**Prepared by:**

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# SCRIVENER'S AFFIDAVIT

STATE OF TENNESSEE )
) SS:
COUNTY OF DAVIDSON )

BEFORE ME, the undersigned authority, personally appeared Sam H. Poteet, Jr., who first being duly sworn, on oath, deposes and says as follows:

1. I drafted a certain Quitclaim Deed executed October 15, 2010, by Glenda Earle Bell (the "Grantor") to convey by quitclaim all of Grantor's interest in and to certain real property referred to as Route 3 – Old Hickory Boulevard, Nashville, Tennessee and known to Grantor as 4581 Cleeces Ferry Road, Nashville, Davidson County, Tennessee, and referred to in the offices of the Tax Assessor for Davidson County, Tennessee as 4581 Old Hickory Boulevard, Nashville, Tennessee. Said Quitclaim Deed was filed for record on December 9, 2010, and is recorded as Instrument No. 20101209-0098289 in the Register's Office for Davidson County, Tennessee.

2. Following the recording of said Quitclaim Deed, a title report was obtained on the subject property that revealed that the property description in said Quitclaim Deed, which was taken from the prior Quitclaim Deed of record in Book 10897, Page 570, in the Register's Office for Davidson County, Tennessee, did not list certain property that had been previously been transferred and is appropriately excluded from the property conveyed. Although (i) the conveyance from Grantor under the Quitclaim Deed in paragraph 1 was by quitclaim, and (ii) no warranty was made as to the accuracy of the property description contained therein, I want to correct the Quitclaim Deed filed of record as Instrument No. 20101209-0098289 to reflect, in one exhibit, the real property conveyed and the real property excluded therefrom.

3. This Affidavit is being recorded for the purpose of clarifying the real property conveyed and the real property excluded therefrom, and accordingly, the legal description contained in Instrument No. 20101209-0098289 is hereby deleted in its entirety, substituting in lieu thereof the property description set forth on the attached **Exhibit A**.

Further, affiant sayeth not.

Sam H. Poteet, Jr., Esq., Affiant

STATE OF TENNESSEE )
)
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Sam H. Poteet, Jr., with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal at office this the 12th day of May, 2011.

JODIE J. KOLBY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JULY 8, 2013

Notary Public

My Commission Expires: _____

# Exhibit A

Three tracts of land in the 13th, formerly the 25th, Civil District of Davidson County, Tennessee, as follows:

TRACT 1:

Being in what is known as Whites or Bell's Bend on the Cumberland River, and on the Whites Bend County Road, and more particularly described as follows:

BEGINNING in the middle of said County Road in the Hunt's or Gafford's south line, being the northwest corner of the 53.95 acres of land conveyed to J. G. Cantrell by deed of record in Book 311, Page 225, Register's Office for said County; running thence with said Gafford's south line north 88 deg. west 213.5 poles, more or less, to low water mark on the Cumberland River; thence up said River about south 8 deg. east 108 poles, more or less, to the northwest corner of the Susan M. Seat 600 acre tract; thence with the north line of said tract south 88 deg. east 148 poles, more or less, to the northwest corner of a two-acre tract conveyed by Anderson to McWhorter and Seat, by deed recorded in Book 30, Page 120, Register's Office for said County; thence south 2 deg. west 12.7 poles to the southwest corner of said two-acre tract; thence with the south line of said tract south 88 deg. east 16.8 poles, more or less, to the middle of said Whites Bend County Road; thence with the middle of said Road as follows: North 3 deg. west 20 poles, north 39 deg. east 4 poles, north 30 deg. east 12 poles, north 11-1/2 deg. east 16 poles, north 29-1/2 deg. east 14 poles, north 13 deg. east 28 poles, and thence north 21-1/2 deg. east 28.4 poles to the place of beginning, containing 125.61 acres but called 134 acres, more or less. Included but excluded therefrom a tract of 1.67 acres, more or less, conveyed to William Keel, Jr. and wife by deed of record in Book 2693, Page 571, said Register's Office.

TRACT 2:

Described according to a survey made by Jno. D. Kerr, County Surveyor for Rutherford County, Tennessee, August 26, 1949, as follows:

BEGINNING in the center line of Old Hickory Boulevard at the southeast corner of a ten acre tract of land being sold to Sam B. Bess by deed from Wm. W. Lane and wife, thence with the center line of said Boulevard, south 90 deg. west 29.9 poles; thence south 4-1/2 deg. west 8 poles; thence south 1/2 deg. east 8 poles, thence south 5 deg. east 8 poles; thence south 9 deg. east 16 poles; thence south 4-1/2 deg. east 8 poles; thence south 3-1/2 deg. west 8 poles; thence south 12 deg. west 8 poles; thence south 19-1/2 deg. west 8 poles; thence south 25-1/2 deg. west 8 poles to the center line of Old Hickory Boulevard; thence leaving said road, north 87 deg. west 219 poles, more or less, to low water mark of Cumberland River; thence with low water mark of said River, north 2-1/2 deg. east 127.3 poles; thence south 87 deg. east 136.6 poles to the northwest corner of the ten acre tract sold to Sam B. Bess; thence with his west line, south 3 deg. west 18.2 poles to Bess' southwest corner; thence with his south line, south 87 deg. east 86.4 poles to the center line of Old HIckory Boulevard, the point of beginning, containing 166.2 acres, more or less.

