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Davidson County REST
Recvd: 11/29/07 15:37 6 pgs
Fees:32.00 Taxes:0.00
20071129-0138690

FOURTH SUPPLEMENTAL DECLARATION (ANNEXING PHASE 5) TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS AND EASEMENTS FOR THE VILLAS AT CONCORD PLACE

This Fourth Supplemental Declaration (Annexing Phase Five) to Declaration of Protective Covenants, Conditions and Restrictions and Easements for The Villas at Concord Place ("Fourth Supplemental Declaration") is made and entered into as of this 28 of November, 2007.

W I T N E S S E T H:

WHEREAS, Centex Homes, a Nevada general partnership ("Declarant"), has previously subjected certain property to the Declaration of Protective Covenants, Conditions, Restrictions and Easements for the Villas at Concord Place recorded as Instrument Number 20050922-0114218 in the Register's Office for Davidson County, Tennessee (the "Declaration"); and

WHEREAS, pursuant to Section 8.1 of the Declaration, Declarant has the right to subject to the provisions of the Declaration all or any portion of the Additional Property (as that term is defined in the Declaration);

WHEREAS, BDP Development Company, LLC ("BDP") is the owner of Additional Property which is subject to that certain Memorandum of Option by and between Declarant and BDP which is recorded as Instrument Number 20070423-0047758 with the Register's Office for Davidson County, Tennessee;

WHEREAS, Declarant and BDP desire to subject to the provisions of the Declaration Additional Property to be known as The Villas at Concord Place Phase Five which is more particularly described in Exhibit A and depicted on Exhibit A-1 attached hereto and incorporated herein by this reference; and

WHEREAS, by the signature of its authorized representative below, BDP authorizes and consents to the annexation of The Villas at Concord Place Phase Five into The Villas at Concord Place development.

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

1. Amendment. The Declaration is amended to subject to the provisions of the Declaration a portion of the Additional Property known as The Villas at Concord Place Phase Five (formerly known as Concord Place II, Phase I) which is more particularly described in Exhibit A and depicted on Exhibit A-1 attached hereto. Said property, being a portion of the same property conveyed to BDP by deed recorded as Instrument Number 20070423-0047755, Register's Office for Davidson County, Tennessee (and being a portion of the property subject to that certain Memorandum of Option by and between Declarant and BDP recorded as Instrument Number 20070423-0047758 with the Register's Office for Davidson County, Tennessee) is deemed submitted to the provisions of the Declaration, effective upon the date of the recordation of this instrument with the Register's Office of Davidson County, Tennessee.

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

IN WITNESS WHEREOF, Centex Homes and BDP Development Company, LLC have caused this Fourth Supplemental Declaration to be executed as of the day and date first above written.

(signatures on following pages)

DECLARANT:
CENTEX HOMES, a Nevada general partnership

By: Centex Real Estate Corporation, a Nevada corporation, as its managing general partner

By: _____
Wes Patterson, President Nashville Division
Centex Real Estate Corporation

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Wes Patterson, with whom I am personally acquainted (or upon proof to me of satisfactory evidence), and acknowledged himself to be President of the Nashville Division of Centex Real Estate Corporation, a Nevada corporation, that is the Managing General Partner of Centex Homes, one of the within named bargainors, and that he as such President of the Nashville Division of the Managing General Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing his name as President of the Nashville Division of the Managing General Partner.

Witness my hand and seal, this 29th day of November, 2007.

_____
Notary Public
My commission expires: Aug. 3rd 2009

MARIA E. PEREZ
STATE OF TENNESSEE
WILLIAMSON COUNTY, TN
My Commission Expires August 3, 2009

BDP DEVELOPMENT COMPANY, LLC,
A Tennessee Limited Liability Company

By: Douglas W. Daniel, Chief Manager
Douglas W. Daniel, Chief Manager

STATE OF TENNESSEE)
COUNTY OF Williamson)

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Douglas W. Daniel, with whom I am personally acquainted (or upon proof to me of satisfactory evidence), and acknowledged himself to be Chief Manager of BDP Development Company, a Tennessee limited liability company, one of the within named bargainors, and that he as such Chief Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing his name as Chief Manager.

