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

WHEREAS, undersigned, David M. Smythe, as Substitute Trustee, prepared a certain Substitute Trustee's Deed (the "Deed") dated March 14, 2012, conveying the property at 3428, 3432 and 3436 Donna Kay Drive, Nashville, Tennessee (the "Property") to Alden Horton, III, and the Deed was recorded in Instrument No. 20120320-0023539, Register's Office for Davidson County, Tennessee; and

WHEREAS, undersigned has determined the Deed mistakenly did not attach undersigned's Notice of Foreclosure Sale dated February 6, 2012 sent to the Tennessee State Department of Revenue nor did it attach the response received from the State Department of Revenue dated February 9, 2012 that the Sale Notice regarding a Junior Tax Lien held by the State of Tennessee for this property was in compliance with State Law.

NOW, THEREFORE, premises considered, Plaintiff herein amends the Substitute Trustee's Deed which was recorded on March 20, 2012 of record in Instrument No. 20120320-0023539, Register's Office for Davidson County, Tennessee wherein undersigned conveyed this property by Substitute Trustee's Deed to Alden Horton, III for the purpose of attaching the two (2) Notices between undersigned and the Tennessee State Department of Revenue as described in the aforementioned Deed.

Except as amended herein, the Substitute Trustee's Deed of record in Instrument No. 20120320-0023539, said Register's Office otherwise remains as originally filed.

BILL GARRETT, Davidson County
Trans:T20120020967 AFFIDAVIT
Recvd: 03/22/12 15:36 4 pgs
Fees:22.00 Taxes:0.00
20120322-0024591

Witness this 22nd day of March, 2012.

David M. Smythe, Substitute Trustee

David M. Smythe, Substitute Trustee

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, Substitute Trustee, 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 22nd day of March, 2012.

Shelley L. Orr
Notary Public

SHELLEY L. ORR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: March 3, 2015

DAVID M. SMYTHE
dsmythe@smythehuff.com

DAVID O. HUFF
dhuff@smythehuff.com

SMYTHE & HUFF

an association of attorneys

www.smythehuff.com

JUSTIN T. HAYDEN
jhayden@smythehuff.com

February 6, 2012

REGULAR and CERTIFIED MAIL - -
RETURN RECEIPT REQUESTED

State of Tennessee
Department of Revenue
Tax Enforcement Division
Special Procedures Section
Andrew Jackson State Office Building
Nashville, TN 37242
Attn: Tax Lien Department

RE: HMR, LLC – 3428, 3432 and 3436 Donna Kay Drive, Nashville, TN 37211

To the Tax Enforcement Division:

Pursuant to the provisions of Tenn. Code Ann. § 67-1-1401 et. seq., I am hereby giving notice on behalf of Civic Bank & Trust of a foreclosure sale of property in which the State of Tennessee Department of Revenue - - Tax Enforcement Division claims a lien.

I am enclosing herewith copies of the following documents:

1. Substitute Trustee's Notice of Sale of 3428, 3432 and 3436 Donna Kay Drive, Nashville, Tennessee 37211, in which Civic Bank & Trust has a First Lien Deed of Trust of record in Instrument No. 20061218-0155762, Register's Office for Davidson County, Tennessee; and
2. Copy of the Bank's Deed of Trust of record in Instrument No. 20061218-0155762, said Register's Office; and
3. A copy of one (1) State Department of Revenue Notice of State Tax Lien filed of record on September 3, 2010 in Instrument No. 20100903-0070152, said Register's Office.

As indicated by the Notice of Sale, HMR, LLC is now in default under the terms and provisions of its mortgage indebtedness to Civic Bank & Trust and the Bank intends to foreclose the real property described in the Deed of Trust and Notice of Sale on Wednesday, March 7, 2012 at 10:00 a.m., free from homestead, dower, equitable rights of redemption, statutory right of redemption, marital share and all other exemption and redemption rights of every kind, in the property.

There is due and owing under the terms and provisions of the Mortgage Note obligation to the Bank the amount of $264,904.22, plus interest as well as all legal expenses and costs incurred in connection with the aforesaid Substitute Trustee's Notice of Sale.

I have enclosed a copy of this letter which I would appreciate you stamping the date of receipt upon and returning in the enclosed envelope. If you require any further clarification of this Notice of Sale, please advise me. I look forward to hearing from you at your convenience. I remain

Sincerely,

David Murray Smythe

DMS:el
Enclosures
cc: Civic Bank & Trust
HMR, LLC

STATE OF TENNESSEE
DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT DIVISION
ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37242

February 9, 2012

David Murray Smythe
Smythe & Huff
144 Second Ave. North
Suite 333
Nashville, TN 37201

Re: Foreclosure Sale of Property Owned by: **HMR, LLC**
Entity Number: **005-0535417/000 / 77-0681407**
3428, 3432 and 3436 Donna Kay Drive, Nashville, TN 37211

This is in reference to your letter dated February 6, 2012 concerning a foreclosure sale of property owned by the above-captioned taxpayer(s).

Your letter **does** comply with the provisions of T.C.A. § 67-1-1401 et. seq., but if the sale produces more than the amount needed to satisfy the cost of the sale, the indebtedness indicated in your letter, and any other superior liens, the amount of surplus proceeds up to the amount of taxes, penalties and interest due the Department of Revenue must be remitted to the State of Tennessee. Excess proceeds, if any, should be sent to the attention of the Special Procedures Unit at P.O. box 190665 Nashville, TN 37219-0665. The amount of taxes, penalties and interest that is due as of **March 7, 2012** is **$5,932.95**. *(Please be advised that if the scheduled sale is cancelled or postponed for any reason, notice must be submitted in writing if the sale is to be continued).*

After the sale, (and within 15 days), please furnish me with **an accounting of the sale** (form enclosed), and I will release the State's tax lien on the property sold. If the sale is canceled, please advise this office with a brief explanation. I trust that this has answered your letter, but if not, please let me know.

Rosemary Maltese, Accounting Technician 1
Special Procedures Section
Revenue Enforcement Division
Tennessee Department of Revenue

SP/bt
c: *file*