

new

THIS INSTRUMENT PREPARED BY:

John T. Cook, Esq.
2927 Berry Hill Drive
Nashville, TN 37204

BK 2711 PG 810

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

(Annexation of Additional Area)

This Supplementary Declaration made this 4th day of February, 2003 by Jones Land Company, LLC, a Tennessee limited liability company (hereinafter referred to as "Declarant").

W I T N E S S E T H

WHEREAS, Jones Land Company, LLC was designated as Declarant under the Supplemental Declaration of Protective Covenants and Owners SubAssociation for the Single-Family Residential Development at McKay's Mill as of record in Book 1649, page 389, amended in Book 1833, page 507, in Book 2293, page 292, in Book 2426, page 938, and in Book 2515, page 489, Register's Office for Williamson County, Tennessee (the "Declaration"); and

WHEREAS, pursuant to Article XI of the Declaration, Declarant has the unilateral right to amend the Declaration to add additional properties to the Single-Family Subassociation Area from within the property described on the Exhibit "B" described in the Declaration, which Exhibit "B" was identified by instrument recorded in Book 2293, page 292, said Register's Office; and

WHEREAS, Declarant has determined to add and subject that real property described on the attached Exhibit "A" to the Single-Family Subassociation Area and wishes to make a public record of the amendment and change.

NOW THEREFORE, for and in consideration of the premises and pursuant to the terms of the Declaration, Declarant hereby declares this Supplementary Declaration as follows:

1. Declarant hereby subjects and annexes the real property described on the attached Exhibit "A" (the "Newly Annexed Property") to the Declaration.
2. Each owner of a property within the Newly Annexed Property shall be a member of the McKay's Mill Single Family Subassociation, Inc. and shall have all of the rights, responsibilities and appurtenances of ownership and membership in the Association, including

without limitation, the full right and enjoyment in and to the Common Areas of McKay's Mill which are owned by the Association, the responsibility for payment of Assessments, and shall be subject to all use and architectural controls and limits as provided in the Declaration. The Newly Annexed Property shall be included in the Single-Family Subassociation Area Delegate District and shall additionally be subject to the jurisdiction of the McKay's Mill Single Family Subassociation, Inc.

3. Capitalized terms used herein shall have the meaning ascribed to them in the Declaration.

IN WITNESS WHEREOF, this Supplementary Declaration has been executed by Declarant as of the day and year first above written.


Jones Land Company, LLC,
a Tennessee limited liability company

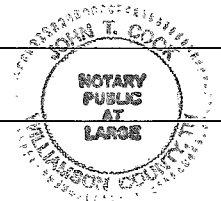
By: 
Daniel E. Crunk, Director of Land Development

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, a Tennessee limited liability company, and that he as such Director of Land Development, executed the foregoing instrument for the purpose therein contained, by signing the name of the limited liability company by himself as Director of Land Development.

Witness my hand and official seal at Franklin, Tennessee, this 4th day of February, 2003.


Notary Public
My Commission Expires: 4/10/05



PROPERTY DESCRIPTION
AREA "E" REMAINDER

Being a tract of land in the Fourteenth Civil District of Williamson County, City of Franklin, Tennessee, being a portion of the Jones Land Company, L.L.C. tract of record in Deed Book 1569, Page 994, Register's Office for Williamson County (R.O.W.C.), Tennessee, being more particularly described as follows:

Commencing at an iron rod (old) at the southerly terminus of the southeast curve return at the intersection of Reunion Lane and Proposed Oxford Glen Drive; thence, with the easterly right-of-way of said Oxford Glen Drive, South 07 degrees 17 minutes 50 seconds West, 12.38 feet to an iron rod (old); thence, with an offset in said right-of-way, North 82 degrees 42 minutes 10 seconds West, 15.00 feet to an iron rod (old); thence, with said easterly right-of-way, South 07 degrees 17 minutes 50 seconds West, 374.04 feet to an iron rod (old); thence, along a curve to the right having a radius of 575.00 feet, a central angle of 06 degrees 33 minutes 53 seconds, an arc length of 65.88 feet, and a chord bearing and distance of South 04 degrees 00 minutes 54 seconds West, 65.85 feet to an iron rod (old) being the POINT OF BEGINNING for the herein described tract; thence,