Witness my hand and seal, this 28th day of November, 2007.

Notary Public
My commission expires: 1-26-08

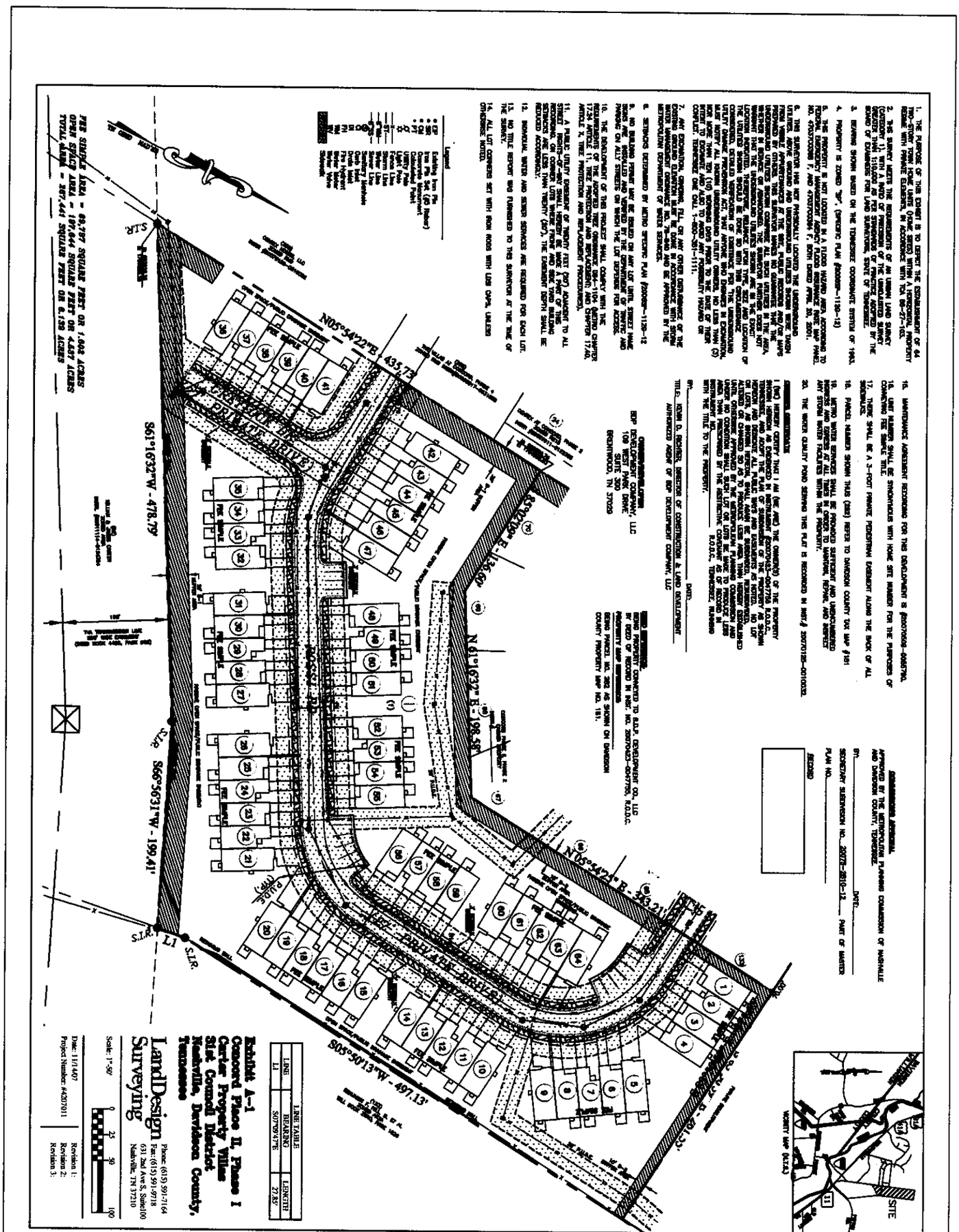
EMILY H. PROPHET
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

EXHIBIT A

PROPERTY DESCRIPTION
PHASE FIVE

Being the same property depicted as lot 1 as shown on the Plan of Final Plat Concord Place II, Phase 1, Carter Property of record in Instrument No. 200711200136050, Register's office for Davidson County, Tennessee.

