

STATE OF ALABAMA)  
JEFFERSON COUNTY)

## AFFIDAVIT EVIDENCING SCRIVENERS ERROR

Before me, the undersigned Notary Public, personally appeared, William H. Halbrooks, who being duly sworn deposes and says as follows:

My name is William H. Halbrooks. I am a practicing attorney in the City of Birmingham, Alabama. My address is #1 Independence Plaza; Suite 704; Birmingham, AL 35209. I was the scrivener in that certain Warranty Deed from **William L. Cunningham, Jr.**, a married man to **Darryl W. Henton and Katherine Davis Henton** dated July 22, 2010 filed August 2, 2010 recorded in Shelby Instrument No. **20100802000245910** in the Probate Office of Shelby County, Alabama and that certain mortgage from **Darryl W. Henton and Katherine Davis Henton**, Husband and Wife, to **Mortgage America, Inc.** dated July 22, 2010 filed August 2, 2010 recorded in Shelby Instrument No. **20100802000245920** in the Probate Office of Shelby County, Alabama.

The undersigned has examined the Legal Description contained in said Warranty Deed and Mortgage and finds that there is a Scrivener's error in a portion of the legal description. The legal description contained in said Warranty Deed and Mortgage is described as follows:

### Legal Description

#### PARCEL I

Lot E-3, according to the Survey of Deerwood Lake, as recorded in Map Book 5, Page 30, in the Probate Office of Shelby County, Alabama.

#### PARCEL II


A part of the Northwest 1/4 of the Southwest 1/4 of the Section 18, Township 19 South, Range 2 East and being more particularly described as follows:

Begin at the Northeast corner of the said 1/4-1/4 section for the point of beginning; thence run Southerly 420 feet along the 1/4-1/4 section line to a point; thence run Westerly 312 feet to a point; thence Northerly 420 feet, more or less, to the North boundary line of 1/4-1/4 section; thence Easterly 312 feet, more or less, to the point of beginning.

ALSO:

A part of the Northwest Quarter of the Southwest Quarter of Section 18, Township 19 South Range 2 East. Commence at the Northeast corner of said 1/4-1/4 section; thence South along the East line 420 feet to the point of beginning; thence run Westerly along the South boundary of a tract conveyed to William Cunningham 312 feet to a point on the Southwest corner of said Cunningham Tract; thence North along West line of the Cunningham Tract 420 feet, more or less, to a point on the North boundary of said 1/4-1/4 section line; thence West along the North line 88 feet; thence left and run South parallel with the East line of said 1/4-1/4 section a distance of 577 feet; thence left and run East 400 feet, more or less, to a point on the East line of said 1/4-1/4 section; thence left and run North along said East line 157 feet, more or less, to the point of beginning.

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Return To:  
Alabama Title Co., Inc.

## AFFIDAVIT EVIDENCING SCRIVENERS ERROR - CONTINUED

The true and correct legal description in said Warranty Deed and Mortgage should have recited the legal description as follows:

### Legal Description

#### PARCEL I

Lot E-3, according to the Survey of Deerwood Lake, as recorded in **Map Book 6**, Page 30, in the Probate Office of Shelby County, Alabama.

#### PARCEL II

A part of the Northwest 1/4 of the Southwest 1/4 of the Section 18, Township 19 South, Range 2 East and being more particularly described as follows:

Begin at the Northeast corner of the said 1/4-1/4 section for the point of beginning; thence run Southerly 420 feet along the 1/4-1/4 section line to a point; thence run Westerly 312 feet to a point; thence Northerly 420 feet, more or less, to the North boundary line of 1/4-1/4 section; thence Easterly 312 feet, more or less, to the point of beginning.

ALSO:

A part of the Northwest Quarter of the Southwest Quarter of Section 18, Township 19 South Range 2 East. Commence at the Northeast corner of said 1/4-1/4 section; thence South along the East line 420 feet to the point of beginning; thence run Westerly along the South boundary of a tract conveyed to William Cunningham 312 feet to a point on the Southwest corner of said Cunningham Tract; thence North along West line of the Cunningham Tract 420 feet, more or less, to a point on the North boundary of said 1/4-1/4 section line; thence West along the North line 88 feet; thence left and run South parallel with the East line of said 1/4-1/4 section a distance of 577 feet; thence left and run East 400 feet, more or less, to a point on the East line of said 1/4-1/4 section; thence left and run North along said East line 157 feet, more or less, to the point of beginning.

