

Prepared by and Return to:
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**FOURTH AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
ALMADALE FARMS P.D.**

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ALMADALE FARMS P.D. (hereafter "Declaration"), made this ____ day of _____, 2001, by **Almadale Farms**, a Tennessee general partnership (hereafter "Declarant").

WITNESSETH:

WHEREAS, a Declaration of Covenants, Conditions and Restrictions for Almadale Farms P.D. was filed of record on June 26, 1995, at Instrument No. FD 3870, as amended by First Amendment of record at Instrument No. FR 6003, Second Amendment at Instrument No. JP 7898, and Third Amendment at Instrument No. KX 4116, all in the Register's Office of Shelby County, Tennessee; and

WHEREAS, Declarant reserved the right in the Declaration to expand the Property as said term is defined therein; and

WHEREAS, Declarant desires to amend the Declaration as set forth below; and

WHEREAS, the Developer has caused plats of the property to be filed in Plat Book 151, Page 38, for Phase 1 of the property, in Plat Book 154, Page 77, for Phase 2 of the property, in Plat Book 168, Page 2 for Phase 5, in Plat Book 182, Page 70 for Phase 6 of the property, and in Plat Book 196, Page 3 for Phase 9 of the property, all in the Register's Office of Shelby County, Tennessee ("Plat" or "Plats").

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

1. The fourth paragraph on page 1 of the Declaration is further amended by deleting the same in its entirety and the following is substituted in lieu thereof:

"WHEREAS, the Developer has caused plats of the Property to be filed in Plat Book 151, Page 38, for Phase 1, in Plat Book 154, Page 77, for Phase 2, in Plat Book 168, Page 2 for Phase 5, in Plat Book 182, Page 70 for Phase 6, and in Plat Book 196, Page 3 for Phase 9 of the development, all in the Register's Office of Shelby County, Tennessee ("Plat" or "Plats"); and"

2. In Article I, Section 4, as amended, the following words are added at the end of the first sentence: "and Numbers 217 through 262, inclusive, as shown on Exhibit "B-4" attached hereto."

3. In Article V, Section 1, as amended, the following sentence is hereby added to the end of the paragraph:

"The Association shall also provide and pay for all maintenance and expenses for the common open spaces shown as C.O.S. "A" through "D", inclusive, on the plat attached hereto as Exhibit "B-4"."

4. In Article V, Section 2(b), as amended, the first sentence is deleted and the following sentence is substituted therefor: "As shown on Exhibits "B", "B-1", "B-2", "B-3" and "B-4" attached hereto, there will be two hundred sixty-two (262) residential Lots".

5. The fifth line of Article VI, Section 2, as amended, is amended by deleting the word "(1/216th)" and substituting the word "(1/262nd)" therefor.

6. In Article VIII, Section 1, as amended, the words "Lots 1 through 216" are hereby deleted and the words "Lots 1 through 262" are substituted therefor.

7. In Article VIII, Section 2(b), as amended, the words "Exhibit "B", "B-1", "B-2" and "B-3" are hereby deleted and the words "Exhibits "B", "B-1", "B-2", "B-3" and "B-4" are substituted therefor.

8. The legal description set forth on Exhibit A of the Declaration is further amended by deleting same in its entirety and the following is substituted in lieu thereof:

Parcel 1: Lots 1-63, Phase 1, Almadale Farms P.D., as shown on plat of record in Plat Book 151, Page 38, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description thereof.

Parcel 2: Lots 64-134, Phase 2, Almadale Farms P.D., as shown on plat of record in Plat Book 154, Page 77, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description thereof.

Parcel 3: Lots 135-181, Phase 5, Almadale Farms P.D., as shown on plat of record in Plat Book 168, Page 2 in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description thereof.

Parcel 4: Lots 182-216, Almadale Farms P.D., Phase 6, Parcel 4, as shown on plat of record in Plat Book 182, Page 70 in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description thereof.

Parcel 5: Lots 217-262, Almadale Farms P.D., Phase 9, Parcels 1, 2 and 3, as shown on Plat of record in Plat Book 196, Page 3, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description thereof.

9. Exhibit B-4 attached hereto is hereby made a part of and incorporated into the Declaration.

10. The Owners of Lots within the development known as Almadale Farms P.D., Phase 9 shall have all the rights and obligations granted to an Owner under the terms of said Declaration.

IN WITNESS WHEREOF, the undersigned has caused this Fourth Amendment to be signed by the officer duly authorized to do so as of the day and year first above written.

ALMADALE FARMS, a Tennessee general partnership

By: _____
David P. Halle, Jr., Managing Partner

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for the State and County aforesaid, duly commissioned and qualified, personally appeared DAVID P. HALLE, JR., with whom I am personally acquainted and who, upon oath, acknowledged himself to be the managing general partner of ALMADALE FARMS, a Tennessee general partnership, the within named bargainor, and that he as such managing general partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as such managing general partner, and he further acknowledged that he executed said instrument as the free act and deed of the partnership.

Witness my hand and official seal at office this ____ day of _____, 2001.

NOTARY PUBLIC

My Commission Expires:

JOINDER OF OWNER

_____, the owner of Lot(s) _____, Almadale Farms P.D., Phase 9, as more particularly described in the foregoing Declaration of Covenants, Conditions and Restrictions, joins in submitting said property to the said Declaration of Covenants, Conditions and Restrictions.

By: _____

Title: _____

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared _____, 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 _____ of _____, a _____, the within named bargainor, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as such officer.

WITNESS my hand and Notarial Seal at office this ____ day of _____, 2001.

NOTARY PUBLIC

My Commission Expires:

JOINDER OF OWNER

_____, the owner of Lot(s) _____,
Almadale Farms P.D., Phase 9, as more particularly described in the foregoing Declaration of
Covenants, Conditions and Restrictions, joins in submitting said property to the said Declaration of
Covenants, Conditions and Restrictions.

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, _____, a Notary
Public, _____, with whom I am
personally acquainted (or proved to me on the basis of satisfactory evidence), and who
acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this ____ day of _____, 2001.

NOTARY PUBLIC

My Commission Expires:
