

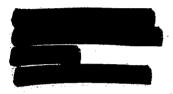
State of Georgia

Wart L. Graham Commissioner

Department of Revenue

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

May 8, 2006



Re:	Protest and Claim for Refund of I January 17, 2006, totaling (Lender) a	Intangible Recording Tax penalty and interest paid when recording a Security Deed between and (Borrower) dated June 29, 2005	
;	the second secon	•	

Dear

I have carefully considered your Protest and Claim for Refund of intangible recording tax penalty and interest paid to the Clerk of Superior Court, when you recorded a Security Deed between the parties on January 17, 2006. Your Protest, Claim for Refund, and all supporting documentation were considered. It is my determination that your Claim for Refund in the amount of security is denied. The amount may not be refunded.

O.C.G.A. § 48-6-61 provides in pertinent part that security instruments must be filed and the intangible recording tax paid no later than ninety days from the date of execution by the parties. In this case, the Security Deed was recorded on January 17, 2006 – more than six months from the date of execution. Having an adequate system of follow-up could have prevented the assessment of penalty and interest. The requirement stated in § 48-6-61 was not met.

A copy of this determination is being provided to the Clerk of Superior Court, that the money collected and deposited into an escrow account per O.C.G.A. § 48-6-76(b) may be disbursed according to law.

Sincerely,

Bart L. Graham

BLG/RJL/mb

cc: Clerk of Superior Court.