Karen Johnson Davidson County
Batch# 528195 DEEDMAST
12/09/2020 12:33:30 PM 14 pgs
Fees: $72.00 Taxes: $0.00
20201209-0143747

THIS INSTRUMENT PREPARED BY:
Ortale Kelley Law Firm (JHC)
330 Commerce Street, Suite 110
P. O. Box 198985
Nashville, Tennessee 37201

FIRST SUPPLEMENT AND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THORNTON GROVE

AND

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THORNTON GROVE TOWNHOMES A TOWNHOME PLANNED UNIT DEVELOPMENT (HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS) (ANNEXING PHASE 1B & 1C)

THIS FIRST SUPPLEMENT AND AMENDMENT ("First Supplement and Amendment") TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THORNTON GROVE AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THORNTON GROVE TOWNHOMES A TOWNHOME PLANNED UNIT DEVELOPMENT (HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS) (ANNEXING PHASE 1B & 1C) is entered into and made effective as of the 1st day of December, 2020, by Thornton Grove Green, LLC, a Delaware limited liability company (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, Declarant previously established certain covenants, conditions, and restrictions for property located in Nashville, Davidson County, Tennessee, pursuant to the Declaration of Covenants, Conditions, and Restrictions for Thornton Grove And Declaration Of Covenants, Conditions And Restrictions For Thornton Grove Townhomes (the "Declaration"), of record in Instrument No. 20200608-0058652, in the Register's Office for Davidson County, Tennessee (the "Register's Office") by which the Declarant created the Thornton Grove Subdivision (hereinafter referred to as "Thornton Grove" or the "Subdivision"); and

WHEREAS, pursuant to Article VIII, Section 1 of said Declaration, Declarant desires to annex and subject certain additional real property to the Declaration; said property being more particularly described in Exhibit 1 attached hereto (the "Phase 1B & 1C Property"); and

WHEREAS, pursuant to Article XVIII, Section 2(a) of the Declaration, Declarant desires to unilaterally amend the Declaration to clarify the Townhome Association's maintenance responsibility for the lawns and landscaping within the Limited Common Elements; and

WHEREAS, the Legal Description for Townhome Property was not included in the Declaration as Exhibit "B-1" and Declarant now desires, pursuant to Article XVIII, Section 2(a) of the Declaration, to unilaterally amend the Declaration to insert said Exhibit "B-1"; and

WHEREAS, the Site Plan for Townhome Property was not included in the Declaration as Exhibit "B-2" and Declarant now desires, pursuant to Article XVIII, Section 2(a) of the Declaration, to unilaterally amend the Declaration to insert said Exhibit "B-2"; and

WHEREAS, the Plan of Thornton Grove Identifying Lifestyle Lots was not included in the Declaration as Exhibit "F" and Declarant now desires, pursuant to Article XVIII, Section 2(a) of the Declaration, to unilaterally amend the Declaration to insert said Exhibit "F"; and

NOW THEREFORE, the Declaration is hereby supplemented and amended as follows:

1. The Declaration shall be and hereby is supplemented for purposes of annexing the Phase 1B & 1C Property, as more particularly described on Exhibit 1 attached hereto, to the Subdivision and subjecting said Phase 1B & 1C Property to the covenants, conditions, and restrictions of the Declaration as may be supplemented and amended from time to time.

2. The Declaration shall be and hereby is amended by deleting and replacing the Article I, Section 23 with the following new Section 23 to clarify the definition of "Limited Common Elements":

> Section 23. "Limited Common Elements" shall mean and refer to Common Elements and other fixtures lying partially within and partially outside the designated boundaries of a Unit, any portion thereof serving any Unit or Units to the exclusion of the other Units, the enjoyment, benefit and use of which is reserved exclusively to the Owner(s) of such Unit(s) pursuant to this Declaration, any Plat or Site Plan or otherwise designated as such by the Board of Directors. Without limiting the generality of the foregoing, such Limited Common Elements include pipes, ducts, chutes, flues, wiring, conduit, walls, partitions, columns, utility meter, water heater, condensing units, HVAC equipment, shutters, awnings, window boxes, window frames and screens, door and door frames, window and door glass panes, doorsteps, stoops, lawns, landscaping, as well as porches, patios, and balconies if any. As set forth in Tenn. Code Ann. § 66-27-102(12), Limited Common Elements located upon Private Elements shall be deemed Private Elements.