TOGETHER with an easement across the lands of Sam B. Bess as more fully described in deed from Wm. W. Lane and wife to Sam B. Bess, of record in Book 1762, Page 571, said Register's Office.

Being part of the same property conveyed to RAY BELL CONSTRUCTION CO., INC., a 50% interest, as a tenant in common, CHARLES RAY BELL, a 38.54% interest, as a tenant in common, and EDWARD JOHN BOYSON AND WIFE, ELEANOR MEADE BOYSON, a 11.46% interest by deed from MARY ANN O'CONNOR, UNMARRIED of record in Book 6433, page 513, dated November 19, 1984, said Register's Office. EDWARD JOHN BOYSON AND WIFE, ELEANOR MEADE BOYSON have conveyed their 11.46% interest in said property to CHARLES RAY BELL by deed of record in Book 6521, Page 534, dated March 28, 1985, said Register's Office. RAY BELL CONSTRUCTION CO., INC. AND CHARLES RAY BELL have conveyed their 50% interest each to RAY BELL AND WIFE, GLENDA BELL by quitclaim deed of record in Book 10897, Page 570, dated April 20, 1998, said Register's Office. CHARLES RAY BELL AND GLENDA EARLE BELL have since been divorced by Final Decree in the Second Circuit Court for Davidson County, Tennessee, Docket No. 07D-567, dated December 14, 2009, a certified copy of which

is of record in Instrument No. 20100928-0077274, said Register's Office. CHARLES RAY BELL died testate on September 4, 2010. Letters Testamentary of record in Instrument No. 20101203-0096350, said Register's Office. GLENDA EARLE BELL has conveyed her interest in said property to FRANK E. NEAL, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES RAY BELL by quitclaim deed of record in Instrument No. 20101209-0098289, dated October 15, 2010, said Register's Office.

INCLUDED in the above described property, but specifically excluded therefrom are the following tracts:

PARCEL 1:

Land in the 13th, formerly the 25th Civil District of Davidson County, Tennessee, and being described according to a survey by J. R. Sanford, dated July 27, 1965.

BEGINNING at a point in the center of Old Hickory Boulevard, said point being 165 feet northerly from the southeast corner of a 166.2 acre tract conveyed to O'Connor Homes of Nashville, Inc., by deed of record in Book 343, Page 456, Register's Office for said County; thence south 89 deg. 30' west 315 feet to an iron pin; thence north 3 deg. 28' east 410 feet to an iron pin; thence north 89 deg. 30' east 355.4 feet to the center of Old Hickory Boulevard, thence with the center of said Boulevard, southerly 418. 2 feet to the point of beginning and containing 3.24 acres, more or less.

Being the same property conveyed to Jimmy J. Jones and wife, Hazel J. Jones by deed of record in Book 4094, Page 76, said Register's Office.

PARCEL 2:

A certain lot or parcel of land situated in the 13th Civil District of Davidson County, Tennessee, and is bounded and described by metes and bounds as follows:

BEGINNING at a spike in the center line of Clees Ferry Road, said point being 77.5 feet from the northeast corner of the property conveyed to William Keel, Jr. and wife by deed from Grover H. Standlee, Jr. and wife of record in Book 2693, Page 571, of the Register's Office of Davison County; thence leaving said road, south 72 deg. 37' 20" west 96.58 feet to an iron pin; north 55 deg. 51' 20" west 95.01 feet to an iron pin; north 17 deg. 28' 30" west 490.40 feet to an iron pin; north 72 deg. 41' east 219.1 feet to an iron pin; south 56 deg. 47' east 72.33 feet to an iron pin; south 53 deg. 54' east 268.78 feet to a spike in the center line of Clees Ferry Road, said point being 84 feet southwesterly of the center of a bridge on said road; thence with the center line of said road, south 15 deg. 58' 20" west 188.92 feet to a spike; south 33 deg. 26' west 211.68 feet to the point of beginning, containing 4.07 acres, more or less.

Being the same property conveyed to Victor L. Woehler and wife, Hallie D. Woehler by deed of record in Book 5340, Page 229, said Register's Office.

