

THIS INSTRUMENT PREPARED BY:

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SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS  
AND OWNERS ASSOCIATION FOR MCKAY'S MILL

ANNEXING ADDITIONAL PROPERTY

This Supplementary Declaration of Protective Covenants and Owners Association for McKay's Mill made this 7th 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 Protective Covenants and Owners Subassociation for McKay's Mill of record in Book 1649, page 349, as subsequently supplemented, Register's Office for Williamson County, Tennessee (hereinafter referred to collectively as the "Declaration").

B. Pursuant to Article III 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 McKay's Mill to subject any lots owned by Newmark to the Declaration.


NOW, THEREFORE, Declarant amends the Declaration as follows:

1. Article I, Section 1.1, of the Declaration is amended to annex the real property described in Exhibit "A", attached hereto and incorporated herein by reference, in accordance with the terms of Article III 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 of Protective Covenants and Owners Subassociation for 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

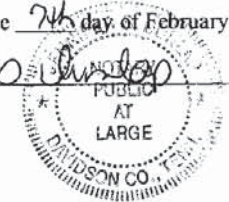
By:   
Its: Division President

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 24 day of February, 2003.

Jennifer O. [Signature]  
Notary Public



My Commission Expires: 7/30/05

MY COMMISSION EXPIRES: 07/30/2005

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 20<sup>th</sup> day of February, 2003.

Balenda J. Colwell  
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 10:01 AM. (RECH 526768)  
Recorded in official records  
Book 2728 Pages 528- 530  
Notebook 71 Page 203  
State Tax \$ .00 Clerks Fee \$ .00,  
Recording \$ 17.00, Total \$ 17.00,  
Register of Deeds SADIE WADE  
Deputy Register SHERRY ANDERSON