THIS INSTRUMENT PREPARED BY:
Adam G. Smith, Esq.
Miller & Martin PLLC
1200 One Nashville Place
150 Fourth Avenue North
Nashville, Tennessee 37219-2433

BILL GARRETT, Davidson County
Trans:T20090037980 AFFIDAVIT
Recvd: 06/08/09 12:12 7 pgs
Fees:37.00 Taxes:0.00
20090608-0052944

AFFIDAVIT OF HEIRSHIP

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

Before me, the undersigned notary public, on this day personally appeared Sean J. Davey, who, being first duly sworn, did upon his oath depose and state as follows:

1. My name is Sean J. Davey, and I am an attorney licensed to practice law in the State of New York. I am and have been acquainted with the family and descendants of Frances Margaret Sachar. I have personal knowledge of the facts recited in this Affidavit.

2. Frances Margaret Sachar died on September 20, 2008, at the age of 84 years. At the time of her death, Frances Margaret Sachar was a resident of Westchester County, New York.

3. At the time of her death, Frances Margaret Sachar was unmarried. Frances Margaret Sachar had no children. Frances Margaret Sachar was survived by, among others, Jean Marie Buttinelli, Fredric Buttinelli, Robert Buttinelli, John Buttinelli, and Michael Figlio, Jr.

4. Frances Margaret Sachar left a Last Will and Testament dated January 19, 2002 (the "Will"), which Will was admitted to probate in the Surrogate's Court for Westchester County, New York on December 17, 2008. The Will is of record in Instrument No. 20090608005294 3, Register's Office for Davidson County, Tennessee.

5. The Will purports that Frances Margaret Sachar owned at the time of her death a two-thirds (2/3) interest in a certain condominium located at 278 Cana Circle, Nashville, Tennessee 37205 (the "Property"), said Property being more particularly described on Exhibit A attached hereto and made a part hereof.

6. The Property was transferred, conveyed, and leased unto Josephine Sachar and Frances Margaret Sachar, as tenants in common, by an Instrument of Amendment, Correction and Restatement dated October 13, 1987, of record in Book 7378, page 985, Register's Office for Davidson County, Tennessee, a copy of which is attached hereto as Exhibit B.

7. Despite the recitation in the Will that Frances Margaret Sachar owned a two-thirds (2/3) interest in the Property, as of December 17, 2008, Frances Margaret Sachar and Josephine Sachar owned the Property as tenants in common, each owning a one-half (1/2) interest in the Property.

8. Pursuant to the Will, Frances Margaret Sachar's one-half (1/2) interest in the Property vests in equal shares in each of Jean Marie Buttinelli, Fredric Buttinelli, Robert Buttinelli, John Buttinelli, and Michael Figlio, Jr.

9. This affidavit is made and given pursuant to Section 30-2-712 of the Tennessee Code Annotated.

IN WITNESS WHEREOF, I have hereunto subscribed my signature this 2nd day of June, 2009.

Sean J. Davey

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

Personally appeared before me, Eileen D. Brennan, a Notary Public in and for said County and State, Sean J. Davey, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who executed the foregoing Affidavit of Heirship for the purposes therein contained.

WITNESS my hand and seal, at office, this 2nd day of June, 2009.

Notary Public

My Commission Expires:

EILEEN D. BRENNAN
Notary Public, State of New York
No. 01BR4849878
Qualified in Westchester County
Commission Expires Jan. 6, 20 10

EXHIBIT A

PROPERTY DESCRIPTION

Unit No. 121L created under Title 66, Chapter 27, Section 101, et seq., as amended, Tennessee Code Annotated, and as established by the Master Deed for The Cloister at St. Henry, Phase ID, of record in Book 6933, Page 927, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said unit, as set forth in said Master Deed. Reference is hereby made to the Plat for The Cloister at St. Henry, Phase ID, attached as Exhibit "B" to said Master Deed for proper identification.

Being the same property conveyed to Josephine Sachar and Frances M. Sachar, as tenants in common, by Instrument of Amendment, Correction and Restatement, of record in Book 7378, page 985, Register's Office for Davidson County, Tennessee.

EXHIBIT B

INSTRUMENT OF AMENDMENT, CORRECTION AND RESTATEMENT

See Attached

This instrument prepared by:
Thomas C. Scott
Tune, Entrekin & White
21st Floor, First American Center
Nashville, Tennessee 37238

BOOK 7378 PAGE 985

INSTRUMENT OF AMENDMENT, CORRECTION AND RESTATEMENT

THIS INSTRUMENT OF AMENDMENT, CORRECTION AND RESTATEMENT, made and entered into by and between **ST. HENRY'S PROPERTY DEVELOPMENT, INC.** (the "Grantor") and **JOSEPHINE SACHAR** and **FRANCES M. SACHAR** (collectively, the "Grantee");

W I T N E S S E T H:

WHEREAS, by an instrument entitled Sublease and Conveyance of Condominium Apartment of record in Book 7338, page 36, Register's Office for Davidson County, Tennessee, St. Henry's Property Development, Inc. conveyed and leased to Josephine Sachar, a widow, and Frances M. Sachar, an unmarried person, as tenants in common, that certain condominium apartment (the "Unit") situated in Davidson County, Tennessee;

