Box 13 #9917

Prepared by:
Advantage Title and Escrow
3354 Perimeter Hill Drive Suite 142
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Davidson County AFFIDAVIT
Recvd: 07/27/05 13:30 2 pgs
Fees:12.00 Taxes:0.00
20050727-0087645

# AFFIDAVIT AND INDEMNITY

**STATE OF Tennessee**
**COUNTY OF Davidson**

The undersigned, being duly sworn according to law, deposes and states as follows:

1. Vivian L Bracken died intestate on April 13th, 2005.

2. That there are no outstanding debts or estate and/or inheritance tax due against the estate of the said Vivian L Bracken. Further, that if any debt or estate and/or inheritance taxes are due or outstanding, they are the full responsibility of the undersigned.

3. The only heirs of Vivian L Bracken as follows:

   a. **Shirley M Smith**
   b. **Charles D Phillips**
   c. **Gayle Hardaway**
   d. **Randy L Phillips**

4. The estate of the Vivian L Bracken is solvent and that any and all debts and inheritance taxes, if any, against the estate of the decedent have been paid, or will be paid.

5. That the said Vivian L Bracken was not receiving benefits from TennCare and that there are no outstanding debts or potential claims from the State of Tennessee. Further, that if any debts and/or claims are due or come due , they are the full responsibility of the undersigned.

6. By executing and presenting this affidavit to LandAmerica/Lawyers Title Insurance Corporation, the undersigned agrees and acknowledges that the same is done for the purpose of inducing Lawyers Title Insurance Corporation to rely upon the statements made in the affidavit to provide title insurance coverage to the undersigned's lender or buyer amd their heirs, successors and assigns in this particular transaction.

7. The undersigned does hereby agree to indemnify and hold harmless LandAmerica/Lawyers Title Insurance Corporation for any loss, including costs and attorney fees which LandAmerica/Lawyers Title Insurance Corporation may incur as a result of its reliance of the representations contained in this affidavit.

Witness my hand this the 7th day of June, 2005

_____

_____

Sworn to and subscribed before me this the 7th, day June, 2004.

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within name Shirley M Smith, 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 or the purpose therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 7th day of June, 2005.

_____
Notary Public

Commission Expires:

THIS IS BEING Recorded for Legibility. REFERENCE EXHIBIT A FOR Signatures AND Notary.

Box 13 #9917

STATE OF TN
COUNTY OF Davidson

**AFFIDAVIT AND INDEMNITY**

The undersigned, being duly sworn according to law, deposes and states as follows:

1. That Vivian L. Bracken died intestate on 4-13-05.

2. That there are no outstanding debts or estate and/or inheritance taxes due against the estate of the said Vivian L Bracken. Further, that if any debts or estate and/or inheritance taxes are due or outstanding, they are the full responsibility of the undersigned.

3. That the only heirs of Vivian L Bracken are as follows:

   a. Charles D. Phillips
   b. Shirley ~~M Smith~~ Manlove Smith
   c. ~~Diana E. Hardaway~~ GAYLE HARDAWAY
   d. Randy L. Phillips

4. The estate of Vivian L. BRACKEN is solvent and any and all claims, debts, and estate or inheritance taxes, if any, against the estate has been paid or will be paid.

5. That the said Vivian L. Bracken ~~is~~ WAS NOT receiving benefits from TennCare and ~~that there are no outstanding debts or potential claims from the State of Tennessee. Further, that if any debts and/or claims are due or come due, they are the full responsibility of the undersigned.~~

6. Shirley M. Smith

   ~~By executing and presenting this affidavit to LandAmerica/Lawyers Title Insurance Corporation, the undersigned agrees and acknowledges that the same is done for the purposes of inducing Lawyers Title Insurance Corporation to rely upon the statements made in this affidavit to provide title insurance coverage to undersigned's lender or buyer and their heirs, successors and assigns in this particular transaction.~~

7. ~~The undersigned does hereby agree to indemnify and hold harmless LandAmerica/Lawyers Title Insurance Corporation for any loss, including costs and attorney fees which LandAmerica/Lawyers Title Insurance Corporation may incur as a result of its reliance of the representations contained in this affidavit.~~

WITNESS my hand on this the 7 day of June, 2005

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 Shirley M Smith, with whom I am personally Aquainted, (or proved to me on the basis of satisfactory evidence) And who acknowledged that they executed the within instrument for the purpose therein contained.

X Shirley M. Smith

Sworn to and subscribed before me, the undersigned, on this the 7th day of June, 2005 * Witness my hand and official seal at Nashville TN., This the 7th day of June, 2005.

Claudette Melton
Notary Public

My Commission Expires: 11-22-2008

CLAUDETTE MELTON
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY

JUN-06-2005 12:34 ROWNTREE TITLE 615 777 2010 P.05