

STATE OF ALABAMA)
SHELBY COUNTY)



20240515000143390 1/3 \$36.00
Shelby Cnty Judge of Probate, AL
05/15/2024 10:50:12 AM FILED/CERT

AFFIDAVIT EVIDENCING SCRIVENERS ERROR

Before me, the undersigned Notary Public, personally appeared, **Lynn Campisi**, who being duly sworn deposes and says as follows:

My name is **Lynn Campisi** and I am a practicing attorney in the City of Birmingham, Alabama. I was the scrivener in that certain Statutory Warranty Deed dated September 28, 2022, from **Marjorie C. Cole**, a married woman by and through her Attorney in Fact, David A. Garcia and spouse, **William F. Cole** to **David A. Garcia** recorded in Instrument No. 20221216000453250 in the Probate Office of Shelby County, Alabama.

This Affidavit is provided to explain the logic of the description of Lot 1071 along with Lot 1071A (less and except 1071) as used in multiple conveyances.

The undersigned has examined the legal description contained in that certain Statutory Warranty Deed dated December 19, 2017, from **Blackridge Partners, LLC**, an Alabama limited liability company to **Marjorie G. Cole** recorded in Instrument No# 20171220000453100. Said Deed did not include the waters edge in the property description.

Then the Property was resurveyed to include additional area in addition to the original Lot 1071. The new resurvey identified the parcel as Lot 1071A.

The undersigned has examined the legal description contained in that certain Statutory Warranty Deed dated January 2, 2019, from **Blackridge Partners, LLC**, an Alabama limited liability company to **Marjorie G. Cole** recorded in Instrument No.: 20190103000001840. Said Deed includes the resurveyed portion of Lot 1071 along with the property not transferred in 2017.

The 2019 conveyance conveyed only that part of the property which was not conveyed in 2017. This is the reason that the legal in 2019 was Lot 1071A, less and except the area of Lot 1071, which was conveyed earlier in 2017.

Lot 1071A is actually an overlap of the entire area of Lot 1071.

The undersigned drafted a new Statutory Warranty Deed dated September 28, 2022 from **Marjorie C. Cole**, a married woman by and through her Attorney in Fact, David A. Garcia and spouse, **William F. Cole** to **David A. Garcia** recorded in Instrument No. 20221216000453250 in the Probate Office of Shelby County, Alabama based upon the legal description of the Statutory Warranty Deed recorded at Instrument No.: 20190103000001840. This instrument used the description of Lot 1071 along with the description of the enlarged area of Lot 1071A, less and except the original 1071, as earlier conveyed.



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Later the same description was used by the Attorney for the Estate of Marjorie G. Cole, Jim Keyes, in conveying the property to David Alan Garcia. Mr. Keyes used Lot 1071 along with Lot 1071A less and except 1071. Mr. Keyes' Executor's Deed of Distribution from David Alan Garcia as Executor of the Estate of Marjorie G. Cole, Deceased, to David Alan Garcia was recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument Number: 20231114000334210 on November 14, 2023.

While the descriptions used by Lynn Campisi and Jim Keyes may be ambiguous, the descriptions correctly show the area conveyed.

However, going forward and for clarity, the description that should be used is Lot 1071A since that included the entire area of the original portion of Lot 1071 along with the enlarged area of Lot 1071A.

The true and correct legal description in said Campisi's Warranty Deed recorded at Instrument No. 20221216000453250 in the Probate Office of Shelby County, Alabama and Jim Keyes, Executor's Deed of Distribution recorded at Instrument Number: 20231114000334210 in the Probate Office of Shelby County, Alabama should recite the legal description as follows:

**Lot 1071-A, according to the Survey of Blackridge Resurvey
No. 1 as recorded in Map Book 50, Page 37 A & B, in the
Probate Office of Shelby County, Alabama.**

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in the drafting of said Statutory Warranty Deed recorded in Instrument No. 20221216000453250 in the Probate Office of Shelby County, Alabama.

FURTHER, Affiant saith not.

