BILL GARRETT, Davidson County
Trans:T20120063840 DEEDMAST
Recvd: 08/27/12 10:32 20 pgs
Fees:102.00 Taxes:0.00
20120827-0076808

THIS INSTRUMENT PREPARED BY:
Rudy Title and Escrow, LLC
2012 21st Avenue South
Nashville, TN 37212
(615) 383-2903

FOURTH 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

H & K Investments, a Tennessee general partnership, as Developer ("Developer"), pursuant to the provisions of Tennessee Code Annotated § 66-27-103(b) known as the Tennessee Horizontal Property Act (the "Act") for the purpose of amending the previously filed Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record in **Instrument No. 20100907-0070753 in the Register's Office for Davidson County**, Tennessee, as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record in **Instrument No 20100921-0075025 said Register's Office** (the "First Amendment"), and as further amended by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Avenue South Townhomes, a Horizontal Property Regime with Private Elements of record in **Instrument No. 20111003-0076391, said Register's Office** (the "Second Amendment"), and as further amended by that certain 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 of record in **Instrument No. 20120329-0026541, said Register's Office** (the "Third Amendment") (collectively, the "Declaration"), does hereby declare as follows:

WITNESSETH

WHEREAS, Developer heretofore submitted a certain tract or parcel of land (the "Property") in Davidson County, Tennessee to the Act pursuant to the Declaration; and

WHEREAS, defined terms used in the Declaration and not otherwise defined herein shall have the same meanings ascribed to them in this Fourth Amendment; and

WHEREAS, the section, paragraph and Exhibit designations in the Declaration shall be used to reference the amendments thereto hereinafter described; and

WHEREAS, the Developer has the right to incorporate additional area and create additional Units to be governed by the Declaration; and

WHEREAS, the Developer has the right to adjust the percentage of interest in the Common Elements, the Common Expense liability and votes in the Association so that each Unit Owner shall share equally in such rights and expenses;

NOW THEREFORE, the Developer does hereby amend and supplement the Declaration as follows:

The Developer does hereby incorporate into the Property, to be subject to all the terms and provisions set forth in the Declaration as may be amended from time to time, certain real property located in the City of Nashville, Davidson County, Tennessee, more particularly described as follows:

> Being Lot No. 1 on the Plan of Dr. R.W. Grizzard's Subdivision of Part of the Bosley Tract, of record in Book 3106, Page 120, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate description.
>
> Being Lot No. 2 on the Plan of Dr. R.W. Grizzard's Subdivision of Part of the Bosley Tract, of record in Book 3106, Page 120, 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.

Exhibit A to the Declaration is hereby amended by substituting therefore the attached Exhibit A.

Collective Exhibit C and Amended Collective Exhibit C to the Declaration are hereby amended to include the attached Amended Collective Exhibit C to the Declaration.

Exhibit D and Amended Exhibit D to the Declaration are hereby amended by substituting therefore the attached Exhibit D. This Exhibit D voids, vacates and supersedes any previous Exhibit D or Amended Exhibit D to the Declaration.

Exhibit E to the Declaration is hereby amended to include the attached Exhibit E.

Except as expressly modified hereby, all terms and provisions of the Declaration shall continue and remain in full force and effect.

IN WITNESS WHEREOF, the Developer has caused the foregoing Fourth 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 to be executed and delivered by its duly authorized officer on this the 24th day of August, 2012.

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 I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the General Partner of H & K Investments, the within named bargainor, and that he as such General Partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as General Partner.

Witness my hand and official seal, this the 24 day of August, 2012.

_____
Notary Public

My Commission Expires: 11-3-2015

KRISTEN A. OSBORNE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires November 3, 2015

EXHIBIT A

LEGAL DESCRIPTION

Being Lot No. 1 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.

Being Lot No. 2 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.

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.

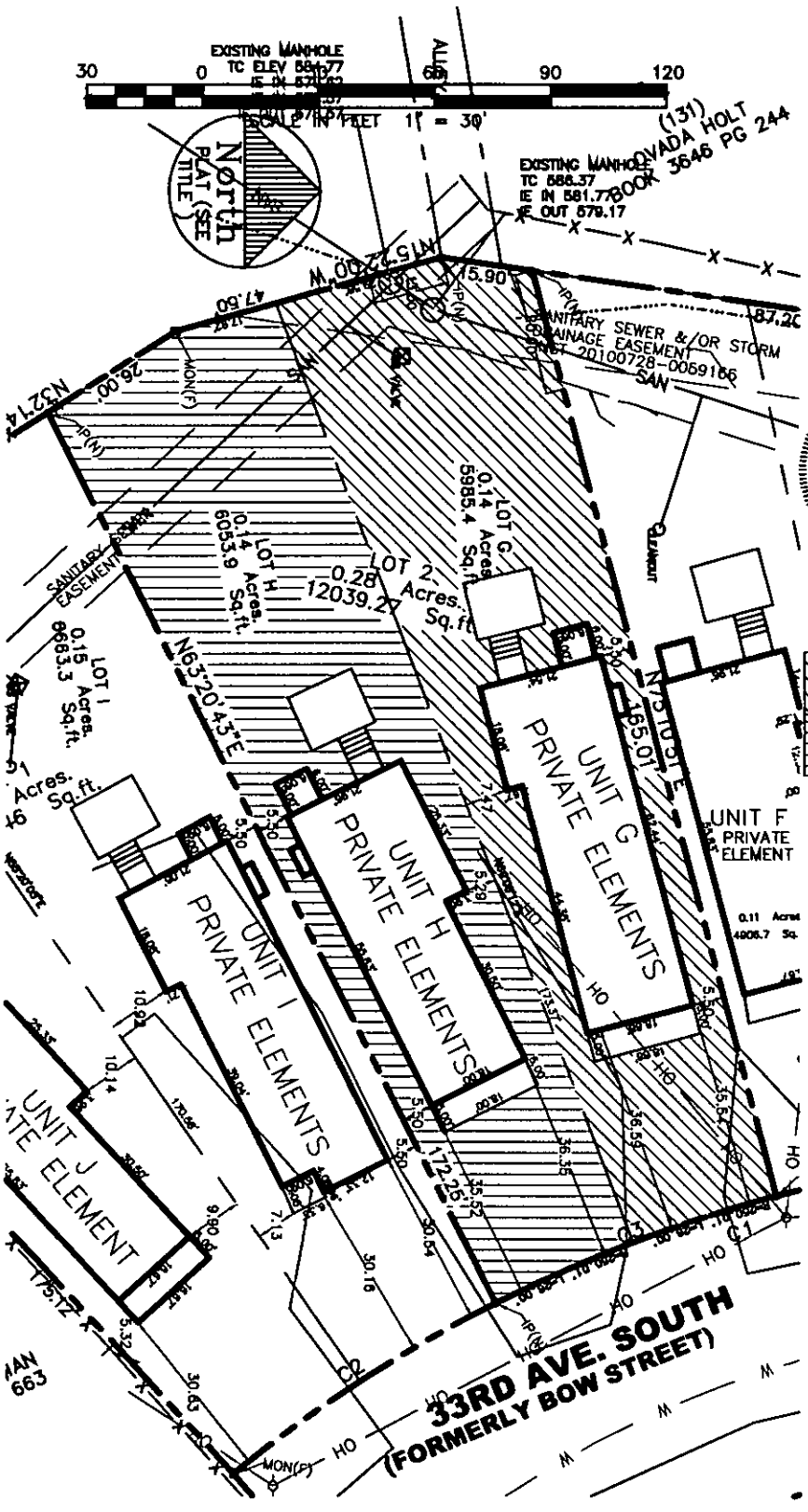
Being Lot No. 4 on the Plan of Dr. R.W. Grizzard's Subdivision of Part of the Bosley Tract, of record in Book 3106, Page 120, as revised in Book 3106, Page 131, Register's Office for Davidson County, Tennessee.

Being Lot No. 5 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.

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.

AMENDED COLLECTIVE 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 5/20/2011

WALTER H. DAVIDSON REGISTERED ENGINEER TENNESSEE NO. 10449

WALTER H. DAVIDSON REGISTERED LAND SURVEYOR TENNESSEE NO. 1467

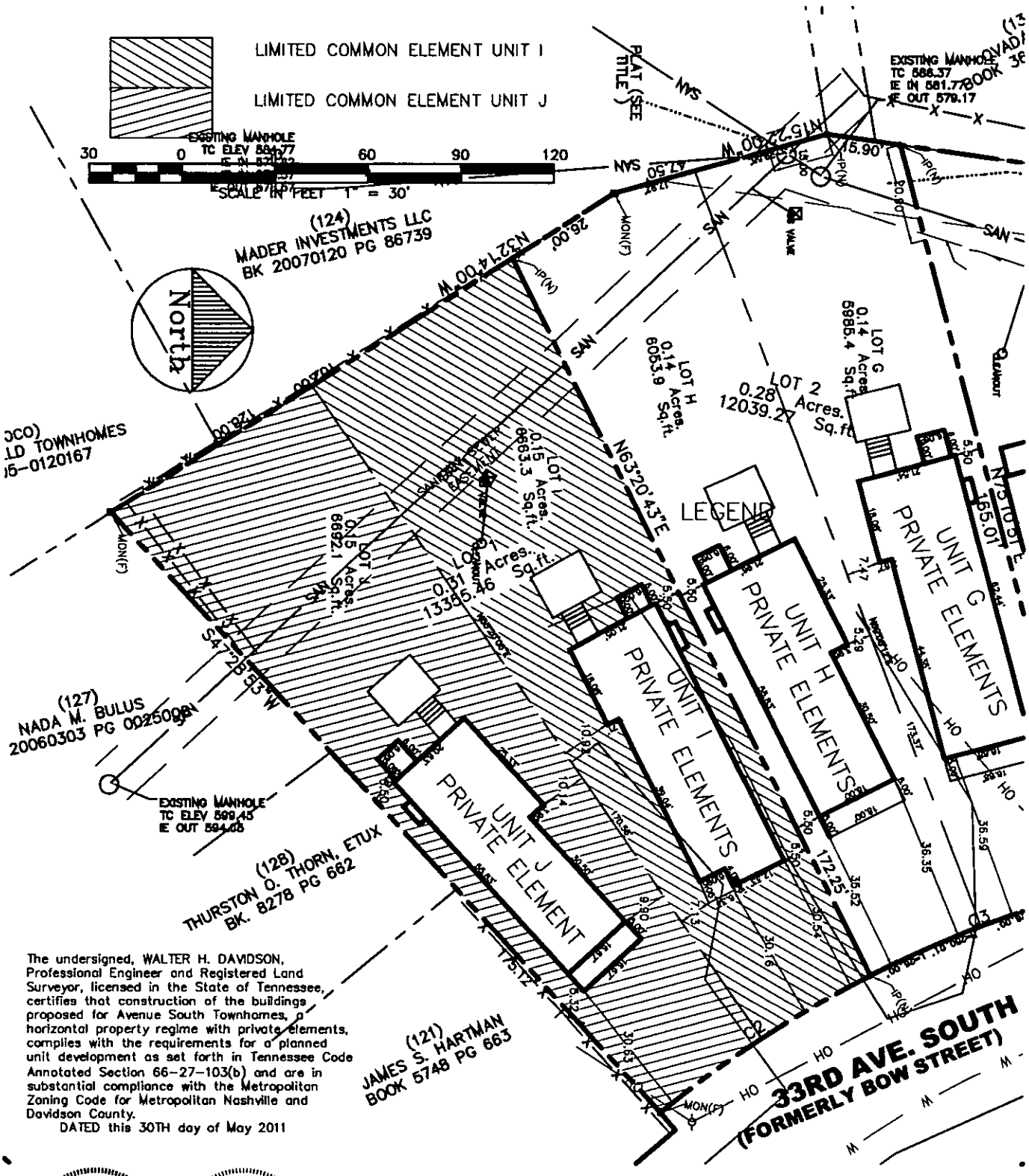
LEGEND

LIMITED COMMON ELEMENT UNIT G

LIMITED COMMON ELEMENT UNIT H

AVENUE SOUTH TOWNHOMES
A HORIZONTAL PROPERTY REGIME
WITH PRIVATE ELEMENTS
OWNER: H&K PROPERTIES
PROPERTY: BEING LOT #2 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



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, RE, RLS

5/30/2011

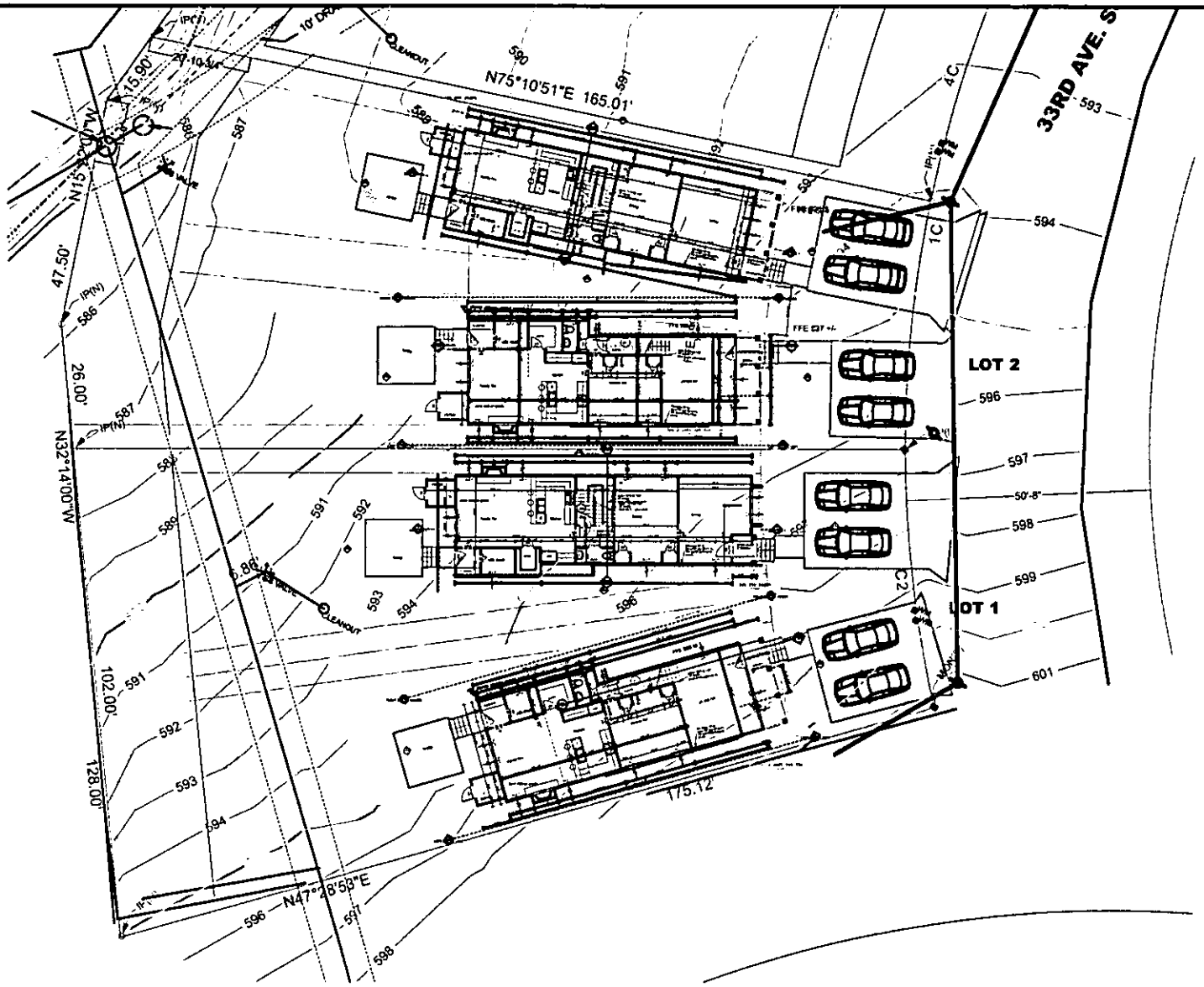
WALTER DAVIDSON & ASSOCIATES
CONSULTING ENGINEERS- SURVEYORS
5127 MARC COURT
NASHVILLE, TENNESSEE 37211
PHONE 615-331-2166

AVENUE SOUTH TOWNHOMES

A HORIZONTAL PROPERTY REGIME
WITH PRIVATE ELEMENTS

OWNER: H&K PROPERTIES

PROPERTY: BEING LOT #1 DR. R.W. GRIZZARD'S SUBDIVISION OF PART OF BOSLEY TRACT AS REVISED BOOK 3106 PAGE 131 RODCT



1 SITE PLAN
SCALE 1" = 10'

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.

33rd Ave Lot 1 & 2
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 8/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 8/20/12
QUIRK DESIGNS

SITE PLAN

C1
SHEET 1



6 LEFT ELEV, L UNIT



7 RIGHT ELEV, L HOUSE



5 REAR ELEV R HOUSE



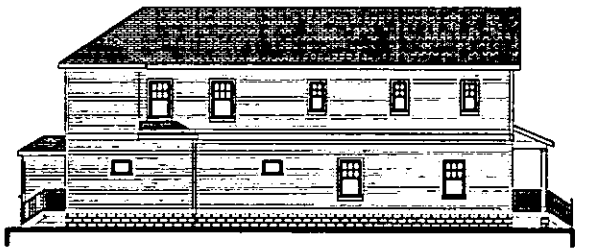
8 REAR ELEV L HOUSE



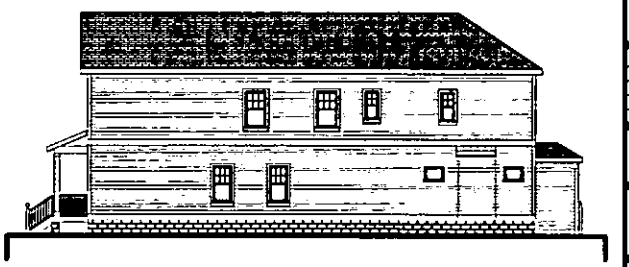
2 FRONT ELEV L HOUSE



1 FRONTLOT 2 R



4 R UNIT, LEFT ELEV



3 R UNIT, RIGHT ELEV

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.

33rd Ave Lot 2

Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

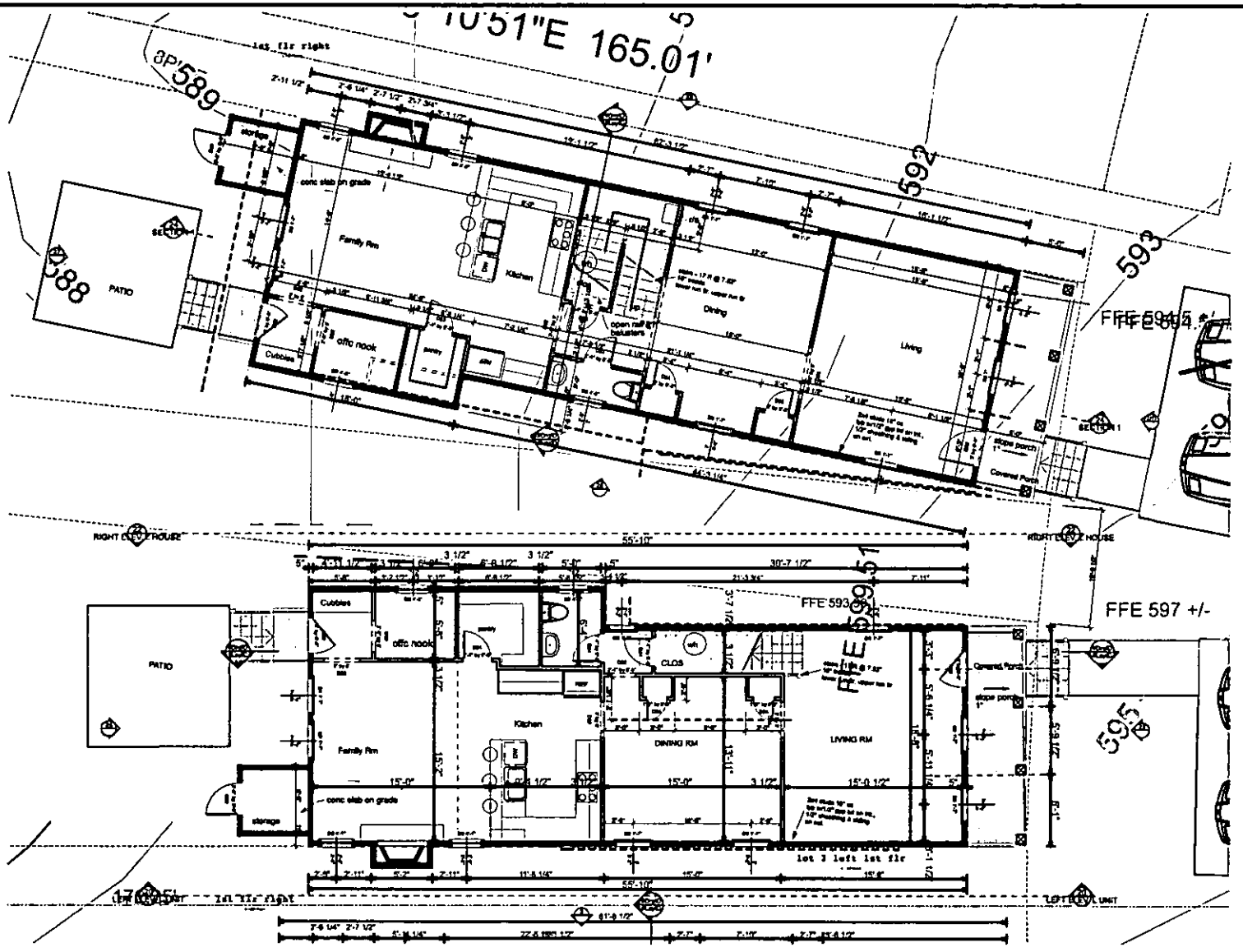
DATE: 8/28/13
REVISION

PROJECT NO: 13-041
COPYRIGHT 8/20/13
QUIRK DESIGNS

Elevations LOT 2

A8

SHEET 9



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.

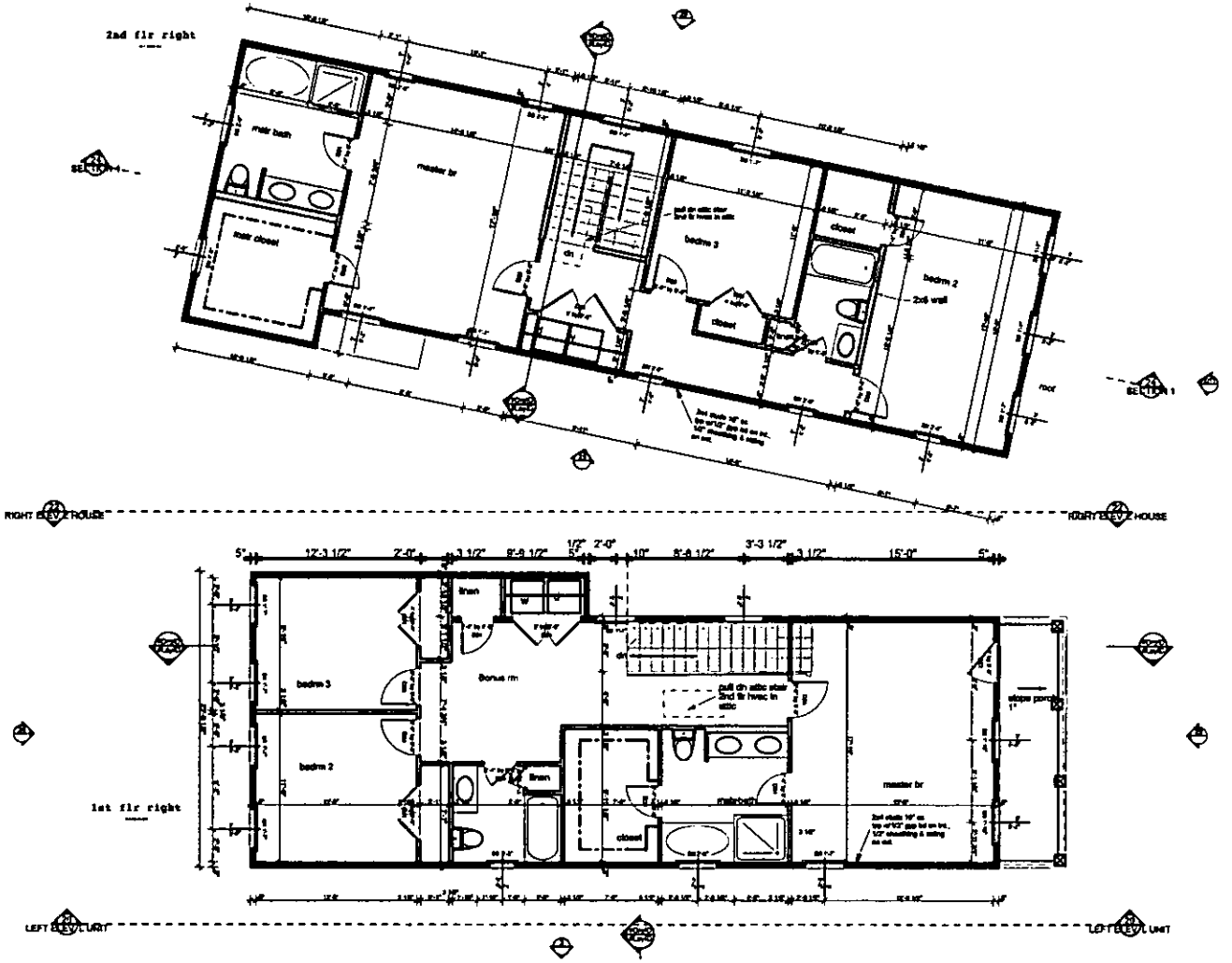
33rd Ave Lot 2
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 6/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 6/20/12
QUIRK DESIGNS

1ST FLR LOT 2

A6
SHEET 7



1 2nd Floor Plan

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.

33rd Ave Lot 2

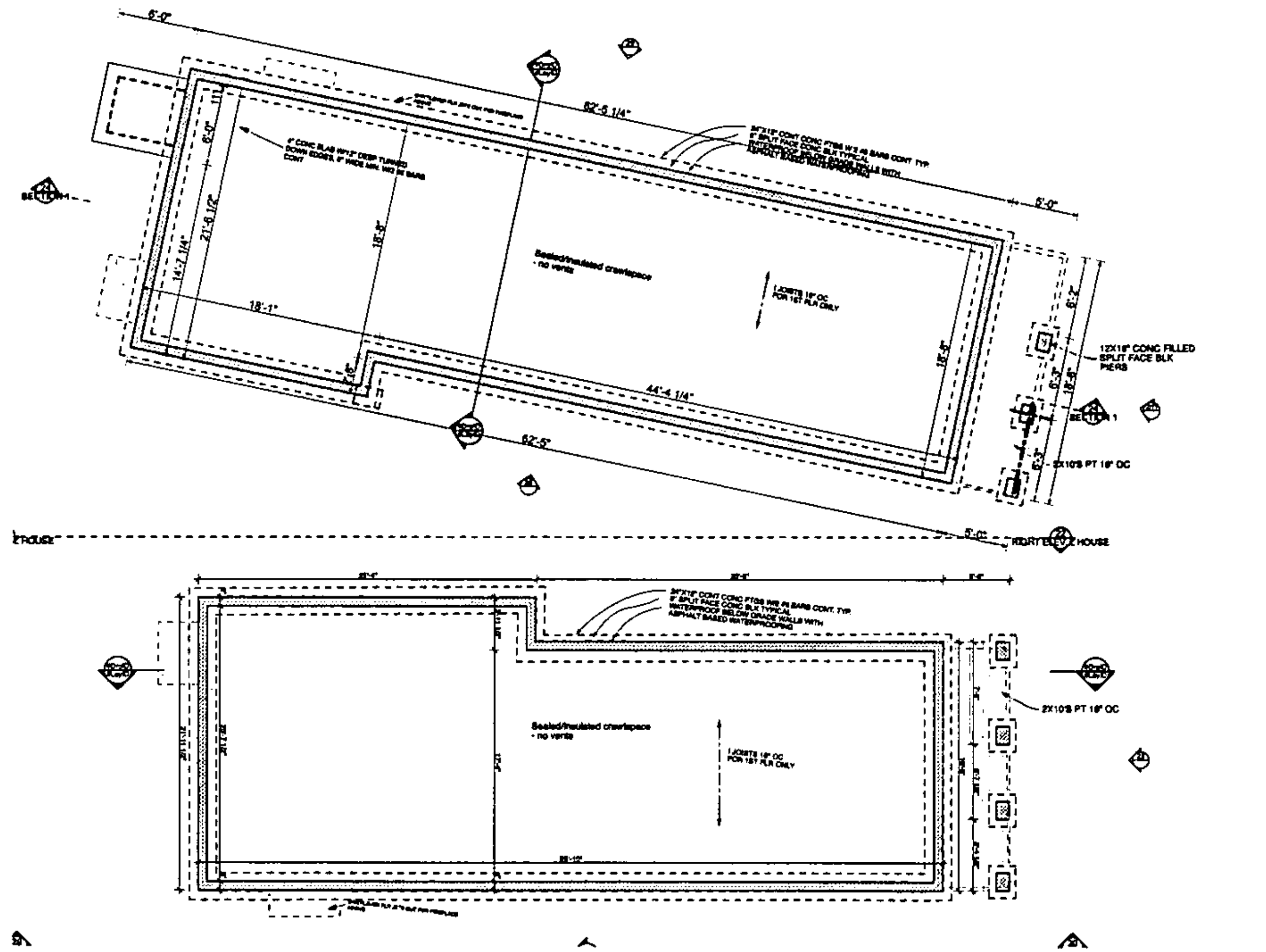
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 6/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 6/20/13
QUIRK DESIGNS

2ND FLR LOT 2

A7
SHEET 8



2 Foundation Plan

33rd Ave Lot 2

Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

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.

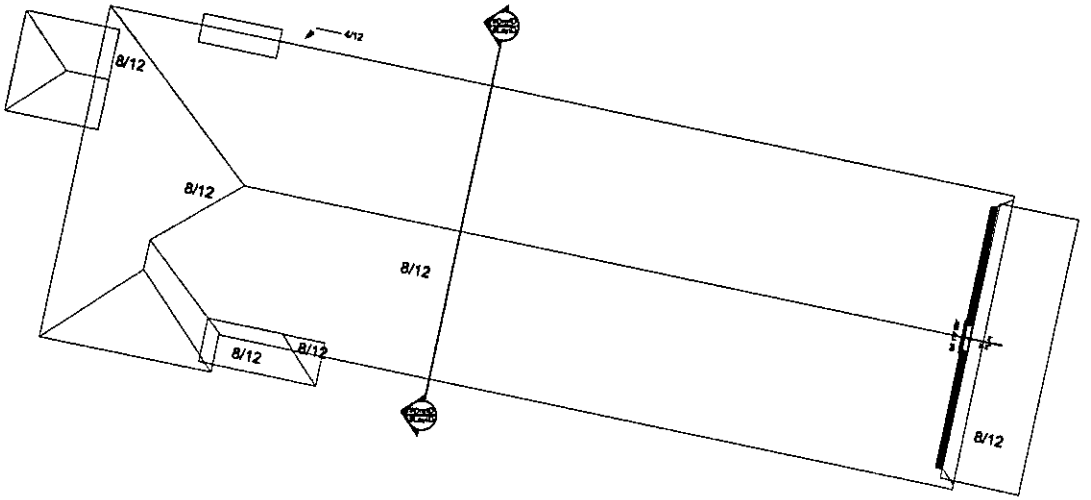
Preston V. Quirk

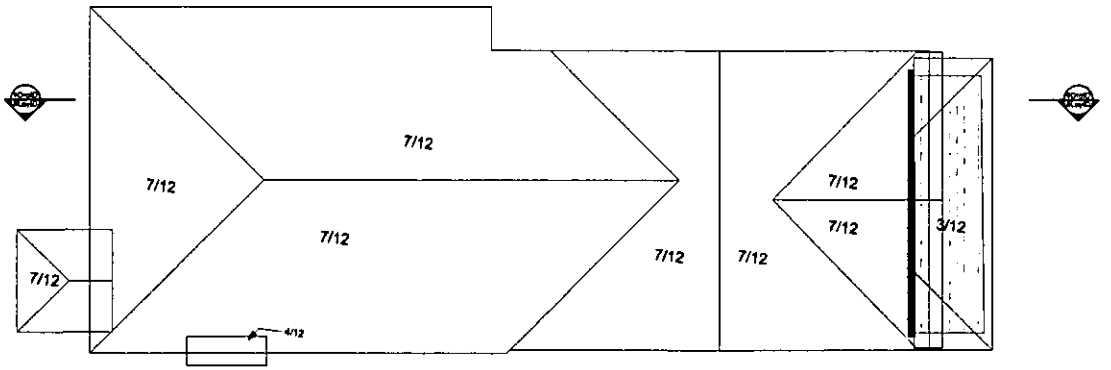
DATE: 8/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 8/20/12
QUIRK DESIGNS

Foundations Lot 2

A9
SHEET 10





1 ROOF PLAN

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

33rd Ave Lot 2
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 8/20/12
REVISION

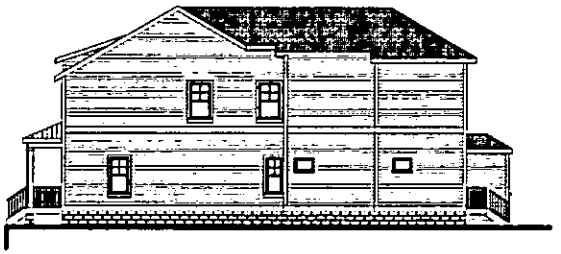
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QUIRK DESIGNS

Roof Plans Lot 2

A10
SHEET 11



3 LEFT ELEV, L UNIT



4 RIGHT ELEV, L HOUSE



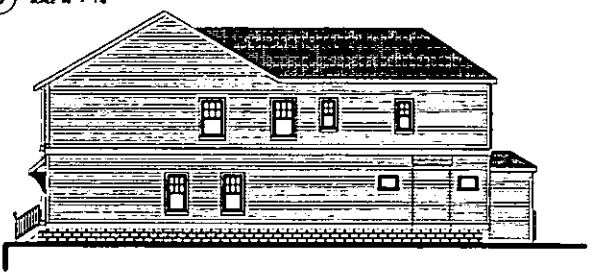
2 FRONT LOT 1 LEFT



1 FRONT ELEV R HOUSE



5 R UNIT, LEFT ELEV



6 R UNIT, RIGHT ELEV



8 REAR ELEV R HOUSE



7 REAR ELEV L 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

33rd Ave Lot 1

Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 6/20/12
REVISION

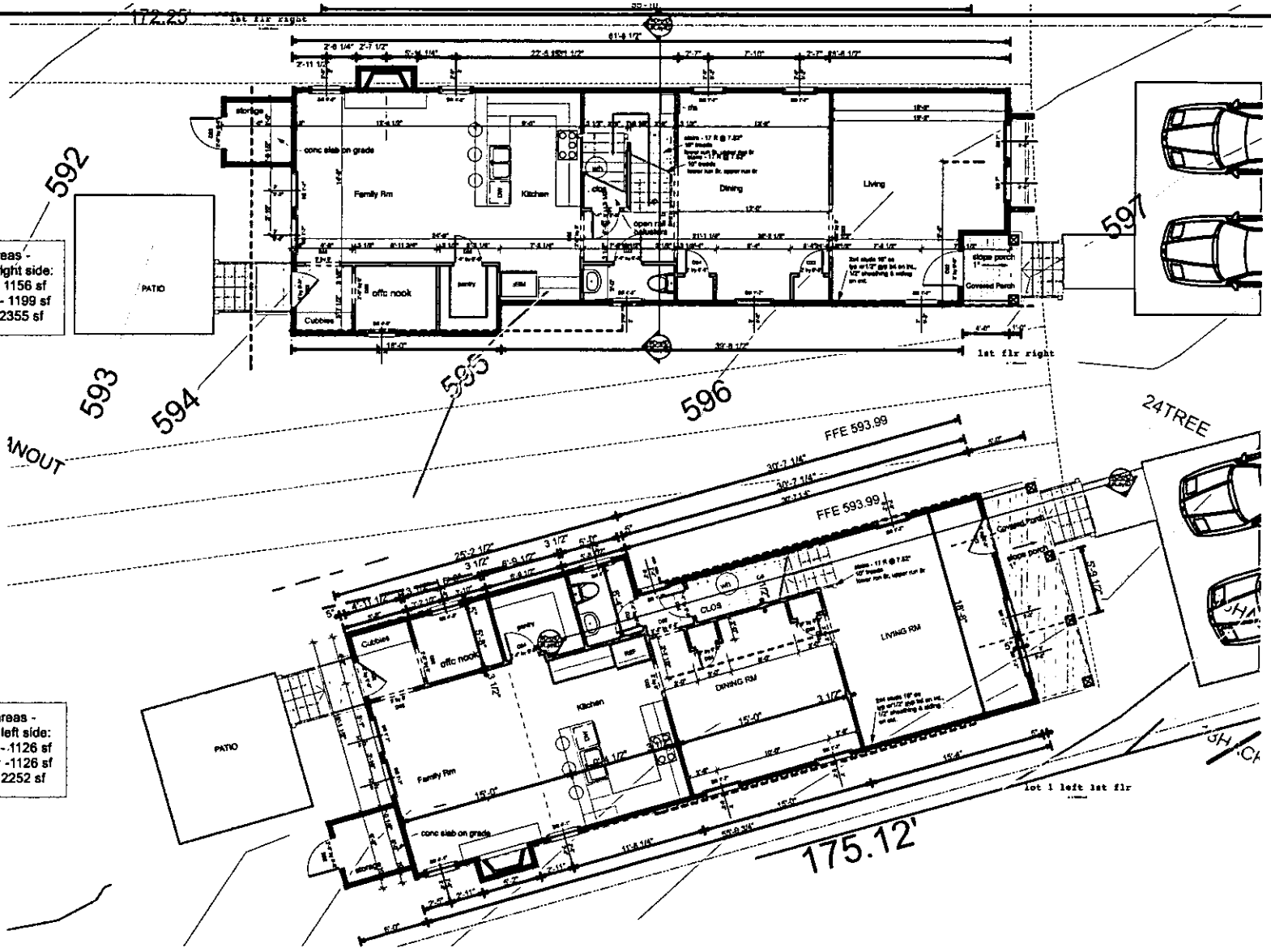
PROJECT NO: 10-041

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QUIRK DESIGNS

Elevations Lot 1

A3

SHEET 4



1 1st Floor Plan

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.

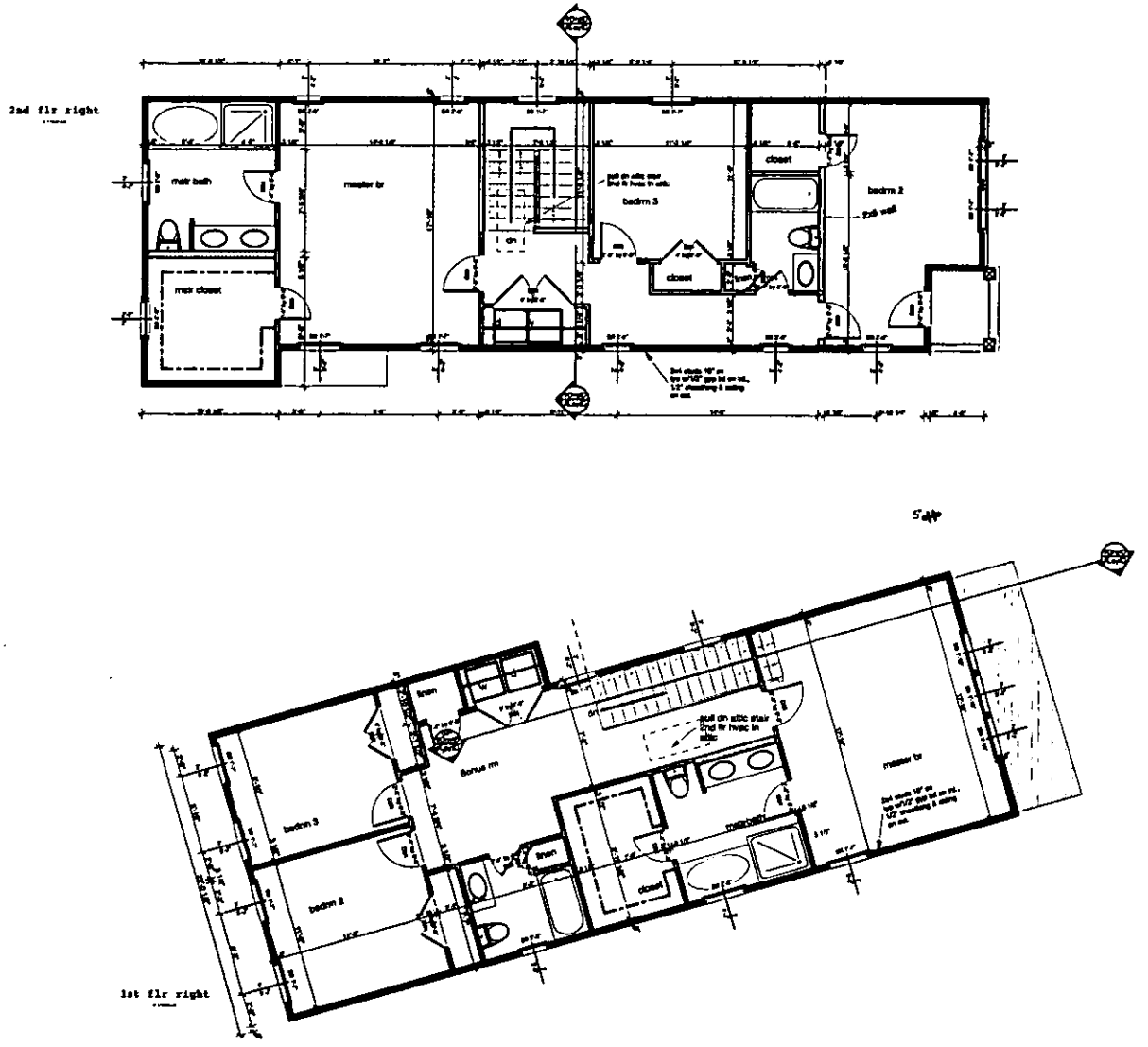
33rd Ave Lot 1
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 8/20/12
REVISION

PROJECT NO: 10-041
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QUIRK DESIGNS

1st FLRS LOT 1

A1
SHEET 2



1 2nd Floor Plan

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.

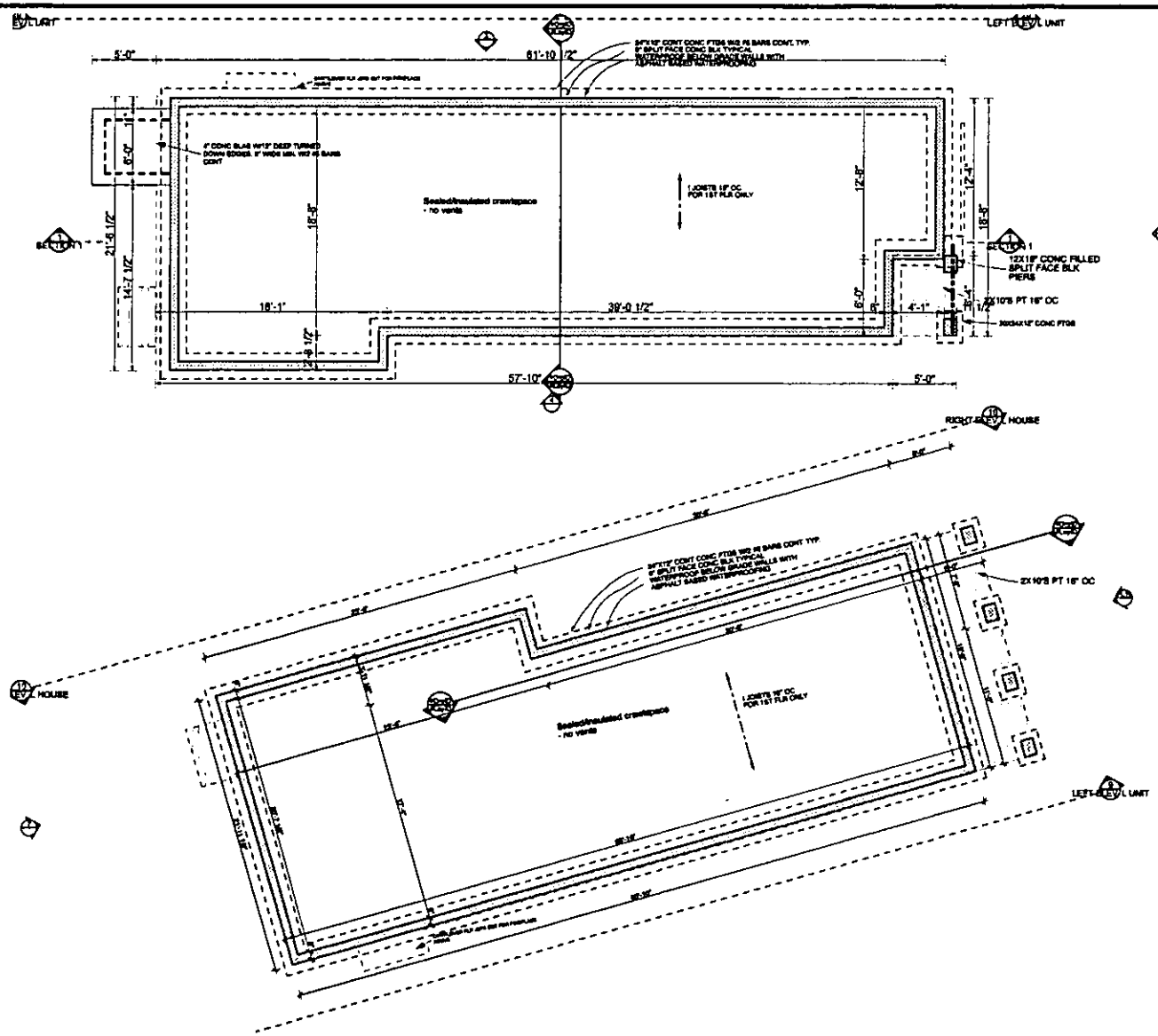
33rd Ave Lot 1
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 8/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 8/20/12
QUIRK DESIGNS

2ND FLRS LOT 1

A2
SHEET 3



1 Foundation Plan

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.

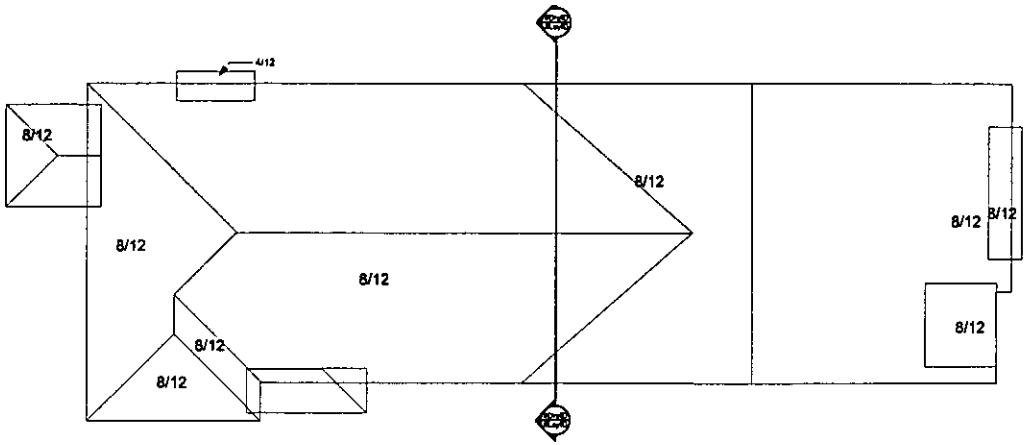
33rd Ave Lot 1
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

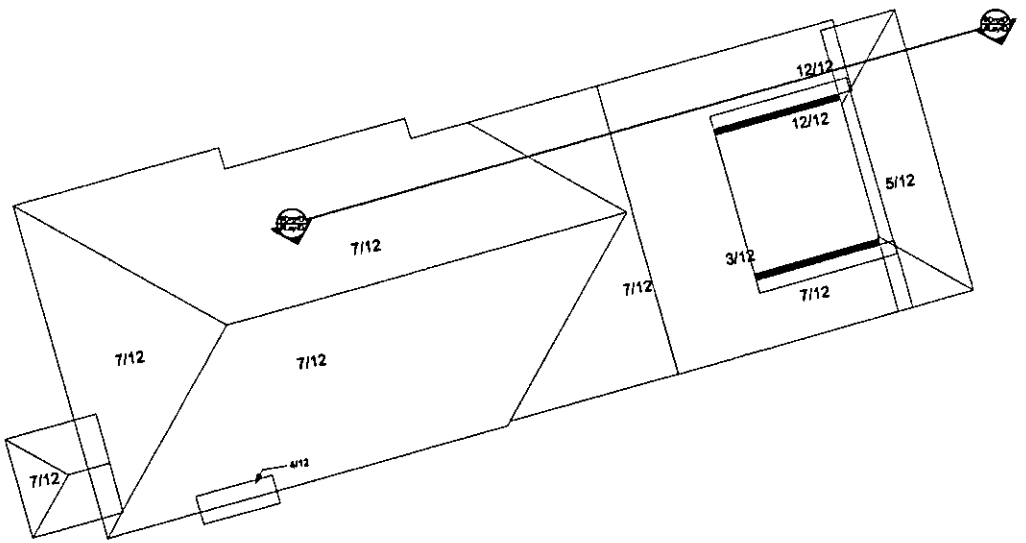
DATE: 8/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 8/20/12
QUIRK DESIGNS

Foundations Lot 1

A4
SHEET 5





1 ROOF PLAN

QUIRK DESIGNS

3001 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
Phone: (615) 521-1234 Fax: (615) 521-1235
email: info@quirkdesigns.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

33rd Ave Lot 1
Rob Kincaid
33rd Avenue North
Nashville, , TN 37212

DATE: 8/20/12
REVISION

PROJECT NO: 10-041
COPYRIGHT 8/20/12
QUIRK DESIGNS

Roof Plans Lot 1

A5
SHEET #

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	10%	10%	1
B	4,091	1,860	10%	10%	1
C	3,421	1,612	10%	10%	1
D	4,283	1,890	10%	10%	1
E	5,253.9	2,239	10%	10%	1
F	4,906.7	2,255	10%	10%	1
G	5,985.4	2,355	10%	10%	1
H	6,053.9	2,252	10%	10%	1
I	6,663.3	2,355	10%	10%	1
J	6,692.1	2,252	10%	10%	1

EXHIBIT E
CONSENT TO DECLARATION AND FIRST AMENDMENT TO DECLARATION BY CAPSTAR FORMERLY KNOWN AS AMERICAN SECURITY BANK AND TRUST

CAPSTAR FORMERLY KNOWN AS AMERICAN SECURITY BANK & TRUST, is a banking association whose address is 101 Springhouse Court, a 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 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 as further amended by that 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 of record as Instrument Number 20120329-0026541, and the terms and recording of this Fourth 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.

CAPSTAR FORMERLY KNOWN AS AMERICAN SECURITY BANK & TRUST

By: Mark D Brooks SVP
Name/Title

STATE OF Tennessee
COUNTY OF Sumner

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Mark D Brooks, 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 SVP (Title) of the maker or a constituent of the maker and is authorized by the maker or its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS my hand, at office, this 20th day of August, 2012.

Notary Public

My commission expires: 3/23/16

MEREDITH K JONES
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY