

STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

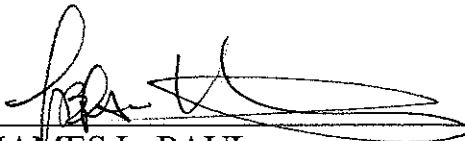
STEVENS & COOPER, LLC and )  
FIDELITY NATIONAL TITLE )  
INSURANCE CO., )  
 )  
Plaintiffs, )  
v. ) Civil Action File  
 ) No. 05 VS 088745-F  
DONALD MORELAND and )  
MORELAND & LERMAN, PC, )  
 )  
Defendants/Third-Party )  
Plaintiffs, )  
v. )  
 )  
CHASE MANHATTAN MORTGAGE )  
CORPORATION, )  
 )  
Third-Party Defendant. )  
 )

**NOTICE OF FILING OF AFFIDAVIT OF DONALD D. MORELAND**

**NOW COME** Donald Moreland and Moreland & Lerman, PC, Defendants/Third-Party Plaintiffs in the above-styled action, and hereby give notice of the filing of the "Affidavit of Donald D. Moreland" (the "Moreland Affidavit"), attached hereto as Exhibit "A". The Moreland Affidavit is filed in support of "Defendants' Motion for Summary Judgment against Plaintiffs Stevens & Cooper, LLC and Fidelity National Title Insurance Co." and for all other purposes authorized by law.

Dated this 8<sup>th</sup> day of January, 2007.

Respectfully submitted,

By: 

JAMES L. PAUL

*Georgia State Bar No. 567600*

F. BEAU HOWARD

*Georgia State Bar No. 142641*

*Counsel for Defendants/Third-Party Plaintiffs  
Donald Moreland and Moreland & Lerman, PC*

*Chamberlain, Hrdlicka, White, Williams & Martin*  
191 Peachtree Street, N.E. – Thirty-Fourth Floor  
Atlanta, Georgia 30303  
(404) 659-1410  
(404) 659-1852 (Facsimile)

241797.1

**EXHIBIT "A"**  
**TO**  
**NOTICE OF FILING OF AFFIDAVIT OF DONALD D. MORELAND**

STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

STEVENS & COOPER, LLC and	)	
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Defendants/Third-Party	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CHASE MANHATTAN MORTGAGE	)	
CORPORATION,	)	
	)	
Third-Party Defendant.	)	
_____	)	

**AFFIDAVIT OF DONALD D. MORELAND**

BEFORE ME, an officer duly authorized to take acknowledgments and administer oaths, this day personally appeared DONALD D. MORELAND, who being over the age of eighteen (18) years and having personal knowledge of the facts contained herein, and being first duly sworn, states on oath as follows:

1.

My name is Donald D. Moreland. I am over 21 years of age, and I am competent to make this Affidavit. This Affidavit is based on my personal

knowledge. I make this Affidavit in support of "Defendants' Motion for Summary Judgment against Plaintiffs Stevens & Cooper, LLC and Fidelity National Title Insurance Co.", and for all other purposes authorized by law.

2.

In early March 2005, I spoke on the telephone with Charles R. Burditt, Jr. ("Burditt"), a partner in the law firm Stevens & Cooper, LLC ("Plaintiff Stevens & Cooper"), Plaintiff in the above-styled action.

3.

During our conversation, Burditt said that he was a real-estate attorney and that he was facilitating the closing of the sale of an improved residential lot located at 2270 Polar Rock Avenue, Atlanta, Georgia 30315 (the "Polar Rock Property").

4.

I had facilitated a prior closing of the Polar Rock Property in February 2005.

5.

Burditt said that he had called because his title search found evidence of an exception to clear title on the Polar Rock Property. The exception in question was an outstanding deed to secure debt (the "Security Deed"), dated September 10, 1998, recorded at page 313 of Fulton County Deed Book 25447, and originally held by Advanta National Bank.

6.

Burditt asked whether I had facilitated a prior sale of the Polar Rock Property, and if so, what steps had I taken to certify title on the Polar Rock Property, given the existence of the Security Deed.

7.

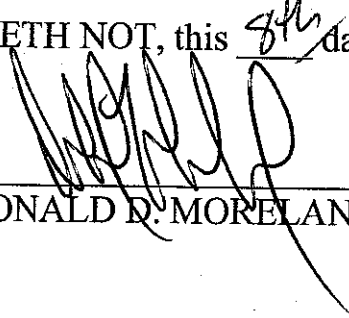
I told Burditt that I had certified marketable title and closed a prior sale based on the statement of a representative of Third-Party Defendant Chase Manhattan Mortgage Corporation ("Third-Party Defendant Chase"), who said that the note underlying the Security Deed had been paid off and that the Security Deed would be cancelled. Further, I told Burditt that, when I requested a cancellation notice, the Chase representative said that a formal cancellation notice could be issued in 90 to 120 days if I would mail Chase a written request.

8.

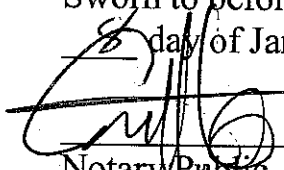
Burditt did not ask me to represent based on my personal knowledge that the Security Deed was or would be cancelled, and I never told Burditt that I had any personal knowledge about the actual status of the Security Deed other than what I had been told by the Chase representative.

*[Signature on following page]*

FURTHER AFFIANT SAYETH NOT, this 5th day of January, 2007.

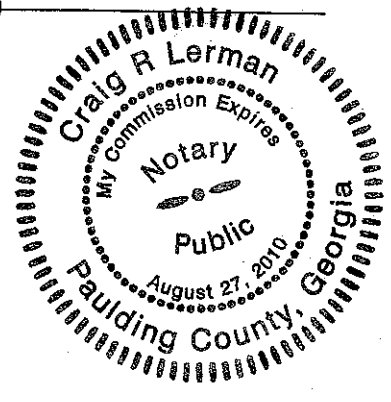
  
\_\_\_\_\_  
DONALD D. MORELAND

Sworn to before me this  
5th day of January, 2007

  
\_\_\_\_\_  
Notary Public

[seal]

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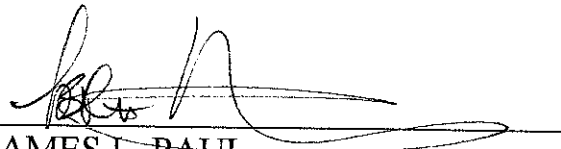
**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served a true and correct copy of the within and foregoing "Notice of Filing of Affidavit of Donald D. Moreland", upon the following parties by manner of service as indicated below, in properly addressed envelopes, addressed as follows:

John C. Porter, Jr.  
Gard Smiley Bishop & Porter, LLP  
1050 Crown Pointe Parkway  
Suite 1250  
Atlanta, Georgia 30338  
*Via Certified Mail, RRR #70032260000558393470*

David J. Reed  
Law Offices of David J. Reed  
1503 Bombay Lane  
Oakbrook Centre  
Roswell, Georgia 30076  
*Via Certified Mail, RRR #70032260000558393463*

Dated this 7<sup>th</sup> day of January, 2007.

By:   
JAMES L. PAUL  
Georgia State Bar No. 567600  
F. BEAU HOWARD  
Georgia State Bar No. 142641

*Counsel for Defendants/Third-Party Plaintiffs  
Donald Moreland and Moreland & Lerman, PC*

*Chamberlain, Hrdlicka, White, Williams & Martin*  
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