

STATE OF ALABAMA
COUNTY OF Jefferson

Prepared By:
James P. Harris
300 Office Park Dr.
Suite 230
Mountain Brook, AL 35221

SCRIVENER'S AFFIDAVIT

Know all men by these presents that I, the undersigned, a notary public in and for said county and in said state, hereby certify that before me personally appeared James P. Harris, who is known to me, and who being by me first duly sworn on his oath depose and say as follows:

My name is James P. Harris, President of Preferred Title Agency, Inc. In my capacity as President of Preferred Title Agency, Inc., I supervised the preparation of a title commitment and final title policy insuring property set out below belonging to William Eugene Cody and Suzanne Lehman Cody as recorded in deed dated Feb. 5, 2003, recorded March 7, 2003, Inst. 20030307000139770 in the Probate Records of Shelby County, Alabama. Through a Scrivener's error, we failed to recite "Parcel II" on our commitment and furnished only the following description to Malcolm S. McLeod who prepared a deed conveying the property to Sidney Taylor Smith and Cynthia A. Smith as recorded in Inst. 20040805000439670 and the mortgage executed by Sidney Taylor Smith and wife Cynthia A. Smith, mortgagors, in favor of Wilmington Finance, mortgagee, filed for record August 5, 2004 in Instrument 20040805000439580.

The description furnished was:

LOT 617, ACCORDING TO THE SURVEY OF FOREST PARKS, 6TH SECTOR, 2ND PHASE, AS RECORDED IN MAP BOOK 24, PAGE 110 AND IN INSTRUMENT 1998-42209, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SITUATED SHELBY COUNTY, ALABAMA.

The correct description is as follows:

PARCEL I

LOT 617, ACCORDING TO THE SURVEY OF FOREST PARKS, 6TH SECTOR, 2ND PHASE, AS RECORDED IN MAP BOOK 24, PAGE 110 AND IN INSTRUMENT 1998-42209, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

PARCEL II

A PART OF LOT 618 OF FOREST PARKS 6TH SECTOR 2ND PHASE AS RECORDED IN MAP BOOK 24 ON PAGE 110 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN IRON PIN FOUND AT THE NORTHERNMOST CORNER OF SAID LOT 618; THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG THE NORTHEAST LINE OF SAID LOT 618 AND ALSO ALONG THE SOUTHWEST LINE OF LOT 617 IN SAID FOREST PARKS 6TH SECTOR, 2ND PHASE, FOR A DISTANCE OF 165.01 FEET TO AN IRON PIN FOUND AT THE EASTERNMOST CORNER OF SAID LOT 618, SAID IRON PIN BEING ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE 00 DEGREES, 13 MINUTES 49 SECONDS AND A RADIUS OF 496.79 FEET; THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE SOUTHEAST LINE OF SAID LOT 618 AND ALSO ALONG THE NORTHWEST RIGHT-OF-WAY OF CLIFF ROAD IN SAID FOREST PARKS 6TH SECTOR, 2ND PHASE AND ALSO ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 2.00 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT FROM THE TANGENT OF LAST STATED CURVE OF 90 DEGREES, 00 MINUTES, 00 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION FOR A DISTANCE OF 165.00 FEET TO A POINT ON THE NORTHWEST LINE OF SAID OF LOT 618; THENCE TURN AN ANGLE TO THE RIGHT OF 90 DEGREES , 00 MINUTES, 00 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION ALONG THE NORTHWEST LINE OF SAID LOT 618 FOR A DISTANCE OF 2.66 FEET TO THE POINT OF BEGINNING.

It is the purpose and intent of this affidavit to correct the legal description as set out in Inst. 20040805000439670 filed for record August 5, 2004 in the Probate Records of Shelby County, Alabama and that mortgage given by Sidney Taylor Smith and wife Cynthia A Smith, mortgagors, in favor of Wilmington Finance, mortgagee, filed for record August 5, 2004 in Instrument 20040805000439580.