3. The Declaration shall be and hereby is amended by deleting and replacing the first paragraph in Article IV, Section 2 with the following new paragraph to clarify the Townhome Association's maintenance responsibility for the lawns and landscaping within the Limited Common Elements:

> Section 2. Townhome Association's Responsibility. Except as otherwise provided herein, maintenance of repairs to and replacements within the Common Elements shall be the responsibility of and shall be furnished by the Townhome Association, the cost of which shall be part of the Townhome Assessment assessed to and paid by the Unit Owners benefitted thereby. In addition, the Townhome Association shall repair, replace, maintain, and keep in good repair the lawns and landscaping within the Limited Common Elements. Notwithstanding the foregoing, in the event a Unit Owner's lawn is enclosed by a fence or landscaping is installed by a Unit Owner, the Unit Owner shall thereafter be responsible for the maintenance of the enclosed lawn or the installed landscaping.

4. The Declaration shall be and hereby is amended by inserting as Exhibit "B-1" thereto, the Legal Description for Townhome Property attached as Exhibit 2 to this First Supplement and Amendment.

5. The Declaration shall be and hereby is amended by inserting as Exhibit "B-2" thereto, the Site Plan for Townhome Property attached as Exhibit 3 to this First Supplement and Amendment.

6. The Declaration shall be and hereby is amended by inserting as Exhibit "F" thereto, the Plan of Thornton Grove Identifying Lifestyle Lots attached as Exhibit 4 to this First Supplement and Amendment.

7. All other items not heretofore amended shall remain in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned, on behalf of the Declarant, has executed this First Supplement and Amendment as of the day and year first above written.

DECLARANT:

Thornton Grove Green, LLC,
a Delaware limited liability company

By: _____
Rajesh Menon, Authorized Signatory

STATE OF CONNECTICUT)
)
COUNTY OF FAIRFIELD)

Before me, the undersigned, a Notary Public in and for State and County aforesaid, personally appeared Rajesh Menon, 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 Authorized Signatory of Thornton Grove Green, LLC, a Delaware limited liability company, the within named bargainor, and that he, as the Authorized Signatory of the company, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as Authorized Signatory.

WITNESS my hand and official seal at 2 Post Rd W. Westport, Connecticut, this 1st day of ~~November~~ December, 2020.

_____
NOTARY PUBLIC

My commission expires: Nicole Lamoreaux
~~NOTARY PUBLIC~~
State of Connecticut
My Commission Expires 5/31/23

EXHIBIT 1

LEGAL DESCRIPTION FOR PHASE 1B & 1C PROPERTY

Land in Nashville, Davidson County, Tennessee, being all property located on the Final Plat for Thornton Grove PUD, Phase 1B & 1C of record in Instrument Number 20200828-0097695, Register's Office, Davidson County, Tennessee, to which plan reference is hereby made for a more complete legal description.

Being part of the same property conveyed to Thornton Grove Green, LLC, a Tennessee limited liability company, by deed of record in Instrument Number 20191017-0106509, Register's Office, Davidson County, Tennessee.

EXHIBIT 2

Exhibit "B-1"

LEGAL DESCRIPTION FOR TOWNHOME PROPERTY

Land in Nashville, Davidson County, Tennessee, being Lot 114 located on the Final Plat for Thornton Grove PUD, Phase 1B & 1C of record in Instrument Number 20200828-0097695, Register's Office, Davidson County, Tennessee, to which plan reference is hereby made for a more complete legal description.

