



STATE OF ALABAMA)
SHELBY COUNTY)

SCRIVENER'S AFFIDAVIT

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared Rebecca A. Burbank, whose name is signed to this Affidavit, and who is known to me, and who being by me first duly sworn, deposes and says as follows:

1. My name is Rebecca A. Burbank and I am an Assistant Vice President with First Commercial, a division of Synovus Bank, as successor in interest by merger to First Commercial Bank (the "Lender"), and I have personal knowledge of the facts set forth herein.

2. In connection with a loan (as renewed and amended from time to time, the "Loan") heretofore made by the Lender to Jim W. Bailey (the "Borrower"), the Lender has heretofore prepared certain loan documents, including, without limitation, the following:

(a) Real Estate Mortgage and Security Agreement from Jim W. Bailey, a single man, as Mortgagor, in favor of the Lender, as Mortgagee, dated November 16, 2007, and filed for record in the Probate Office of Shelby County, Alabama (the "Recording Office"), on November 28, 2007, in Document No. 20071128000540870 (the "Mortgage"); and

(b) Assignment of Rents and Leases between the Borrower and the Lender dated September 10, 2009, and filed for record in the Recording Office on October 29, 2009, in Document No. 20091029000404910 (the "Assignment of Rents").

3. Due to a scrivener's error, the legal description of the real property (the "Real Property") subject to, and being described respectively on Exhibit A to, each of the aforesaid documents, and being referred to as, and included as a part of, the "Mortgaged Property" in the Mortgage, and the "Premises" in the Assignment of Rents, contained certain errors therein, including, without limitation, an error in the first line of the legal description as set forth on said Exhibit A to each of said documents which provides that the Real Property commences at the "SW corner of the NW 1/4 of the SE 1/4", but in fact said Real Property commences at the "SE corner of the NW 1/4 of the SE 1/4".

4. This Affidavit is given to put of record the correct legal description of the Real Property, and the Mortgage, the Assignment of Rents and any other documents delivered in connection with the Loan which set forth therein the legal description of the Real Property, shall be deemed amended and modified by deleting the legal description contained therein and substituting the correct legal description of the Real Property as provided herein, which full correct legal description of the Real Property is as follows:

Commence at the SE corner of the NW 1/4 of the SE 1/4, Section 6, Township 24 North, Range 13 East, being a 2-inch capped iron pipe found in place; thence proceed northerly along the East boundary of said 1/4 - 1/4 section for 377.17 feet to the point of beginning; thence continue along the last described course 565.35 feet; thence turn 90 degrees 45 minutes 26 seconds left and run westerly for 1258.47 feet to a point on the East right of way line of Shelby County Highway 89; thence turn left 76 degrees 10 minutes 19 seconds and run southerly along said East right of way line along a curve to the left, having a radius of 1479.8 feet and a central angle of 14 degrees 17 minutes 16 seconds for an arc distance of 369.02 feet to the end of said curve; thence continue along said right of way along a tangent section for 200 feet; thence turn left 89 degrees 33 minutes 06 seconds and run easterly for 1292.23 feet to the point of beginning. Said parcel of



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land is lying in the NW 1/4 of the SE 1/4, Section 6, Township 24 North, Range 13 East.
Situating in Shelby County, Alabama.

Witness my hand and seal this 7 day of ^{March}~~February~~, 2012.

Rebecca A. Burbank
Rebecca A. Burbank

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Sworn to and subscribed before me this 7 day of ^{March}~~February~~, 2012.

(SEAL)

Kurri W. Sheets
Notary Public
My Commission Expires: 1.29.13

This Instrument Prepared by:
Timothy D. Davis, Esq.
Sirote & Permutt, P.C.
P. O. Box 55727
Birmingham, AL 35255-5727