BILL GARRETT, Davidson County
Trans:T20120022668 DEEDMAST
Recvd: 03/29/12 08:24 14 pgs
Fees:72.00 Taxes:0.00
20120329-0026541

THIS INSTRUMENT PREPARED BY:

Marcy E. Shelton
Gullett, Sanford, Robinson & Martin, PLLC
150 Third Avenue South, Suite 1700
Nashville, Tennessee 37210

THIRD AMENDMENT TO AND INSTRUMENT OF ANNEXATION OF ADDITIONAL PROPERTY INTO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR AVENUE SOUTH TOWNHOMES, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS

THIS INSTRUMENT is made this 29 day of March, 2012 by **H & K INVESTMENTS**, a Tennessee general partnership, as Developer ("Developer") under the Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record as Instrument Number 20100907-0070753, as amended pursuant to the First Amendment to Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record as Instrument Number 20100921-0075025, and as further amended by that Second Amendment to and Instrument of Annexation of Additional Property Into Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record as Instrument Number 20110808-0060841, and as further amended by that Second Amendment to Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, A Horizontal Property Regime with Private Elements, of record as Instrument Number 20111003-0076391, and Register's Office for Davidson County, Tennessee, (the "Declaration"). Pursuant to Paragraph 14 of the Declaration, Developer hereby amends the Declaration to annex and bring within the coverage and encumbrance of the Declaration, real property located in the City of Nashville, Davidson County, Tennessee, more particularly described as follows:

> Being Lot No. 3 on the Plan of Dr. R.W. Grizzard's Subdivision of Part of the Bosley Tract, of record in Book 3106, Page 120, as revised in Book 3106, Page 131, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate description.
>
> Being part of the same property conveyed to H & K Investments by deed from Ray E. Tarkington, of record as Instrument Number 20100802-0060487, Register's Office for Davidson County, Tennessee.

By virtue of this Instrument, the property described herein is made a part of the "Property" as defined in the Declaration. The property described herein shall be subject to all the terms and provisions set forth in the Declaration, as such may be amended from time to time.

By virtue of this Instrument, the Declaration is further amended and supplemented as follows:

1. Section 1. Definitions

(l) "Parcel" means, in addition to that parcel or tract of real estate described in the Declaration, the Property described in this instrument and annexed pursuant to the terms hereof.

(n) "Plat" means, in addition to the maps or drawings filed as Collective Exhibit C to the Declaration, the maps or drawings filed as Exhibit A to this instrument.

(r) "Unit" means, in addition to the units shown and depicted in the Declaration, the portion of the Property as shown on the Plat filed as Exhibit A to this instrument and designated in the Plat for separate ownership and occupancy the boundaries of which are shown on the Plat and are described herein and shall include the Private Elements and the residence and improvements now or hereafter located thereon. The Units are identified by number on the Plat and may be held and conveyed by reference to such number.

2. Section 4. Association of Unit Owners and Administration and Expenses for Operation of the Property. The third sentence of Section 4(1) of the First Amendment is amended to provide as follows: The undivided interest in the Common Elements, the Common Expense liability and votes in the Association, are allocated sixteen point sixty-six percent (16.66%) to each Unit as shown on the plat and map filed as Amended Exhibit D to the First Amendment and Exhibit B to this instrument.

3. The Declaration is further amended to include and incorporate by reference the Certificate attached hereto as Exhibit C to amend and supplement Exhibit E to the Declaration.

4. The Declaration shall continue in full force and effect, amended only as set forth herein.

IN WITNESS WHEREOF, this instrument has been executed on the date set forth below.

H & K INVESTMENTS,
a Tennessee general partnership

By: _____
Robert Kincaid, General Partner

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a notary public in and for said county and state, **ROBERT KINCAID,** with whom personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is **GENERAL PARTNER** 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 the 28th day of March, 2012

