



Department of Revenue
State of Georgia

410 Trinity-Washington Building
Atlanta, Georgia 30334
(404) 656-4015

T. Jerry Jackson
Commissioner

June 12, 2001

[REDACTED]

RE: Protest of Intangible Recording Tax and Claim for Refund regarding [REDACTED] ("Lender") and [REDACTED] ("Borrower") for taxes paid to the clerk of superior court, [REDACTED] upon recording of Deed To Secure Debt, Security Agreement, Fixture Filing, Financing Statement and Assignment of Leases, Rents, Security Deposits and Hotel Revenue on June 16, 2000

Dear [REDACTED]

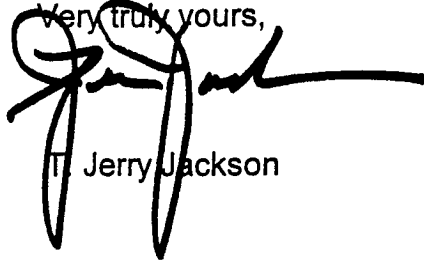
This is in reply to your Protest and Claim for Refund pursuant to O.C.G.A. 48-6-76 with respect to the application of the Georgia intangible recording tax required by O.C.G.A. 48-6-61.

Based on the contents of your letter of June 19, 2000 and accompanying documentation, it is my determination that the intangible recording tax in the amount of \$ 25,000.00 paid on June 16, 2000 was due at the time of recording the Deed To Secure Debt between [REDACTED] and [REDACTED] and may not be refunded.

O.C.G.A. 48-6-61 provides in pertinent part that there is imposed on each instrument an intangible recording tax at the rate of \$ 1.50 for each \$ 500.00 or fraction thereof of the face amount of the note secured by the recording of the security instrument. The collecting officer shall collect the tax due on the security instrument. Intangible recording taxes imposed on long-term notes secured by real estate are excise taxes, since they are paid for the privilege of filing a document in a county of this state to protect the interest of a holder of a note secured by the recording of the security instrument. It is not germane to the issue that [REDACTED] has its main office and principal

place of business outside Georgia, since the real property pledged as security for the note to [REDACTED] is located in [REDACTED] Georgia where the Deed to Secure Debt was recorded.

Very truly yours,



T. Jerry Jackson

[REDACTED]
TJJ/JWM/jt