

DF 9050

PREPARED BY AND RETURN TO:

Michael E. Hewgley, Attorney  
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 Chase, Robinson & Raines  
 6000 Poplar, Suite 200  
 Memphis, TN 38119

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FIFTH AMENDMENT TO DECLARATION OF  
 COVENANTS, CONDITIONS AND RESTRICTIONS  
 RICHWOOD P.U.D.

By Declaration of Covenants, Conditions and Restrictions of Richwood P.U.D. dated January 28, 1987, recorded under Instrument Number Z1 1656 as amended at Instrument Numbers AC 2782; AJ 5839; BW 9002 and CP 9755, Richmond Road Partnership, a Tennessee general partnership ("Declarant"), created Richwood P.U.D. Article VI of said Declaration gives Declarant the right to expand the planned unit development on the basis stated therein. National Bank of Commerce joins herein for the purpose of approving the expansion of the planned unit development as set forth herein.

Declarant now desires to expand the planned unit development in the following particulars:

1. The number of lots is increased from three hundred seventeen (317) lots to three hundred sixty nine (369) lots.
2. The land described on Exhibit "A" attached hereto is made a part of the Declaration of Covenants, Conditions and Restrictions of Richwood P.U.D. for all purposes whatsoever.

IN WITNESS WHEREOF, the undersigned have caused this Third Amendment to be executed on the 15<sup>th</sup> day of December, 1992.

Plat Book 140, Page 11

RICHMOND ROAD PARTNERSHIP, a  
 Tennessee general partnership

By: Leader Enterprises, Inc.,  
 successor in interest of Faxon,  
 Inc., a Tennessee corporation,  
 general partner

By: Kirk Binkley  
 Title: President

By: Patton & Taylor Enterprises,  
 Inc., a Tennessee corporation,  
 general partner

By: Clyde Faxon  
 Title: President

MEH2022

NATIONAL BANK OF COMMERCE

By: Kim Hamner,

Title: Vice President

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a duly qualified notary public in and for said county and state, personally appeared Kirk Bailey, President of Leader Enterprises, Inc., successor in interest of Faxon, Inc., a Tennessee corporation, and Clyde Patton, Jr., President of Patton & Taylor Enterprises, Inc., a Tennessee corporation, with whom I am personally acquainted, and who, upon their separate oaths acknowledged themselves to be all of the partners doing business as, and in the name of Richmond Road Partnership, a Tennessee general partnership, the within named bargainor, and they, as such partners, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing thereto the name of the said partnership by themselves as such partners, and they further acknowledged that they executed said instrument as their free act and deed and as the free act and deed of Richmond Road Partnership, a Tennessee general partnership.

WITNESS my hand and notarial seal at office this 15<sup>th</sup> day of December, 1992.

Cheryl White Piers  
NOTARY PUBLIC



My Commission Expires:

5/25/93

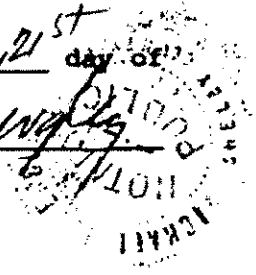
STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Kim Hamner, with whom I am personally acquainted, and who upon oath, acknowledged herself to be the Assistant Vice President of the National Bank of Commerce, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the National Bank of Commerce by herself as such Assistant Vice President.

WITNESS my hand and notarial seal at office this 21<sup>st</sup> day of December, 1992.

Kim Hamner  
NOTARY PUBLIC



My Commission Expires:

1-29-96

EXHIBIT "A"

Phase 8: Lots 317-369, inclusive, Phase 8, Richmond P.U.D., as shown on plat of record in Plat Book 140, Page 11, Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said lots.

DF9050

No. DF 9050	
D/C	C DR 23
PBL	5 11m.
Vol	
STATE TAX	
REGISTER'S FEE	
RECORDING FEE	12.00
WT MISC FEE	2.00
TOTAL	18.00
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY & GATES	
REGISTER	

92 DEC 21 PM 2:51  
SHELBY COUNTY  
REGISTER OF DEEDS

KBH2022