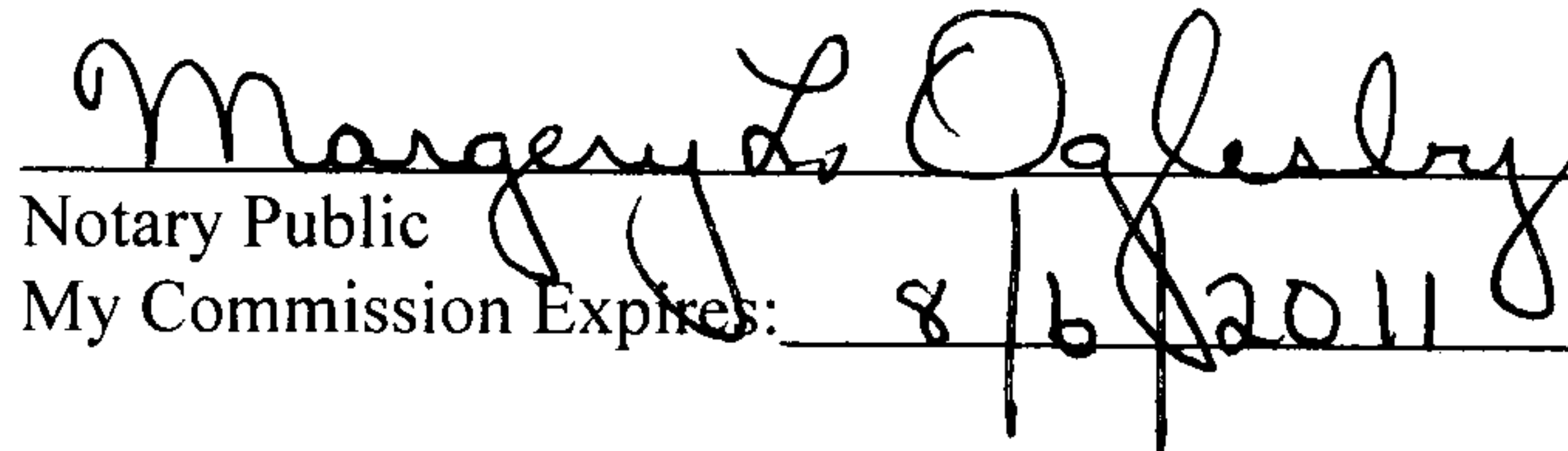
foreclosure proceedings, and subsequently purchased the property at the foreclosure sale held on January 20, 2009, the Mortgage Foreclosure Deed which contained the erroneous property description as set forth herein above was recorded. The property was thereafter sold by VMF to Warrior Wholesale Homes, Inc., said deed appearing of record in said office in Instrument #20090909000346220. Due to complications which later developed as a result of the erroneous property description, Warrior Wholesale Homes, Inc., sold the property back to VMF, and said deed was recorded on August 13, 2010, in said office in Instrument #20100813000260260.

A Corrective Mortgage Foreclosure Deed is being recorded simultaneously with this affidavit to correct the property description as set forth in the original Mortgage Foreclosure Deed recorded in Instrument #20090127000025660.

Further, affiant saith not."

  
Jerry C. Oldshue, Affiant

Sworn to and subscribed before me on this the 20th day of September 2010.

  
Notary Public  
My Commission Expires: 8/6/2011

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