SCRIVENER'S AFFIDAVIT

THIS INSTRUMENT PREPARED BY:
MICHAEL J. PHILBIN, P.C.
2021 RICHARD JONES ROAD, SUITE 220
NASHVILLE, TN 37215-2860
(615) 345-0025
(615) 320-3280 (FAX)

MAP/PARCEL 64-O-2S

Davidson County DEEDWARR
Recvd: 05/12/06 08:26 2 pgs
Fees:12.00 Taxes:0.00
20060512-0055692

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Comes now Michael J. Philbin, a licensed attorney in the State of Tennessee whose address is 2021 Richard Jones Road, Suite 220, Nashville, TN 37215 and would state as follows:

On the 26th day of April, 2004, Mr. Philbin's office was responsible for preparing the legal description that is setforth in a Warranty Deed referenced below.

The Warranty Deed named Beazer Homes Corporation, Grantor and Juanica D. Williams, an unmarried woman, Grantee. This warranty deed was recorded as Instrument No. 20050709-0079108 in the Register's office for Davidson County, Tennessee.

The legal description setforth in the aforesaid warranty deed contains a scrivener's error in that the description recites an incorrect section number for the plan of Merritt Downs. This error was unintentional.

The legal description incorrectly recites that the lot being conveyed is located on the Plan of Section **Two** Merritt Downs subdivision when in fact the legal description should have referred to the Plan of Section **Three** Merritt Downs subdivision.

The entire correct legal description that should appear in the aforesaid warranty deed is as follows:

Land in Davidson County, Tennessee, being Lot No. 33 on the Plan of Section Three, Merritt Downs of record in Instrument No. 20040629-0076758 recorded in the Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description.

This Affidavit is made based upon my personal knowledge for the purpose of correcting the error described above.

EXECUTED this 11th day of May, 2006

AFFIANT

Michael J. Philbin, Esq.

OATH AND ACKNOWLEDGMENT

Personally appeared before me the within named Michael J. Philbin who made oath that he has read the foregoing Affidavit and the things and matters contained therein are true. The Affiant did further acknowledge that he executed the within described document for the purpose of correcting the scrivener's error herein described.

SUBSCRIBED AND SWORN TO before me this 11th day of May, 2006.

My Commission Expires: 3-24-09

LAURA B. RUNGER NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY

Notary Public