

This instrument prepared by:

Andrew T. Wood, Esq.

ATTORNEYS TITLE COMPANY, INC

2927 Berry Hill Drive

Nashville, Tennessee 37204

X-0391

Box #14

**FIRST AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
THE ENCLAVE AT KIMBARK, A HORIZONTAL  
PROPERTY REGIME WITH PRIVATE ELEMENTS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE ENCLAVE AT KIMBARK, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS, made and entered into by CARBINE DEVELOPMENT COMPANY, a Tennessee general partnership (the "Developer").

WITNESSETH:

WHEREAS, the Developer caused to be prepared and recorded that Declaration of Covenants, Conditions and Restrictions for The Enclave at Kimbark, a Horizontal Property Regime with Private Elements as Instrument No. 20200227-0022145 in the Register's Office for Davidson County, Tennessee (the "Declaration"), in order to submit the therein-described Parcel to the provisions of the Tennessee Horizontal Property Act, Tenn. Code Ann. §66-27-101 et seq., for the express purpose of establishing thereon a horizontal property regime with private elements to be known as The Enclave at Kimbark; and

WHEREAS, the plat attached to the Declaration incorrectly named the horizontal property regime, which has caused confusion in dealing with the Units; and

WHEREAS, the Developer desires to amend the Declaration to correct the plat to avoid further confusion.

**NOW, THEREFORE**, The Developer, exercising the power granted to it under Section 21 of the Declaration, makes, publishes and records this First Amendment to amend the Declaration as follows:

The Exhibit "C" attached to the Declaration is hereby deleted in its entirety and replaced with the Exhibit "C" attached hereto.

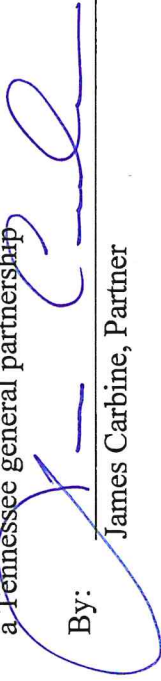
From and after the date of recording of this First Amendment, the horizontal property regime shall be identified as shown on the Plat attached hereto and identified as Exhibit "C".

Except as specifically set out in this First Amendment, the Declaration remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment to Declaration this the 29<sup>th</sup> day of November, 2021.

**DEVELOPER:**

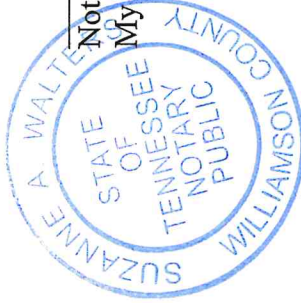
Carbine Development Company,  
a Tennessee general partnership


By:   
James Carbine, Partner

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

BEFORE me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared James Carbine with whom I am personally acquainted, and who, upon oath, acknowledged himself to be a Partner of Carbine Development Company, a Tennessee general partnership, the within named bargainer, and that he as such 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 Partner.

WITNESS my hand and official seal at Nashville, Tennessee, this 29<sup>th</sup> day of November, 2021.



  
Notary Public

My Commission Expires: 5.15.2023

OWNER:  
CARBINE DEVELOPMENT COMPANY

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ADDRESS: 1811 KIMBARK DR

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NASHVILLE, DAVIDSON CO, TN 37215

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DB-20190110 0002605

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BEING PARCEL 61 ON TAX MAP 131-03

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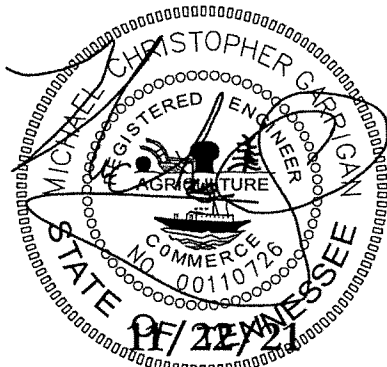
DATE: 11-22-21

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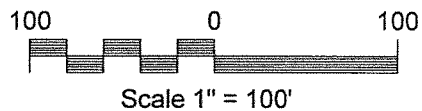
DA JOB NUMBER: 15195

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. THIS SITE HAS NOT BEEN FIELD RAN BY A SURVEY CREW. BOUNDARIES ARE APPROXIMATE.

**"EXHIBIT C"**



**THE ENCLAVE AT KIMBARK  
A HORIZONTAL PROPERTY REGIME**



**Dale & Associates**

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