Davidson County REST
Recvd: 09/26/08 09:12 5 pgs
Fees:27.00 Taxes:0.00
20080926-0097842

This Instrument Was Prepared By: CHRISTOPHER L. CANTRELL, Attorney-at-Law, 210 East Public Square, Smithville, TN 37166

SUPPLEMENTAL DECLARATION AND AMENDMENT TO
THE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR WHITNEY PARK

This instrument executed this 26th day of September, 2008, by Larry Kell Holland and Maria A. Holland ("Developers").

WITNESSETH:

WHEREAS, Developers have previously filed the Declaration of Covenants, Conditions and Restrictions for Whitney Park, (the "Declaration") of record in Instrument #20070427-0050246, Register's Office for Davidson County, Tennessee, which affects certain real property (the "Property") as more particularly described therein; and

WHEREAS, Developers desire to clarify the metes and bounds of the shared common elements and private elements shown on the original Exhibit B, developers hereby amend and substitute said Exhibit B by the attached survey plat; and

WHEREAS, pursuant to the provisions of Article 20 (b) of the Declaration, Developers reserved the right to make other amendments to the Declaration; and

WHEREAS, Developers desire to supplement the original Declaration by adding architectural control to the Board.

NOW, THEREFORE, in consideration of the premises, Developers hereby supplement the original Declaration by adding a 34th paragraph as follows:

34. ARCHITECTURAL CONTROL. Except for initial construction of dwelling units and improvements by a Builder or the Developers which construction and improvements shall be under the exclusive control of Developers, no building, fence, wall or other structure shall be commenced, erected or maintained upon the Property, nor shall any exterior addition or change (including any change in color) or alteration thereof be made until a detailed set of plans and specifications showing the nature, shape, heights, materials, color and location of the same shall have been submitted to and approved by the Board. Such plans and specifications shall be in such form and shall contain such information as the Board may reasonably require, including but not limited to any or all of the following: a site plan; proposed landscaping; patio and walkway locations; description of materials; location of lighting; architectural plans including cross-sections, floor plans and elevations; evidence of conformity with building codes; the exterior design, color and the location of the proposed topography of the surrounding Property. The Board's review of the plans and specifications shall include the following considerations: the continued maintenance of Whitney Park as a residential community of high aesthetic quality; the promotion of the health, safety and welfare of all Owners; the preservation, beautification and maintenance of the Property and all structures thereon; the preservation and promotion of environmental quality; and the assurance of adequate water, sewer and drainage facilities and other utilities and services. The Board shall either (i) approve the plans and specifications or (ii) disapprove them or (iii) approve them with conditions or qualifications. The approval of the plans and specifications by the Board shall not constitute a representation or warranty by it as to the quality of the workmanship, materials or architectural or engineering design covered thereunder, or the proposed work's feasibility or compliance with any applicable laws. In the event the Board fails to approve or disapprove such design and location within thirty (30) days after plans and specifications have

been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. Such submission to the Board shall be in person, or by registered or certified mail; with return receipt, directed to the Association manager, or if there is no manager, to its President.

a) Enforcement. In the event of a violation of the provisions of this Article, the Association shall have the right to enforce this Article by any proceedings authorized in this Declaration, the Bylaws, or by law.

b) Fees. The Developers or the Board may charge reasonable fees for the processing of said plans and specifications and any inspection of a Lot in connection therewith. Fees shall be paid at the time the plans and specifications are submitted to the Developers or the Board.

c) Approval of Plans by Developers: Each Builder, prior to initial construction of a Dwelling Unit and/or accessory structures on a Lot shall secure the Developers' approval of plans and specifications (as defined in paragraph 34, above). Approval of plans and specifications by the Developers shall be conducted in the same manner and in the same time frame as set forth in paragraph 34, above. The Developers shall have all legal and equitable remedies available under this Declaration to enforce its decision against Builders, Owners, or their successors.

Except as supplemented and amended hereby, all of the terms and conditions of the Declaration shall remain in full force and effect.

Any defined terms used herein shall have the same meaning as ascribed to them in the Declaration.

IN WITNESS WHEREOF, Developers have caused this instrument to be executed as of the day and year first above written.

LARRY KELL HOLLAND
DEVELOPER

MARIA A. HOLLAND
DEVELOPER

STATE OF TENNESSEE

COUNTY OF Williamson

Before me, a Notary Public in and for the aforesaid state and county, personally appeared LARRY KELL HOLLAND, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence,) and who, upon oath, acknowledged himself to be an Owner/Developer of WHITNEY PARK, a development, and that he, as such Owner/Developer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the development by himself as such Owner/Developer.

IN WITNESS WHEREOF, I hereunto affix my signature and seal of office in Franklin, Tennessee, on this the 20th day of September, 2008.

