

STATE OF ALABAMA )  
COUNTY OF SHELBY )

### SCRIVENER'S AFFIDAVIT

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

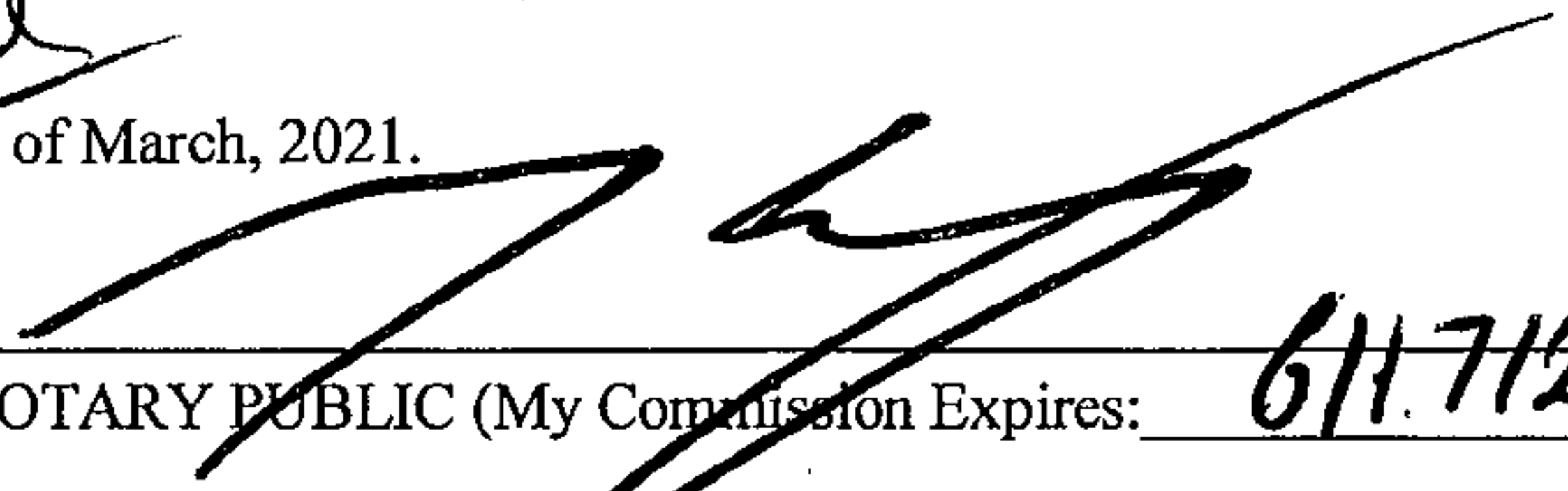
1. I am William C. Brown, an attorney practicing law in the State of Alabama.
2. In March of 2021, my office prepared a Warranty Deed (the "Deed"), along with a Commercial Real Estate Mortgage (the "Mortgage") and Assignment of Leases and Rents (the "Assignment").
3. The Deed was from CASSIMUS ENTERPRISES, LLC, as Grantor, to BAO HOLDINGS, LLC, as Grantee, dated March 18, 2021, and filed for record March 19, 2021, as Instrument No. 20210319000140850 in the Office of the Judge of Probate of Shelby County, Alabama, and conveyed the property described by that legal description attached hereto as Exhibit "A" (the "Prior Legal Description").
4. The Mortgage and Assignment were from BAO HOLDINGS, LLC, as Mortgagor, to CENTRAL STATE BANK, dated March 18, 2021, and granted, bargained, mortgaged, assigned and conveyed the property described therein as collateral for a loan in the principal amount of \$1,580,000.00.
5. The Mortgage was filed for record March 19, 2021 as Instrument No. 20210319000140860 in the Probate Office of Shelby County, Alabama.
6. The Assignment was filed for record therewith as Instrument No. 20210319000140870, in said Probate Office.
7. The Deed, Mortgage and Assignment referred to the property described therein by the Prior Legal Description.
8. After recordation it was discovered that Parcel II of the property described by the Prior Legal Description contained a typographical error in the final call stating a "*distance of 43.15 feet*" instead of stating the "*distance of 431.15 feet.*"
9. Therefore the legal description of the subject property referenced by Deed, Mortgage and Amendment, should now be known and described by that description attached hereto as "Exhibit B", incorporated herein by reference (the "Revised Legal Description").
10. Due to a scrivener's error, the Revised Legal Description was not included in the Mortgage and Amendment, and this Affidavit is being filed for the purposes of amending the Mortgage and Amendment to correct this scrivener's error and include the Revised Legal Description instead of the Prior Legal Description as stated therein.

  
William C. Brown

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William C. Brown, 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 12<sup>th</sup> day of March, 2021.

  
NOTARY PUBLIC (My Commission Expires: 6/17/23)

JONATHAN ELLIOTT RAULSTON  
NOTARY PUBLIC, ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES JUN. 17, 2023

**EXHIBIT "A"**

**(Prior Legal Description)**

Parcel I

Commence at the SE corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence run northerly 329.90 feet along the Section line; thence left 90 degrees 02 minutes 42 seconds, 180.22 feet to the Point of Beginning; thence continue along the same course westerly 250.74 feet to the Easterly R.O.W. of Pelham Industrial Road (McCain Parkway); thence left 94 degrees 22 minutes 54 seconds, 217.20 feet along said R.O.W.; thence left 90 degrees 01 minutes 58 seconds, 250.21 feet; thence left 90 degrees 01 minutes 26 seconds 197.81 feet to the Point of Beginning.

Parcel II

A parcel of land located in the Southeast Quarter of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; more particularly described as follows: Commence at the Southeast Corner of said Section 24; thence run North along the East Section line a distance of 330.00 feet to the Point of Beginning; thence continue North along the East Section line a distance of 304.95 feet; thence left 89 degrees 59 minutes 56 seconds, westerly, a distance of 454.03 feet to the East Right-of-Way of Pelham (McCain) Industrial Parkway; thence left 93 degrees 52 minutes 12 seconds to the chord of a curve to the left with a radius of 3789.72 feet and a chord of 74.48 feet; thence run along the arc of said curve a distance of 74.48 feet to the Point of Tangency; thence continue Southerly along the East right-of-way, tangent to said curve a distance of 231.63 feet; thence left 85 degrees 34 minutes 17 seconds a distance of 43.15 feet to the Point of Beginning. Situated in Shelby County, Alabama.

**SUBJECT TO:**

- i) taxes and assessments for the year 2021, a lien but not yet payable;
- ii) right of way to Alabama Power Company recorded in Deed Book 126, page 292 and Instrument No. 20140321000078260;
- iii) right of way granted to City of Pelham recorded in Real 64, Page 312;
- iv) right of way granted to South Central Bell Telephone Company recorded in Real 119, Page 870; and
- v) coal, oil, gas and mineral and mining rights which are not owned by Grantor.

**EXHIBIT "B"**

**(Revised Legal Description)**

Parcel I

Commence at the SE corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence run northerly 329.90 feet along the Section line; thence left 90 degrees 02 minutes 42 seconds, 180.22 feet to the Point of Beginning; thence continue along the same course westerly 250.74 feet to the Easterly R.O.W. of Pelham Industrial Road (McCain Parkway); thence left 94 degrees 22 minutes 54 seconds, 217.20 feet along said R.O.W.; thence left 90 degrees 01 minutes 58 seconds, 250.21 feet; thence left 90 degrees 01 minutes 26 seconds 197.81 feet to the Point of Beginning.

Parcel II

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**SUBJECT TO:**

- i) taxes and assessments for the year 2021, a lien but not yet payable;
- ii) right of way to Alabama Power Company recorded in Deed Book 126, page 292 and Instrument No. 20140321000078260;
- iii) right of way granted to City of Pelham recorded in Real 64, Page 312;
- iv) right of way granted to South Central Bell Telephone Company recorded in Real 119, Page 870; and
- v) coal, oil, gas and mineral and mining rights which are not owned by Grantor.



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
04/05/2021 10:37:50 AM  
\$28.00 ZIOLKOWSKI  
20210405000167530

*Allen S. Bayl*