WHEREAS, the description contained therein identifies the Unit conveyed to be Unit No. 121R of The Cloister at St. Henry, Phase ID, which said Unit has been improperly identified due to a typographical error;

WHEREAS, the Unit conveyed in said instrument should have been identified as Unit No. 121L of The Cloister at St. Henry, Phase ID;

NOW, THEREFORE, for and in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree that the instrument entitled Sublease and Conveyance of Condominium Apartment recorded in Book 7338, page 36, Register's Office for Davidson County, Tennessee, is hereby amended, corrected and restated in its entirety as follows:

SUBLEASE AND CONVEYANCE OF CONDOMINIUM APARTMENT

Address New Owner	**Send Tax Bills To:**	**Map and Parcel**
Josephine Sachar and **Frances M. Sachar** **278 Cana Circle** **Nashville, Tennessee 37205**	**NEW OWNER**	**Map 129-11-A** **Parcel 121L**

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS ($10.00), cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, **ST. HENRY'S PROPERTY DEVELOPMENT, INC.** (the "Grantor") has bargained, sold, and leased, and by these presents does transfer, convey and lease unto **JOSEPHINE SACHAR, a widow and FRANCES M. SACHAR, an unmarried person, as tenants in common** (the "Grantee"), their heirs and assigns, a certain condominium apartment in Davidson County, Tennessee, described as follows, to-wit:

> Unit No. **121L** created under Title 66, Chapter 27, Section 101, et seq., as amended, Tennessee Code Annotated, and as established by the Master Deed for The Cloister at St. Henry, Phase ID, of record in Book 6933, Page 927, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said unit, as set forth in said Master Deed. Reference is hereby made to the Plat for The Cloister at St. Henry, Phase ID, attached as Exhibit "B" to said Master Deed for proper identification.
>
> Being part of the property leased to St. Henry's Property Development, Inc. by Ground Lease of record in Book 6922, Page 282, Register's Office for Davidson County, Tennessee.

This conveyance and lease is subject to the following:

1. Provisions of Tennessee Code Annotated, Section 64-27-101, et seq.

2. Conditions, restrictions, options, encumbrances, liens, assessments, easements and undertakings contained in the Master Deed for The Cloister at St. Henry, Phase ID, recorded in Book 6933, Page 927, Register's Office for Davidson County, Tennessee, and the Bylaws for The Cloister at St. Henry, recorded in Book 6042, Page 650, Register's Office for Davidson County, Tennessee.

3. Sanitary Sewer and/or Storm Easement of record in Book 4191, Page 157, Register's Office for Davidson County, Tennessee.

4. Matters shown on the Plan of Fifth Revision of The Cloister at St. Henry, Phase ID, of record in Book 6250, Page 979, Register's Office for Davidson County, Tennessee.

5. Storm Water Detention Agreement by and between St. Henry's Property Development, Inc., and The Metropolitan Government of Nashville and Davidson County, of record in Book 6862, Page 384, Register's Office for Davidson County, Tennessee.

6. Real estate taxes for 1987.

THIS is improved property known as No. **204 Miles Court, Nashville, Tennessee 37205.**

TO HAVE AND TO HOLD the said condominium apartment, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, his, her or their heirs and assigns for the term of the Grantor's Ground Lease of record in Book 6922, Page 282, Register's Office for Davidson County, Tennessee, and any extension thereof but not further.

Grantee understands that Grantor is not conveying the real estate in fee simple and this conveyance is both a sublease by Grantor to Grantee of the above described condominium apartment for the full term of Grantor's Ground Lease and any extension thereof, and a conveyance by Grantor of all right, title and interest of the Grantor in the described condominium apartment. By acceptance of this conveyance, Grantee agrees to assume jointly with The Cloister Owners' Association all obligations of the Grantor under Grantor's Ground Lease, including payment of all real estate taxes assessed against both land and buildings.

WITNESS our hands to this Instrument of Amendment, Correction and Restatement, this 13th day of October, 1987.

GRANTOR:

ST. HENRY'S PROPERTY DEVELOPMENT, INC.

By: Harry Baird
Harry Baird

Its: President

GRANTEE:

Josephine Sachar
JOSEPHINE SACHAR

Frances M. Sachar
FRANCES M. SACHAR

7.4.2.8.2
IDENTIFICATION REFERENCE!
OCT 14 3 20 PM '87
FELIX A. WILSON, REGISTER
DAVIDSON COUNTY, TN

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **HARRY BAIRD**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President of **ST. HENRY'S PROPERTY DEVELOPMENT, INC.**, the within named bargainor, a corporation, and who acknowledged that he as such President executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as President.

WITNESS my hand and official seal at office, the 13th day of October, 1987.

NOTARY PUBLIC

My commission expires: 4-17-88

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **JOSEPHINE SACHAR AND FRANCES M. SACHAR**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and official seal at office, this 13th day of October, 1987.

NOTARY PUBLIC

My commission expires: 4-17-88