Affiant

Sworn and subscribed before me this

7th

day of

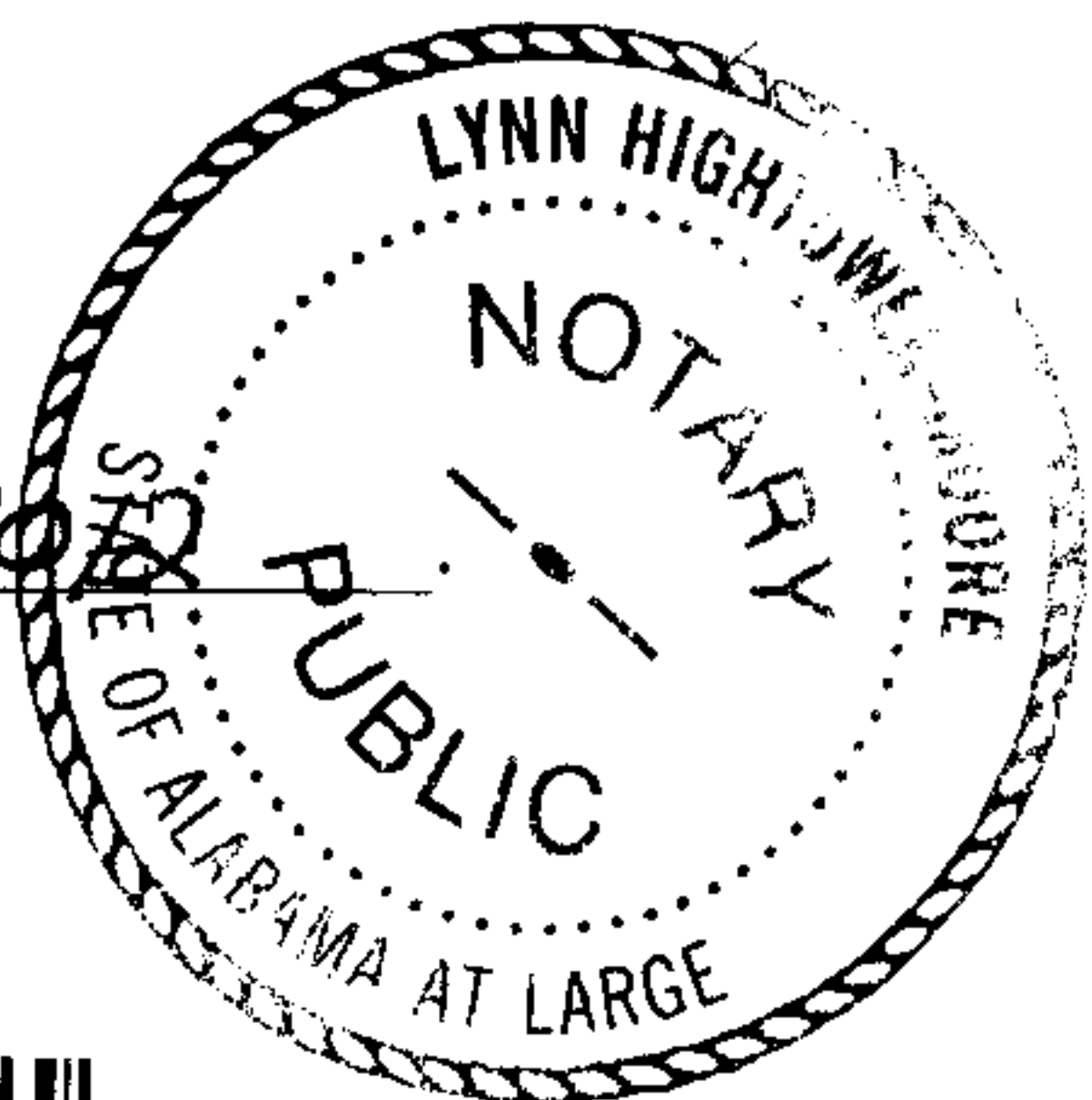
SEPTEMBER

2012

NOTARY PUBLIC

MY COMMISSION EXPIRES:

1-19-14



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Shelby Cnty Judge of Probate, AL
09/07/2012 04:27:11 PM FILED/CERT