This affidavit is made for the purpose of duly acknowledging the scriveners error in the drafting of said Warranty Deed recorded in Shelby Instrument No. **20100802000245910** and the Mortgage recorded in Shelby Instrument No. **20100802000245920** in the Probate Office of Shelby County, Alabama.

FURTHER, Affiant saith not.



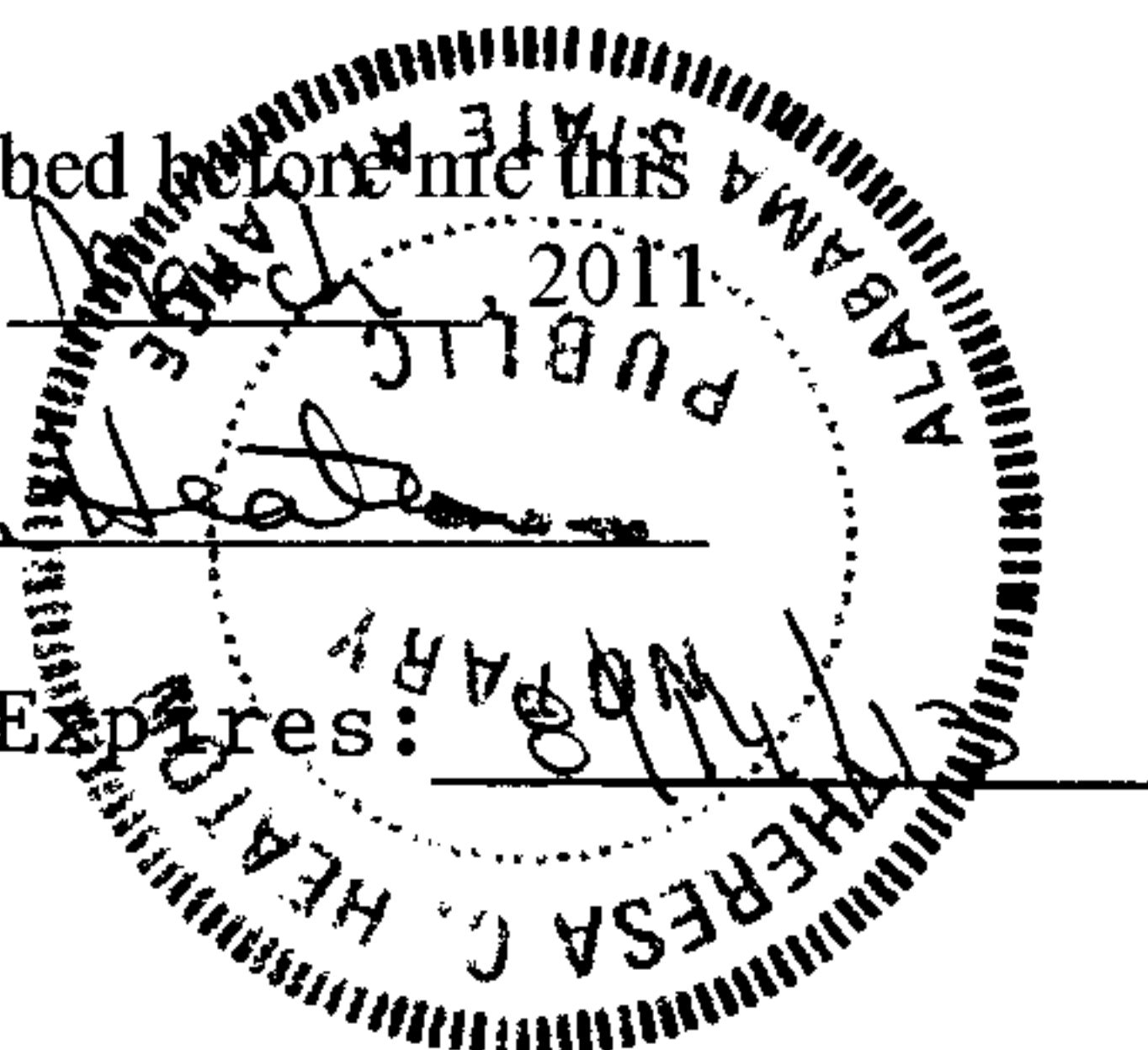
William H. Halbrooks, Attorney

Sworn to and subscribed before me this  
The 30th day of March, 2011



Notary Public

My Commission Expires: 11/18/11



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