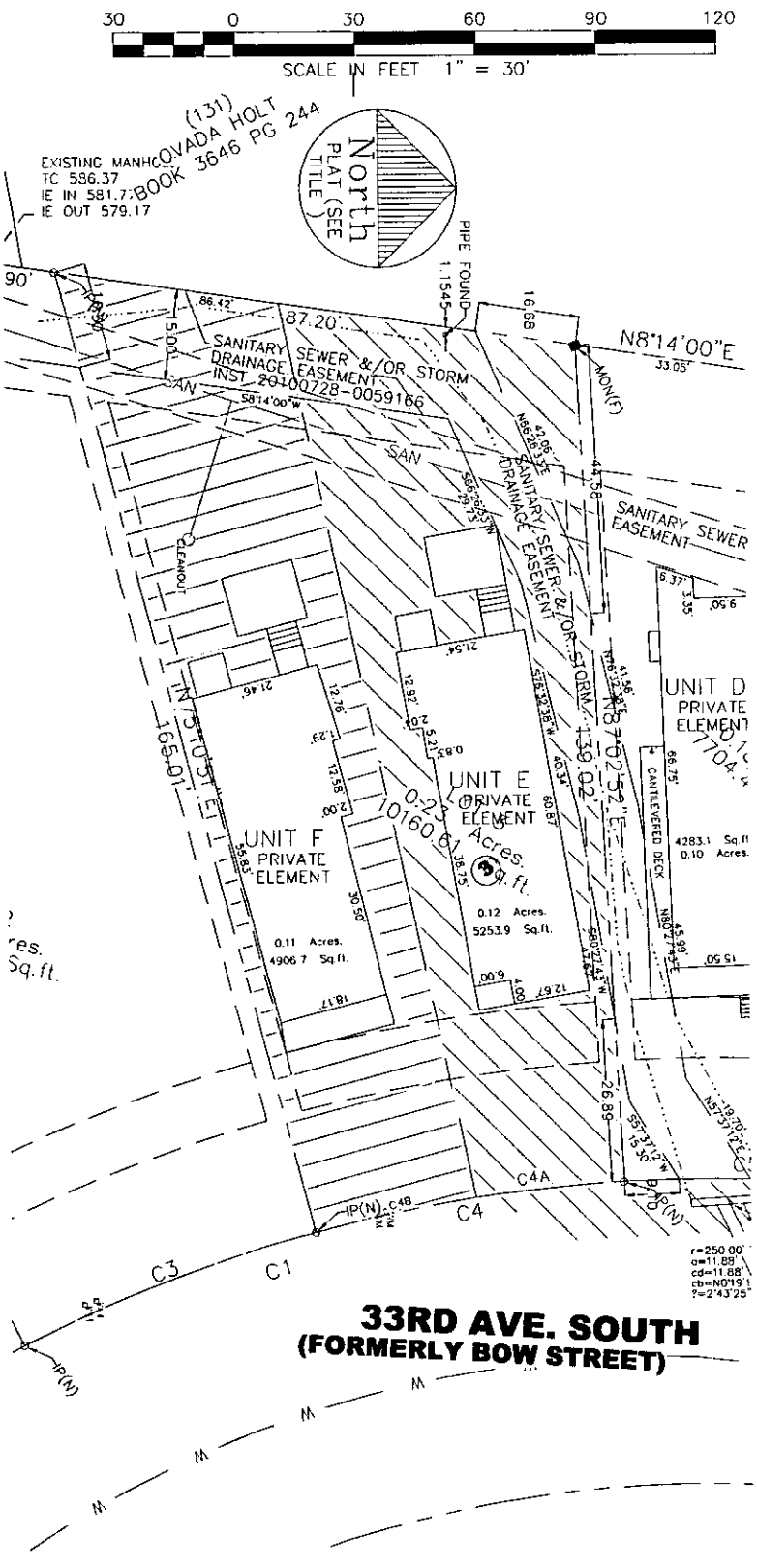
_____
Notary Public

My commission expires: 8-17-2015

ALISON RODGERS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires 08-17-2015

AMENDED COLLECIVE EXHIBIT C

PLAT AND PLANS



The undersigned, WALTER H. DAVIDSON, Professional Engineer and Registered Land Surveyor, licensed in the State of Tennessee, certifies that construction of the buildings proposed for Avenue South Townhomes, a horizontal property regime with private elements, complies with the requirements for a planned unit development as set forth in Tennessee Code Annotated Section 66-27-103(b) and are in substantial compliance with the Metropolitan Zoning Code for Metropolitan Nashville and Davidson County.

DATED this 30TH day of May 2011

Walter H. Davidson, PE, RLS

Walter H. Davidson 3/22/2012

TENNESSEE NO. 104...

TENNESSEE NO. 1467

LEGEND

LIMITED COMMON ELEMENT UNIT E

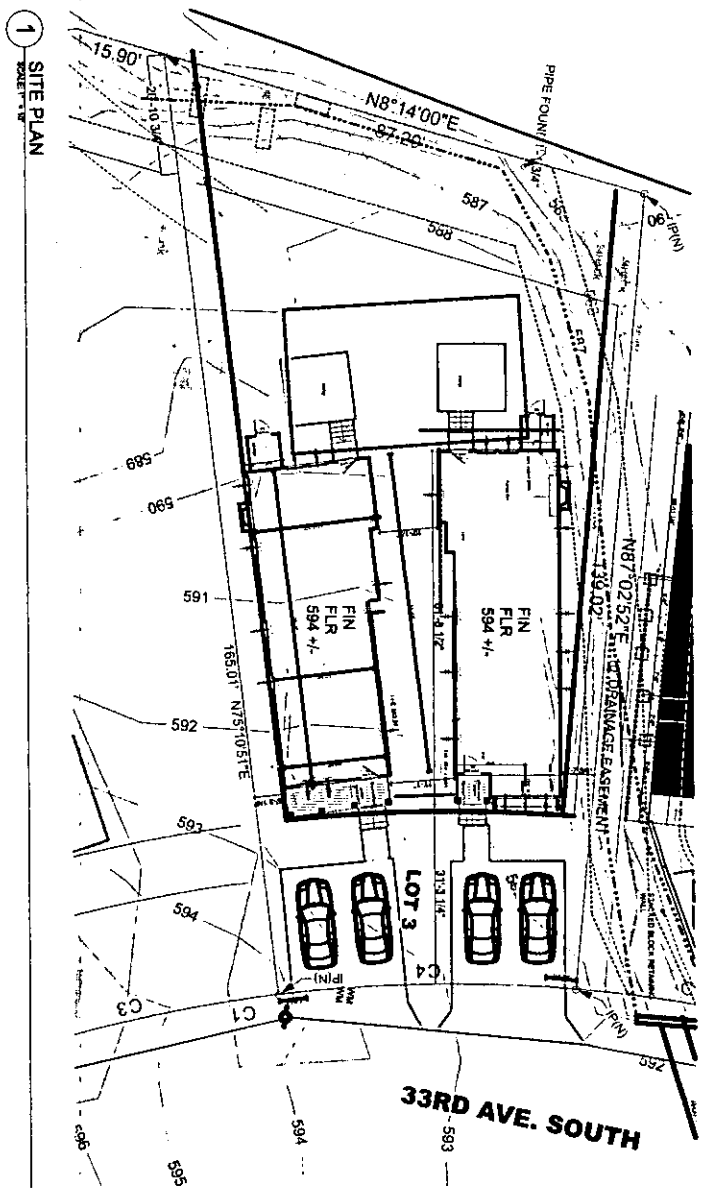
LIMITED COMMON ELEMENT UNIT F

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C4A	4°51'13"	21.18'	250.01'	S6°21'40"E	21.17'
C4B	6°15'21"	27.30'	250.01'	S11°54'57"E	27.28'
C4	11°55'03"	52.00'	250.01'	S9°05'05"E	51.91'

FAIRFAX AVE (50' ROW)
(FORMERLY JONES AVE)

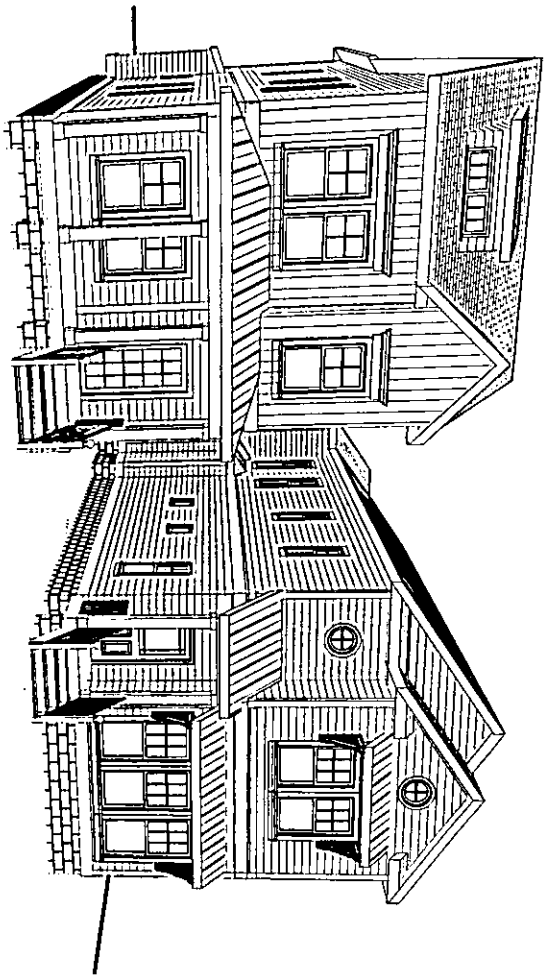
AVENUE SOUTH TOWNHOMES
A HORIZONTAL PROPERTY REGIME
WITH PRIVATE ELEMENTS
OWNER: H&K PROPERTIES
PROPERTY: BEING LOT #3 DR. R.W. GRIZZARD'S SUBDIVISION OF PART OF BOSLEY TRACT AS REVISED BOOK 3106 PAGE 131 RODCT

WALTER DAVIDSON & ASSOCIATES
CONSULTING ENGINEERS- SURVEYORS
5127 MARC COURT
NASHVILLE, TENNESSEE 37211
PHONE 615-331-2156

