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This instrument prepared by:

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Davidson County REST
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SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR STONER'S GLEN, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS, ANNEXING ADDITIONAL PROPERTY AS PHASE THREE AND AMENDING ADDITIONAL PROVISIONS, AND FIRST AMENDMENT TO BYLAWS OF STONER'S GLEN TOWNHOUSE CORPORATION

THIS INSTRUMENT is made on the date set forth hereinafter by **STONER'S GLEN, LLC**, a Tennessee limited liability company ("Developer").

W I T N E S S E T H:

WHEREAS, pursuant to Declaration of Covenants, Conditions and Restrictions for Stoner's Glen, a Horizontal Property Regime with Private Elements, Phase One, executed and established by the Developer dated May 24, 2000, of record as Instrument No. 200005260052723, Register's Office for Davidson County, Tennessee (the "Declaration"), the real property described therein was devoted to the covenants, conditions and restrictions contained in the Declaration; and

WHEREAS, Section 21, subsection (a), of the Declaration provides that Developer shall have the right to incorporate additional phases into the area governed by the Declaration, and pursuant thereto Developer by First Amendment to Declaration of Covenants, Conditions and Restrictions for Stoner's Glen, a Horizontal Property Regime with Private Elements, Annexing Additional Property as Phase Two and Amending Additional Provisions, dated December 5, 2000 of record as Instrument No. 20001215-0123565, Register's Office for Davidson County, Tennessee, annexed as Phase Two into the property subject to the Declaration the real property described therein; and

WHEREAS, Developer has determined that the additional property described on Exhibit A attached hereto, and as shown on the Plat of Phase Three, Stoner's Glen, a Horizontal Property Regime with Private Elements, of record as Instrument No. 20010726-0079444, Register's Office for Davidson County, Tennessee, shall be subjected to the provisions of the Declaration and annexed as Phase Three into the property subject to the Declaration; and

WHEREAS, Section 21, subsection (b), of the Declaration provides that the Developer has the right to make and record any necessary amendment to the Declaration as may be required to obtain FHA approval for the horizontal property regime with private elements, and it is necessary to make certain amendments as set forth herein to obtain FHA approval for the horizontal property regime with private elements; and

WHEREAS, Developer has the right to amend the Bylaws of Stoner's Glen Townhouse Corporation which are attached as Exhibit B to the Declaration (the "Bylaws") pursuant to Article VII thereof.

NOW, THEREFORE, pursuant to Section 21, subsection (a) of the Declaration, Developer hereby incorporates into the provisions of the Declaration all the real property described on the attached Exhibit A and as shown on the Plat of Phase Three, Stoner's Glen, a Horizontal Property Regime with Private Elements, of record as Instrument No. 20010726-0079444, Register's Office for Davidson County, Tennessee. Such real property shall be held and conveyed subject to the provisions of the Declaration as Stoner's Glen, Phase Three.

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FURTHER, pursuant to Section 21, subsection (b), of the Declaration and Article VII of the Bylaws, Developer, in order to obtain FHA approval for the horizontal property regime with private elements, further amends the Declaration, and the Bylaws, as follows:

1. The following is added to subsection (a) of Section 21 of the Declaration:

Notwithstanding anything herein to the contrary, (a) annexation of additional properties, dedication of common area, and amendment of this Declaration, require HUD/VA prior approval as long as there is a Class B membership, (b) the approval of at least two thirds (2/3rds)of the Unit Owners is required to amend the Declaration and (c) the Common Elements cannot be mortgaged or conveyed without the consent of at least two thirds (2/3rds) of the Unit Owners (excluding the Developer).

2. In Section 5, subsection (b) (i) of the Declaration, under the heading "Class B," the language "one hundred percent (100%)" is changed to "seventy five percent (75%)".

3. In Section 7, subsection (i) of the Bylaws, under the heading "Class B", the language "one hundred percent (100%)" is changed to "seventy five percent (75%)".

4. The Declaration and Bylaws are further amended to the extent necessary to conform to the foregoing and to the extent necessary to satisfy all requirements to obtain FHA/VA approval for the horizontal property regime with private elements.

