Karen Johnson Davidson County
Batch# 922864 AFFIDAVIT
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Fees: $17.00 Taxes: $0.00
20220928-0107352

This instrument prepared by: BOX 10-B
Cohen & Cohen, Attorneys At Law
4908 Charlotte Avenue
Nashville, TN 37209

AFFIDAVIT OF SCRIVENER'S ERROR

This affidavit is being given for the purpose of correcting an error in the legal description stated in a Quitclaim Deed conveying certain real property known as 3814 A Moss Rose Drive, Nashville, TN 37216 from John G. Colley, unmarried, to the Trustees of the John G. Colley Living Trust. Said Quitclaim Deed was executed on September 21, 2005 and recorded September 21, 2005 as Instrument No. 20050921-0113672, Register's Office for Davidson County, Tennessee. This affidavit is also given for the purpose of correcting the same error in the legal description for 3814-A Moss Rose Drive, Nashville, TN 37216 stated in the Special Warranty Deed from Josephine Lynn Colley, Personal Representative of the Estate of John Geist Colley and Josephine Lynn Colley as Trustee of the John G. Colley Living Trust U/A/D August 19, 2005 and Corrected Special Warranty Deed from Josephine Lynn Colley, Personal Representative of the Estate of John Geist Colley and Josephine Lynn Colley as Trustee of the John G. Colley Living Trust U/A/D August 19, 2005 and Alexander Brandau, IV as Successor Co-Trustee of the John G. Colley Living Trust U/A/D August 19, 2005 conveying four properties to William Lee Colley. Said Special Warranty Deed was executed on July 29, 2022 and recorded July 29, 2022 as Instrument No. 20220729-0086655, said Register's Office. Said Corrected Special Warranty Deed was executed on September 16, 2022 and recorded September 16, 2022 as Instrument No. 20220916-0103565, said Register's Office.

Comes now Lee A. Cohen who, having first been duly sworn according to law, deposes and says:

1. That I am an attorney licensed to practice in the Courts of the State of Tennessee, maintaining a law office in Davidson County, Tennessee.

2. That my office, under my direction, used the following legal description which inadvertently stated two (2) survey calls incorrectly, in preparation of the quitclaim deed and special warranty deeds referenced above, to wit:

Parcel 1: 3814-A Moss Rose Drive, Nashville, TN 37216
Map & Parcel: 073-06-0-032.00

A tract of land in the 11th, formerly the 18th, Civil District of Davidson County, Tennessee, being part of Lot No. 3 in the division of Lot No. 5 (the Addison-Cooper Lands) on the plans of the Riverwood Estate of W. F. Cooper, deceased, of record in the Chancery Court Plan Book 2, page 133; said division not being of record but described according to a survey made by Z. J. Wilkinson, Surveyor. Said survey being dated March 16, 1946, and described as the northerly 50 feet of Lot B on said survey and more particularly described as follows:

Beginning at an iron pin in the center of Moss Rose Drive which designates the southwest corner of the lot conveyed to John Geist Colley and wife, as described in a deed of record in Book 1314, page 138, R.O.D.C., Tennessee, thence north 72° east 405 feet to a pin on the low water mark of the Cumberland River; thence south 22° east 50 feet with said water line to a point; thence south 72° west 400 feet, more or less, to a point in the center of Moss Ross Drive; thence with the center of said Drive north 40° 30' west 50 feet to the point of beginning.

Being the same property conveyed to John Geist Colley and wife, Mildred Colley, from Mary Geist Colley and husband, W. H. Colley, by deed dated April 11, 1953 of record in Book 2156, page 243, said Register's Office. The said Mildred Colley died March 19, 1989, leaving John Geist Colley (a/k/a John G. Colley) as the surviving tenant by the entirety. John G. Colley died November 19, 2021. His Last Will and Testament vests the Personal Representative with the authority to convey said property. (See Seventh Circuit Court, Davidson County, Tennessee, Probate Division, Docket #22P1058.)

AND

A tract of land in the 11th formerly the 18th, Civil District of Davidson County, Tennessee, being part of Lot No. 3 in the division of Lot No. 5 (the Addison-Cooper Lands) on the Plan of Riverwood Estate of W. F. Cooper, deceased, of record in the Chancery Court Plan Book 2, page 133; said division not being of record but described according to a survey made by Z. J. Wilkinson, Surveyor. Said survey being dated March 16, 1946, and described as the southerly 10 feet of Lot A on said survey and more particularly described as follows:

Beginning at a iron pin in the center of Moss Rose Drive which designates the northwest corner of lot B as deeded to John Colley and wife, Mildred Colley; this being the common corner of Colley and Wheaton. Thence north 72° east 405 feet to a pin on the low water mark of the Cumberland River; thence north 22° east 10 feet with said water line to a point; thence south 72° west 405 feet plus or minus to an iron pin in the center of Moss Rose Drive; thence with said Drive north 40° 30 minutes west, 10 feet to the point of beginning.

Being the same property conveyed to the Trustees of the John G. Colley Living Trust from John G. Colley, unmarried, by deed dated September 21, 2005 of record in Instrument No. 20050921-0113672, Register's Office for Davidson County, Tennessee.

