This Instrument Prepared By:
Julian L. Bibb, Esq.
Stites & Harbison PLLC
Financial Center
424 Church Street, Suite 1800
Nashville, Tennessee 37219

The maximum principal indebtedness for Tennessee recording tax purposes is $0.

# FIRST AMENDMENT TO ARDEN PLACE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

## RECITALS:

WHEREAS, the initial Arden Place Declaration of Covenants, Conditions and Restrictions are of record in Book 4574, page 455, Register's Office for Davidson County, Tennessee (the "Declaration");

WHEREAS, this First Amendment has been adopted by (i) members of the Arden Place Home Owners Association, Inc. (the "Association") representing not less than 75% of the total voting power of the Association, and (ii) the holders of all prior deeds of trust which are of record prior to the date hereof and as to which the Board of Directors of the Association (the "Board") has received notice in accordance with the provisions of Section 12 of Article X of the Declaration; and

WHEREAS, the terms of the First Amendment are as set forth herein.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, it is agreed as follows:

1. Article VI of the Declaration shall be amended to include a new Section 18 to read as follows:

> SECTION 18. Any changes made under the provisions of this Article initiated for and by the owner of a particular Unit shall be made at the sole cost and ongoing expense and maintenance of that owner and subsequent owners of that Unit.

2. Article VI, Section 1(a) of the Declaration shall be amended to include the following sentence immediately after the first sentence of Section 1(a):

> Notwithstanding the foregoing, the Unit owner may keep personal or professional records or accounts in that Unit, and handle personal business, professional telephone calls, professional electronic communication and correspondence.

Davidson County REST
Recvd: 08/16/07 16:14 3 pgs
Fees:17.00 Taxes:0.00
20070816-0098235

3. Article VI, Section 14 of the Declaration is amended by adding the following sentence after the first sentence of that Section:

A Unit owner, however, may keep personal or professional records or accounts in that Unit and handle personal business, professional telephone calls, professional electronic communications and correspondence

4. Article VI, Section 14 of the Declaration shall be amended by adding the following clause to the second sentence thereof:

Provided that any such lease shall be terminated in the event the Association, in the exercise of its discretion and for good cause, determines that the tenant under such a lease has failed to keep the building site or Unit in good condition and repair, or the action of the tenant and/or its family members or invitees constitutes a nuisance, safety hazard, or adversely affects other Units or any other improvements of Arden Place, the inhabitants of other Units, or the fair market value of other Units.

5. Article X, Section 18 of the Declaration shall be amended to include a new sentence at the end of Section 18 to read as follows:

Nothing in this Section shall be construed or applied so as to permit discrimination among persons for any reason inconsistent with prevailing law.

IN WITNESS WHEREOF, the Secretary of the Association executes this Declaration and affirms that the signatures of those persons and entities required by Article X, Section 4 to amend the Declaration are on file with the Association.

Dated: August 8, 2007.

**ASSOCIATION:**

ARDEN PLACE HOME OWNERS ASSOCIATION

By: Mary K. Nichols

Its: Secretary

STATE OF TENNESSEE )
COUNTY OF Davidson )

Before me, Patti Rocha, a Notary Public of said County and State, personally appeared Mary Nichols, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be Secretary (or other officer authorized to execute the instrument) of ARDEN PLACE HOME OWNERS ASSOCIATION, INC., the within named bargainor, a Tennessee not-for-profit corporation, and that he/she as such Secretary executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Secretary.

Witness my hand and seal, at Office, this 8th day of August, 2007.

Patti Rocha
Notary Public

My Commission Expires: 11-14-09

PATTI ROCHA
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires NOV. 14, 2009