

This Instrument Prepared By:

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STATE OF ALABAMA §
 § ss.
SHELBY COUNTY §

SCRIVENER'S AFFIDAVIT

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared William C. Byrd, II, whose name is signed to this affidavit and who is known to me and who being by me first duly sworn, does depose and say as follows:

My name is William C. Byrd, II, and I am the Attorney for Bradley, Arant, Boulton & Cummings, LLP.

On or about September 28, 2011, I prepared a mortgage foreclosure deed (Instrument Number 20110928000286850) on behalf of Frontier Bank on a certain real estate that was owned by S & M Development, LLC and recorded it on September 28, 2011 in the Probate Court of Shelby County.

In the body of said mortgage foreclosure deed, a typographical error exists in the legal description of Parcel III and Parcel IV. Parcel III less and excepts incorrect lot numbers. The legal description describes Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 as less and excepted, however, the correct less and excepted lots are as follows:

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY

TO-WIT:


Lots 7, 8, 9, 10, and 11, according to the survey of Valley Grande Farms.

Parcel IV is missing a call line and does not include the Lots less and excepted. The correct legal description for said Parcel IV is as follows:

Parcel IV:

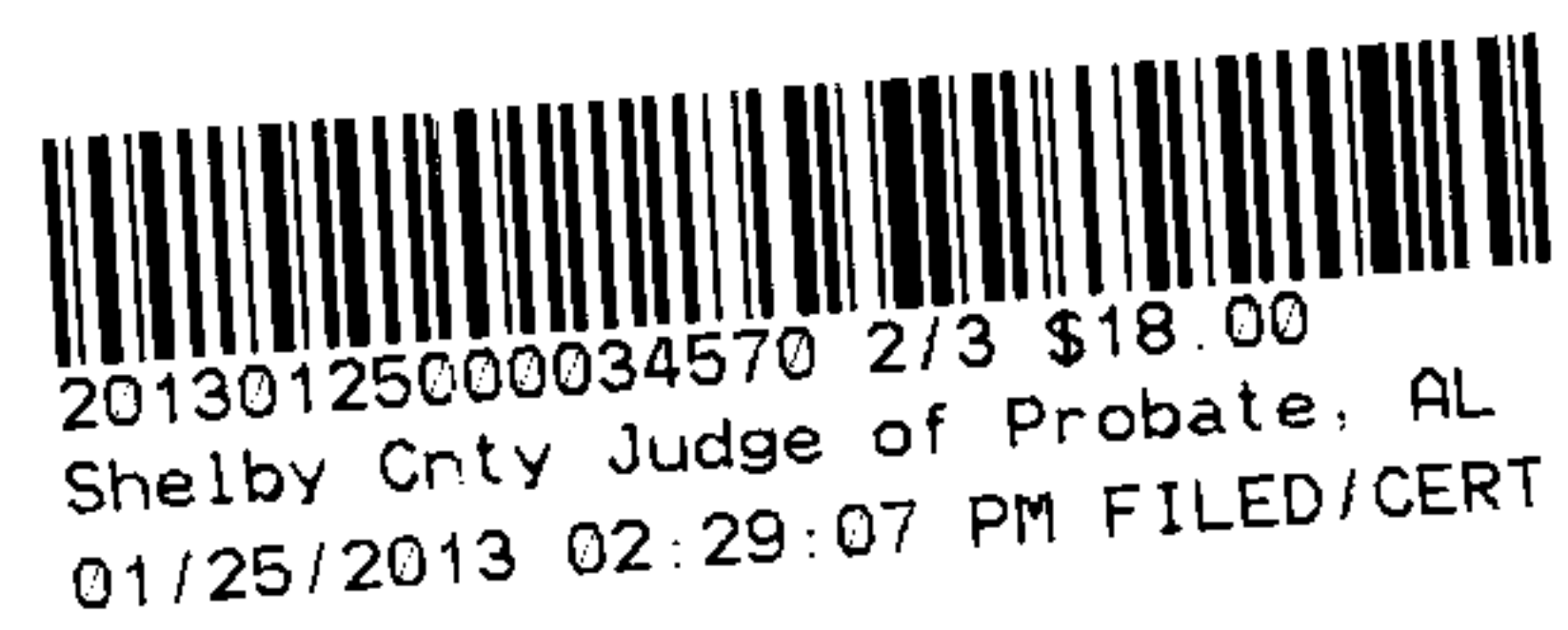
A parcel of land in the South ½ of Fractional Section 1, and part of the SE ¼ of the SE ¼ of Section 2, Township 24 North, Range 12 East, described as follows:

Commence at a 2 ½" open top pipe in place accepted as the Southwest corner of Fractional Section 1, Township 24 North, Range 12 East, Shelby County, Alabama, said point being the point of beginning; from this


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beginning point, proceed North 88 degrees 02 minutes 46 seconds West for a distance of 443.36 feet to a 1" open top pipe in place; thence proceed North 88 degrees 44 minutes 43 seconds West for a distance of 554.57 feet (set ½" rebar); thence proceed North 01 degrees 34 minutes 51 seconds East for a distance of 513.51 feet to a 2 ½" open top pipe in place; thence proceed North 84 degrees 11 minutes 20 seconds East along a fence for a distance of 283.63 feet to a 2 ½" open top pipe in place; thence proceed North 45 degrees 09 minutes 22 seconds East along a fence for a distance of 202.15 feet to 2 ½" open top pipe in place; **thence proceed North 63 degrees 23 minutes 33 seconds East for a distance of 578.51 feet;** **thence proceed** North 01 degrees 32 minutes 49 seconds West for a distance of 320.50 feet to a 2 ½" open top pipe in place; thence proceed South 65 degrees 33 minutes 28 seconds East for a distance of 476.35 feet to a ½" capped rebar in place, said point being located on the Westerly right of way of Shelby County Highway No. 19; thence proceed South 45 degrees 17 minutes 14 seconds East along the Westerly right of way of said highway for a distance of 150.34 feet to a ½" capped rebar in place, said point being the P.C. of a concave curve right having a delta angle of 31 degrees 57 minutes 33 seconds and a radius of 634.07 feet; thence proceed Southwesterly along the Westerly right of way of said road and along the curvature of said curve for a chord bearing and distance of South 29 degrees 17 minutes 55 seconds East, 349.11 feet to the P.T. of said curve being a ½" capped rebar in place; thence proceed South 13 degrees 19 minutes 34 seconds East along the Westerly right of way of said road for a distance of 1009.23 feet to a ½" capped rebar in place, said point being the P.C. of a concave curve right having a delta angle of 07 degrees 24 minutes 15 seconds and a radius of 1602.61 feet; thence proceed Southeasterly along the Westerly right of way of said road and along the curvature of said curve for a chord bearing and distance of South 16 degrees 56 minutes 01 seconds East, 206.96 feet to a ¾" rebar in place; thence proceed North 65 degrees 03 minutes 54 seconds West along a fence for a distance of 342.36 feet; thence proceed North 68 degrees 38 minutes 21 seconds West along a fence for a distance of 101.64 feet; thence proceed North 69 degrees 37 minutes 11 seconds West along a fence for a distance of 42.57 feet; thence proceed North 65 degrees 24 minutes 33 seconds West along a fence for a distance of 34.33 feet; thence proceed North 61 degrees 22 minutes 12 seconds West along a fence for a distance of 45.10 feet; thence proceed North 59 degrees 30 minutes 10 seconds West along a fence for a distance of 225.11 feet to a ½" rebar in place; thence proceed North 58 degrees 38 minutes 57 seconds West along a fence for a distance of 285.79 feet to the point of beginning.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED
PROPERTY TO-WIT:**

