

## **AFFIDAVIT AS TO MISTAKEN MORTGAGE SATISFACTION And RATIFICATION OF MORTGAGE**

BEFORE ME, the undersigned Notary Public in and for said County and State, personally appeared the undersigned, who being by me first duly sworn depose, certifies and states as follows:

1. Herbert R. McMullen and Betty J. McMullen, Husband and Wife granted a mortgage (the "Mortgage") to Covenant Bank, which is recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument 20101214000419470.
2. The Mortgage pertains to the property described on Exhibit "A" attached hereto
3. By mistake the Mortgage was satisfied by a Full Release of Mortgage as instrument 20120215000055780 in the Office of the Judge of Probate of Shelby County, Alabama (the "Mistaken Satisfaction").
4. This Mistaken Satisfaction was filed by mistake, and there still exists an obligation owing to Covenant Bank by Herbert R. McMullen and Betty J. McMullen, which is secured by the Mortgage.
5. The Mistaken Satisfaction having been filed by mistake should be stricken from the records of the Office of the Judge of Probate of Shelby County, Alabama, and the Mortgage reinstated as a valid and binding instrument of record, securing the obligations of Herbert R. McMullen and Betty J. McMullen, Husband and Wife to Covenant Bank.
6. Herbert R. McMullen and Betty J. McMullen, Husband and Wife enters into this agreement, ratifying and restating the Mortgage as if fully set forth herein, and acknowledges that the Mistaken Satisfaction was in fact a mistake and should be stricken from the records.
7. *Herbert R. McMullen and Betty J. McMullen, Husband and Wife*, makes this affidavit and ratification to induce CHICAGO TITLE INSURANCE COMPANY (hereinafter "Title Company") to issue its title insurance policies to be free and clear of any exception for the Mistaken Satisfaction. As an inducement therefor, Herbert R. McMullen and Betty J. McMullen, Husband and Wife agrees to indemnify and hold Title Company and/or its agent harmless of and from any and all loss, cost, damage and expense of every kind, including attorneys' fees, which the Title Company and/or its agent shall or may suffer or incur or become liable for under its said policy or policies now to be issued, or any reissue, renewal or extension thereof, directly or indirectly, if the Title Company determines to issue the policy without reference to the aforementioned Mistaken Satisfaction, as a result of any misrepresentation herewith.

**Covenant Bank**

BY *[Signature]*  
(Its Sr. Vice President)

BY: *[Signature]*

Herbert R. McMullen  
BY: *[Signature]*  
Betty J. McMullen

STATE of Alabama

**COUNTY OF Jefferson**

I, the undersigned, a Notary Public in and **for** said County, in said State, hereby certify that *[Signature]* whose name as Sr. Vice President of Covenant Bank, is signed to the foregoing instrument and who is known to **me**, acknowledged before me on this thy that, being informed of the contents of said instrument, he, as such officer, and with full authority, executed **the** same voluntarily, **as an act of** said corporation.

Given under ray band and official seal, this the 17<sup>th</sup> day of February, 2012.

NOTARY PUBLIC *[Signature]*  
My Commission Expires: 04/08/2013

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Herbert R. McMullen and Betty J. McMullen, Husband and Wife, 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, and with fill authority, executed the same voluntarily.

Given under my hand and official seal, this the 17<sup>th</sup> day of February, 2012.

NOTARY PUBLIC *[Signature]*  
My Commission Expires: 04/08/2013

This instrument was prepared by Covenant Bank.



20120220000060260 3/3 \$19.00  
Shelby Cnty Judge of Probate, AL  
02/20/2012 09:53:07 AM FILED/CERT

**EXHIBIT "A"**

Lot 22, according to the Survey of Final Record Plat of Heatherwood 7<sup>th</sup> Sector, as recorded in Map Book 39, page 84 A & B, in the Probate Office of Shelby County, Alabama.