Instrument prepared by:

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SCRIVENER'S AFFIDAVIT

Davidson County AFFIDAVIT
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Fees:12.00 Taxes:0.00
20071226-0147442

STATE OF Tennessee

COUNTY OF Davidson

BEFORE ME, the undersigned Notary who is authorized to administer oaths and take testimony in the aforesaid jurisdiction, personally appeared, Toney Brasuell, who is well known to me and said person swore under oath and stated as follows:

1. That he stated the following recording information in a document for recording in the public records:

Trustee's Deed recorded November 9, 2007 as Instrument No. 20071109-0132321 in the real estate records of Davidson County, Tennessee.
Grantee: The Bank of New York Trust Company, N.A.
Grantor: Edwin Daniel Yoemans and Mark Lepra

2. That the above-described document contains a scrivener's error in the legal description. The scrivener's error is in bold as follows:

Land in Davidson County, Tennessee, being building No. 7 Unit No. 3 and Garage no. 7-3-g on the plan of revised phase 2 &2A, Hermitage Woods Condominium Apartment of record in Book 4860, Page 62, 63 and 64 Register's Office for Davidson County, to which plan reference is hereby made for a more complete and accurate description.

Being the same property conveyed to Angelo V unmarried by Deed from Tommy G. Campbell and wife Cheryl F. Cambell of record in Book 5328, Page 562, dated August 21, 1978 and recorded August 23, 1978 Register's Office for Davidson County Tennessee.

Being the same property conveyed to Angelo V. Varallo and Shelia D. White, as Tenants in Common by Quitclaim Deed of record in instrument No. 20020603-0066690 Dated May 21, 2002 and recorded June 3, 2002 Register's Office for Davidson County, Tennessee by order of the Circuit Court of Davidson County, Tennessee probate Division, case No. 02P-1941, dated September 16, 2005 said Property was ordered sold and George Cate, JR Conservator was authorized to sign on behalf of Angelo V. Varallo.

W&A 813-123198

{Legal Description taken from Warranty Deed recorded November 21, 2005 as instrument 2005121-0140256}

Parcel number: 023.00

3. That the **correct** wording is in bold type as follows:

Land in Davidson County, Tennessee, being a certain Condominium apartment, described as follows: Unit No. 3, Building No. 7 in Raintree Village (a condominium), created under Chapter 27, Title 64, of the Tennessee Code Annotated, and as established by a Master Deed of record in Book 4753, page 140, Register's Office for Davidson County, Tennessee, as amended by a Deed of Amendment of record in Book 4980, page 378, Register's Office, Davidson County, Tennessee, and as shown on the revised plat of Hermitage Woods Condominium Apartments, Phase II and II-A, of record in Book 4860, page 62 through 64 Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and detailed description of said lot. Garage number 7-3G is a limited common element for the exclusive use of the occupant of said unit.

4. That he knows of his own personal knowledge that the correction of this scrivener's error is consistent with the intentions of the parties and does not in any way change or alter the understanding and intentions of the parties who executed said instrument.

FURTHER AFFIANT SAYS NOT.

By: _____
Toney Brasuell (024932)

SWORN TO and subscribed before me on this 20 day of Dec, 2007.

Lena M. Nagle
Notary Public (Affix Seal)

My commission expires:

M. Nagle
NOTARY PUBLIC
Pulaski County, Arkansas
My Commission Exp. 8-10-2011

Lena M. Nagle
NOTARY PUBLIC
Pulaski County, Arkansas
My Commission Exp. 8-10-2011

W&A 813-123198