

**This Instrument Prepared By:**

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STATE OF ALABAMA

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§ ss.

SHELBY COUNTY

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**SCRIVENER'S AFFIDAVIT**

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Betty Horton, whose name is signed to this affidavit and who is known to me and who being by me first duly sworn, does depose and say as follows:

My name is Betty Horton, and I am a Vice-President at Merchants and Farmers Bank d/b/a M & F Bank.

On or about January 12, 2007, Merchants and Farmers Bank prepared a mortgage (Instrument #20070116000023210) from Timberlake Development, LLC to Merchants and Farmers Bank in the Probate Court in Shelby County and recorded on January 16, 2007 and modified by Instrument #20080307000093800.

In the body of said mortgage, a typographical error exists with the legal description. The correct legal description of the property that the mortgage secures is as follows:

Parcel I:

Commence at the SW corner of the NE ¼ of the NW ¼ of Section 23, Township 22 South, Range 2 West; thence South 89 degrees 21 minutes 49 seconds East, a distance of 991.78 feet to the Point of Beginning; thence South 89 degrees 21 minutes 49 seconds East, a distance of 329.25 feet; thence North 00 degrees 54 minutes 42 seconds East, a distance of 1092.47 feet; thence a distance of 179.68 feet; thence North 00 degrees 53 minutes 12 seconds East, a distance of 2.55 feet; thence North 89 degrees 06 minutes 48 seconds West, a distance of 100.00 feet; thence South 50 degrees 41 minutes 22 seconds West, a distance of 83.77 feet; thence South 00 degrees 53 minutes 12 seconds West a distance of 120.00 feet; thence South 18 degrees 54 minutes 59 seconds East, a distance of 63.77 feet; thence South 00 degrees 53 minutes 12 seconds West, a distance of 420.00 feet; thence South 23 degrees 30 minutes 33 seconds East a distance of 130.00 feet; thence South 00 degrees 53 minutes 33 seconds West, a distance of 316.42 feet to the Point of Beginning.

Parcel II:

Commence at the SW corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 23, Township 22 South, Range 2 West; thence South 89 degrees 21 minutes 49 seconds East, a distance of 660.95 feet to the Point of Beginning; thence North 00 degrees 54 minutes 59 seconds East, a distance of 1758.22 feet; thence South 56 degrees 55 minutes 46 seconds East, a distance of 76.27 feet; thence North 33 degrees 04 minutes 14 seconds East, a distance of 105.78 feet; thence North 77 degrees 23 minutes 00 seconds East, a distance of 246.20 feet; thence South 06 degrees 27 minutes 22 seconds East, a distance of 154.20 feet; thence South 00 degrees 53 minutes 12 seconds West, a distance of 613.82 feet; thence South 20 degrees 41 minutes 22 seconds West, a distance of 63.77 feet; thence South 00 degrees 53 minutes 12 seconds West, a distance of 120.00 feet; thence South 18 degrees 54 minutes 59 seconds East, a distance of 63.77 feet; thence South 00 degrees 53 minutes 21 seconds West, a distance of 420.00 feet; thence South 23 degrees 30 minutes 33 seconds East, a distance of 130.00 feet; thence South 00 degrees 53 minutes 33 seconds West, a distance of 316.42 feet; thence North 89 degrees 21 minutes 49 seconds West a distance of 330.87 feet to the Point of Beginning.

Being a part of Lots 17, 18, 19 and 20, according to the Survey of Caleriana Farms, as recorded in Map Book 3, Page 112, in the Probate Office of Shelby County, Alabama.

LESS AND EXCEPT:

Lots 71A, 72A, 73A, 74A, 75A, 76A, 77A, 112A, 113A, 114A, 115A, 116A, 117A and 118A, according to a Resurvey of Stonebriar Phase 1, as recorded in Map Book 38, Page 61, in the Probate Office of Shelby County, Alabama.

The purpose of this affidavit is to properly list legal description of the property which said mortgage secures.

I give this affidavit of my own personal knowledge of the facts set out herein.

8th IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the day of November, 2010.

MERCHANTS AND FARMERS BANK  
d/b/a M & F Bank

By: Betty Horton  
Its: Vice President



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Shelby Cnty Judge of Probate, AL  
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STATE OF ALABAMA

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§ ss.

SHELBY COUNTY

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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Betty Horton, whose name is signed to the foregoing as Vice-President of Merchants and Farmers Bank d/b/a M & F Bank, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 8<sup>th</sup> day of November, 2010.

Amanda Mills

Notary Public

My Commission Expires: 05/27/14



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Shelby Cnty Judge of Probate, AL

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