BILL GARRETT, Davidson County
Trans:T20130062906 AFFIDAVIT
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PLEASE CROSS REFERENCE BOOK 10844, PAGE 374, RODCT.

RETURN TO: (Prepared by:)
Title Department
Rubin Lublin, LLC
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
File No. 12-05492 Title

AFFIDAVIT AFFECTING TITLE

STATE OF GEORGIA

COUNTY OF GWINNETT

Personally appeared before the undersigned officer authorized by law to administer oaths in said State and County, comes the undersigned, Jeffrey C. Horn, who states on oath as follows:

1.

I am an attorney with the law firm of Rubin Lublin TN, PLLC, which was retained to conduct a foreclosure on behalf of Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP. I have sufficient knowledge to testify as to the matters stated herein based upon an examination of the public records retained by the Tax Assessor's Office for Davidson County, Tennessee and the Register of Deeds for Davidson County, Tennessee.

2.

After examining the records for real property commonly known as 3941 Pepperwood Drive, Davidson County, Tennessee, I determined that there is a scrivener's error in that certain Warranty Deed from Stephen P. Heim and wife, Dulcie B. Heim to Scott T. Johnson and Debra Lynn Rutherford, dated March 18, 1998 and recorded March 19, 1998 in Book 10844, Page 374,

Register's Office for Davidson County, Tennessee; to wit, the incorrect lot number is referenced in the legal description.

3.

In the aforementioned Warranty Deed, the legal description incorrectly references Lot No. 477, but the correct lot number for the real property that was conveyed is Lot No. 447.

4.

According to the public records, Stephen P. Heim and/or wife, Dulcie B. Heim never had an interest in Lot 477, and, therefore, could not have conveyed an interest in Lot 477 to Scott T. Johnson and Debra Lynn Rutherford on March 18, 1998. Timothy E. Holloway and wife, Jennifer L. Holloway were the owners of Lot 477 from the time period of January 12, 1995 to August 12, 2005.

5.

On March 18, 1998, prior to the conveyance to Timothy E. Holloway and wife, Jennifer L. Holloway, the aforesaid Stephen P. Heim and wife, Dulcie B. Heim had an interest in Lot 447 on the Plan of Peppertree Forest P.U.D. Section Ten pursuant to a Warranty Deed from Allen Earps, joined by his wife, Betty Earps, dated October 19, 1995 and recorded in Book 9833, Page 792, Register's Office for Davidson County, Tennessee.

6.

Moreover, the Warranty Deed dated March 18, 1998 from Stephen P. Heim and wife, Dulcie B. Heim to Scott T. Johnson and Debra Lynn Rutherford, of record in Book 10844, Page 374, Davidson County Register of Deeds contains other evidence that clearly demonstrates that Lot 447 was being conveyed; namely:

a. The tax parcel identification number recited on the Warranty Deed is Map 165, Group 13A, Parcel 141CO, which, according to the Davidson County Tax Assessor is the parcel identification number for Lot 447. The parcel number for Lot 477 is Map 165, Group 13A, Parcel 111CO.

b. The legal description referenced in the Warranty Deed references Peppertree Forest P.U.D. Section 10 of record in Plat Book 7900, Page 938. Lot Number 447 is part of Section 10 of record in Plat Book 7900, Page 938, while Lot 477 is part of Section 9 of record in Plat Book 7900, Page 760.

c. The property address recited on the Warranty Deed is 3941 Pepperwood Drive, Antioch, Tennessee 37013, which is the address for Lot 447. According to the Davidson County Tax Assessor, among other things, the property address for Lot 477 is 312 Amberwine Court, Antioch, Tennessee 37013.

d. According to the derivation clause in the Warranty Deed, the property being conveyed is the same property that was conveyed by deed from Allen Earps and wife, Betty Earps of record in Book 9833, Page 792, Register's Office for Davidson County, Tennessee. In the deed of record in Book 9833, Page 792, Lot 447 was conveyed.

7.

The correct legal description for the real property conveyed in that Warranty Deed of record in Book 10844, Page 374, Davidson County Register of Deeds is as follows:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING **LOT NO. 447** ON THE PLAN OF PEPPERTREE FOREST P.U.D., SECTION 10, OF RECORD IN PLAT BOOK 7900, PAGE 938, REGISTER'S OFFICE FOR SAID COUNTY, TO WHICH REFERENCE IS HEREBY MADE FOR A MORE COMPLETE LEGAL DESCRIPTION.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before me

this 16th day of July, 2013.

Affiant

Notary Public

My Commission Expires: 02/20/2015

(Notary Seal)

MARY MIRANDA ROSENBLUM NOTARY PUBLIC FULTON COUNTY EXPIRES GEORGIA Feb. 20. 2015