EXHIBIT A - 1



1. THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE CONVEYANCE OF 44 THE ADJACENT PROPERTY, AS RECORDED IN INSTRUMENT NO. 20070604-0066790, RESIDE WITH PRIVATE ELEMENTS, IN ACCORDANCE WITH TCA 66-27-102.

2. THIS SURVEY MEETS THE REQUIREMENTS OF AN URBAN LAND SURVEY GREATER THAN 1:10,000 AS PER STANDARDS OF THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND SURVEYING AS ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS, STATE OF TENNESSEE.

3. BEARING SHOWN BASED ON THE TENNESSEE COORDINATE SYSTEM OF 1983.

4. PROPERTY IS ZONED "SP". (SPECIFIC PLAN (2005P-119U-12))

5. THE PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 47037C0066 F, AND 47037C0067 F, BOTH DATED APRIL 20, 2001.

6. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, ABOVE GROUND AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PROVIDED BY OTHERS. THIS 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 SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR DOES NOT HAVE THE UTILITIES PAINTED, FLAGGED OR OTHERWISE MARKED BY THE UTILITY COMPANIES. DETAILED VERIFICATION OF EXISTENCE AND THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION, MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS NO LESS THAN (3) BUT NOT MORE THAN TEN (10) WORKING DAYS PRIOR TO THE START OF WORK IN THE AREA TO ASCERTAIN THE EXACT LOCATION OF UNDERGROUND UTILITIES AND TO AVOID ANY POSSIBLE CONFLICT. TENNESSEE ONE CALL 1-800-351-1111.

7. ANY EXCAVATION, GRADING, FILL OR ANY OTHER DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND BE APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.

8. SETBACKS DETERMINED BY METRO SPECIFIC PLAN (2005P-119U-12)

9. NO BUILDING PERMIT MAY BE ISSUED ON ANY LOT UNTIL STREET NAME SIGNS ARE INSTALLED AND ACCEPTED BY THE METROPOLITAN GOVERNMENT PARKING ON ALLEY STREETS ON WHICH THE LOT EXPRESS FOR ACCESS.

10. THE DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE ADOPTED TREE ORDINANCE (BL-1104, NOW CHAPTER 17.24 ARTICLE II, TREE PROTECTION AND REPLACEMENT, AND CHAPTER 17.40 ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES).

11. A PUBLIC UTILITY EASEMENT OF TWENTY (20') FEET (10') ADJACENT TO ALL STREET RIGHTS-OF-WAY SHALL HEREBY BE MADE A PART OF THE RECORDING OF EACH LOT WHERE FRONT AND SIDE YARD BUILDING SETBACKS ARE LESS THAN TWENTY (20'), THE EASEMENT DEPTH SHALL BE REDUCED ACCORDINGLY.

12. INDIVIDUAL WATER AND SEWER SERVICES ARE REQUIRED FOR EACH LOT.

13. NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR AT THE TIME OF THE SURVEY.

14. ALL LOT CORNERS SET WITH IRON RODS WITH LOG CAPS, UNLESS OTHERWISE NOTED.

15. MAINTENANCE AGREEMENT RECORDING FOR THIS DEVELOPMENT IS (20070604-0066790).

16. LOT NUMBER SHALL BE SYNONYMOUS WITH HOME SITE NUMBER FOR THE PURPOSES OF CONVEYING TITLE TO THE SAME.

17. THERE SHALL BE A 3-FOOT PRIVATE PEDESTRIAN EASEMENT ALONG THE BACK OF ALL SIDEWALKS.

18. PARCEL NUMBER SHOWN THUS (181) REFER TO DAVIDSON COUNTY TAX MAP #181

19. METRO WATER SERVICES SHALL BE PROVIDED SUFFICIENT AND UNOBSTRUCTED ACCESS AND EASEMENTS AT ALL TIMES IN ORDER TO MAINTAIN, REPAIR, AND INSPECT ANY STORM WATER FACILITIES WITHIN THE PROPERTY.

