



Bart L. Graham  
Commissioner

State of Georgia  
**Department of Revenue**  
Suite 15300  
1800 Century Boulevard  
Atlanta, Georgia 30345  
(404) 417-2100

June 16, 2006

[REDACTED]

Re: Protest and Claim for Refund totaling [REDACTED] paid upon recording a Modification of a Deed to Secure Debt and Other Loan Documents between [REDACTED] (Borrower) and [REDACTED] (Lender), when the Modification was recorded with the Clerk of Superior Court, [REDACTED] on March 23, 2006

Dear [REDACTED]

I have carefully considered your Protest and Claim for Refund of intangible recording tax in the amount of [REDACTED] when you recorded a Modification of a Deed to Secure Debt and Other Loan Documents between the parties with the Clerk of Superior Court, [REDACTED] on March 23, 2006. Your Protest, your Claim for Refund, your letters of March 21, 2006 and April 12, 2006 with supporting documentation, and your Protest and Claim for Refund with supporting documentation filed with the Clerk of Superior Court, [REDACTED] were all considered in the review.

It is my determination that intangible recording tax was not due when the Modification between the parties was recorded by the Clerk of Superior Court, [REDACTED] on March 23, 2006.

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. Because the Modification agreement between the parties increased the principal amount of indebtedness to [REDACTED] the Clerk of Superior Court, [REDACTED] again required intangible recording tax to be paid in the amount of [REDACTED]. That payment was made under protest.

Due to the maximum amount of \$25,000.00 intangible recording tax having been paid when the original instrument was recorded, the protested payment of additional intangible recording tax in the amount of [REDACTED] may be refunded by the Clerk of Superior Court, [REDACTED]

[REDACTED] /2

A copy of this determination is being provided to the Clerk of Superior Court, [REDACTED] as their authority to refund the amount of [REDACTED] currently being held in a special escrow account as provided by law.

Sincerely,



Bart L. Graham

BLG/RJL/mb

cc: Clerk of Superior Court, [REDACTED]