THIS INSTRUMENT WAS PREPARED BY:
David M. Smythe
SMYTHE & HUFF
144 Second Avenue, North
Suite 333
Nashville, Tennessee 37201
(615) 255-4849

SCRIVENER'S AFFIDAVIT

Undersigned, David M. Smythe prepared a certain Special Warranty Deed and Deed of Trust, each dated May 20, 2011, with regard to real property located at 905 19th Avenue, North, Units A & B, wherein the property was conveyed by Civic Bank & Trust by Special Warranty Deed to DY Properties II, LLC of record in Instrument No. 20110524-0039486, said Register's Office; and

WHEREAS, said property was then conveyed by DY Properties II, LLC in trust to Robert Perry, Trustee, pursuant to a Deed of Trust for the benefit of Civic Bank & Trust of record in Instrument No. 20110524-0039487, said Register's Office; and

WHEREAS, it appearing that the property descriptions contained in both the Special Warranty Deed and Deed of Trust referenced herein should be supplemented to reflect the following additional derivation paragraph:

> Being also the same property depicted as Units A & B, 19th Avenue One Townhomes, as shown on Exhibit "B" – Site Plan, of the Declaration of Protective Covenants, Conditions and Restrictions for 19th Avenue One Townhomes, a Horizontal Property Regime with Private Elements, of record in Instrument Number 20080103-0000776, Register's Office for Davidson County, Tennessee, to which reference is made for a more for a more particular description.

WHEREAS, the property description for both the Special Warranty Deed and the Deed of Trust referenced herein should be amended and supplemented to reflect this additional derivation paragraph.

BILL GARRETT, Davidson County
Trans:T20110050694 AFFIDAVIT
Recvd: 08/17/11 14:04 2 pgs
Fees:12.00 Taxes:0.00
20110817-0063646

Except as indicated herein, the Special Warranty Deed and Deed of Trust of record in Instrument No. 20110524-0039486 and in Instrument No. 20110524-0039487, said Register's Office, otherwise remain as originally filed.

Further Affiant saith not:

David M. Smythe

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Personally appeared before me, Shelley L. Orr, a Notary Public in and for the said county and State, the within named bargainor, David M. Smythe, with whom I am personally acquainted, (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purpose therein contained.

Witness my hand and official seal at office this 17th day of August, 2011.

Notary Public

SHELLEY L. ORR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: March 3, 2015