Lynn Campisi, Attorney

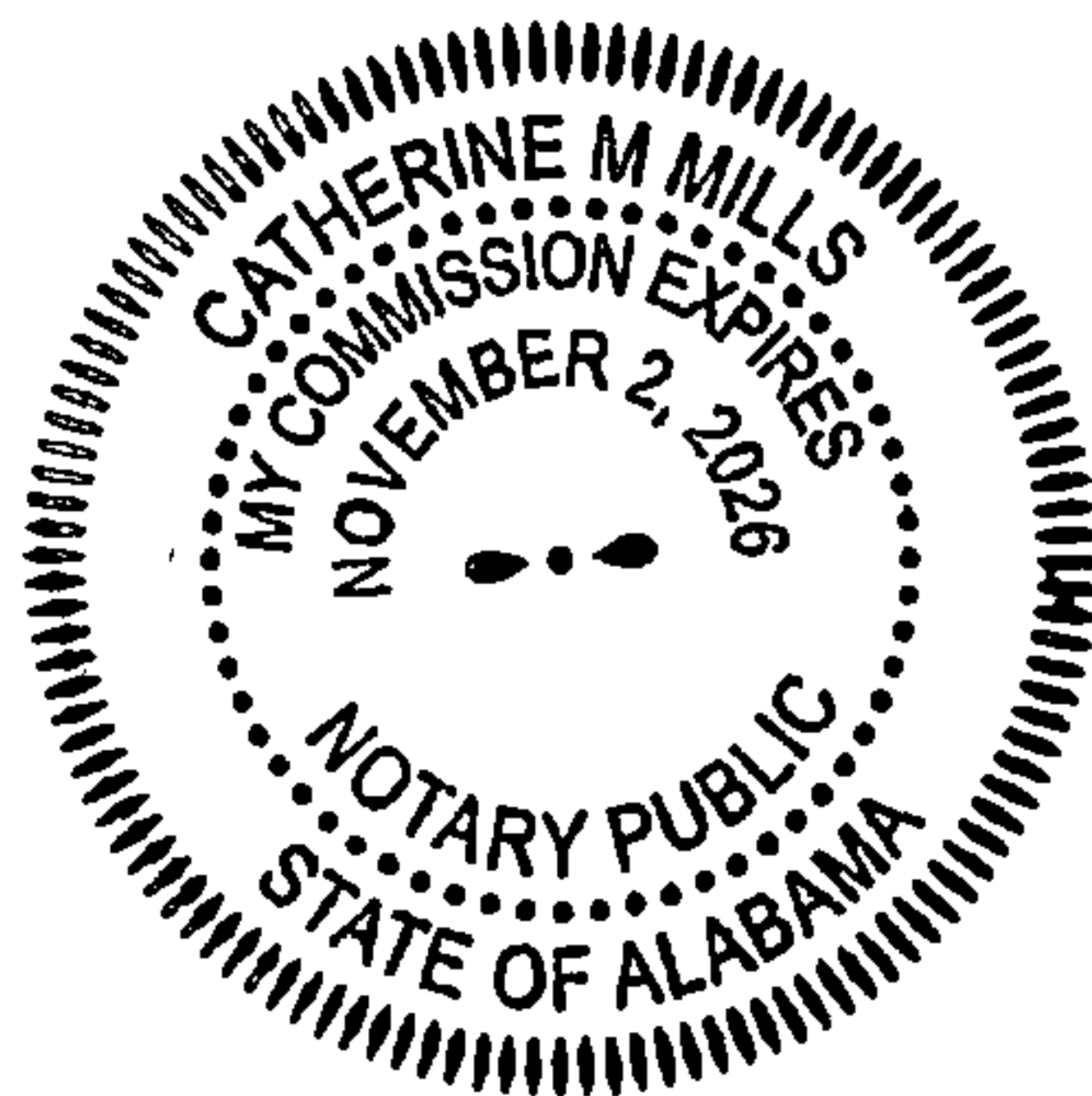
STATE OF ALABAMA)
COUNTY OF JEFFERSON)



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I, the undersigned, a Notary Public in and for said State and County, do hereby certify that **Lynn Campisi**, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me this date that, being informed of the contents of said conveyance, she executed the same voluntarily on the date the same bears date.

Given under my hand and official seal this 27th day of March, 2023.



Catherine M. Mills

Notary Public

My Commission Expires: 11/2/26

(SEAL)