FILE BOX 19B
04-02-029-D

This Instrument Prepared By:
Peter Weiss, Attorney at Law
761 Old Hickory Blvd.,Suite 102
Brentwood, Tennessee 37027

Lot 188-M/P 183-05-0-A-385 CO
Lot 189-M/P 183-05-0-A-384 CO
Lot 192-M/P 183-05-0-A-381 CO
Lot 194-M/P 183-05-0-A-379 CO

Instrument of Correction to Warranty Deed and Tennessee Deed of Trust

Davidson County DEEDWARR
Recvd: 03/09/04 15:15 5pgs
Fees:27.00 Taxes:0.00
20040309-0027127

This Instrument of Correction to Warranty Deed and Tennessee Deed of Trust is made and entered into this the 8TH. Day of March, 2004, by and between October Woods, G.P., A Tennessee General Partnership, herein referred to as "October Woods"; Yazdian Construction, Inc., A Tennessee Corporation, herein referred to as "Yazdian "; and, Bank of America, N.A., hereinafter referred to as " Lender".

WITNESSETH:

That whereas, on February 23, 2004, 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. 188,189,192 and 194 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885 , Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description; and,

Whereas , by Warranty Deed (the "Warranty Deed") of record in Instrument No. 20040224-0020990, Register's Office for Davidson County, Tennessee, the said "October Woods " by inadvertence and mistake, described and conveyed Lot Nos. 196, 197,198 and 199 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885, Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description, to Yazdian; and,

Whereas , by Tennessee Deed of Trust (the "Deed of Trust") of record in Instrument No. 20040224-0020991, Register's Office for Davidson County, Tennessee, the said "Yazdian " by inadvertence and mistake, described and conveyed Lot Nos.196, 197,198 and 199 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885, Register's Office for Davidson County, Tennessee, to Mary Frances

Rudy, of Davidson County, Tennessee, Trustee, for the use and benefit of Bank of America, N.A., as Lender; and,

Whereas, it was the intent of October Woods, Yazdian and Lender, that the property conveyed was intended to be Lot Nos. 188,189,192 and 194 and not Lot Nos. 196, 197,198 and 199, as was incorrectly recited in the said Warranty Deed and Deed of Trust; and,

Whereas, the parties desire to correct the legal description contained in the Warranty Deed and Deed of Trust.

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 Yazdian hereby agree that the legal description contained in the Warranty Deed from October Woods, G.P., A Tennessee General Partnership to Yazdian Construction, Inc., A Tennessee Corporation of record in Instrument No.20040224-0020990, Register's Office for Davidson County, Tennessee shall be corrected from the legal description, as recorded ,to:

Land in Davidson County, Tennessee, being Lot Nos. 188,189,192 and 194 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885, a Planned Unit Development, Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description; and,

2. The said Yazdian and Lender hereby agree that the legal description contained in the Deed of Trust from Yazdian Construction, Inc., A Tennessee Corporation to Mary Frances Rudy, of Davidson County, Tennessee for the use and benefit of Bank of America, N.A. of record in Instrument No. 20040224-0020991, Register's Office for Davidson County, Tennessee shall be corrected from the legal description, as recorded, to:

Land in Davidson County, Tennessee, being Lot Nos. 188,189,192 and 194 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885, a Planned Unit Development, Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description; and,

3. That in order to further correct the mutual error and mistake in the legal description contained in the Warranty Deed from October Woods to Yazdian of record in Instrument No. 20040224-0020990, Register's Office for Davidson County, Tennessee, the said Yazdian Construction, Inc., A Tennessee Corporation, hereby quitclaims and conveys all of its right, title and interest unto October Woods, G.P., A Tennessee General Partnership, that certain tract or parcel of land, as follows:

Land in Davidson County, Tennessee, being Lot Nos. 196, 197,198 and 199 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885, Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description; and,

4. That in order to further correct the mutual error and mistake in the legal description contained in the Deed of Trust from Yazdian Construction, Inc., A Tennessee Corporation to Mary Frances Rudy, of Davidson County, Tennessee for the use and benefit of Bank of America, N.A. of record in Instrument No. 20040224-0020991, Register's Office for Davidson County, Tennessee, the said Lender releases from it lien of said Deed of Trust, but no further, that property described as:

Land in Davidson County, Tennessee, being Lot Nos. 196, 197,198 and 199 on the Plan of October Woods, Phase 3, Section 10, a Planned Unit Development of record in Instrument No.20040114-0005885, Register's Office for Davidson County, Tennessee, to which Plan reference is made for a complete legal description.

The parties to this agreement hereby, by and through their respective execution hereof, agree that the Warranty Deed from October Woods to Yazdian and the Deed of Trust from Yazdian to Lender are hereby modified and that 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 instrument..

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, Partner

Yazdian Construction, Inc.
A Tennessee Corporation

BY:
Fred Yazdian President

Bank of America, N.A.

BY: _____

Its: _____

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 the 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 Managing General 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 31st day of March , 2004.

My commission expires: 3/31/2007

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 Fred Yazdian , with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be President of Yazdian Construction, Inc., a Tennessee Corporation, the within named bargainor, a Tennessee Corporation, and that he as such President, executed the within instrument for the purposes therein contained by signing the name of the Tennessee Corporation by himself as President.

Witness my hand and official seal at Brentwood, Tennessee , this 31st day of March, 2004.

My commission expires: 3/31/2007

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 Molly BrownCatino, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon her oath, acknowledged herself to be, Vice President of Bank of America, N.A., the within named bargainor, and that, as such Vice President, executed the within instrument for the purposes therein contained by signing the name of Bank of America, N.A. by herself as, Vice President.

Witness my hand and official seal at Brentwood, Tennessee , this 8th. day of March, 2004.

My commission expires: 3/31/2007

Notary Public