PARCEL 3:

Land in the 13th Civil District of Davidson County, Tennessee, described according to a survey made by William M. Keel Registered Land Surveyor, State of Tennessee, No. 990, dated April 30, 1981, as follows:

BEGINNING at an iron pin located (1) in the southerly line of that certain 138 acres, more or less, tract which was conveyed to Willard T. Shockley, Jr. and wife by deed from Lampley McDonald, a widow recorded in Book 2883, Page 345, in the Register's Office for said County, (2) north 87 deg. 00' west 442.20 feet along the southerly line of said 138 acre tract from a stone marker at the southeast corner of said 138 acre tract and, (3) at the northwest corner of that certain 10 acres, more or less, tract which was conveyed to Jerry D. Wood, Sr. and wife by deed from Etta Estelle Bess recorded in Book 3703, Page 610, in said Register's Office; thence with the westerly line of said 10 acre tract south 3 deg. 00' west 300.3 feet to an iron pin at the southwest corner of said 10 acre tract; thence along new lines north 87 deg. 00' west 217.58 feet to an iron pin and north 3 deg. 00' east 300.3 feet to an iron pin in the southerly line of said 138 acre tract; thence with the southerly line of said 138 acre tract south 87 deg. 00' east 217.58 feet to the point of beginning, containing 1.5

acres, more or less.

Being the same property conveyed to Willard T. Shockley, Jr. and wife, Lillian Leone Felts Shockley by deed of record in Book 5749, Page 26, said Register's Office.

PARCEL 4:

A certain lot or parcel of land in Davidson County, Tennessee, described as follows:

BEGINNING at an existing iron rod, property corner of Charles Ray Bell and Jane H. Coble, said point being the southwest corner of the property of Jane H. Coble (Book 8366, Page 592, R.O.D.C.T.) and being located 1580.59 feet west of Old Hickory Boulevard;

Thence with a new line, north 13 deg. 52' 32" west, 314.33 feet to a point on the line of Bell and Coble;

Thence with line of Bell and Coble, south 87 deg. 00' 00" east, 91.43 feet to an existing iron rod property corner;

Thence with line of Bell and Coble, south 03 deg. 02' 05" west, 300.79 feet to the point of beginning;

Containing 13,750.6 square feet, more or less according to an unrecorded survey by L. Steven Bridges, Jr., RLS No. 1740, of Land Surveying and Consulting, dated September 18, 1997.

Being the same property conveyed to Jane H. Coble by deed of record in Book 10804, Page 522, said Register's Office.

TRACT 3:

A certain lot or parcel of land situated in the 13th Civil District of Davidson County, Tennessee, and is bounded and described by metes and bounds as follows: BEGINNING at a spike in the center line of Clees Ferry Road, said point being 77.5 feet from the northeast corner of the property conveyed to William Keel, Jr. and wife by deed from Grover H. Standlee, Jr. and wife of record in Book 2693, page 571, of the Register's Office of Davidson County; thence leaving said road, south 72 deg. 37' 20" west 96.58 feet to an iron pin; north 55 deg. 51' 20" west 95.01 feet to an iron pin; north 17 deg. 28' 30" west 490.40 feet to an iron pin; north 72 deg. 41' east 219.1 feet to an iron pin; south 56 deg. 47' east 72.33 feet to an iron pin; south 53 deg. 54' east 268.78 feet to a spike in the center line of Clees Ferry Road; said point being 84 feet southwesterly of the center of a bridge on said road; thence, with the center line of said road, south 15 deg. 58' 20" west 188.92 feet to a spike; south 33 deg. 26 ' west 211.68 feet to the point of beginning, containing 4.07 acres, more or less.

Being the same property conveyed to RAY BELL AND WIFE, GLENDA BELL by deed from VICTOR L. WOEHLER, UNMARRIED of record in Book 10808, Page 605, dated February 13, 1998. CHARLES RAY BELL AND GLENDA EARLE BELL have since been divorced by Final Decree in the Second Circuit Court for Davidson County, Tennessee, Docket No. 07D-567, dated December 14, 2009, a certified copy of which is of record in Instrument No. 20100928-0077274, said Register's Office. CHARLES RAY BELL died testate on September 4, 2010. Letters Testamentary of record in Instrument No. 20101203-0096350, said Register's Office. GLENDA EARLE BELL has conveyed her interest in said property to FRANK E. NEAL, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES RAY BELL by quitclaim deed of record in Instrument No. 20101209-0098290, dated October 15, 2010, said Register' s Office.

**THE PROPERTY DESCRIPTION CONTAINED HEREIN WAS TAKEN FROM THAT CERTAIN INFORMATION LETTER FROM OLD REPUBLIC TITLE COMPANY OF TENNESSEE DATED FEBRUARY 4, 2011, REFERENCE NO. 110287. THE DRAFTSPERSON ASSUMES NO LIABILITY FOR THE ACCURACY THEREOF.**