58B

This instrument prepared by:
Marshall L. Hix
HIX & GRAY, PLC
315 Deaderick Street
1620 AmSouth Center
Nashville, Tennessee 37238

Davidson County AFFIDAVIT
Recvd: 04/18/05 09:10 2 pgs
Fees:12.00 Taxes:0.00
20050418-0042984

Instrument Reference:
Instrument No. 20050330-0034230 (Warranty Deed)
Instrument No. 20050330-0034231 (Deed of Trust)
Grantor:
James Ray (Warranty Deed)
Peter A. Nesbitt and wife, Diane R. Nesbitt (Deed of Trust)
Grantee:
Peter A. Nesbitt and wife, Diane R. Nesbitt (Warranty Deed)
FMLS, Inc., Trustee (Deed of Trust)
Beneficiary:
AmSouth Bank (Deed of Trust)

AFFIDAVIT OF SCRIVENER'S ERROR

This Affidavit to correct a Warranty Deed and Deed of Trust (the "Affidavit") is made this 14th day of April, 2005, by Shari A. Thompson (the "Affiant"), and after being duly sworn according to law Affiant states as follows:

1. My name is Shari A. Thompson and I am of majority age and am competent to testify of my personal knowledge as to the facts set forth in this Affidavit.

2. James Ray, is the Grantor of a certain Warranty Deed dated March 25, 2005, conveying property located in Davidson County, Tennessee, to Peter A. Nesbitt and wife, Diane R. Nesbitt, Grantee, of record as Instrument No. 20050330-0034230, Register's Office for Davidson County, Tennessee (the "Warranty Deed").

3. Peter A. Nesbitt and wife, Diane R. Nesbitt ("Grantor") is the maker of a certain promissory note dated March 25, 2005, in the original principal amount of $255,000.00 payable to the order of AmSouth Bank ("Beneficiary"), together with interest as provided therein (the "Note").

4. The Note is secured by a Deed of Trust, dated March 25, 2005, of record as Instrument No. 20050330-0034231, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), which conveyed to FMLS, Inc., Trustee, certain real property located in Davidson County, Tennessee, more fully described in said Deed of Trust, which description is hereby expressly incorporated herein by this reference (the "Property").

5. The description of the Property in the said Warranty Deed and Deed of Trust contains scrivener's errors, and Affiant makes this Affidavit to correct those errors.

6. The legal description of the Property in the Warranty Deed is hereby deleted in its entirety and the corrected legal description attached as Exhibit "A" is substituted therefore.

7. The legal description of the Property in the Deed of Trust is hereby deleted in its entirety and the corrected legal description attached as Exhibit "B" is substituted therefore.

Further, Affiant saith not.

Shari A. Thompson

STATE OF TENNESSEE
COUNTY OF DAVIDSON

KAY M. TENPENNY NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY

Personally appeared before me, the undersigned Notary Public, Shari A. Thompson, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged, upon oath, that she executed the within instrument for the purposes therein contained.

WITNESS my hand, this 14th day of April, 2005.

Notary Public

My Commission Expires: SEPT. 29, 2008

Exhibit "A"

Land and all improvements located in the 3rd Civil District of Davidson County, Tennessee, being part of Lot No. 3 on the Plan of the Subdivision of the Lands of Wm. G. M. Campbell, as of record in Book 843, page 30, Register's Office for said County, being more fully described a follows:

Beginning at a point on the easterly margin of Spence Lane, said point being 1000 feet north of the northwest corner of the property conveyed to the Davidson County Board of Education by deed of record in Book 971, page 382, said Register's Office; thence northwardly with margin of Spence Lane, 150 feet to a point; thence eastwardly 290 feet to a point; thence southwardly 150 feet to a point; thence westwardly 290 feet to the point of beginning.

Being the same property conveyed to James Ray from Andrew M. Cuomo, Secretary of Housing and Urban Development, of Washington, D. C., by deed of record in Book 10403, page 828, Register's Office for Davidson County, Tennessee.

Exhibit "B"

Land and all improvements located in the 3rd Civil District of Davidson County, Tennessee, being part of Lot No. 3 on the Plan of the Subdivision of the Lands of Wm. G. M. Campbell, as of record in Book 843, page 30, Register's Office for said County, being more fully described a follows:

Beginning at a point on the easterly margin of Spence Lane, said point being 1000 feet north of the northwest corner of the property conveyed to the Davidson County Board of Education by deed of record in Book 971, page 382, said Register's Office; thence northwardly with margin of Spence Lane, 150 feet to a point; thence eastwardly 290 feet to a point; thence southwardly 150 feet to a point; thence westwardly 290 feet to the point of beginning.

Being the same property conveyed to Peter A. Nesbitt and wife, Diane R. Nesbitt by Warranty Deed from James Ray of record as Instrument No. 20050330-0034230, Register's Office for Davidson County, Tennessee.