

SCRIVENER'S AFFIDAVIT

20120921000360640 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
09/21/2012 10:40:35 AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

Before me the undersigned a Notary Public in and for said County and State, personally appeared William H. McGowen, III, who having been duly sworn, doth depose and state as follows:

1. I am William H. McGowen, III, an attorney practicing law in the State of Alabama.
2. In February of 2002, my office prepared a Warranty Deed ("Deed").
3. The Deed was executed by Stacey L. DeFranco (as "Grantor") and dated February 1, 2002 and filed for record March 1, 2002 as Instrument No 2002-10087, in the Office of the Judge of Probate of Shelby County, Alabama.
4. The Deed refers to property described by that legal description attached hereto as Exhibit "A" and incorporated herein by reference (the "Prior Legal Description").
7. The Prior Legal Description described the subject property referenced by Deed in part as "...North 64 degrees 09 minutes 27 seconds West...".
8. After recordation of said Deed, it was discovered that the Prior Legal Description contained an incorrect reference and should have identified the subject property as being "...North 64 degrees 09 minutes 27 seconds East...".
9. Therefore the legal description of the subject property referenced by the Deed should be known and described by that description attached hereto as "Exhibit B", incorporated herein by reference (the "Revised Legal Description"), which has been corrected to read, "...North 64 degrees 09 minutes 27 seconds East...".
10. Due to a scrivener's error, the Revised Legal Description was not included in the Deed and this affidavit is being filed for the purposes of amending the Deed to correct this scrivener's error and include the Revised Legal Description for the Prior Legal Description as stated therein.

William H. McGowen III

William H. McGowen, III

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William H. McGowen, III, whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 28th day of August, 2012.

Frances Patton King
NOTARY PUBLIC
My Commission Expires: Mar 28, 2016
BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT "A"
(Prior Legal Description)

A parcel of land located in the Southeast quarter of the Southeast quarter of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of Lot 76, Ashley Brook, as recorded in Map Book 22, page 78, in the Office of the Judge of Probate, Shelby County, Alabama; thence South 22° 27' 42" West along the West line of said Lot 76, a distance of 223.25 feet to a point on the Northerly right of way line of Ashley Brook Lane (50 foot right of way); said point lying on a curve to the left having a radius of 175.00 feet, a central angle of 21° 39' 26" and subtended by a chord which bears South 77° 13' 49" West a distance of 65.76 feet; thence along the arc of said curve and said right of way line a distance of 66.15 feet to end of said curve; thence South 66° 24' 06" West along said right of way line a distance of 32.84 feet to the beginning of a curve to the right having a radius of 40.00 feet, a central angle of 87° 45' 21" and subtended by a chord which bears North 69° 43' 14" West a distance of 55.45 feet; thence along the arc of said curve and said right of way line a distance of 61.17 feet to a point, said point lying on the Northeasterly right of way line of Shelby County Highway #17 (80 foot right of way); thence North 25° 50' 33" West along said right of way line a distance of 133.67 feet; thence leaving said right of way North 64° 09' 27" West, a distance of 300.10 feet to a point lying on the West line of Lot 63, of said Ashley Brook Subdivision; thence South 28° 28' 41" East along said lot line a distance of 41.34 feet to the point of beginning.

20 FOOT "COMMON" EASEMENT

A 20 foot wide "common" easement located in the Southeast quarter of the Southeast quarter of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, lying 10 feet on each side of and parallel to the following described centerline:

Commence at the Northwest corner of Lot 76, Ashley Brook, as recorded in Map Book 22, page 78, in the Probate Office of Shelby County, Alabama; thence North 28° 28' 41" West along the West line of Lot 63 of said Ashley Brook, a distance of 41.34 feet; thence South 64° 09' 27" West a distance of 269.10 feet to the point of beginning; said point being the centerline of said 20 foot wide "common" easement; thence South 25° 50' 33" East along said centerline of a distance of 116.88 feet to the beginning of a curve to the left, having a radius of 38.0 feet, a central angle of 67° 20' 31" and subtended by a chord which bears South 59° 30' 49" East a distance of 42.14 feet; thence along the arc of said curve and said centerline a distance of 44.66 feet to the end of said curve and the beginning of a curve to the right having a radius of 32.0 feet, a central angle of 55° 41' 38" and subtended by a chord which bears South 65° 20' 15" East a distance of 29.90 feet; thence along the arc of said curve and said centerline a distance of 31.11 feet to a point on the Northerly right of way line of Ashley Brook Lane, (50 foot right of way) and the end of herein described easement.


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EXHIBIT "B"
(Revised Legal Description)

A parcel of land located in the Southeast quarter of the Southeast quarter of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of Lot 76, Ashley Brook, as recorded in Map Book 22, page 78, in the Office of the Judge of Probate, Shelby County, Alabama; thence South 22° 27' 42" West along the West line of said Lot 76, a distance of 223.25 feet to a point on the Northerly right of way line of Ashley Brook Lane (50 foot right of way); said point lying on a curve to the left having a radius of 175.00 feet, a central angle of 21° 39' 26" and subtended by a chord which bears South 77° 13' 49" West a distance of 65.76 feet; thence along the arc of said curve and said right of way line a distance of 66.15 feet to end of said curve; thence South 66° 24' 06" West along said right of way line a distance of 32.84 feet to the beginning of a curve to the right having a radius of 40.00 feet, a central angle of 87° 45' 21" and subtended by a chord which bears North 69° 43' 14" West a distance of 55.45 feet; thence along the arc of said curve and said right of way line a distance of 61.17 feet to a point, said point lying on the Northeasterly right of way line of Shelby County Highway #17 (80 foot right of way); thence North 25° 50' 33" West along said right of way line a distance of 133.67 feet; thence leaving said right of way North 64° 09' 27" East, a distance of 300.10 feet to a point lying on the West line of Lot 63, of said Ashley Brook Subdivision; thence South 28° 28' 41" East along said lot line a distance of 41.34 feet to the point of beginning.

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