1. Leaving said easterly right-of-way, with the southerly line of the Newmark Homes, L.P. property of record in Deed Book 2519, page 164, R.O.W.C., Tennessee, South 59 degrees 14 minutes 22 seconds East, 399.59 feet to an iron rod (old); thence,
2. South 72 degrees 08 minutes 12 seconds East, 85.60 feet to an iron rod (old); thence,
3. North 03 degrees 58 minutes 05 seconds East, 53.00 feet to an iron rod (old); thence,
4. South 86 degrees 01 minutes 55 seconds East, 173.00 feet to an iron rod (old); thence,
5. North 03 degrees 58 minutes 05 seconds East, 1.03 feet to an iron rod (old); thence,
6. South 85 degrees 01 minutes 55 seconds East, 153.00 feet to an iron rod (old) in the westerly line of the David K. DeBoer and wife, Tina K. DeBoer, et al. tract of record in Deed Book 1655, Page 602, R.O.W.C., Tennessee; thence,
7. With the westerly line of said DeBoer tract, South 03 degrees 58 minutes 05 seconds West, 900.35 feet to a wood fence post (old); thence,
8. South 40 degrees 15 minutes 16 seconds East, 500.84 feet to a utility pole with anchor (old); thence,
9. South 02 degrees 55 minutes 26 seconds West, 306.76 feet to an iron rod (old) in the Proposed easterly right of way of Oxford Glen Drive; thence,

10. With said Proposed easterly right of way of Oxford Glen Drive, northerly, along a curve to the right having a radius of 25.00 feet, a central angle of 35 degrees 23 minutes 21 seconds, an arc length of 15.44 feet, and a chord bearing and distance of North 22 degrees 53 minutes 01 seconds West, 15.20 feet to an iron rod (old); thence,
11. North 05 degrees 11 minutes 20 seconds West, 159.62 feet to an iron rod (old); thence,
12. Along a curve to the left having a radius of 475.00 feet, a central angle of 35 degrees 02 minutes 08 seconds, an arc length of 290.46 feet, and a chord bearing and distance of North 22 degrees 42 minutes 24 seconds West, 285.95 feet to an iron rod (old); thence,
13. North 40 degrees 13 minutes 28 seconds West, 893.28 feet to an iron rod (old); thence,
14. Along a curve to the right having a radius of 1375.00 feet, a central angle of 23 degrees 39 minutes 28 seconds, an arc length of 567.74 feet, and a chord bearing and distance of North 28 degrees 23 minutes 44 seconds West, 563.72 feet to an iron rod (old); thence,
15. Along a curve to the right having a radius of 575.00 feet, a central angle of 17 degrees 17 minutes 58 seconds, an arc length of 173.61 feet, and a chord bearing and distance of North 07 degrees 55 minutes 02 seconds West, 172.95 feet to the Point of Beginning containing 436,023 square feet or 10.010 acres, more or less.

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 January 30, 2003
 K. Shreeve

Being part of the same property conveyed to Jones Land Company, LLC by deed from Ernest C. Kuhlo, and wife, Patricia O. Kuhlo of record in Book 1569, Page 994, Register's Office for Williamson County, Tennessee.

State of Tennessee, County of WILLIAMSON
 Received for record the 05 day of
 FEBRUARY 2003 at 9:45 AM. (RECN 523632)
 Recorded in official records
 Book 2711 pages 810- 813
 Notebook 71 Page 136
 State Tax \$.00 Clerks Fee \$.00,
 Recording \$ 22.00, Total \$ 22.00.
 Register of Deeds SADIE WADE
 Deputy Register KAREN OWENS