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Davidson County AFFIDAVIT
Recvd: 02/27/09 10:43 1 pgs
Fees:12.00 Taxes:0.00
20090227-0017266

Property Address:
4400 Indiana Avenue
Nashville, TN, 37209
Map-Par. 91-12-54

SCRIVENER'S AFFIDAVIT

WHEREAS, on January 30, 2006, ESQUIRE TITLE and ESCROW, INC. prepared a Deed wherein **Ben T. Johnson and Claude R. Johnson, As Joint Tenants with Survivorship** intended to convey certain real property to **Toni J. Rothfuss** with said Deed having been recorded in Record Instrument No. 20060202-0012811 Register's Office for Davidson County and;

WHEREAS, by Scrivener's error, the legal description contained in the Deed is incorrect. The document stated the lot numbers to be LOT Nos. 301 and 305 on the Plan No. 1 West Nashville, of record in Book 57, Page 74 and 75, Register's Office for Davidson County, Tennessee.

The correct legal is as follows:

Land in Davidson County, Tennessee, being LOT Nos. 301, 303 and 305 on the Plan No. 1 West Nashville, of record in Book 57, Page 74 and 75, Register's Office for Davidson County, Tennessee.

The remainder of said description in the above referenced Instrument is correct.

WHEREAS, the said **Ben T. Johnson and Claude R. Johnson, As Joint Tenants with Survivorship** at all times pertinent hereto, were the owners of LOT Nos. 301, 303 and 305 on the Plan No. 1 West Nashville, and intended to convey said lots, but the undersigned preparer of the referenced documents inadvertently showed the legal description in error.

NOW, Therefore this Affidavit is being executed for the express purpose of acknowledging and correcting the Scrivener's error in said Deed. It is the intent of all parties that the Legal Description being conveyed was LOT Nos. 301, 303 and 305 on the Plan No. 1 West Nashville, Register's Office for Davidson County. The above referenced legal description is hereby substituted for the legal descriptions contained in Record Instrument No. 20060202-0012811 as to paragraph one of the legal description as if recorded verbatim therein upon original execution.

Signed this 16th day of February, 2009

Esquire Title and Escrow, Inc.

BY: _____
I. Dyke Tatum, President

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Before me, the undersigned Notary Public, of State and County aforesaid, personally appeared **I. Dyke Tatum** with whom I am personally acquainted, and who, upon oath, acknowledged himself to be **President of Esquire Title and Escrow, Inc.** the within named bargainor, and that he as such **President**, being authorized to do so, executed the foregoing instrument for the purpose therein contained, and that he executed the same as his free act and deed.

Witness my hand and official seal at **Nashville**, Tennessee this 16th day of February, 2009

_____
Notary Public

My Commission expires: 11/07/12

Prepared By:
ESQUIRE TITLE & ESCROW, INC.
30 BURTON HILLS BLVD. STE. 200
NASHVILLE, TN 37215

DARRIS BILLINGSLEY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires 11/7/12