

THIS INSTRUMENT PREPARED BY:

BK 2728 PG 525

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SUPPLEMENTARY DECLARATION TO THE SUPPLEMENTAL DECLARATION OF
PROTECTIVE COVENANTS AND OWNERS SUBASSOCIATION FOR THE
SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
AT MCKAY'S MILL

ANNEXING ADDITIONAL PROPERTY

This Supplementary Declaration to the Supplemental Declaration of Protective Covenants and Owners Subassociation for the Single-Family Residential Development at McKay's Mill made this 24 day of February, 2003, by Jones Land Company, LLC, a Tennessee limited liability company (hereinafter referred to as "Declarant") and Newmark Homes, L.P., a Texas limited partnership (hereinafter referred to as "Newmark").

RECITALS:

A. Declarant and Newmark own certain real property in Franklin, Williamson County, Tennessee, which is being developed as a residential planned unit development known as McKay's Mill Subdivision. That property is subject to the Supplemental Declaration of Protective Covenants and Owners Subassociation for the Single-Family Residential Development at McKay's Mill of record in Book 1649, page 389, as subsequently supplemented, Register's Office for Williamson County, Tennessee (hereinafter referred to collectively as the "Declaration").

B. Pursuant to Article XI of the Declaration, Declarant has the unilateral right to subject to the provisions of the Declaration additional property by filing in the Register's Office for Williamson County, Tennessee, an amendment to the Declaration annexing such additional property.

C. Newmark joins in this Supplementary Declaration of Protective Covenants and Owners Association for the Single-Family Residential Development at McKay's Mill to subject any lots owned by Newmark to the Declaration.

NOW, THEREFORE, Declarant amends the Declaration as follows:

1. The Declaration is hereby amended to annex the real property described in Exhibit "A", attached hereto and incorporated herein by reference, in accordance with the terms of Article XI of the Declaration.

2. All references to the "Property" in the Declaration shall be deemed amended to include the real property described in paragraph 1 above.

IN WITNESS WHEREOF, this Supplementary Declaration to the Supplemental Declaration of Protective Covenants and Owners Subassociation for the Single-Family Residential Development at McKay's Mill has been executed by Declarant and Newmark as of the day and year first above written.

JONES LAND COMPANY, LLC

By: 

Daniel E. Crunk, Director of Land
Development

NEWMARK HOMES L.P.

By: Newmark Homes Corporation

By: 

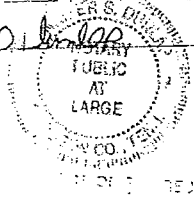
Its: Division President

STATE OF TENNESSEE
COUNTY OF Williamson

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Daniel E. Crunk, 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 Director of Land Development of Jones Land Company, LLC, the within named bargainer, a limited liability company, and he as such Director of Land Development, executed the foregoing instrument for the purpose therein contained, by signing the name of Jones Land Company, LLC, by himself as Director of Land Development of Jones Land Company, LLC

Witness my hand and official seal at Franklin, Tennessee this the 7th day of February, 2003.

Jennifer D. [Signature]
Notary Public



My Commission Expires: 7/30/05

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Before me, the undersigned authority, a Notary Public within and for the State and County, appeared Michael Moody, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who upon his/her oath acknowledged himself/herself to be the Nash, Div. President of Newmark Homes Corporation, a corporation, Partner of Newmark Homes, L.P., a limited partnership, the within named bargainer, and that he/she as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Newmark Homes, L.P. by the said Michael Moody as Nash, Div. President of Newmark Homes Corporation, as the Partner.

Witness my hand and official seal at Franklin, Tennessee, this the 20th day of February, 2003.

Belinda J. [Signature]
Notary Public



My Commission Expires: 6-8-04

EXHIBIT "A"

Land lying and being in Williamson County, Tennessee, and being all of McKays Mill P.U.D. Subdivision, Section 17 (Longmont Area), as shown on the plan of record in Plat Book 34, page 19, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

State of Tennessee, County of WILLIAMSON
Received for record the 24 day of
FEBRUARY 2003 at 10:41 AM. (RECH 526967)
Recorded in official records
Book 2728 pages 525- 527
Notebook 71 Page 203
State Tax \$.00 Clerks Fee \$.00,
Recording \$ 17.00, Total \$ 17.00,
Register of Deeds GABIE WADE
Deputy Register SHERRY ANDERSON