IN WITNESS WHEREOF, this instrument has been executed this 15th day of January, 2002.

DEVELOPER:

STONER'S GLEN, LLC,
a Tennessee limited liability company

By: Frank C. Batson, Sec.
Frank C. Batson, Sect.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **DAVID H. PARKER,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is **CHIEF MANAGER** of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS my hand, at office, this 15th day of January, 2002.

Debra Robertson
Notary Public

My Commission Expires: _____

EXHIBIT A

Prepared By: C. Michael Moran, RLS
535 Benzing Road
Antioch, TN 37013

LAND DESCRIPTION

Being a certain parcel of land located in the 13th Councilmanic District of Nashville-Davidson County, Tennessee; and being more particularly described as follows;
Beginning at a point located in the northerly boundary line of the Hubert Wiles, etux property as recorded in Book 4480 Page 876 Register's Office for Davidson County, Tennessee (RODC,Tn); said point being S 72°-45'-42" E – 141.25' along Miles's said northerly boundary line from the most northerly corner of the Carol I. Valent property as recorded in Book 8687 Page 894 RODC,Tn; said point also being the most southeast corner of Stoner's Glen Phase Two as recorded by Inst #20001108-0111055, RODC,Tn;
Thence, leaving the said boundary line of Miles and along the easterly boundary line of Stoner's Glen Phase Two N 17°-14'-18" E – 183.09' to a point situated on the northerly margin of Stoner's Glen Court;
Thence, along the said margin of Stoner's Glen Court N 72°-45'-42" W – 7.62' to a point;
Thence, leaving the said margin of Stoner's Glen Drive N 14°-53'-19" E – 154.51' to a point;
Thence, N 28°-50'-25" E – 306.00' to a point in the approximate centerline of Stoner's Creek; said point also being located in the southerly boundary line of Highlands of Tulip Grove Section 2 as recorded in Book 6250 Page 754 RODC,Tn;
Thence, leaving the said boundary of Stoner's Glen Phase Two and along the said boundary of Highlands of Tulip Grove Section 2 and generally with the said centerline of Stoner's Creek S 50°-31-19" E – 171.74' to a point;
Thence, S 81°-34'-54" E – 71.39' to a point;
Thence, N 82°- 48'-23" E – 124.94' to a point;
Thence, N 53°-37'-33" E – 405.13' to a point; said point being a corner of Brookside Woods Phase 2 Section 2 as recorded in Book 9700 Page 398 RODC,Tn;
Thence, leaving the said approximate centerline of Stoner's Glen Creek and along the westerly boundary line of Brookside Woods and generally with an old fence line S 60°-12'-55" E – 370.95' to an old iron rod situated in the northerly margin of the Nashville & Eastern Railroad;
Thence, leaving the said Brookside Woods boundary line and along the said margin of the Nashville & Eastern Railroad S 44°-30'-35" W – 1101.28' to an old iron rod; said iron rod being a corner of the aforementioned Hubert Wiles, etux property;
Thence, leaving the said margin of the Nashville & Eastern Railroad and along the said northerly boundary line of Wiles N 07°-12'-15" E – 100.00' to an iron rod;
Thence, N 72°-45'-42" W – 117.08' to an iron rod;
Thence, N 13°-06'-30" E – 143.79' to a point situated on the southerly margin of the aforementioned Stoner's Glen Court;
Thence, in a northwesterly direction and with a curve to the right having a radius of 225.132' an arc length of 39.27' to a point;
Thence, N 72°-45'-42" W – 6.80' to a point;
Thence, S 13°-06'-30" W – 140.36' to an iron rod;
Thence, N 72°-45'-42" W – 307.44' to the Point Of Beginning.
Containing 14.84 Acres (646,455 square feet)
Being a portion of the same property conveyed to Stoner's Glen, LLC by Walter E. & Mary V. Hughes as evidenced by Inst#200004100035682 RODC,Tn; also being the same property as Stoner's Glen Phase Three as evidenced by Inst #20010726-0079444 RODC,Tn.