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HBD

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Davidson County REST
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FIFTH SUPPLEMENTARY DECLARATION TO DECLARATIONN OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE TOWNHOMES OF SHADOW GLEN

This Fifth Supplementary Declaration to Declaration of Covenants, Conditions and Restrictions for the Townhomes of Shadow Glen ("Fifth Supplementary Declaration") is made and entered into as of this 22ND of APRIL, 2005.

WITNESSETH:

WHEREAS, Beazer Homes Corp., a Tennessee corporation ("Developer"), has previously submitted certain property to the Declaration of Restrictive Covenants for Shadow Glen recorded as Instrument Number 20040315-0029248 in the Register's Office for Davidson County, Tennessee (as previously amended) (the "Declaration"); and

WHEREAS, pursuant to paragraph 2 of the Declaration, Developer has the right to file of record one or more supplementary declarations to subject Additional Property (as that term is defined in the Declaration) to the terms of the Declaration and bring such additional property within the jurisdiction of Townhomes of Shadow Glen Homeowners Association, Inc.;

WHEREAS, Developer desires to annex Additional Property which is depicted on Exhibit A hereto, described on Exhibit B hereto and incorporated herein by this reference;

NOW, THEREFORE, for and in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Developer, being empowered so to do hereby amends the Declaration as follows:

1. Amendment. The Declaration is amended to annex Additional Property depicted on Exhibit A hereto, described on Exhibit B hereto and incorporated herein by reference. The foregoing property is deemed submitted to the terms of the Declaration, effective the date of recordation of this instrument in the Register's Office for Davidson County, Tennessee.

2. Ratification. In all other respects, the Declaration is ratified and confirmed.

IN WITNESS WHEREOF, Beazer Homes Corp. has caused this Fifth Supplementary Declaration to be executed as of the day and date first above written.

BEAZER HOMES CORP., Developer

By: Kelly Sloan, LAND DEVELOPMENT MANAGER
Kelly Sloan, Land Development Manager

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

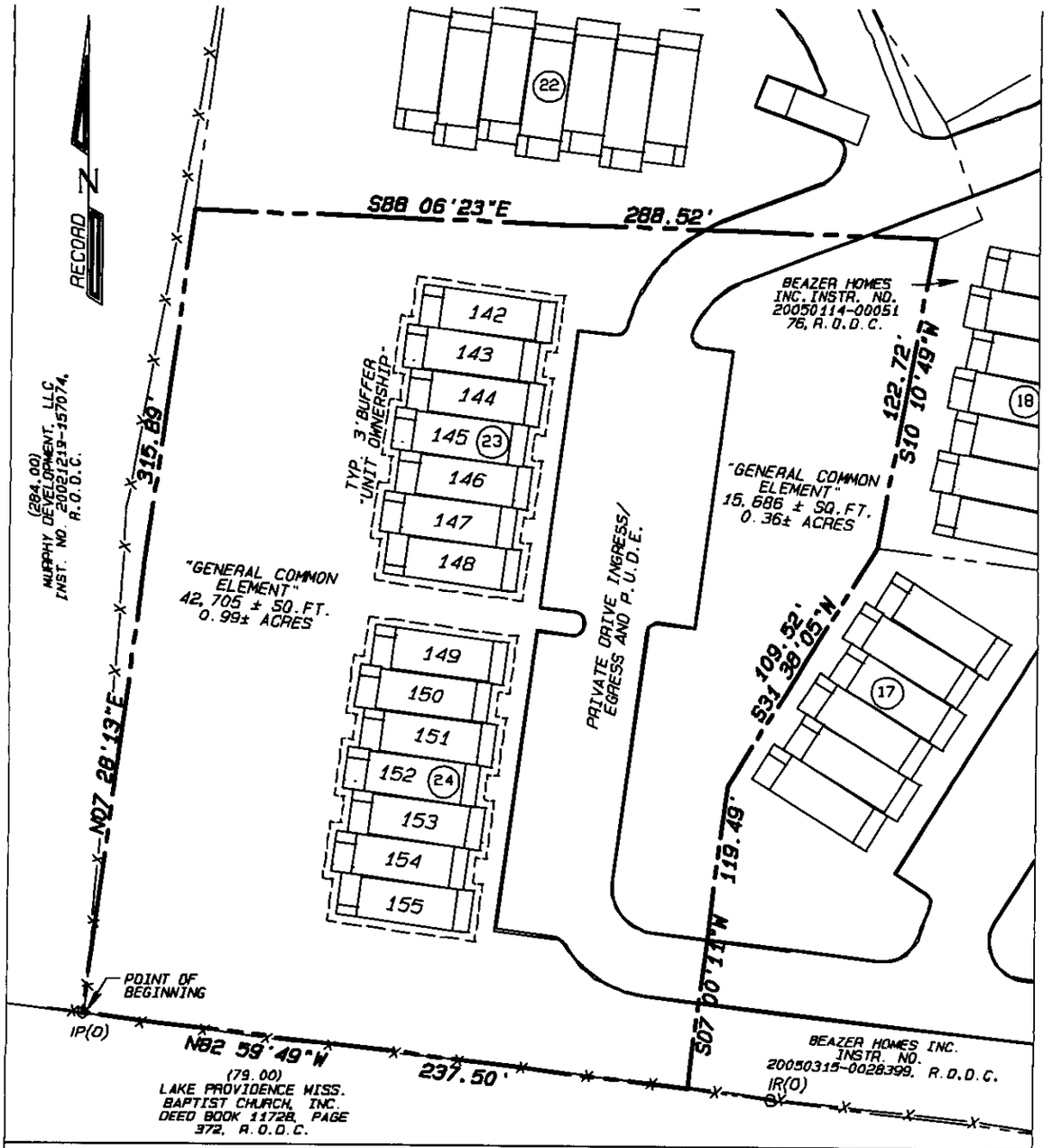
Personally appeared before me, the undersigned, a Notary Public, Kelly Sloan, with whom I am personally acquainted, and who acknowledged that she executed the foregoing instrument for the purposes therein contained and who further acknowledged that she is Land Development Manager Beazer Homes Corp., a Tennessee corporation, and is authorized to execute this instrument on behalf of Beazer Homes Corp.