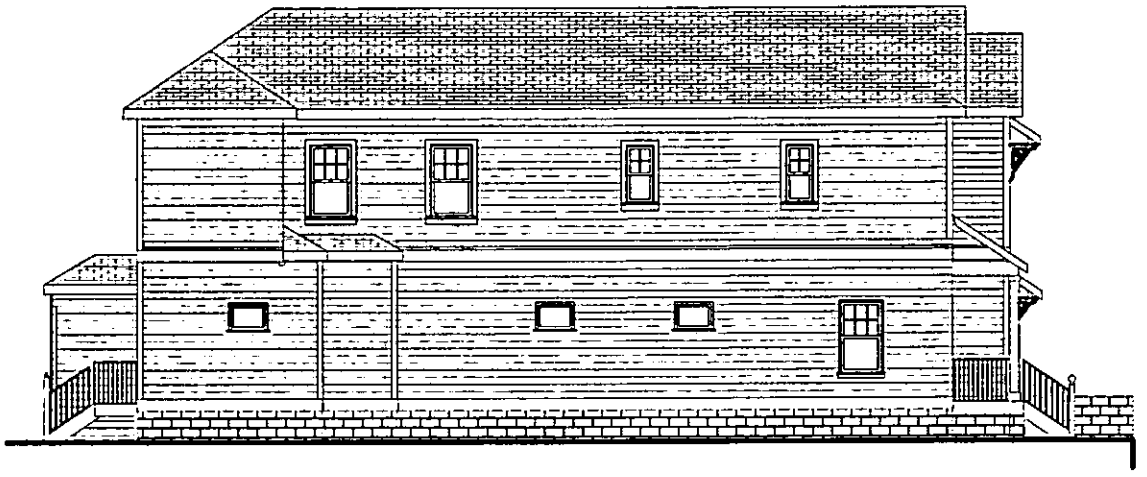


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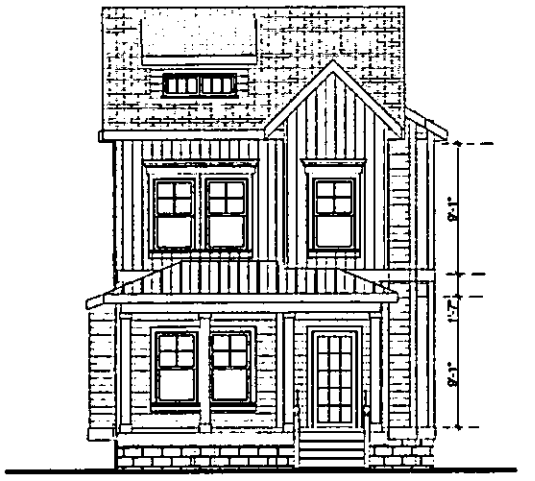
A1 SHEET 1	Site Plan	PROJECT NO: 10-02 COPYRIGHT 2007 QUIRK DESIGNS	DATE: 3/4/12 REVISION	Lot 3 - 33rd Ave Townhomes Kincaid/Howard 33rd Ave South Nashville, , TN 37212	I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the information required by the Tennessee Horizontal Property Act as amended.	QUIRK DESIGNS 2011 BERRY HILL DRIVE SUITE 200 NASHVILLE, TN 37204	



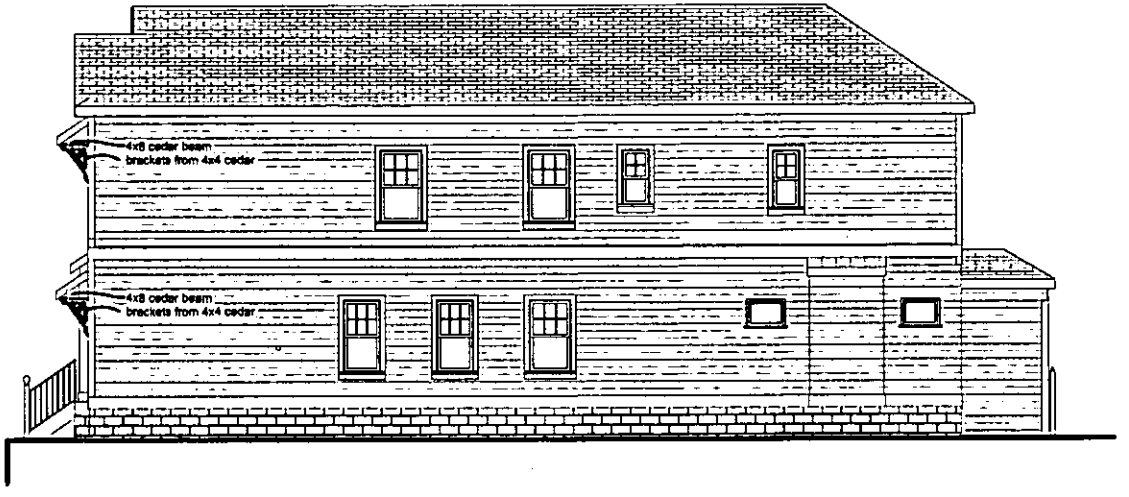
A8 SHEET #	3d	PROJECT NO. 1408 COPYRIGHT 2007 QUIRK DESIGNS	DATE: 3/4/13 REVISION	Lot 3 - 33rd Ave Townhomes Kincaid/Howard 33rd Ave South Nashville, , TN 37212	I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the requirements required by the Tennessee Horizontal Property Act as amended.	QUIRK DESIGNS 2301 BRIARY HILL DRIVE SUITE 200 NASHVILLE, TN 37204 Phone: (615) 269-5340 Fax: (615) 673-1358 Email: quirkdesigns@comcast.net	PRESTON W. QUIRK REGISTERED ARCHITECT STATE OF TENNESSEE



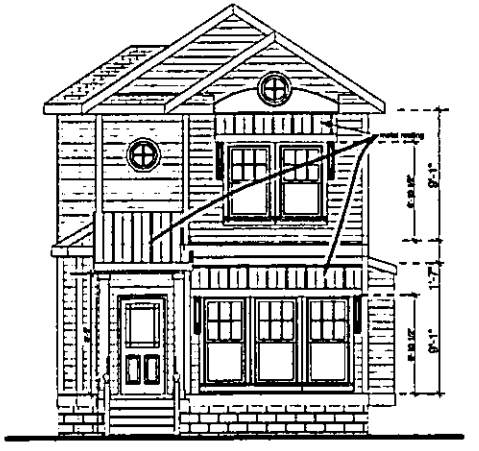
4 R UNIT, LEFT ELEV



2 FRONT ELEV L HOUSE



3 R UNIT, RIGHT ELEV



1 FRONT ELEV R HOUSE

QUIRK DESIGNS

I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the information required by the Tennessee Horizontal Property Act as amended.

Preston W. Quirk

Lot 3 - 33rd Ave Townhomes

Kincaid/Howard
33rd Ave South
Nashville, , TN 37212

DATE: 3/4/12

REVISION

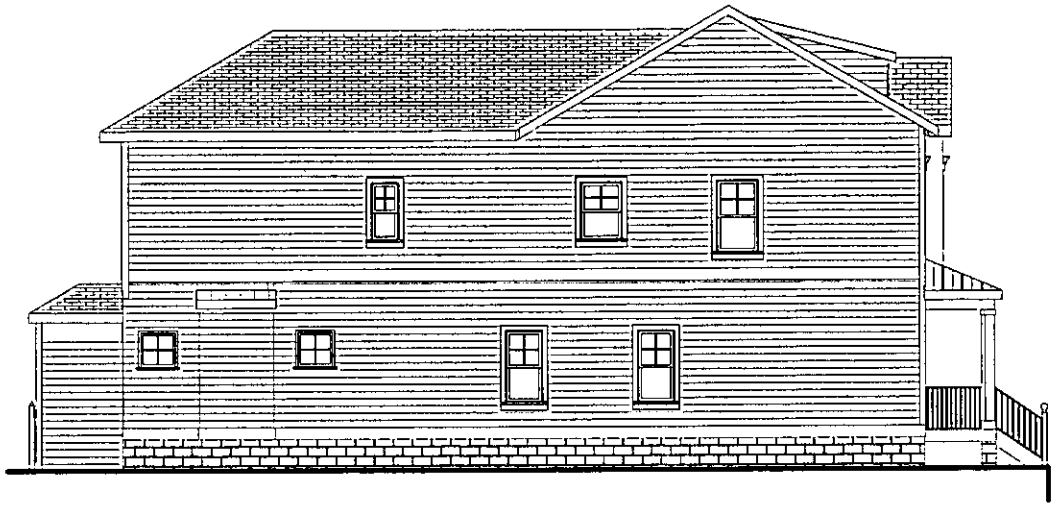
PROJECT NO: 10-09

COPYRIGHT 2007
QUIRK DESIGNS

Elevations

A6

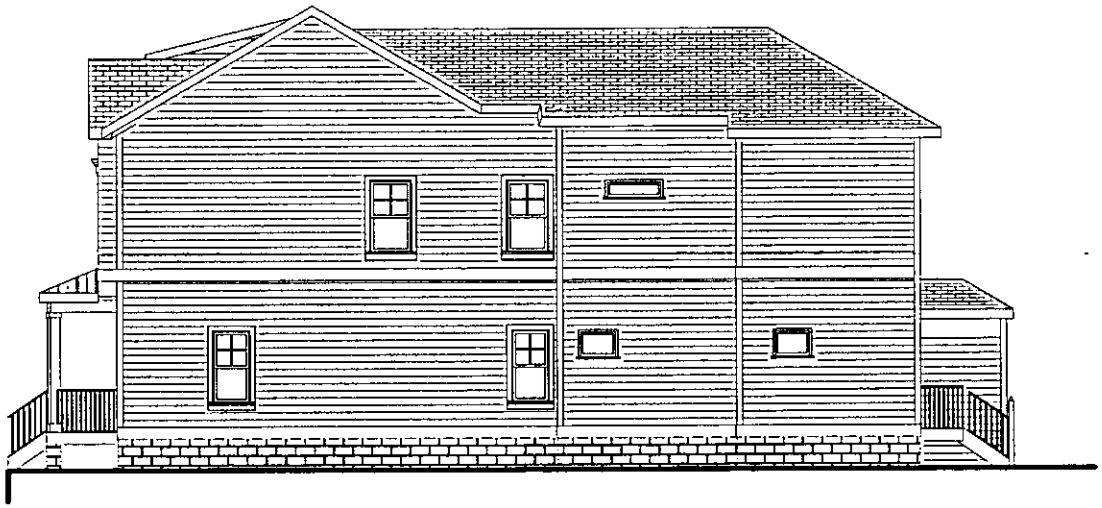
SHEET 6



3 LEFT ELEV, L UNIT
SCALE: 1/4" = 1'-0"



1 REAR ELEV L HOUSE
SCALE: 1/4" = 1'-0"



4 RIGHT ELEV, L HOUSE
SCALE: 1/4" = 1'-0"



2 REAR ELEV R HOUSE
SCALE: 1/4" = 1'-0"

QUIRK DESIGNS
2531 EBONY HILL DRIVE
NASHVILLE, TN 37204
Phone: (615) 269-2545 Fax: (615) 673-1098
email: quirkdesigns@comcast.net

I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the information required by the Tennessee Horizontal Property Act as amended.

