THIS INSTRUMENT PREPARED BY:
Wesley D. Turner
GULLETT, SANFORD, ROBINSON & MARTIN, PLLC
Third Floor
230 Fourth Avenue, North
P. O. Box 198888
Nashville, Tennessee 37219-8888

Davidson County REST
Recvd: 07/23/03 10:31 7pgs
Fees:57.00 Taxes:0.00
20030723-0102986

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HARBOR VILLAGE, PHASE IV, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS

THIS INSTRUMENT made and entered into by and between **COLEMAN LAKE PARTNERS, LLC**, a Tennessee limited liability company (herein called "Coleman Lake") and **NEWMARK HOMES, L.P.** (herein called "Newmark").

W I T N E S S E T H:

WHEREAS, Coleman Lake, as "Developer," pursuant to Declaration of Covenants, Conditions and Restrictions for Harbor Village, Phase IV, a Horizontal Property Regime with Private Elements of record as Instrument No. 20030611-0080857, Register's Office for Davidson County, Tennessee, (the "Declaration") established a horizontal property regime with private elements over real property more particularly described in the Declaration, a Plat establishing the Units or Lots of the property being attached as **Exhibit B** to the Declaration (the "Original Plat"); and

WHEREAS, Newmark was conveyed certain Units or Lots as shown on the Plat as more particularly described as follows:

> Lots No. 33, 34, 43, 44, 45, 46, 122, 123, 124 and 125 on the Plan of Harbor Village, Phase IV, as shown on the Town Homes Property Line Exhibit which is **Exhibit B** to the Declaration of Covenants, Conditions and Restrictions for Harbor Village, Phase IV, a Horizontal Property Regime with Private Elements, of record as Instrument No. 20030611-0080857 Register's Office for Davidson County, Tennessee, to which plan referenced is hereby made for a more complete description.
>
> Being the same property conveyed by Coleman Lake Partners, LLC, to Newmark Homes, L.P. by deeds of record as Instrument No. 20030625-0087333 and 20030701-0090506, Register's Office for Davidson County, Tennessee.

(the "Newmark Units"); and

WHEREAS, Coleman Lake and Newmark are the owners of all the real property as described in the Declaration; and

WHEREAS, Section 21, Subsection (b), of the Declaration provides that Coleman Lake, as Developer, shall have the right to make and record any amendment to the Declaration for the purpose of completion of development or correction of clerical errors, and it has been determined that the Original Plat contains certain clerical errors as to the location of the Units and the parties have agreed that the Declaration should be amended as more particularly set forth herein.

NOW, THEREFORE, pursuant to Section 21, Subsection (b) of the Declaration, for value received, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree, and the Declaration is amended, as follows:

1. The maps or drawings which are attached hereto as **Exhibit B** shall replace and supersede the maps or drawings originally attached as **Exhibit B** to the Declaration and filed as the Original Plat. The maps or drawings attached hereto as **Exhibit B** shall hereafter be the Plat, as defined in the Declaration. There is no Exhibit A to this instrument.

Consistent with the foregoing, the definition of "Plat" originally set forth in Section 1, Subsection (n), of the Declaration shall be deleted and replace by the following:

> (n) "Plat" means the maps or drawings of the Parcel submitted pursuant to the provisions of the Act showing the number of each Unit, expressing its area, location and other data necessary for identification including but not limited to the area of the Private Elements upon which the Unit is located, said Plat being attached to the First Amendment to Declaration of Covenants, Conditions and Restrictions for Harbor Village, Phase IV, a Horizontal Property Regime with Private Elements as **Exhibit B**. Upon any annexation of additional phases into the provisions hereof, the Plat shall also mean the plat for the additional phase or phases so annexed.

2. The definition of "Unit" in the Declaration is amended to provide that each Lot designated on the Plat shall also be called a "Unit" as defined in the Declaration. The Units or Lots are also Private Elements as set forth in T.C.A. § 66-27-102. In the Declaration, in the Plat or in any legal description of property shown as the Plat, the use of "Unit" or "Lot" shall be interchangeable. Section 1, Subsection (r), of the Declaration, the definition of "Unit," is amended to reflect the foregoing.

3. The Original Plat is amended as set forth herein in order to make minor revisions to the location of the Units and to rearrange the numbering of the Units for Units 117 through 125 as set forth on the Plat. The parties shall execute and deliver to the other quitclaim deeds and any other appropriate instruments of correction in order to vest title in Newmark in the appropriate Units referenced by the Plat, as revised herein, and to vest in Coleman Lake the remaining Units and all Common Elements.

4. All property other than the Units as shown on the Plat shall be Common Elements as defined in T.C.A. § 66-27-102. The Common Elements are also designated as "Open Space" on the Plat.

5. The Declaration shall continue in full force and effect, amended only as specifically provided herein. This instrument constitutes the entire agreement of the parties with respect to the subject matter hereof and may not be amended or modified except by an agreement in writing executed between the parties hereto. This instrument is severable such that the invalidity or the enforceability of any provision shall not impair the validity or enforceability of the remaining provisions. This instrument shall be governed by the law of the State of Tennessee.

IN WITNESS WHEREOF, this instrument has been executed this 22 day of July, 2003.

COLEMAN LAKE PARTNERS, LLC,
a Tennessee limited liability company

By: _____
William A. Watson, Chief Manager

NEWMARK HOMES, L.P.

By: _____
Name: Mike Moody
Title: Division President

STATE OF TENNESSEE)
COUNTY OF ~~DAVIDSON~~ Williamson)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **William A. Watson**, 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 the **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 22 day of July, 2003.

Belinda J Cottrell
Notary Public

My Commission Expires: 6-8-04

STATE OF TENNESSEE)
COUNTY OF ~~DAVIDSON~~ Williamson)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Michael Moody with whom I am personally acquainted, and who acknowledged that he/she executed the within instrument for the purposes therein contained, and who further acknowledged that he/she is the Division Pres, 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 22 day of July, 2003.

Belinda J Cottrell
Notary Public

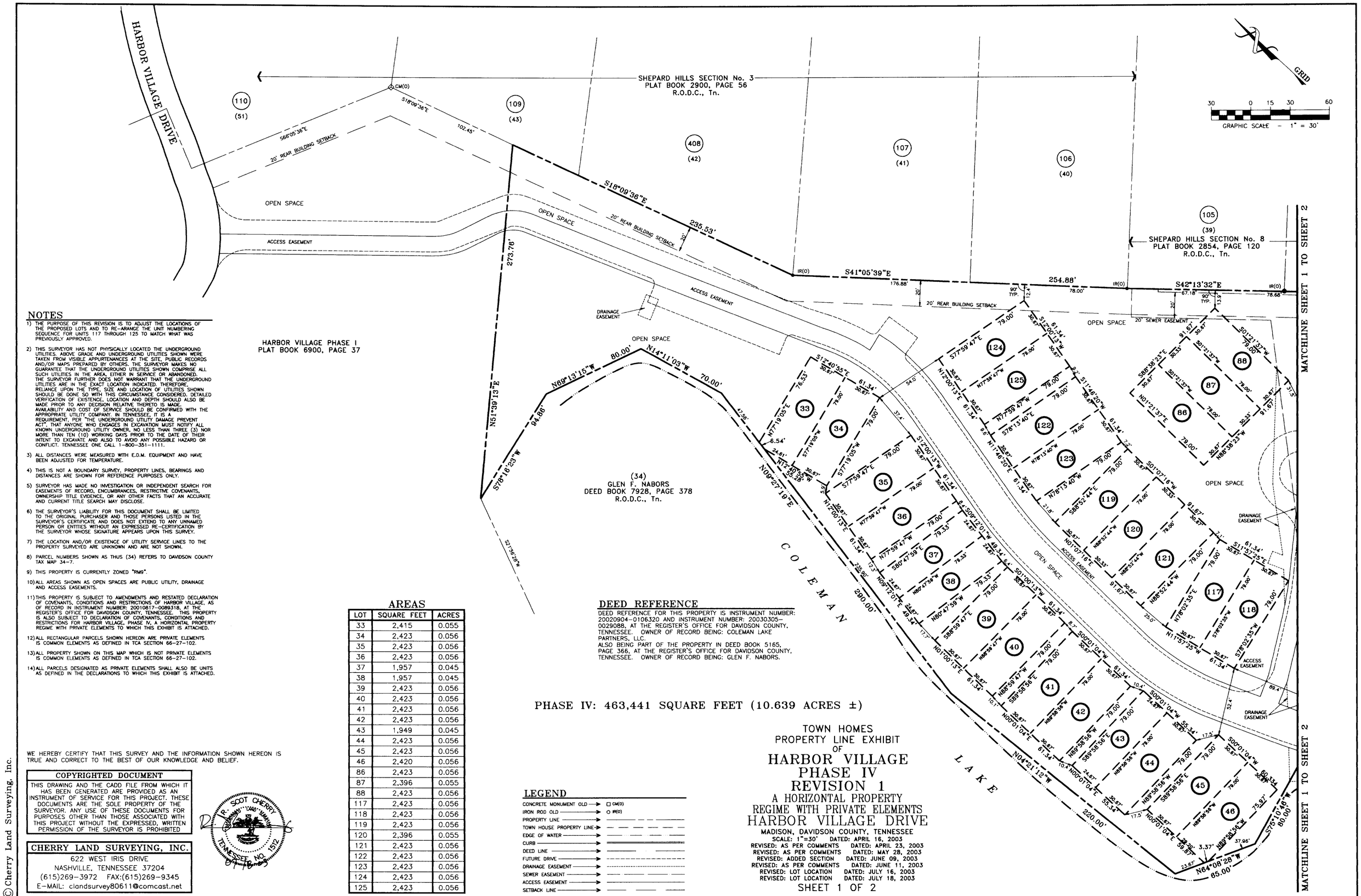
My Commission Expires: 6-8-04

210943.1/2003839

EXHIBIT B

Plat

[The Plat is attached as Exhibit B to this First Amendment so that the Plat will have the same Exhibit letter as the Plat as originally attached to the Declaration, which Exhibit has been superceded by this First Amendment. There is no Exhibit A to this First Amendment.]



NOTES

1) THE PURPOSE OF THIS REVISION IS TO ADJUST THE LOCATIONS OF THE PROPOSED LOTS AND TO RE-ARANGE THE UNIT NUMBERING SEQUENCE FOR UNITS 117 THROUGH 125 TO MATCH WHAT WAS PREVIOUSLY APPROVED.

2) THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENT ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNER, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-800-351-1111.

3) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.

4) THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINES, BEARINGS AND DISTANCES ARE SHOWN FOR REFERENCE PURPOSES ONLY.

5) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

6) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND THOSE PERSONS LISTED IN THE SURVEYOR'S CERTIFICATE AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.

7) THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.

8) PARCEL NUMBERS SHOWN AS THUS (34) REFERS TO DAVIDSON COUNTY TAX MAP 34-7.

9) THIS PROPERTY IS CURRENTLY ZONED "RM9".

10) ALL AREAS SHOWN AS OPEN SPACES ARE PUBLIC UTILITY, DRAINAGE AND ACCESS EASEMENTS.

11) THIS PROPERTY IS SUBJECT TO AMENDMENTS AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF HARBOR VILLAGE, AS OF RECORD IN INSTRUMENT NUMBER: 20010817-0089318, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. THIS PROPERTY IS ALSO SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HARBOR VILLAGE, PHASE IV, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS TO WHICH THIS EXHIBIT IS ATTACHED.

12) ALL RECTANGULAR PARCELS SHOWN HEREON ARE PRIVATE ELEMENTS IS COMMON ELEMENTS AS DEFINED IN TCA SECTION 66-27-102.

13) ALL PROPERTY SHOWN ON THIS MAP WHICH IS NOT PRIVATE ELEMENTS IS COMMON ELEMENTS AS DEFINED IN TCA SECTION 66-27-102.

14) ALL PARCELS DESIGNATED AS PRIVATE ELEMENTS SHALL ALSO BE UNITS AS DEFINED IN THE DECLARATIONS TO WHICH THIS EXHIBIT IS ATTACHED.

WE HEREBY CERTIFY THAT THIS SURVEY AND THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

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CHERRY LAND SURVEYING, INC.
622 WEST IRIS DRIVE
NASHVILLE, TENNESSEE 37204
(615)269-3972 FAX:(615)269-9345
E-MAIL: clandsurvey80611@comcast.net

R. SCOT CHERRY — TENNESSEE REG. NO. 1512 — LICENSED LAND SURVEYOR

AREAS

LOT	SQUARE FEET	ACRES
33	2,415	0.055
34	2,423	0.056
35	2,423	0.056
36	2,423	0.056
37	1,957	0.045
38	1,957	0.045
39	2,423	0.056
40	2,423	0.056
41	2,423	0.056
42	2,423	0.056
43	1,949	0.045
44	2,423	0.056
45	2,423	0.056
46	2,420	0.056
86	2,423	0.056
87	2,396	0.055
88	2,423	0.056
117	2,423	0.056
118	2,423	0.056
119	2,423	0.056
120	2,396	0.055
121	2,423	0.056
122	2,423	0.056
123	2,423	0.056
124	2,423	0.056
125	2,423	0.056

DEED REFERENCE

DEED REFERENCE FOR THIS PROPERTY IS INSTRUMENT NUMBER: 20020904-0106320 AND INSTRUMENT NUMBER: 20030305-0029088, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. OWNER OF RECORD BEING: COLEMAN LAKE PARTNERS, LLC.
ALSO BEING PART OF THE PROPERTY IN DEED BOOK 5165, PAGE 366, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. OWNER OF RECORD BEING: GLEN F. NABORS.

PHASE IV: 463,441 SQUARE FEET (10.639 ACRES ±)

LEGEND

- CONCRETE MONUMENT OLD — □ CM(O)
- IRON ROD OLD — ○ IR(O)
- PROPERTY LINE
- TOWN HOUSE PROPERTY LINE
- EDGE OF WATER
- CURB
- DEED LINE
- FUTURE DRIVE
- DRAINAGE EASEMENT
- SEWER EASEMENT
- ACCESS EASEMENT
- SETBACK LINE

TOWN HOMES
PROPERTY LINE EXHIBIT
OF
HARBOR VILLAGE
PHASE IV
REVISION 1
A HORIZONTAL PROPERTY
REGIME WITH PRIVATE ELEMENTS
HARBOR VILLAGE DRIVE
MADISON, DAVIDSON COUNTY, TENNESSEE
SCALE: 1"=30' DATED: APRIL 16, 2003
REVISED: AS PER COMMENTS DATED: APRIL 23, 2003
REVISED: AS PER COMMENTS DATED: MAY 28, 2003
REVISED: ADDED SECTION DATED: JUNE 09, 2003
REVISED: AS PER COMMENTS DATED: JUNE 11, 2003
REVISED: LOT LOCATION DATED: JULY 16, 2003
REVISED: LOT LOCATION DATED: JULY 18, 2003
SHEET 1 OF 2

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02364P4-S1 CW

AREAS

LOT	SQUARE FEET	ACRES
47	2,423	0.056
48	2,423	0.056
49	2,423	0.056
50	2,423	0.056
51	2,423	0.056
52	2,423	0.056
53	2,423	0.056
54	2,423	0.056
55	2,423	0.056
56	2,423	0.056
57	2,423	0.056
58	2,423	0.056
59	2,423	0.056
60	2,423	0.056
61	1,949	0.045
62	2,423	0.056
63	1,957	0.045
64	1,957	0.045
65	1,957	0.045
66	1,917	0.044
67	1,957	0.045
68	1,957	0.045
69	1,957	0.045
70	1,957	0.045
71	1,957	0.045
72	2,423	0.056
73	2,423	0.056
74	2,423	0.056
75	2,423	0.056
76	2,423	0.056
77	2,423	0.056
78	2,423	0.056
79	2,423	0.056
80	1,957	0.045
81	1,957	0.045
82	1,957	0.045
83	1,957	0.045
84	1,949	0.045
85	2,423	0.056
89	1,957	0.045
90	1,917	0.044
91	1,957	0.045
92	1,957	0.045
93	1,957	0.045
94	1,957	0.045
95	1,957	0.045
96	1,957	0.045
97	1,957	0.045
98	1,957	0.045
99	1,957	0.045
100	1,957	0.045
101	1,957	0.045
102	1,957	0.045
103	1,957	0.045
104	2,423	0.056
105	2,423	0.056
106	2,423	0.056
107	2,423	0.056
108	2,423	0.056
109	2,423	0.056
110	1,949	0.045
111	1,909	0.044
112	2,423	0.056
113	2,423	0.056
114	2,423	0.056
115	2,423	0.056
116	2,423	0.056

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R. SCOT CHERRY 1512 TENNESSEE REG. NO. LAND SURVEYOR

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MATCHLINE SHEET 2 TO SHEET 1

MATCHLINE SHEET 2 TO SHEET 1

SHEPARD HILLS SECTION No. 8
PLAT BOOK 2854, PAGE 120
R.O.D.C., Tn.

(56)
BILLY B. & SADIE BALES
INSTRUMENT No. 20000518-0049837
R.O.D.C., Tn.

(57)
GLEN F. NABORS
DEED BOOK 5165, PAGE 366
R.O.D.C., Tn.

(34)
GLEN F. NABORS
DEED BOOK 7928, PAGE 378
R.O.D.C., Tn.

COLEMAN LAKE

GRID

30 0 15 30 60
GRAPHIC SCALE - 1" = 30'

LEGEND

- CONCRETE MONUMENT OLD — □ CM(O)
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- PROPERTY LINE
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02364P4-S2 CW