Being part of the same property conveyed to Thornton Grove Green, LLC, a Tennessee limited liability company, by deed of record in Instrument Number 20191017-0106509, Register's Office, Davidson County, Tennessee.

EXHIBIT 3

EXHIBIT "B-2"

SITE PLAN FOR TOWNHOME PROPERTY

[SEE ATTACHED]

OWNER: THORNTON GROVE GREEN, LLC

DEED: INST# 20191017-0106509

PLAT: INST# 20200828-0097695

ADDRESS: 2935 WINTERBERRY DRIVE NASHVILLE, TN 37207

TAX MAP 50-02 C, PARCEL 114

THORNTON GROVE PUD
PHASE 1C

DATE: 10-5-2020

DA JOB NUMBER: 16065
PAGE 1 OF 4

THIS DRAWING SHOULD NOT BE REPRESENTED TO BE A LAND SURVEY. IT SHOULD NOT BE RELIED UPON FOR THE CONSTRUCTION OF FENCES OR ESTABLISHING THE EXACT LOCATION OF PROPERTY LINES.

NO CORNERS WERE SET OR RESET AT THE TIME OF THIS INSPECTION.

"EXHIBIT B-2"

STEVEN C. MATTHEWS
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2352
10/5/20

COMMON ELEMENTS

UNIT/ PRIVATE ELEMENTS

LIMITED COMMON ELEMENTS

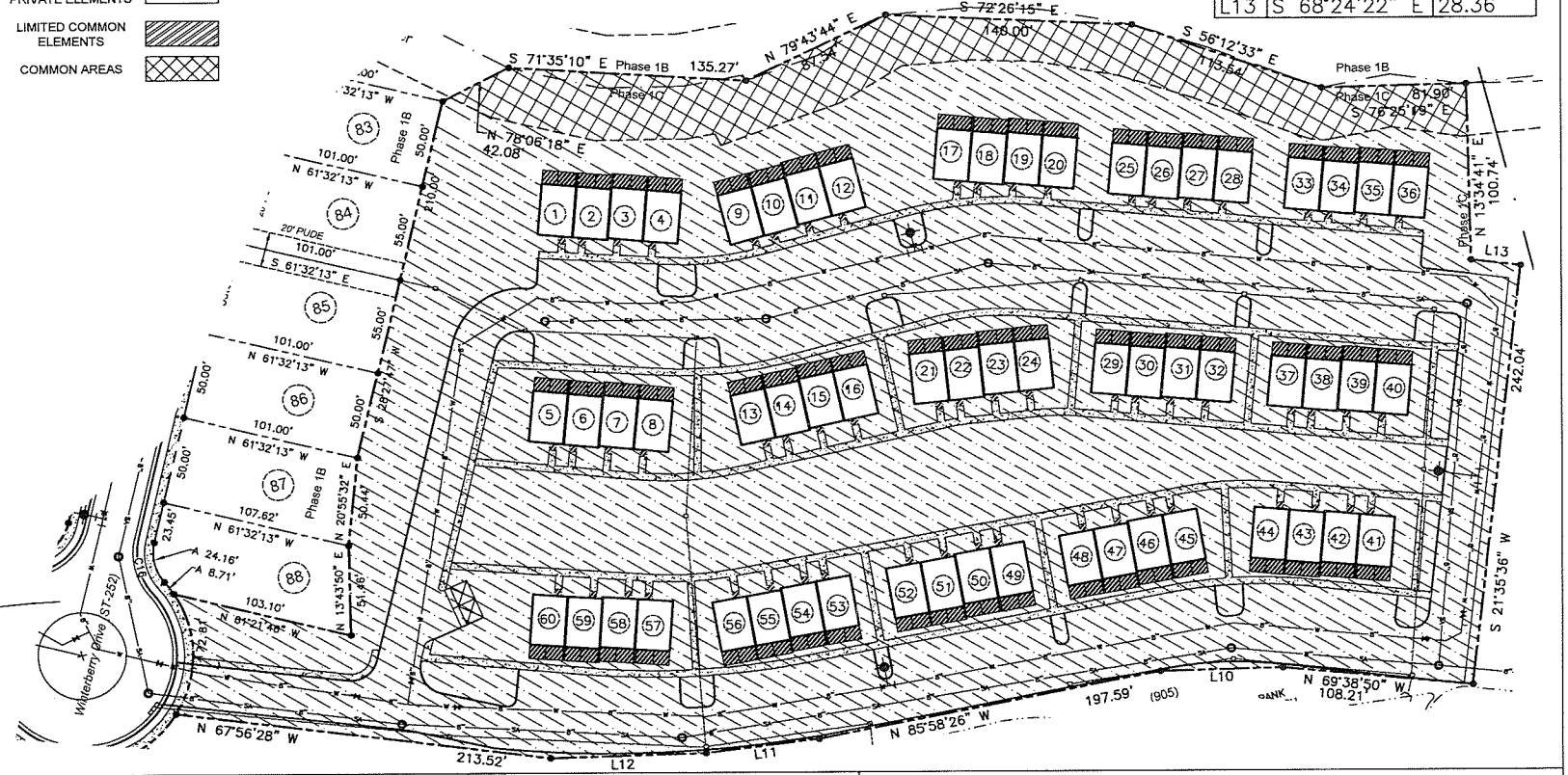
COMMON AREAS

CURVE TABLE

C13	24.16'	25.00'	55°22'35"	S 56°09'05" W	23.23'

LINE TABLE

L10	N 76°27'28" W	69.51'
L11	N 82°01'43" W	64.79'
L12	N 76°37'36" W	88.53'
L13	S 68°24'22" E	28.36'

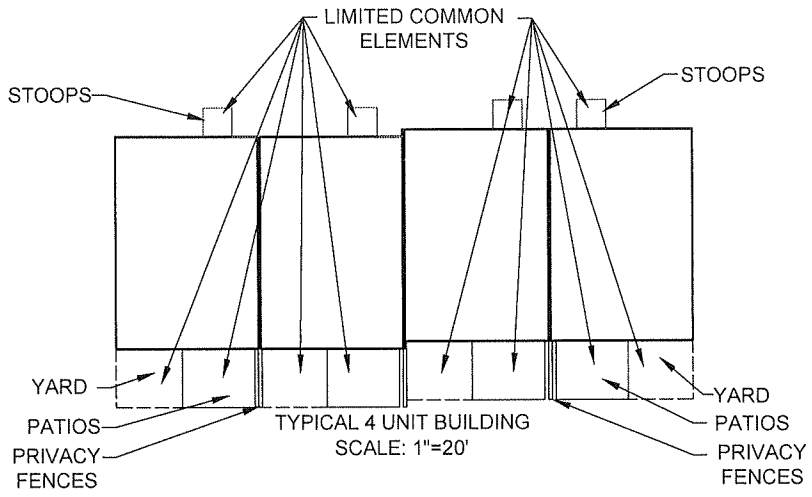


Thornton Grove Phase 1C
Horizontal Property Regime

80 0 80
Scale 1" = 80'

Dale & Associates
Consulting Civil Engineering/Land Planning & Zoning
Landscape Architecture/Surveying
516 Heather Place Nashville, Tn 37204 (615) 297-5166

