



Bart L. Graham  
Commissioner

State of Georgia  
Department of Revenue

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

February 4, 2005

[REDACTED]

RE: Protest and Claim for Refund of Intangible Recording Tax in the Amount of [REDACTED]  
Upon Recording of a First Modification of Deed To Secure Debt, Assignment of Rents  
And Leases And Security Agreement Between [REDACTED] (Grantor) and  
[REDACTED], as Administrative Agent for Itself and Other Lenders (Lenders)

Dear [REDACTED]:

I have carefully considered your Protest and Claim for Refund of intangible recording tax paid in the amount of [REDACTED] when you recorded a First Modification of Deed To Secure Debt, Assignment of Rents and Leases and Security Agreement between the parties with the Clerk of Superior Court, [REDACTED] on July 30, 2004. Your request has been considered based on your letters of July 30, 2004 and August-10, 2004 with supporting documents. Also considered were your Protest and Claim for Refund with supporting documents.

It is my determination that intangible recording tax was not due when the security instrument representing a modification to the original security instrument between the parties was recorded.

Department of Revenue Rule 560-11-8-.02 provides in pertinent part that the maximum intangible recording tax on a single security instrument is \$25,000.00. The additional intangible recording tax in the amount of [REDACTED] may be refunded by the Clerk of Superior Court, [REDACTED]. A copy of this decision is being provided to that office as their authority to refund that amount.

Sincerely,

Bart L. Graham

BLG/JWM/jt

Cc: Clerk of Superior Court [REDACTED]