This Instrument Prepared By:
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Map 183-05-A
Parcels 229.00 co, 232.00 co & 233.00 co

Instrument of Correction to Warranty Deed; Deed of Trust, Assignment of Rents and Leases, Security Agreement and Financing Statement; and Promissory Note

Davidson County DEEDWARR
Recvd: 05/15/03 08:43 5pgs
Fees:27.00 Taxes:0.00
20030515-0066231

This Instrument of Correction to Warranty Deed; Deed of Trust, Assignment of Rents and Leases, Security Agreement and Financing Statement; and, Promissory Note is made this the 23rd. Day of April, 2003, by and between October Woods, G.P., A Tennessee General Partnership, herein referred to as "October Woods"; Eshagh Hanai d/b/a/ H&J Builders, A Sole Proprietorship, herein referred to as "Hanai"; and, Regions Bank, hereinafter referred to as, " Lender".

WITNESSETH:

That whereas, on March 31, 2003, October Woods, was the record title owner of certain unimproved property located in Nashville, Davidson County, Tennessee, more fully described, as follows:

Land in Davidson County, Tennessee, being Lot Nos. 525, 528, and 529 on the Plan of October Woods, a Planned Unit Development, Phase 5, Section 8, of record in Instrument No. 199912140303097 and Instrument No. 199912140303098, Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description (the "Lots"); and,

Whereas , by Warranty Deed (the "Warranty Deed") of record in Instrument No. 20030404-0045091, Register's Office for Davidson County, Tennessee, the said "October Woods " by inadvertence and mistake conveyed the Lots to H & J Builders, A Tennessee General Partnership; and,

Whereas , by inadvertence and mistake, the said Lots were conveyed by H & J Builders, a Tennessee General Partnership, by Deed of Trust, Assignment of Rents and Leases, Security Agreement and Financing Statement (the "Deed of Trust") of record in Instrument No. 20030404-0045092, Register's Office for Davidson County, Tennessee, to Richard D. Rhodes of Williamson County, Tennessee, Trustee, for the use and benefit of Regions Bank, as Lender, to secure the payment of a Promissory Note in the original principal sum of Four hundred seventy-two thousand and 00/100 ($ 472,000.00) dollars (the "Promissory Note"), dated March 31, 2003; and,

Whereas, it was the intent of October Woods, that the subject Lots be conveyed to Eshagh Hanai d/b/a H & J Builders, a Sole Proprietorship (not H & J Builders, a Tennessee General Partnership); and,

Whereas, it was further the intent of Eshagh Hanai d/b/a H & J Builders, a Sole Proprietorship (not H & J Builders, a Tennessee General Partnership) to convey the Lots to Richard D. Rhodes of Williamson County, Tennessee, Trustee, for the use and benefit of Regions Bank, as Lender, to secure the payment of a Promissory Note in the original principal sum of Four hundred seventy-two thousand and 00/100 ($ 472,000.00) dollars (the "Promissory Note"), dated March 31, 2003; and,

Whereas, the parties desire to correct the errors contained in the Warranty Deed; Deed of Trust and Promissory Note .

Now therefore, for and in consideration of the premises and other good and valuable consideration as hereinafter recited, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The said October Woods and Hanai hereby agree that the name of the Grantee contained in the Warranty Deed from October Woods, G.P., A Tennessee General Partnership to H & J Builders, A Tennessee General Partnership of record in Instrument No. 20030404-0045091, Register's Office for Davidson County, Tennessee shall be corrected from H & J Builders, A Tennessee General Partnership, as recorded, to Eshagh Hanai d/b/a/ H&J Builders, A Sole Proprietorship; and,

2. The said Eshagh Hanai d/b/a/ H&J Builders, A Sole Proprietorship hereby corrects the Promissory Note to reflect the true intent of the Parties and affirms that the said Eshagh Hanai d/b/a/ H&J Builders, A Sole Proprietorship, shall and is deemed the Borrower recited therein; and,

3. The said Hanai and Lender hereby agree that the conveyance and transfer of the Lots contained in the Deed of Trust from H & J Builders, A Tennessee General Partnership, to Richard D. Rhodes of Williamson County, Tennessee for the use and benefit of Regions Bank ,of record in Instrument No.20030404-0045092, Register's Office for Davidson County, Tennessee,

shall be corrected from H & J Builders, A Tennessee General Partnership, as recorded,to Eshagh Hanai d/b/a/ H&J Builders, A Sole Proprietorship.

The parties to this agreement hereby, by and through their respective execution hereof, agree that the Warranty Deed of record in Instrument No. 20030404-0045091; the Deed of Trust of record in Instrument No.20030404-0045092, Register's Office for Davidson County, Tennessee; and, the Promissory Note are hereby modified, as herein recited, and all covenants, warranties, conditions and stipulations contained therein not specifically modified herein, shall remain in full force and effect and shall relate back to the date of the original instruments.

IN WITNESS WHEREOF, the parties have set their signatures effective the day and date first above written.

October Woods, G.P.,
A Tennessee General Partnership

BY: Paul E Johnson
Paul E. Johnson, Managing General Partner

Eshagh Hanai d/b/a/ H & J Builders
A Sole Proprietorship

Eshagh Hanai
Eshagh Hanai

REGIONS BANK

BY:
Its: AVP Regions Bank

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 Paul E. Johnson , with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be Managing General Partner of October Woods, G.P., a Tennessee General Partnership, the within named bargainor, a Tennessee General Partnership, and that he as such Partner, executed the within instrument for the purposes therein contained by signing the name of the Tennessee General Partnership by himself as Managing General Partner.

Witness my hand and official seal at Brentwood, Tennessee , this 23rd. day of April , 2003.

My commission expires: 3/31/07

Notary Public

PETER WEISS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

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 Esagh Hanai, d/b/a H & J Builders, A Sole Propietorship with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), the within named bargainor, and that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Brentwood, Tennessee , this 23rd 2003.

My commission expires: 3/31/07

Notary Public

PETER WEISS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

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 Alexander M. Hartz, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon his oath, acknowledged himself to be Assistant Vice President of Regions Bank, the within named bargainor, and that he as such Assistant Vice President executed the within instrument for the purposes therein contained by signing the name of Regions Bank by himself as Assistant Vice President.

Witness my hand and official seal at Franklin, Tennessee , this 23rd. day of April, 2003.

My commission expires: 3/31/2007

Notary Public