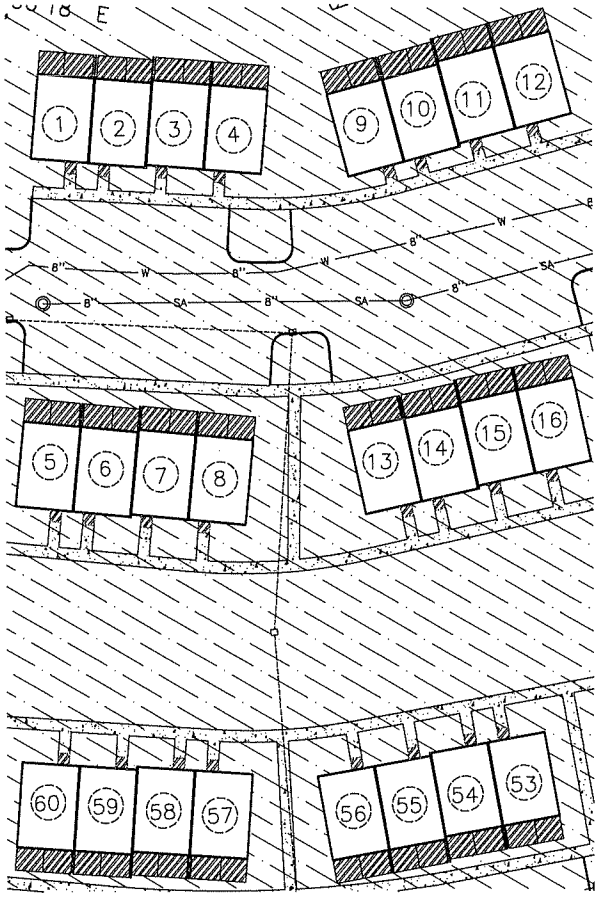
202012090143747



COMMON ELEMENTS

UNIT/ PRIVATE ELEMENTS

LIMITED COMMON ELEMENTS



50 0 50

Scale 1" = 50'

OWNER: THORNTON GROVE GREEN, LLC	
DEED: INST# 20191017-0106509	
PLAT: INST# 20200828-0097695	
ADDRESS: 2935 WINTERBERRY DRIVE NASHVILLE, TN 37207	
TAX MAP 50-02 C, PARCEL 114	
THORNTON GROVE PUD PHASE 1C	
DATE: 10-5-2020	
DA JOB NUMBER: 16065 PAGE 2 OF 4	

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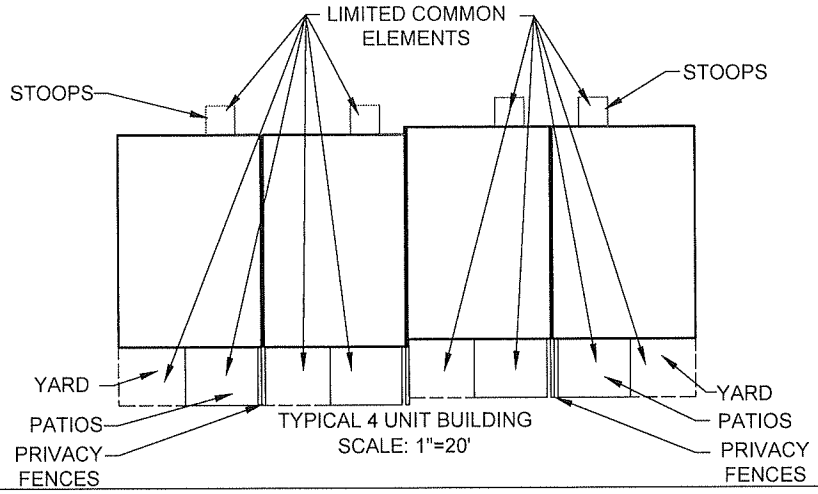
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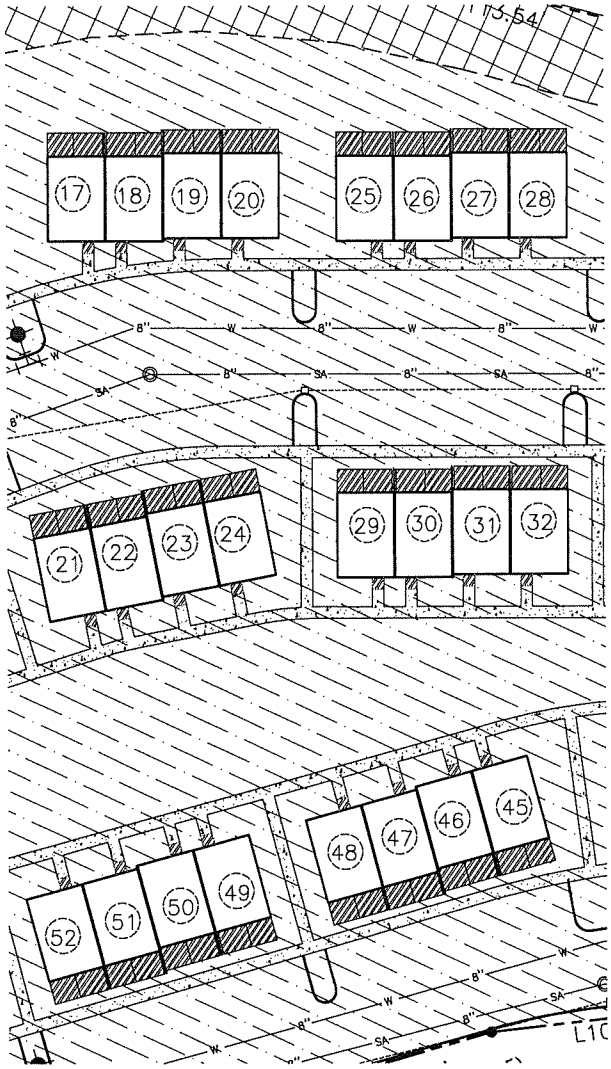
"EXHIBIT B-2"

STEVEN C. MATTHEWS REGISTERED LAND SURVEYOR XVI AGRICULTURE COMMERCE TENNESSEE NO. 2352 10/5/20

Dale & Associates
Consulting Civil Engineering/Land Planning & Zoning
Landscape Architecture/Surveying
516 Heather Place Nashville, Tn. 37204 (615) 297-5166

Thornton Grove Phase 1C
Horizontal Property Regime





COMMON ELEMENTS

UNIT/ PRIVATE ELEMENTS

LIMITED COMMON ELEMENTS

COMMON AREAS

50 0 50

Scale 1" = 50'

Dale & Associates

Consulting Civil Engineering/Land Planning & Zoning
Landscape Architecture/Surveying

516 Heather Place Nashville, Tn 37204 (615) 297-5166

Thornton Grove Phase 1C
Horizontal Property Regime

OWNER: THORNTON GROVE GREEN, LLC

DEED: INST# 20191017-0106509

PLAT: INST# 20200828-0097695

ADDRESS: 2935 WINTERBERRY DRIVE NASHVILLE, TN 37207

TAX MAP 50-02 C, PARCEL 114

THORNTON GROVE PUD PHASE 1C

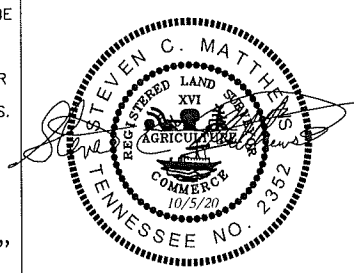
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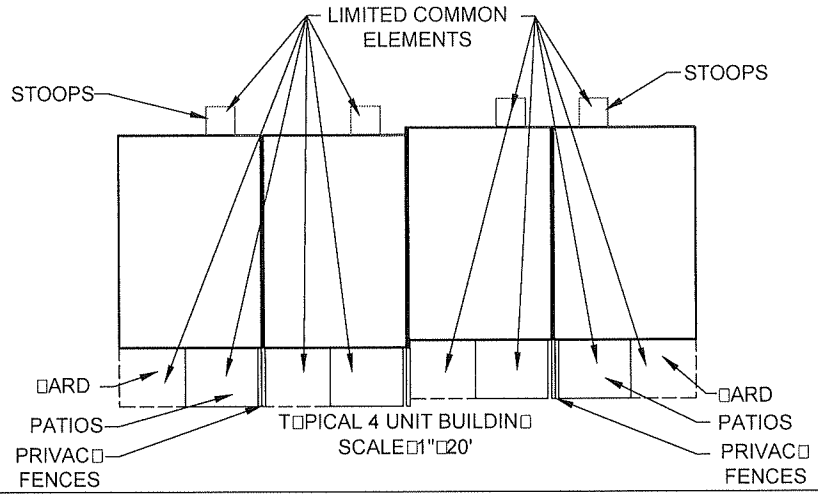
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PAGE 3 OF 4