Preston W. Quirk

Lot 3 - 33rd Ave Townhomes
Kincaid/Howard
33rd Ave South
Nashville, , TN 37212

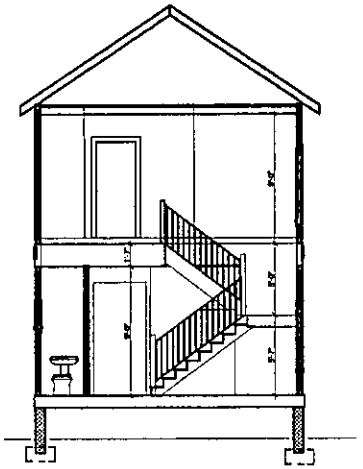
DATE: 3/4/12
REVISION

PROJECT NO: 10-00

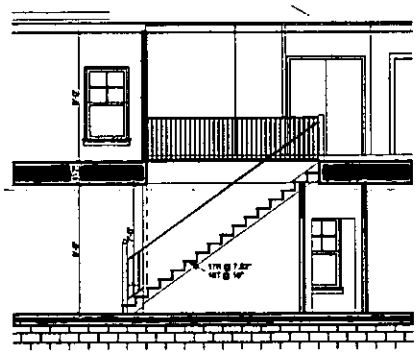
COPYRIGHT 2007
QUIRK DESIGNS

Elevations 2

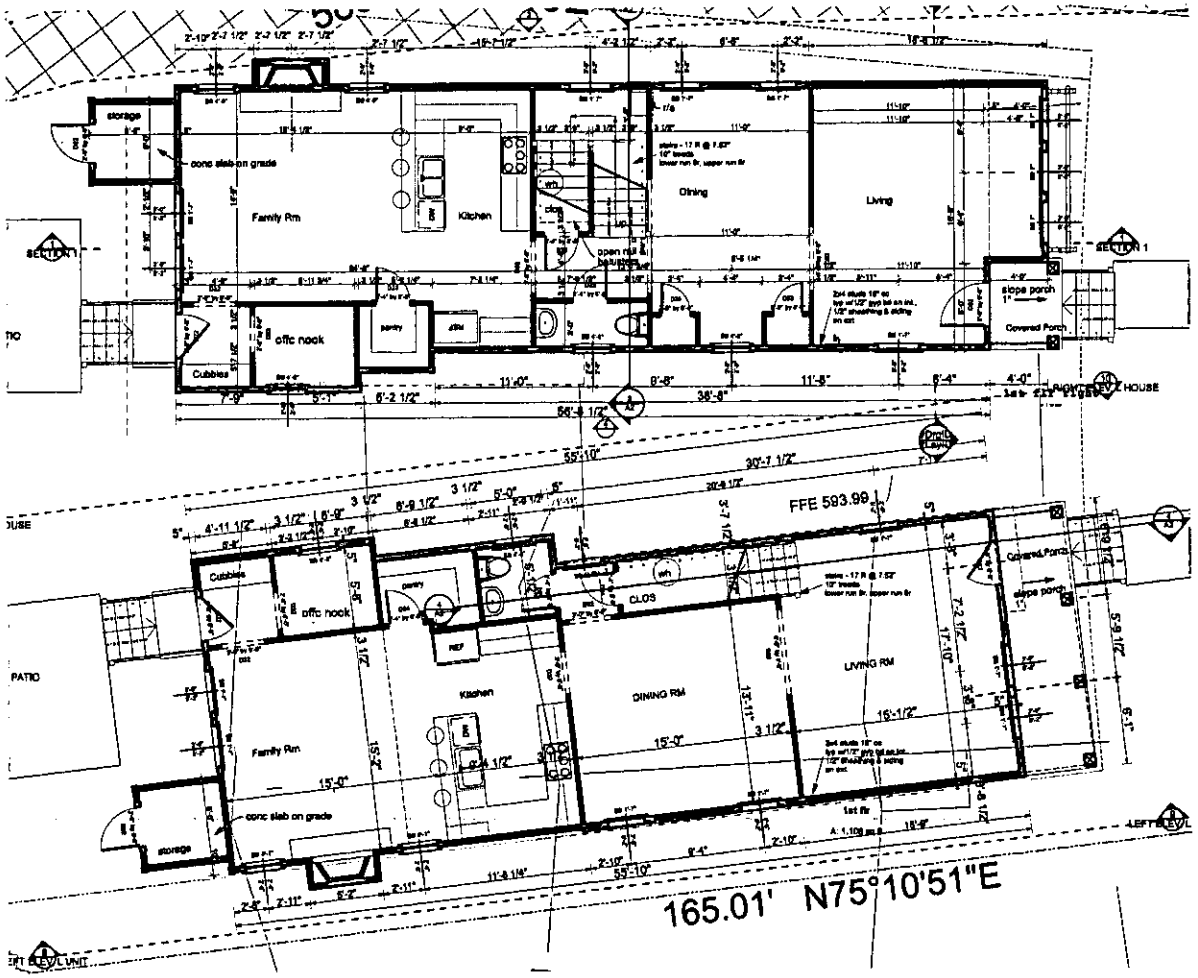
A7
SHEET 7



3 SECTION - STAIRS - R HOUSE
SCALE: 1/4" = 1'-0"



4 SECTION - STAIRS - L HOUSE
SCALE: 1/4" = 1'-0"



2 1ST FLR PLAN
SCALE: 1/4" = 1'-0"

FLOOR AREAS:	
LEFT HOUSE	RIGHT HOUSE
1ST FLR - 1108 SF	1ST FLR - 1108 SF
2ND FLR - 1131 SF	2ND FLR - 1149 SF
TOTAL = 2239 SF	TOTAL = 2255 SF

QUIRK DESIGNS
2631 DERRY HILL DRIVE
NASHVILLE, TN 37204
Phone: (615) 385-2545 Fax: (615) 627-1288

I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the information required by the Tennessee Horizontal Property Act as amended.

Preston H. Quirk

Lot 3 - 33rd Ave Townhomes
Kincaid/Howard
33rd Ave South
Nashville, , TN 37212

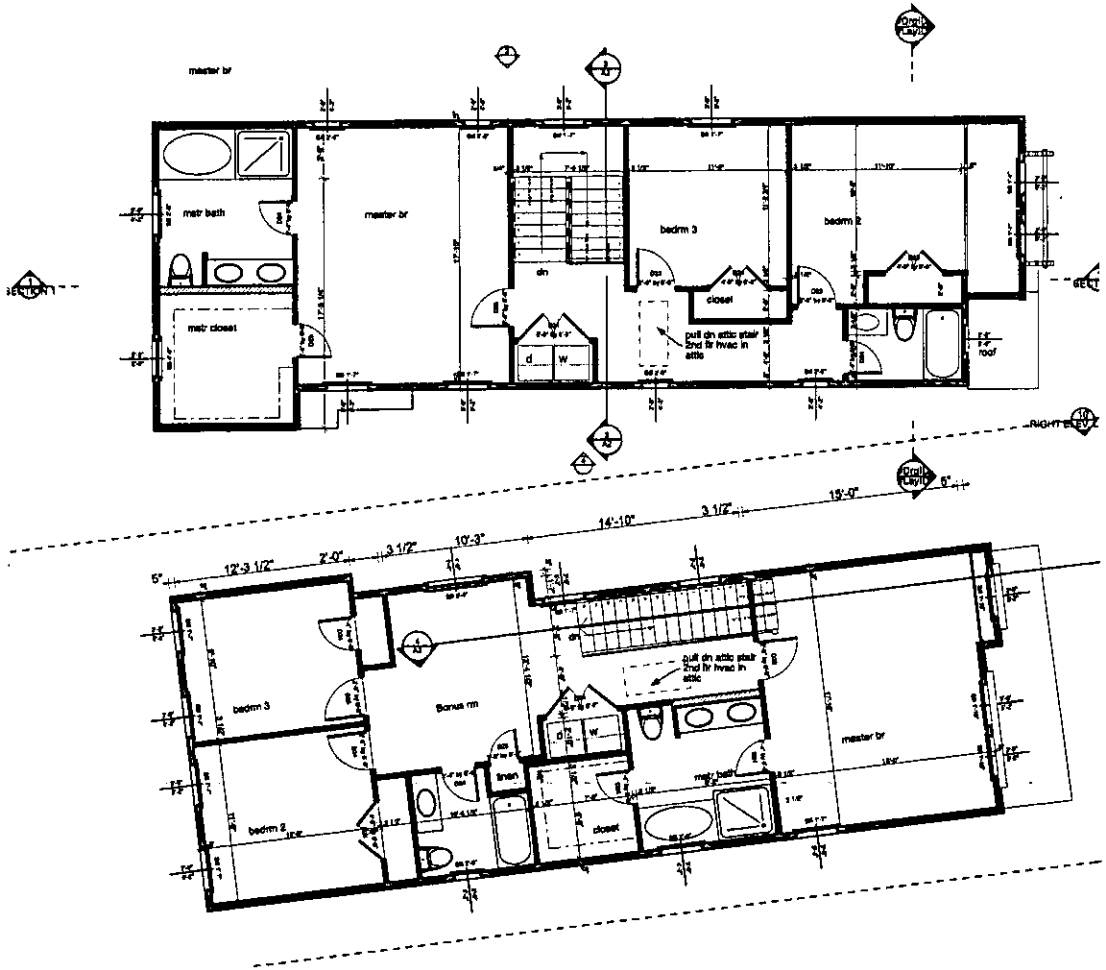
DATE: 3/15/12
REVISION

PROJECT NO: 10-09

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QUIRK DESIGNS

1st flr, elev

A2
SHEET 2



1 2ND FLR PLAN

SCALE: 1/4" = 1'-0"

QUIRK DESIGNS

I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the information required by the Tennessee Horizontal Property Act as amended.

Preston W. Quirk

Lot 3 - 33rd Ave Townhomes

Kincaid/Howard
33rd Ave South
Nashville, , TN 37212

DATE: 5/4/12

REVISION

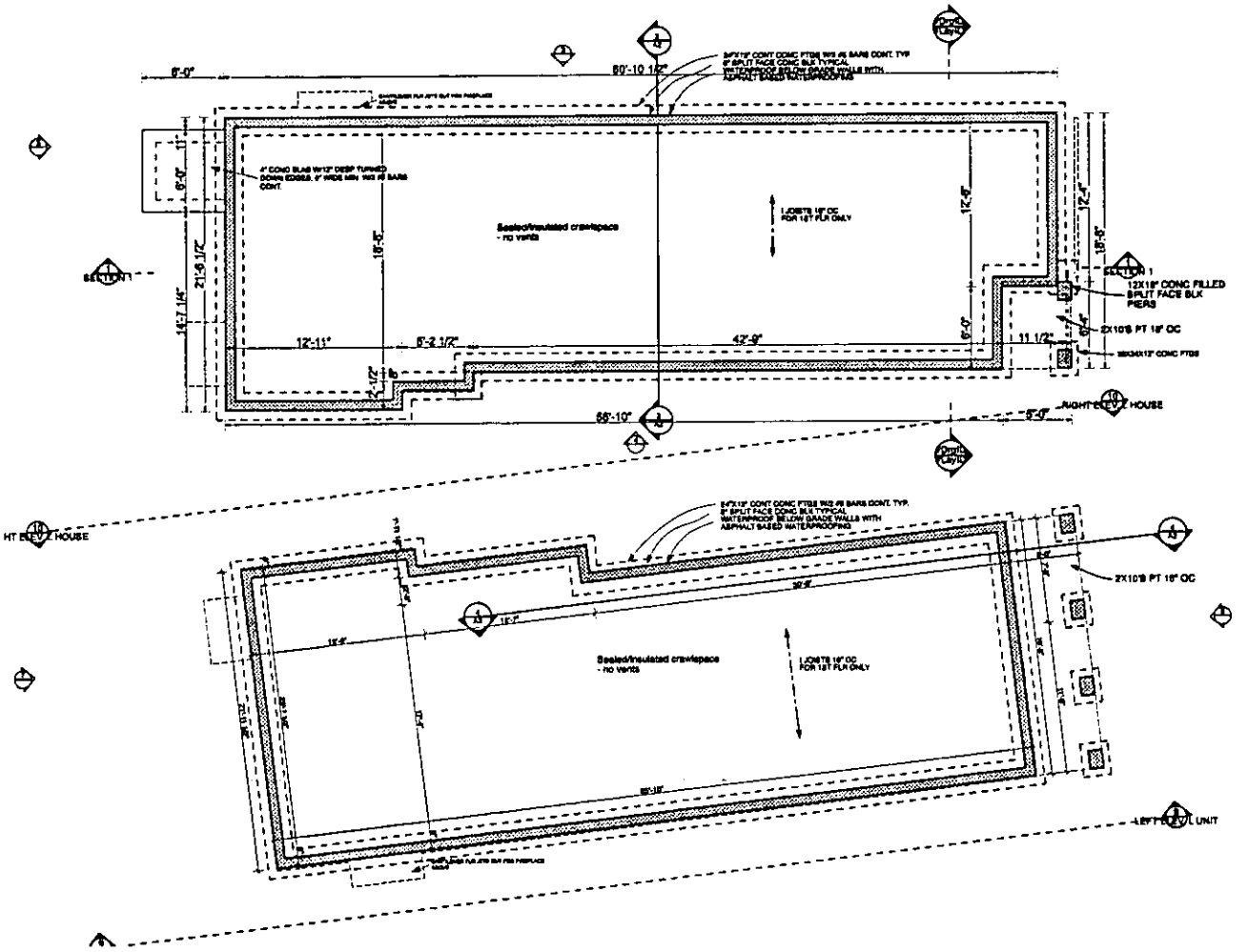
PROJECT NO: 10-00

COPYRIGHT 2007
QUIRK DESIGNS

2nd flr plan

A3

SHEET 3



1 FOUNDATION PLANS

PRESTON R. QUIRK
REGISTERED ARCHITECT
STATE OF TENNESSEE

QUIRK DESIGNS

I, Preston Quirk certify that the plans of Avenue South Townhomes contain all of the information required by the Tennessee Horizontal Property Act as amended.

Preston W. Quirk

Lot 3 - 33rd Ave Townhomes
Kincaid/Howard
33rd Ave South
Nashville, , TN 37212

DATE: 3/16/12
REVISION

PROJECT NO: 10-00

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QUIRK DESIGNS

FOUNDATION PLANS

A5
SHEET 5

AMENDED EXHIBIT D

SCHEDULE OF ALLOCATED INTERESTS TO DECLARATION OF AVENUE SOUTH TOWNHOMES, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS

UNIT	SQUARE FOOTAGE OF UNIT	AIR CONDITIONED SQUARE FOOTAGE	COMMON ELEMENT OWNERSHIP	LIABILITY FOR COMMON EXPENSES	VOTES
A	4,419	1,830	16.66%	16.66%	1
B	4,091	1,860	16.66%	16.66%	1
C	3,421	1,612	16.66%	16.66%	1
D	4,283	1,890	16.66%	16.66%	1
E	5253.9	2,239	16.66%	16.66%	1
F	4906.7	2,255	16.66%	16.66%	1

EXHIBIT E
CONSENT TO DECLARATION AND FIRST AMENDMENT TO DECLARATION

CONSENT TO DECLARATION AND FIRST AMENDMENT TO DECLARATION BY AMERICAN SECURITY BANK & TRUST

AMERICAN SECURITY BANK & TRUST, is a _____ banking association whose address is 101 Springhouse Court, Hendersonville, Tennessee (the "Bank").

The Bank holds a promissory note signed by H & K Investments. The promissory note is secured by a Tennessee Deed of Trust, Assignment of Leases and Rents and Security Agreement against the real property described in Exhibit A of this Declaration. The deed of trust was recorded on August 2, 2010 as Instrument Number 20100802-0060488, Register's Office for Davidson County, Tennessee.

By signing this instrument, the Bank consents to the terms and recording of the Second Amendment to and Instrument of Annexation of Additional Property Into Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record as Instrument Number 20110808-0060841, RODC, TN, the terms and recording of the Second Amendment to Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, A Horizontal Property Regime with Private Elements, of record as Instrument Number 20111003-0076391, RODC, TN and the terms and recording of this the Third Amendment to and Instrument of Annexation of Additional Property Into Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements.

AMERICAN SECURITY BANK & TRUST

By: C. Richard Bobo E.V.P
Name/Title

STATE OF Tennessee)
COUNTY OF Sumner)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Tennessee, 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 C.C.O. **(add title of officer)** 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 28 day of March, 2012.

JASON M. KITTLER STATE OF TENNESSEE NOTARY PUBLIC SUMNER COUNTY

My Commission Expires July 30, 2014

Notary Public

My Commission Expires: _____