NOTARY PUBLIC

STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

MY COMMISSION EXPIRES: _____

My Commission Expires MAY 2, 2011

STATE OF TENNESSEE

COUNTY OF Williamson

Before me, a Notary Public in and for the aforesaid state and county, personally appeared MARIA A. HOLLAND, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence,) and who, upon oath, acknowledged herself to be an Owner/Developer of WHITNEY PARK, a development, and that she, as such Owner/Developer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the development by herself as such Owner/Developer.

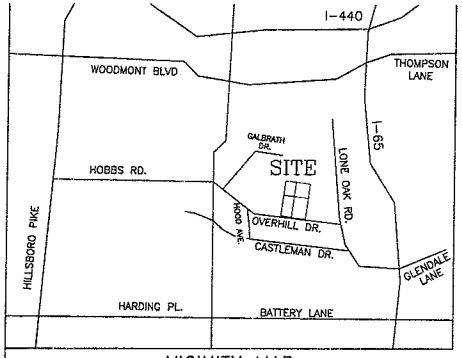
IN WITNESS WHEREOF, I hereunto affix my signature and seal of office in Franklin, Tennessee, on this the 20th day of September, 2008.

NOTARY PUBLIC

STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

MY COMMISSION EXPIRES: _____

My Commission Expires MAY 2, 2011



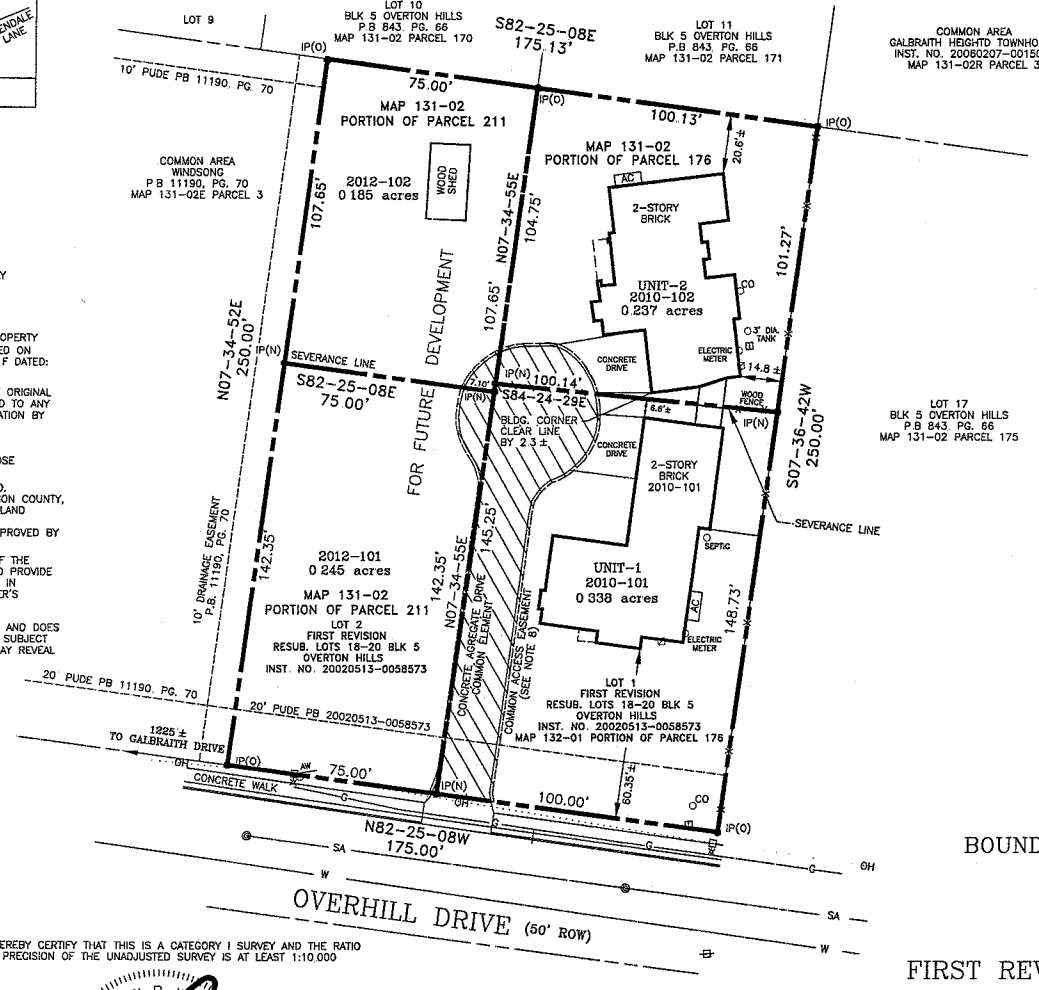

VICINITY MAP
NOT TO SCALE

WATER METER
WATER VALVE
FIRE HYDRANT
IRON PIN FOUND (OLD) IP(O)
IRON PIN SET (NEW) IP(N)
MANHOLE
UTILITY POLE
CLEAN OUT CO
GAS METER
LIGHT POLE WITH ANCHOR WIRE AW
AIR CONDITIONING PAD AND UNIT AC

EASEMENT LINE
PROPERTY LINE
CURB LINE
EDGE OF CONC
OVERHANG/CANOPY
WATER LINE W
OVERHEAD WIRES OH
GAS LINE G
SEWER LINE SA
20' PUBLIC UTILITY & DRAINAGE EASEMENT (PUDE)

GRAPHIC SCALE
30 0 15 30 60
( IN FEET )
1 inch = 30 ft.