20. THE WATER QUALITY POND SERVING THIS PLAT IS RECORDED IN INST.# 20070125-0010263.

OWNER'S CERTIFICATE

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN HEREON AS DEPICTED IN INSTRUMENT #20070423-0047755, R.O.D.C., TENNESSEE, AND ADOPT THE PLAN OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEDICATE ALL PUBLIC WAYS AND EASEMENTS AS NOTED. NO LOT SHOWN HEREON WILL BE ALTERED OR CHANGED SO AS TO PRODUCE LESS AREA THAN HEREBY ESTABLISHED UNTIL ORDERING APPROVED BY THE METROPOLITAN PLANNING COMMISSION AND APPROVED BY THE METROPOLITAN PLANNING COMMISSION AND RECORDED IN THE REGISTER'S OFFICE. NO LOT OR LOTS SHALL BE SUBDIVIDED SO AS TO PRODUCE LOTS WHICH ARE NOT IN CONFORMANCE WITH THE SUBDIVISION REGULATIONS OF THE METROPOLITAN PLANNING COMMISSION UNLESS A VARIANCE IS APPROVED BY THE METROPOLITAN PLANNING COMMISSION AND RECORDED IN INSTRUMENT NO. _____ R.O.D.C., TENNESSEE, HAVING TO DO WITH THE TITLE TO THE PROPERTY.

BY: _____ DATE: _____
TITLE: ROBIN D. ROSNER, DIRECTOR OF CONSTRUCTION & LAND DEVELOPMENT
AUTHORIZED AGENT OF BDP DEVELOPMENT COMPANY, LLC

OWNER/DEVELOPER
BDP DEVELOPMENT COMPANY, LLC
100 WEST PARK DRIVE
SUITE 300
BRENTWOOD, TN 37029

SOURCE OF TITLE
BEING PROPERTY CONVEYED TO B.D.P. DEVELOPMENT CO., LLC BY DEED OF RECORD IN INST. NO. 20070423-0047755, R.O.D.C.
PROPERTY MAP REFERENCES
BEING PARCEL NO. 282 AS SHOWN ON DAVIDSON COUNTY PROPERTY MAP NO. 181.

COMMISSION APPROVAL
APPROVED BY THE METROPOLITAN PLANNING COMMISSION OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE.

BY: _____ DATE: _____
SECRETARY SUBDIVISION NO.: 2007S-281U-12 PART OF MASTER PLAN NO. _____
RECORD

Legend
Existing from Plat
Iron Pin Set (#5 Rebar)
Concrete Monument
Utility Pole
Light Pole
Sanitary Sewer Line
Storm Line
Water Line
Gas Line
Overhead Utility Lines
Chain Link Fence
Wood Fence
Brick Wall
Rock Wall
Metal Fence
Sidewalk

LINE TABLE

LINE	BEARING	LENGTH
L1	S07°09'47"E	27.85'

FEE SIMPLE AREA = 69,797 SQUARE FEET OR 1.602 ACRES
OPEN SPACE AREA = 197,644 SQUARE FEET OR 4.537 ACRES
TOTAL AREA = 267,441 SQUARE FEET OR 6.139 ACRES

Exhibit A-1
Concord Place II, Phase I
Carter Property Villas
31st Council District
Nashville, Davidson County, Tennessee

LandDesign Surveying
Phone: (615) 591-7164
Fax: (615) 591-9719
631 2nd Ave S, Suite100
Nashville, TN 37210

Scale: 1"=50' 0 25 50 100

Date: 11/1/407
Project Number: #4207011

Revision 1:
Revision 2:
Revision 3: