

SCRIVENER'S AFFIDAVIT

STATE OF ALABAMA

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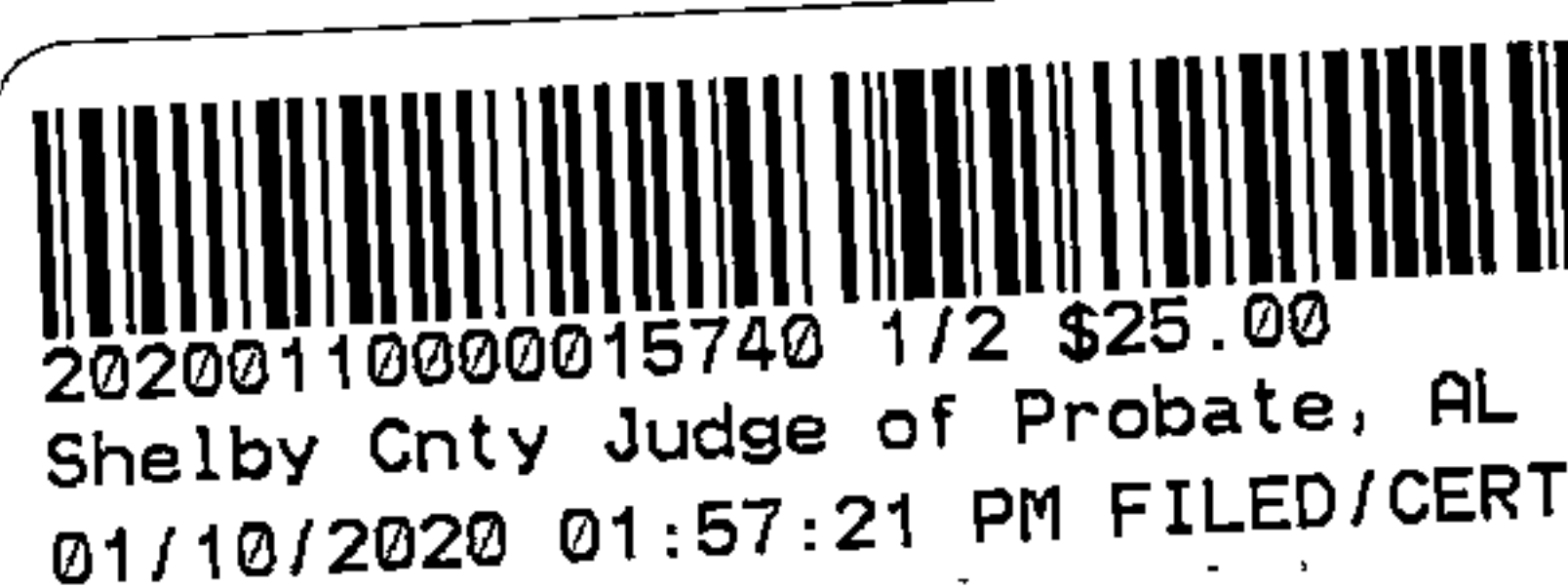
SHELBY COUNTY

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COMES NOW, the Affiant, Rosalyn London, who is over the age of 19 years old, of sound mind, and possessed of personal knowledge as to the information represented in this Affidavit. Said Affiant makes this Affidavit, stating as follows:

"I, Rosalyn London, in my capacity in the position of Foreclosure Manager – Retail Default Services of BBVA USA, which entity was formerly known as Compass Bank, am presently tasked with the review of mortgage loan files that are processed through my Department at BBVA USA. Further, I have access to all of the applicable mortgage loan files and related records, as they are maintained in the business records of BBVA USA in the regular course of its daily operations. More specifically, I have reviewed the applicable business records of BBVA USA as it relates to that certain modification of mortgage dated the 18th day of June, 2007 and executed between Aree Frederick, unmarried, and Compass Bank, to raise the amount secured by the underlying mortgage to the amount of Ninety Thousand and no/100 Dollars (\$90,000.00), which said modification of mortgage was recorded on the 10th day of July, 2007 in the Official Records in the Office of the Judge of Probate of Shelby County, Alabama, as Instrument 20070710000323210.

Based on my review of the aforesaid modification of mortgage, I am aware that the same did not adequately express the mutual intention of the parties thereto in that the aforesaid modification of mortgage referred to the address of the subject property to be



encumbered thereby but inadvertently excluded the legal description applicable thereto.

The following legal description applicable to the subject property encumbered by the aforesaid modification of mortgage should have been included therein:

A TRACT OF LAND SITUATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 2, TOWNSHIP 24 NORTH, RANGE 12 EAST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AND THE NW CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 2, TOWNSHIP 24 NORTH, RANGE 12 EAST, SHELBY COUNTY, ALABAMA AND RUN EAST ALONG THE NORTH LINE OF SAID 1/4 1/4 SECTION A DISTANCE OF 220.0 FEET, MORE OR LESS TO THE EAST BOUNDARY OF A DRIVEWAY EXTENDING NORTHERLY FROM MONTEVALLO-CALERA PAVED HIGHWAY; THENCE SOUTHERLY ALONG SAID DRIVEWAY 210.0 FEET TO POINT OF BEGINNING OF LOT HEREIN DESCRIBED AND CONVEYED; THENCE EASTERLY AND PARALLEL WITH THE NORTH BOUNDARY OF SAID 1/4 1/4 SECTION 200 FEET; THENCE SOUTHERLY AND PARALLEL TO THE EAST BOUNDARY OF SAID DRIVEWAY 315.0 FEET; THENCE WESTERLY AND PARALLEL WITH THE NORTH BOUNDARY OF SAID 1/4 1/4 SECTION 200 FEET TO THE EAST BOUNDARY OF SAID DRIVEWAY; THENCE NORTHERLY ALONG THE EAST BOUNDARY OF SAID DRIVEWAY 315.0 FEET TO POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

I am submitting this affidavit for recordation in the official records of the Judge of Probate of Shelby County, Alabama to establish the correct legal description."

Further affiant sayeth naught.

 (signed)

ROSALYN LONDON - Affiant
Foreclosure Manager – Retail Default Services
BBVA USA

