Box 36

BILL GARRETT, Davidson County
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THIS INSTRUMENT PREPARED BY:
Richard W. Sebastian, Esq.
ORTALE, KELLEY, HERBERT & CRAWFORD
330 Commerce Street, Suite 110
Nashville, TN 37201
File No. 23381

# SCRIVENER'S AFFIDAVIT

**Whereas,** by Warranty Deed of record in Instrument No. **20090102-0000353**, in the Register's Office for Davidson County, Tennessee, **ICON In The Gulch, LLC, a Tennessee limited liability company, Grantor**, conveyed certain property to **Hemal Mehta and wife, Rupal Mehta, Grantees** (the "Warranty Deed"); and

**Whereas,** the Warranty Deed contained errors in the legal description of the property and permitted exceptions.

**Now, therefore,** comes Richard W. Sebastian, a resident of Williamson County, Tennessee, hereinafter referred to as "Affiant," being duly sworn according to law, who states as follows:

That Affiant on December 31, 2008, prepared the Warranty Deed by and between the above parties to convey real property located in Davidson County; that the Warranty Deed contained errors in the legal description of the property and permitted exceptions. The Warranty Deed legal description and exceptions shall be stricken and the following shall be substituted in lieu thereof:

(Map/Parcel Nos. 093-13-C-287.00 CO):

Unit No. 1501 of ICON in the Gulch Tower Condominium (the "Unit") and as established by the Master Deed Establishing ICON in the Gulch Tower Condominium of record as Instrument No. 20080423-0041667, Register's Office for Davidson County, Tennessee. The ICON in the Gulch Tower Condominium constitutes the Tower Unit in the ICON in the Gulch Master Condominium, as established by the Master Deed Establishing ICON in the Gulch Master Condominium, of record as Instrument No. 20080423-0041665, said Register's Office. Also conveyed herewith is the undivided percentage interest in the Common Elements appurtenant to the Unit as set forth in Exhibit E of the Master Deed Establishing ICON in the Gulch Tower Condominium. Reference is hereby made to the plat of ICON in the Gulch Tower Condominium of record as Exhibit D of such Master Deed Establishing ICON in the Gulch Tower Condominium, for a more complete identification and description of such Unit.

Being a part of the same property conveyed to ICON In The Gulch, LLC, a Tennessee limited liability company, by Deed from Metropolitan Development and Housing Agency of record as Instrument No. 20060731-0092178 in the Register's Office for Davidson County, Tennessee.

The conveyance of the above described parcel of land is subject to the following:

1. 2008 Davidson County Taxes have been prorated by the parties and assumed by Grantee.

2. The premises herein described is a condominium apartment established pursuant to the provisions of the Tennessee Horizontal Property Act as the same is set out in Section 66-27-101, et seq. of the Tennessee Code Annotated, and is subject to the provisions and requirements thereof; and is subject to the By-Laws for the administration thereof; also subject to easements, rights and interests in favor of other unit owners, and all sewer, water, electrical, telephone and other utility easements now or hereafter established over, through or upon the land embracing the regime and buildings thereof; and also including, without limitation, all conditions, covenants, restrictions, options, burdens, assessments and other undertakings contained in the Master Deeds establishing a Horizontal Property Regime of ICON in the Gulch Condominiums of record as Instruments Nos. 20080423-0041665 and 20080423-0041667, and including, but not limited to the By-Laws shown as Exhibits "B"; the Plans shown as Exhibits "D", and the Rules and Regulations shown as Exhibits "G" to said Master Deeds, in the Register's Office for Davidson County, Tennessee.
3. Charter of the ICON in the Gulch Master Condominium Association, Inc., of record as Instrument No. 20080417-0038884 in said Register's Office.
4. Charter of the ICON in the Gulch Tower Condominium Association, Inc., of record as Instrument No. 20080417-0038886 in said Register's Office.
5. Stormwater Detention Agreement of record as Instrument No. 20060224-0021730 in said Register's Office.
6. Easement for sanitary sewers and/or storm drainage, water mains and pumps of record as Instrument No. 20060224-0021800 in said Register's Office.
7. Subject to The Arts Center Redevelopment Plan of record in Book 10965, page 404, as amended in Book 11625, page 252, and further amended by Instrument No. 20020715-0084598 in said Register's Office.
8. Survey by Littlejohn Engineering Associates dated October 28, 2005, shows a roadway encroachment at the northwest corner of said property.
9. Easements retained in Council Bills Nos. 658, and 43-77 with respect to alley closures, the locations of which are shown on Survey by Littlejohn Engineering Associates dated October 28, 2005.
10. Subject to Urban Zoning Overlay of record as Metro Ordinance No. BL2000-364, made applicable by Ordinance No. BL-2000-476, of record in the Metropolitan Clerk's Office for Davidson County, Tennessee.
11. Subject to any and all zoning regulations, building restrictions, setback lines, if any, and easements and rights of way for public utilities applicable to this property.

That Affiant makes this Affidavit solely for the purpose of correcting said errors contained in the Warranty Deed of record in Instrument No. 20090102-0000353, in the Register's Office for Davidson County, Tennessee.

Executed at Nashville, Tennessee, this the 2nd day of October, 2014.

**Richard W. Sebastian, Affiant**

**STATE OF TENNESSEE, COUNTY OF DAVIDSON**

On this 2nd day of October 2014, personally appeared before me, the undersigned a Notary Public in and for said County and State, the within named Richard W. Sebastian, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

**NOTARY PUBLIC**

MY COMMISSION EXPIRES:

JUNE E. ROWELL STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

NOTARY PUBLIC
June E. Rowell
My Commission Expires
January 9, 2018
STATE OF TENNESSEE