PLAT INST. NO. 20020513-0058573




NOTES:

1) ALL DISTANCES WERE MEASURED WITH E D M EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
2) UTILITIES HAVE BEEN PLOTTED FROM SURFACE FEATURES FOUND AT THE TIME OF SURVEY AND AVAILABLE MAPS AND RECORDS. THERE MAY BE OTHER UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY CONSTRUCTION.
3) BY SCALING, GRAPHIC INTERPOLATION AND PLOTTING THE SUBJECT PROPERTY IS NOT LOCATED IN ZONES IDENTIFIED AS FLOOD HAZARD AREAS BASED ON F.E.M.A., FIRM "FLOOD INSURANCE RATE MAP", MAP NO. 4700400327 F DATED: 4-20-01
4) SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND THE PARTIES NAMES HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
5) REPRODUCTION OR USE OF THIS DRAWING OR ANY PART THEREOF IS NOT ALLOWED WITHOUT WRITTEN APPROVAL FROM THE SURVEYOR WHOSE SEAL APPEARS ON THIS SURVEY COPYRIGHT 2008
6) DEED REFERENCE FOR THE PROPERTIES SURVEYED IS INSTRUMENT NO. 20060419004468 3 AS OF RECORD IN REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. OWNER OF RECORD BEING: LARRY KELL & MARIA A. HOLLAND
7) THIS PROPERTY IS CURRENTLY ZONED "RS-15", SETBACKS TO BE APPROVED BY METRO ZONING AND CODES OFFICE (862-6500)
8) COMMON ACCESS EASEMENT SHALL BE 1 FOOT OUTSIDE THE EDGE OF THE CONCRETE DRIVEWAY AS SHOWN HERE ON. COMMON ACCESS DRIVE TO PROVIDE ACCESS TO AND BE MAINTAINED BY ALL UNIT OWNERS AS SET FORTH IN INSTRUMENT NO. 20070427-0050245 AS OF RECORD IN THE REGISTER'S FOR DAVIDSON COUNTY, TENNESSEE.
9) THIS SURVEY PREPARED FROM CURRENT DEEDS & PLATS OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE, AND IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE TITLE SEARCH MAY REVEAL

REVIEWED BY GIS METRO ZONING

Marie S. Stake
9-26-2008

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS AT LEAST 1:10,000

MICHAEL R. WILLIAMS REGISTERED LAND SURVEYOR AGRICULTURE TENNESSEE NO. 1906

9-26-08

MICHAEL R. WILLIAMS R.L.S., TN. # 1906

PREPARED FOR:
KELL HOLLAND
5442 GRANNY WHITE PIKE
BRENTWOOD TN 37027

PREPARED BY:

HFR DESIGN
1910
Nashville, Tennessee
Jackson, Tennessee
Kansas City, Missouri
Louisville, Kentucky
ARCHITECTURE
ENGINEERING
PLANNING
INTERIORS
SURVEYING
PO Box 1974, 7101 Executive Center Drive, Suite 300
Brentwood, TN 37024-1974
ph 370-6500 fax 370-8530 kedmonson@hfrdesign.com

# BOUNDARY & TRACT DIVISION SURVEY OF "WHITNEY PARK"

## LOTS 1 & 2

## FIRST REVISION OF LOT 1 RESUBDIVISION OF LOTS 18-20 IN BLOCK 5 OVERTON HILLS

PLAT BOOK 20020513-0058573
25TH COUNCILMANIC DISTRICT
NASHVILLE-DAVIDSON COUNTY-TENNESSEE
SCALE: 1"=30' DATE: 9-24-08:REVISED: 9-25-08
HFR PROJECT NO. 2008172-52

G:\2008\170-52\Survey\20081170-52.dwg, Model, 9/25/2008 3:56:54 PM, dnagan

I, Dawn D. Chase do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Signature

State of IN

County of Williamson

Personally appeared before me, Michelle Montague, a notary public for this county and state, Dawn D. Chase who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

MY COMMISSION EXPIRES: 3/20/10.

Notary's Seal (If on paper)




(3) All electronic documents eligible for registration pursuant to this subsection are validly registered when accepted for recording by the county register. Electronic documents registered by county registers prior to July 1, 2007 shall be considered validly registered with or without the certification provided in subdivision (2).