WITNESS my hand, at office this 22nd day of April, 2005.

Notary Public Rebecca K White

My Commission Expires: 5-24-06

REBECCA K. WHITE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.
My Commission Expires MAY 24, 2006



PLAT REFERENCE
BEING A PORTION OF LOT 2 AS SHOWN ON THE PLAN OF SOUTHMARK SUBDIVISION AS SHOWN ON PLAT BOOK 7900, PAGE 38, R.O.D.C.

DEED REFERENCE
TO: SHADOW GLEN RESIDENTIAL, L.P.
FROM: ALARIC DEVELOPMENT COMPANY, INC
RECORD: INST. NO. 20030626890015, R.O.D.C.

AREA:
85,239 SQUARE FEET± OR
1.96 ACRES±

EXHIBIT A
SHADOW GLEN RESIDENTIAL L.P.
31ST COUNCILMANIC DISTRICT
NASHVILLE, DAVIDSON COUNTY,
TENNESSEE
DATE: 4-12-05

CRANFORD LAND SURVEYORS, P.C.
1929 21st. AVE. SOUTH
NASHVILLE, TN 37212
(615) 292-2661

0 10 20 30 40 50 100 150
SCALE : 1" = 50'

03079-7 (I)

EXHIBIT B

Land lying in the 31st Councilmanic district of Davidson County, Nashville, Tennessee and being part of the Lot 2, Southmark, a planned unit development of record Plat Book 7900, Page 38, R.O.D.C. and being more particularly described as follows:

Beginning at a iron pin (old) being the south west corner of the Shadow Glen Residential, L.P. of record in Instrument Number 20030626-89015, R.O.D.C. and lying in the northerly line of Lake Providence Missionary Baptist Church, Inc. Deed Book 11728, Page 372, R.O.D.C.;

Thence, along or near the easterly line of Murphy Development, LLC of record in Instrument 20021219-157074, R.O.D.C. North 07°28'13" East, a distance of 315.89 feet to a point;

Thence, along a new severance line South 88°06'23" East, a distance of 288.52 feet to a point;

Thence, along the westerly line of Beazer Homes of record in Instrument 20050114-0005176, R.O.D.C. South 10°10'49" West, a distance of 122.72 feet to a point;

Thence, along the westerly line of Beazer Homes of record IN instrument 20050315-0028399, R.O.D.C. the next two (2) courses and distances:

Thence, South 31°38'05" West, a distance of 109.52 feet to a point;

Thence, South 07°00'11" West, a distance of 119.49 feet to a point;

Thence, along or near the northerly line of Lake Providence Missionary Baptist Church, Inc. of record in Deed Book 11728, Page 372, R.O.D.C. North 82°59'49" West, a distance of 237.50 feet to the Point of Beginning.

Containing 85, 239 Square Feet or 1.95 Acres, more or less.

Being the same property conveyed to Beazer Homes Corp. by deed recorded as Instrument Number 20050422-0044870, Register's Office for Davidson County, Tennessee.