# INSTRUMENT TO CORRECT DEED

BOOK 11597 PAGE 865

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IDENTIF. + REFEREN CE

99 JUL 30 PM 8:29

REGISTER
DAVIDSON COUNTY, TN.

FROM: **B & G CONSTRUCTION**
**Grantor**

TO: **FRANKLIN E. BALLINGER, JR.,**
**UNMARRIED**
**Grantee**

| NAME & ADDRESS NEW OWNER | SEND TAX BILLS | MAP & PARCEL |
|---|---|---|
| Franklin E. Ballinger, Jr.<br>104 Demoss Road<br>Nashville, TN 37209 | Chase Manhattan Mortgage Corp.<br>3415 Vision Drive<br>Columbus, OH 43219 | 103-2-86<br>8DA-46735<br>**(IT IS ANTICIPATED THAT METRO PROPERTY MAPPING DEPARTMENT WILL ASSIGN PARCEL # 83 TO THIS PROPERTY)** |

**WHEREAS,** by a deed of record in Book 9911, Page 466, Register's Office for Davidson County, Tennessee, B & G Construction, a Tennessee general partnership comprised of Howard Birdwell and Benny Gaddis ("Grantor") conveyed a certain tract of land in Davidson County, Tennessee, to Franklin E. Ballinger, Jr., unmarried ("Grantee") ; and

**WHEREAS,** by inadvertence and mutual mistake, said deed contained an error in the description of the land intended to be conveyed which was therein described as follows:

**LAND** in Davidson County, Tennessee, being part of Lot No. 8 on the Map of Showing Subdivision of John M. Branham's Farm, of record in Book 547, Page 14, Register's Office for said County and as described according to a Mortgage Loan Inspection dated December 14, 1995, and prepared by John Kohl & Company, P.C. RLS TN No. 100, 400 7th Avenue South, Nashville, TN 37203, telephone (615) 255-3535, file #19643B and being more particularly described as follows:

**BEGINNING** at a point located at the intersection of the westerly margin of Bellmore Avenue with the northerly margin of Maudina Avenue, said point being the southeasterly corner of the property conveyed to Bessie H. Owen by deed of record in Book 2910, Page 589, said Register's Office; thence, in a westerly direction with Owen's southerly line and the northerly margin of said Maudina Avenue a distance of 320 feet, more or less to a point located on the westerly margin of Demoss Road, said point being located on the northeasterly corner of the property conveyed to B & G Construction by deed of record in Book 9507, Page 522, said Register's Office, thence, in a southerly direction, with the said westerly margin of said Demoss Road, 157 feet, more or less to a point, said point being the northeast corner of the tract herein conveyed; thence, leaving said Demoss Road in a southwesterly direction, 400 feet, more or less, with the southeasterly line of the tract conveyed to B & G Construction (Book 9507, Page 522), to a point; thence, in a southerly direction 100 feet, more or less, to a point; thence, with a portion of the northwesterly line of the property conveyed to Thomas Hibbett by deed of record in Book 4122, Page 960, said Register's Office, in a northeasterly direction 393 feet, more or less, to a point, located on the said westerly margin of said Demoss Road; thence, with the said westerly margin of said road, in a northerly direction 92 feet more or less to the point of being identified as the northeast corner of the herein conveyed tract.

**WHEREAS,** the Grantor has requested the Grantee to join in this Instrument to correct said error, and said Grantee has agreed to do so.

**NOW, THEREFORE**, the Grantor, B & G Construction, a Tennessee general partnership comprised of Howard Birdwell and Benny Gaddis, for the purpose of correcting said error in the description and in consideration of the sum of Ten and No/100 ($10.00) Dollars cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, has bargained and sold and by these presents does transfer and convey unto the said Grantee, Franklin E. Ballinger, Jr., unmarried his heirs, and assigns, a certain tract of land in Davidson County, Tennessee, described as follows:

**A tract of land** in the First Civil District of Metropolitan Nashville, Davidson County, Tennessee and being Lot One as shown on the plan entitled "Demoss Subdivision" as recorded in Plat Book 9700, Page 116, R.O.D.C., Tennessee and being described according to a survey dated December 19, 1995 and prepared by Kevin L. Birdwell, R.L.S. TN No. 1797, 4060 Carters Creek Pike, Franklin, TN 37064, telephone (615) 791-0980 and being more particularly described as follows:

**BEGINNING** at an iron pin set in the west right-of-way line of Demoss Road, a 50 foot wide right-of-way, said pin lying 20 feet west of the centerline of said road and also being the northeast corner of the Thomas W. Hibbett property as recorded in Deed Book 9131, Page 618, R.O.D.C., Tennessee and being the southeast corner of the herein described tract of land; thence

Leaving the west right-of-way line of Demoss Road and with the north line of the Hibbett property, S67 degrees 07'27"W, 98.47 feet to an iron pin set, said pin being the southeast corner of Lot Four of the aforementioned Demoss Subdivision; thence

Leaving the north line of the Hibbett property and with the east line of Lot Four, N28 degrees 32'51"W, 88.03 feet to an iron pin set at the southwest corner of Lot Two of said Demoss Subdivision; thence

Leaving the east line of Lot Four and with the south line of Lot Two, N68 degrees 30'00"E, 133.41 feet to an iron pin set in the west right-of-way line of Demoss Road, said pin being the southeast corner of Lot Two; thence

With the west right-of-way line of Demoss Road, S05 degrees 37'49"E, 88.37 feet to the point of beginning and containing 9983 square feet or 0.23 acres more or less.

**BEING** the same property conveyed to B and G Construction by Deeds of record in Book 9435, Page 985 and Book 9507, Page 522, R.O.D.C., Tennessee.

TO HAVE AND TO HOLD said land, together with all of the appurtenances, estate, title and interest thereto belonging to said Grantee, his heirs, and assigns, in fee simple forever, and Grantor does hereby reaffirm and ratify all covenants, warranties and stipulations made and provided in said deed of record in Book 9911, Page 466, Register's Office for Davidson County, Tennessee, and the entire contents thereof except for the incorrect description, as fully and effectively as if the entire instrument were copied herein verbatim containing the correct description, and said instrument is accordingly incorporated herein by reference.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their signatures on this 26 day of July, 1999.

**GRANTOR:**

**B & G CONSTRUCTION, A TENNESSEE GENERAL PARTNERSHIP**

By: _____
**Howard Birdwell, Partner**

By: _____
**Benny Gaddis, Partner**

**GRANTEE**

_____
**Franklin E. Ballinger, Jr., unmarried**

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Howard Birdwell and Benny Gaddis, partners doing business as B & G Construction, a Tennessee general partnership, the bargainors, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that they as such partners being authorized so to do executed the within instrument on behalf of the partnership for the purposes therein contained by signing the name of the partnership by themselves as its sole general partners.

WITNESS my hand and official seal at Nashville, Tennessee this 26 day of July, 1999.

_____
NOTARY PUBLIC

My Commission Expires: 1-27-2001

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Franklin E. Ballinger, Jr., the bargainor, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 26th day of July, 1999.

NOTARY PUBLIC

My Commission Expires: 1-27-2001

This instrument prepared by:

**MICHAEL J. PHILBIN. P.C.**
2021 Richard Jones Road
Suite 220
Nashville, TN 37215

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