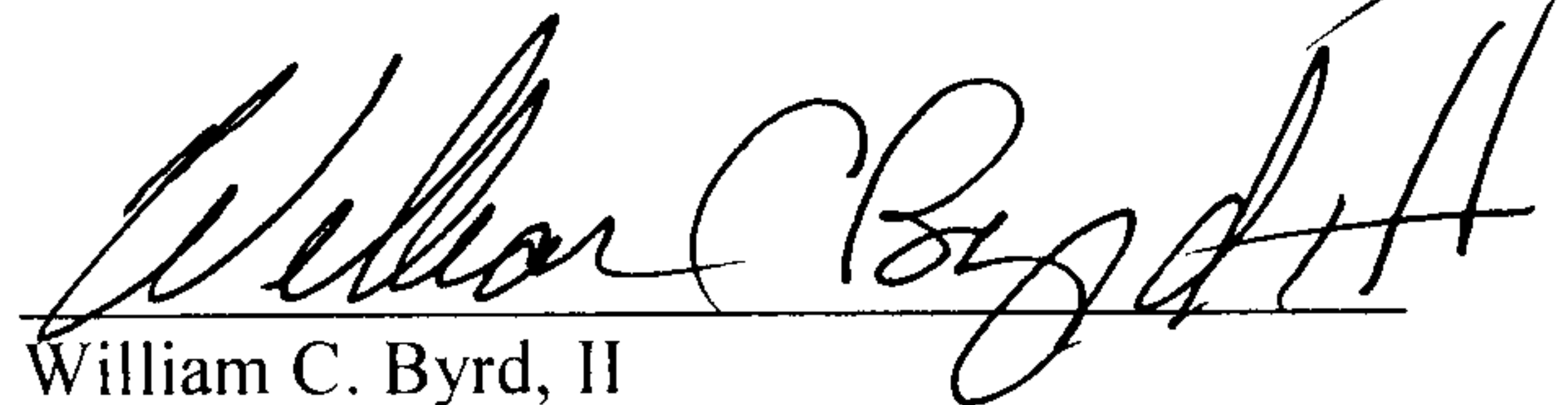


Lots 1, 2, 3, 4, 5, and 6, according to the survey of Valley Grande Farms, as recorded in Map Book 40, Page 55, in the Probate Office of Shelby County, Alabama.

The purpose of this affidavit is to properly list the legal description in the foreclosure deed.

I give this affidavit of my own personal knowledge of the facts set out herein.

31st IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the day of December, 2012.



William C. Byrd, II
Bradley, Arant, Boult & Cummings, LLP

STATE OF ALABAMA

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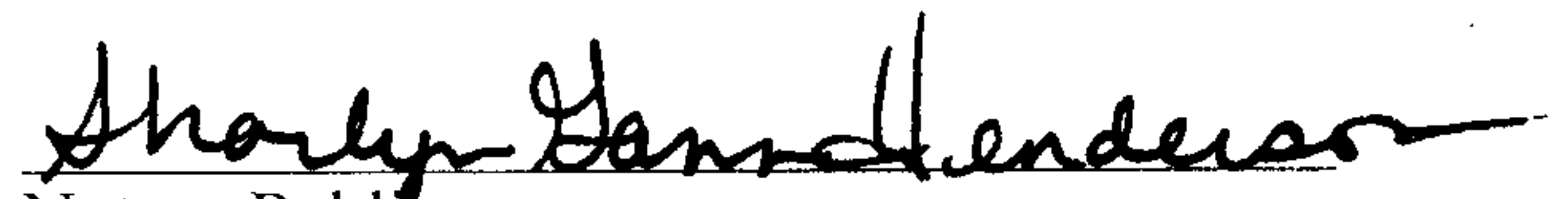
§ ss.

SHELBY COUNTY

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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that William C. Byrd, II, whose name is signed to the foregoing, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31st day of December, 2012.



Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: June 1, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS



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