

BOOK 9677 PG 675

Return to:
Prepared by:
Centex Real Estate Corporation
Attn: Martin Kerr
5200 Maryland Way, Suite 106
Brentwood, TN 37027

FELIX Z. ...
DAVIDSON COUNTY, TN.

95 MAY 22 AM 10:59

IDENTIF. & REFERENCE

0062769

**FIRST AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR TRACESIDE**

This First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Traceside (the "Amendment") is made on the dates hereinafter set forth by and among CENTEX REAL ESTATE CORPORATION, a Nevada corporation, W. E. STEPHENS, JR., an individual, and STEPHENS CHRISTIAN TRUST, a Tennessee trust.

RECITALS:

A. WHEREAS, Centex Real Estate Corporation is the Declarant (the "Declarant") under that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions For Traceside (the "Declaration"), filed of record in Book 9435, Page 493 of the Register's Office of Davidson County, Tennessee.

B. WHEREAS, Declarant, W. E. Stephens, Jr., and Stephens Christian Trust desire to amend Article 9.14 of the Declaration to permit the erection and maintenance of certain apparatuses as provided herein.

C. WHEREAS, pursuant to Article 10.2 of the Declaration, the Declarant has the authority, at its sole discretion and without any other consent, to amend the Declaration at any time prior to the closing of the sale of the first Lot (as such term is defined in the Declaration), provided the amendment is in writing and properly recorded in Davidson County, Tennessee.

D. WHEREAS, the parties to this Amendment confirm that the sale of the first Lot has not closed.

AMENDMENT:

NOW, THEREFORE, Declarant pursuant to Article 10.2 of the Declaration hereby amends the Declaration to delete Article 9.14 in its entirety and to substitute the following therefor:

Section 9.14. Antennae, Satellite Dishes and Solar Collectors.

a. Solar Collectors. No Owner may erect or maintain a solar collector panel or similar equipment upon any Lot unless such apparatus is approved by the Architectural Control Committee.

b. Antennae and Satellite Dishes. No Owner may erect or maintain a television or radio receiving or transmitting antenna, satellite dish or similar apparatus or equipment unless: (i) such apparatus is eighteen (18) inches or less in size (in any direction), (ii) the apparatus is screened from public view and located behind the house either in the rear yard or affixed to the rear roof, (iii) the apparatus is not visible while standing at any point along the property boundary line in front of the house that abuts or is adjacent to a street, right-of-way or sidewalk, and (iv) the Architectural Control Committee has approved the apparatus, its location and the type of screening.”

Except as specifically provided herein, the terms of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment for the purposes stated herein and on the dates written below and said parties agree to the terms of this Amendment.

Declarant:
CENTEX REAL ESTATE CORPORATION,
a Nevada corporation

By: Martin Kerr
Martin Kerr
Division President

Date: 5/15/95

W. E. Stephens, Jr.
W. E. STEPHENS, JR.

Date: 5/15/95

**STEPHENS CHRISTIAN TRUST,
A Tennessee Trust**

By: W. E. Stephens Jr.
W. E. Stephens, Jr., Trustee

Date: 5/15/95

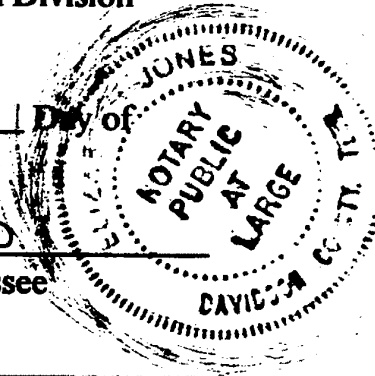
STATE OF TENNESSEE §
 §
COUNTY OF DAVIDSON §

Personally appeared before me, Elizabeth Jones, a Notary Public in and for said County and State, the within named R. Martin Kerr, Jr., with whom I am personally acquainted, and who upon oath acknowledged himself to be the Division President of CENTEX REAL ESTATE CORPORATION, a Nevada corporation, and that he, as such, executed the foregoing instrument for the purposes therein contained by signing his name as such Division President.

Witness my hand and seal, at office in Nashville, Tennessee on this 15th May, 1995.

Elizabeth Jones
Notary Public, State of Tennessee

Elizabeth Jones
Notary's printed name
My Commission Expires: 5-28-98

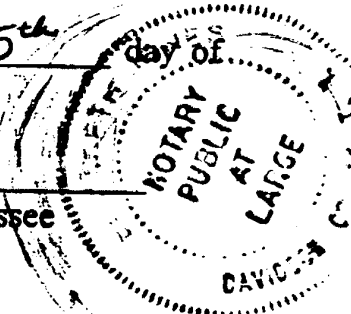


STATE OF TENNESSEE §
 §
COUNTY OF DAVIDSON §

Personally appeared before me, Elizabeth Jones, a Notary Public in and for said County and State, the within named W. E. STEPHENS, JR., with whom I am personally acquainted, and who upon oath acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal, at office in Nashville, Tennessee on this 15th day of May, 1995.

Elizabeth Jones
Notary Public, State of Tennessee



Elizabeth Jones
Notary's printed name
My Commission Expires: 5-23-98

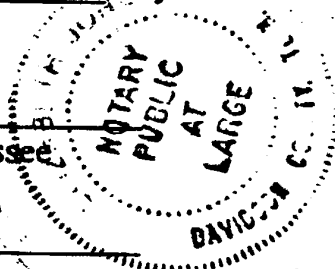
STATE OF TENNESSEE §
 §
COUNTY OF DAVIDSON §

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Personally appeared before me, Elizabeth Jones, a Notary Public in and for said County and State, the within named W. E. STEPHENS, JR., with whom I am personally acquainted, and who upon oath acknowledged himself to be the Trustee of the STEPHENS CHRISTIAN TRUST, and that he, as such, executed the foregoing instrument for the purposes therein contained by signing his name as such Trustee.

Witness my hand and seal, at office in Nashville, Tennessee on this 15th day of May, 1995.

Elizabeth Jones
Notary Public, State of Tennessee



Elizabeth Jones
Notary's printed name
My Commission Expires: 5-23-98