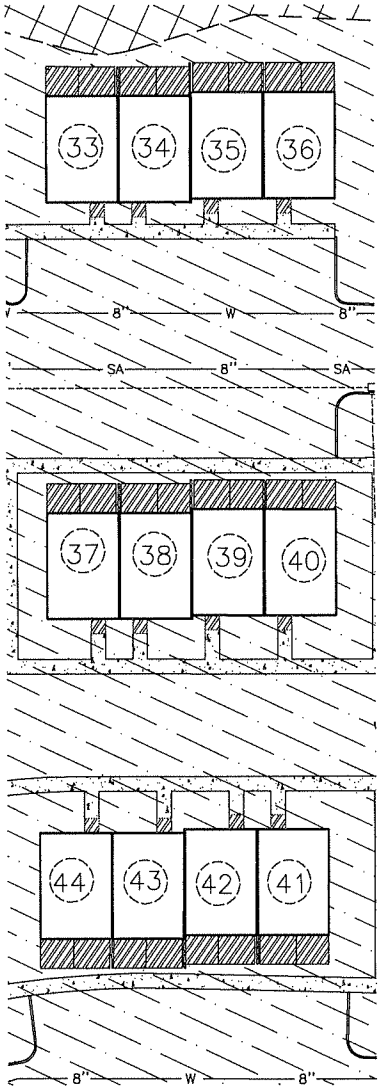
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"EXHIBIT B-2"







COMMON ELEMENTS

UNIT/ PRIVATE ELEMENTS

LIMITED COMMON ELEMENTS

COMMON AREAS

Dale & Associates
Consulting Civil Engineering/Land Planning & Zoning
Landscape Architecture/Surveying
516 Heather Place Nashville, Tn 37204 (615) 297-5166

40 0 40
Scale 1" = 40'

Thornton Grove Phase 1C
Horizontal Property Regime

OWNER:	THORNTON GROVE GREEN, LLC
DEED:	INST# 20191017-0106509
PLAT:	INST# 20200828-0097695
ADDRESS:	2935 WINTERBERRY DRIVE NASHVILLE, TN 37207
TAX MAP 50-02 C, PARCEL 114	
THORNTON GROVE PUD PHASE 1C	
DATE:	10-5-2020
DA JOB NUMBER:	16065
PAGE 4 OF 4	

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"EXHIBIT B-2"