3. **That the correct legal description which correctly states the survey calls as originally stated in Book 3373, page 505 and corrected in Book 4334, page 795, and Book 2156, page 243, is as follows:**

Parcel 1: 3814-A Moss Rose Drive, Nashville, TN 37216
Map & Parcel: 073-06-0-032.00

A tract of land in the 11th, formerly the 18th, Civil District of Davidson County, Tennessee, being part of Lot No. 3 in the division of Lot No. 5 (the Addison-Cooper Lands) on the plans of the Riverwood Estate of W. F. Cooper, deceased, of record in the Chancery Court Plan Book 2, page 133; said division not being of record but described according to a survey made by Z. J. Wilkinson, Surveyor. Said survey being dated March 16, 1946, and described as the northerly 50 feet of Lot B on said survey and more particularly described as follows:

Beginning at an iron pin in the center of Moss Rose Drive which designates the southwest corner of the lot conveyed to John Geist Colley and wife, as described in a deed of record in Book 1314, page 138, R.O.D.C., Tennessee, thence north 72° east 405 feet to a pin on the low water mark of the Cumberland River; thence south 22° east 50 feet with said water line to a point; thence south 72° west 400 feet, more or less, to a point in the center of Moss Ross Drive; thence with the center of said Drive north 40° 30' west 50 feet to the point of beginning.

Being the same property conveyed to John Geist Colley and wife, Mildred Colley, from Mary Geist Colley and husband, W. H. Colley, by deed dated April 11, 1953 of record in Book 2156, page 243, said Register's Office. The said Mildred Colley died March 19, 1989, leaving John Geist Colley (a/k/a John G. Colley) as the surviving tenant by the entirety. John G. Colley died November 19, 2021. His Last Will and Testament vests the Personal Representative with the authority to convey said property. (See Seventh Circuit Court, Davidson County, Tennessee, Probate Division, Docket #22P1058.)

AND

A tract of land in the 11th formerly the 18th, Civil District of Davidson County, Tennessee, being part of Lot No. 3 in the division of Lot No. 5 (the Addison-Cooper Lands) on the Plan of Riverwood Estate of W. F. Cooper, deceased, of record in the Chancery Court Plan Book 2, page 133; said division not being of record but described according to a survey made by Z. J. Wilkinson, Surveyor. Said survey being dated March 16, 1946, and described as the southerly 10 feet of Lot A on said survey and more particularly described as follows:

Beginning at a iron pin in the center of Moss Rose Drive which designates the northwest corner of lot B as deeded to John Colley and wife, Mildred Colley; this being the common corner of Colley and Wheaton. Thence north 72° east 405 feet to a pin on the low water mark of the Cumberland River; thence north 28° west 10 feet with said water line to a point; thence south 72° west 405 feet plus or minus to an iron pin in the center of Moss Rose Drive; thence with said Drive south 30° east, 10 feet to the point of beginning.

Being the same property conveyed to John Geist Colley and wife, Mildred Colley, from Charles F. Wheaton and wife, Bertha Wheaton, by warranty deed dated April 25, 1962 of record in Book 3373, page 505 and corrected in Book 4334, page 795, said Register's Office . The said Mildred Colley died March 19, 1989, leaving John Geist Colley (a/k/a John G. Colley) as the surviving tenant by the entirety. John G. Colley died November 19, 2021. Said property was further conveyed to William Lee Colley by Special Warranty Deed from Josephine Lynn Colley, Personal Representative of the Estate of John Geist Colley and Josephine Lynn Colley as Trustee of the John G. Colley Living Trust U/A/D August 19, 2005 of record as Instrument No. 20220729-0086655 and Corrected Special Warranty Deed from Josephine Lynn Colley, Personal Representative of the Estate of John Geist Colley and Josephine Lynn Colley as Trustee of the John G. Colley Living Trust U/A/D August 19, 2005 and Alexander Brandau, IV as Successor Co-Trustee of the John G. Colley Living Trust U/A/D August 19, 2005, of record as Instrument No. 20220916-0103565, Register's Office for Davidson County, Tennessee.

4. **That the intent was to convey the real property owned by John Geist Colley a/k/a John G. Colley and the Trustees of the John G. Colley Living Trust U/A/D August 19, 2005 as referenced by the deeds in Book 3373, page 505, Book 4334, page 795, Book 2156, page 243, Instrument No. 20050921-0113672, Instrument No. 20220729-0086655, and Instrument No. 20220916-0103565, said Register's Office and such error in the legal description as listed above was inadvertent and merely a scrivener's error.**

Further affiant says not.

LEE A. COHEN

STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

Sworn to and subscribed before me this 28th day of September, 2022.

My commission expires:
May 9, 2026

NOTARY PUBLIC

ALAN M. COHEN
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Lee A. Cohen, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who did say upon oath that the facts recited in this instrument are true, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 28th day of September, 2022.

My Commission expires:
May 9, 2026

NOTARY PUBLIC

ALAN M. COHEN
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON