

THIS INSTRUMENT PREPARED BY:  
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91.22

Pamela L. Whitaker, Register  
Sumner County Tennessee  
Rec #: 564360 Instrument 681158  
Rec'd: 10.00 NBK: 99 Pg 233  
State: 0.00 Recorded  
Clerk: 0.00 11/18/2003 at 9:22 am  
EDP: 2.00 in Record Book  
Total: 12.00  
1894 Pg 667

**FIFTH AMENDMENT TO**  
**DECLARATION OF COVENANTS**  
**CONDITIONS AND RESTRICTIONS**

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, hereinafter referred to as the "Fifth Amendment", set forth and entered into as of this the 7<sup>th</sup> day of November, 2003.

WITNESSETH

WHEREAS, the undersigned was appointed Successor Declarant for Winston Hills Subdivision by instrument recorded in Record Book 1488, page 550, Register's Office of Sumner County, Tennessee; and

WHEREAS, the Successor Declarant owns certain property in Hendersonville, Sumner County, Tennessee, shown on the Final Plat of Winston Hills Phase I, Section IV recorded in Plat Book 21, page 170, Register's Office of Sumner County, Tennessee, which property adjoins property that has been developed as Winston Hills Subdivision pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded in Record Book 982, page 242, Register's Office of Sumner County, Tennessee, (hereinafter referred to as the "Original Declaration") and First Amended Declaration of Covenants, Conditions and Restrictions recorded in Record Book 1025, page 799, said Register's Office ( hereinafter referred to as First Amended Declaration) and Second Amended Declaration of Covenants, Conditions and Restrictions recorded in Record Book 1488, page 509, said Register's Office (hereinafter referred to as Second Amended Declaration) and Third Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Record Book 1488, page 554, said Register's Office (hereinafter referred to as Third Amendment); and Fourth Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Record Book 1764, page 658, said Register's Office; said Original Declaration, First Amended Declaration, Second Amended Declaration, Third Amendment and Fourth Amendment are hereinafter referred to as the "Declaration"; and

WHEREAS, said Successor Declarant desires that all of the property shown on the plat hereinabove referenced shall be subject to and benefited by the terms and conditions of said Declaration; and

WHEREAS, Article IX Section 3 C of the Declaration allows the Declarant or its successors or assigns in title to subject/submit additional phases to the Association and

Declaration, as long as the newly submitted phase is part of a general plan for the property.

NOW THEREFORE, in consideration of the premises and Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Successor Declarant does hereby declare that the property shown on the Final Plat of Winston Hills Phase I, Section IV, recorded in Plat Book 21, page 170, Register's Office of Sumner County, Tennessee, shall be held and conveyed subject to the terms, covenants, conditions and restrictions set forth in the Declaration, which are hereby adopted as covenants running with the land and bind all present and future owners of the said property. This Fifth Amendment is made pursuant to the terms of Article IX Section 3 C of the Declaration for the purpose of annexing the said property to the scheme of the Declaration and extending the jurisdiction of the Association (as defined in the Declaration) to cover the said property. The annexation of the said property to the Declaration shall be effective upon the recording of this Fifth Amendment to Declaration of Covenants, Conditions and Restrictions with the Register of Deeds of Sumner County, Tennessee.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed as of the date first above written.

HALO Properties, LLC, a Tennessee limited liability company

By: 

A. Danny Hale, Chief Manager

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, A. Danny Hale, 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, and who further acknowledged that he is the Chief Manager of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

Witness my hand this 7<sup>th</sup> day of November, 2003.

My commission expires: 7/30/05

  
Notary Public

