



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

Suite 15300
1800 Century Blvd.
Atlanta, Georgia 30345
(404) 417-2100

June 21, 2005

J. Allen Williams, Esq.
Dietrick, Evans, Scholz & Williams, LLC
1200 One Securities Centre
3490 Piedmont Road, NE
Atlanta, GA 30305

RE: Protest and Claim for Refund of Intangible Recording Tax Penalties in the amount of \$648.00 paid upon recording a Security Deed between W. D. Little Mortgage Corporation (Lender) and Victoria J. Allen and Charles J. Allen (Borrowers)


Dear Mr. Williams:

I have carefully considered your Protest and Claim for Refund of intangible recording tax penalties and interest paid to the Clerk of Superior Court, Cobb County when you recorded a Security Deed between the parties on April 25, 2005. Your letter dated June 3, 2005, your Protest, your Claim for Refund and all supporting documentation were considered. It is my determination that your Protest and Claim for Refund with request for waiver of penalties in the amount of \$648.00 is denied. The amount may not be refunded.

The proximate cause for the failure to timely record the instrument between the parties was failure to exercise proper diligence, rather than inadvertence or ignorance of the law. Having an adequate system of follow-up could have prevented the assessment of penalties.

A copy of this determination is being provided to the Clerk of Superior Court, Cobb County.

Sincerely,



Bart L. Graham

BLG/JWM/jt
Cc: Clerk of Superior Court, Cobb County