STEVEN C. MATTHEWS
REGISTERED LAND SURVEYOR
XVI
AGRICULTURE
COMMERCE
10/5/20
TENNESSEE NO. 2352

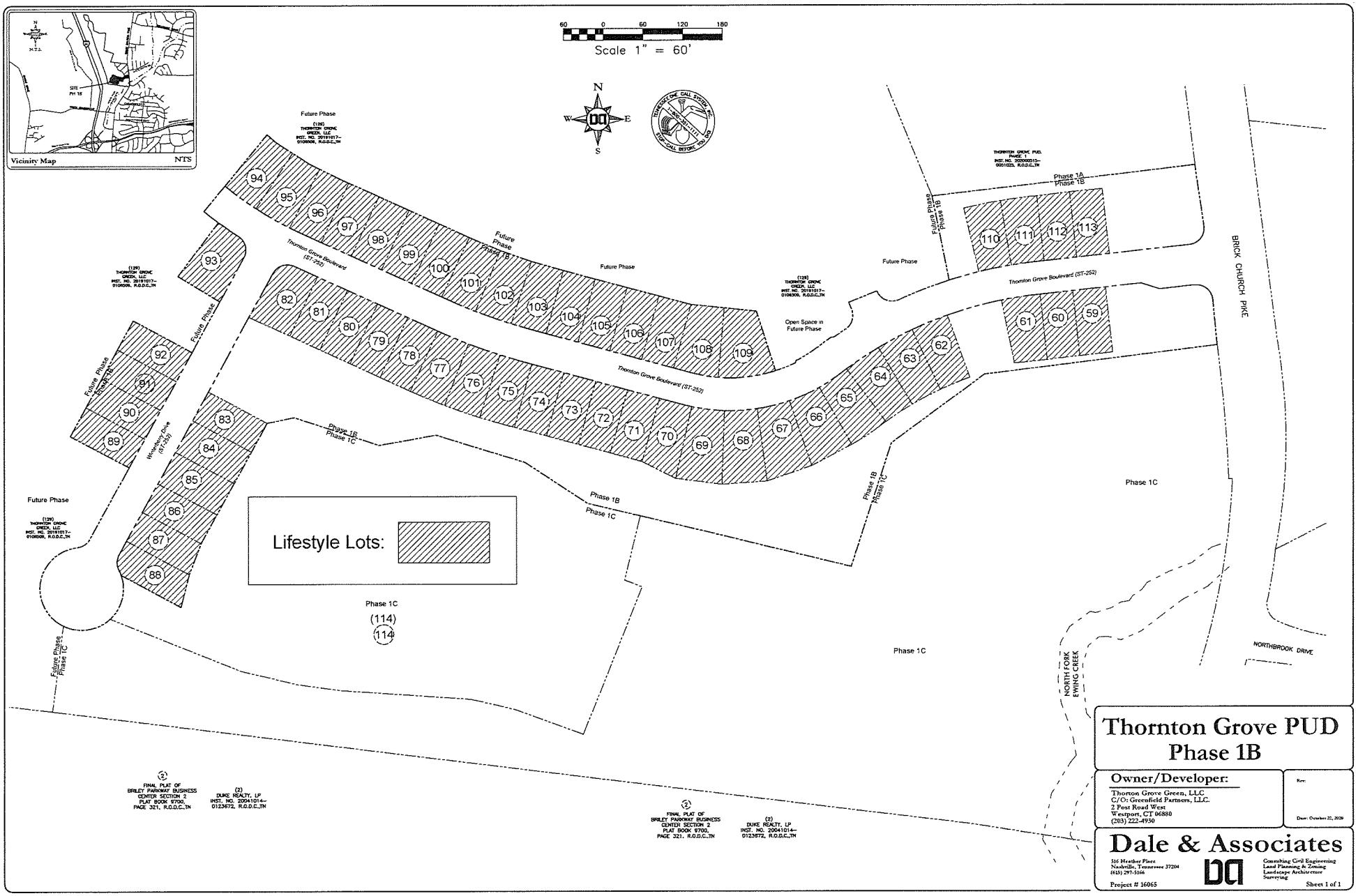
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EXHIBIT 4

EXHIBIT "F"

PLAN OF THORNTON GROVE IDENTIFYING LIFESTYLE LOTS

[SEE ATTACHED]



20201209014374

I, the undersigned, 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.

JEREMY H. CHERRY

State of Tennessee

County of Davidson

Personally appeared before me, the undersigned, a Notary Public for this county and state, JEREMY H. CHERRY, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

My Commission expires: 11/8/2022

Notary Public

