

instrument prepared by
and upon recording return to:

Tune, Entrekin & White, P.C. (SJB)
500 11th Ave. N., Suite 600
Nashville, TN 37203

Karen Johnson Davidson County
Batch # 1396334
03/23/2026 03:07:15 PM REST
Fees: \$17.00 Taxes: \$0.00 3 pgs


20260323-0023030

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PENNINGTON MILLS**

This **FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PENNINGTON MILLS** (hereinafter "First Amendment") is made, entered into and published on or as of the date hereinafter set forth, by M/I Homes of Nashville, LLC, a Delaware limited liability company (hereinafter "Declarant").

WITNESSETH:

WHEREAS, the Declarant previously established and recorded the Declaration of Covenants, Conditions and Restrictions for Pennington Mills of record as Instrument No. 20250205-0008732, Register's Office for Davidson County, Tennessee (hereinafter the "Declaration"); and

WHEREAS, the Declarant retained the right to amend the Declaration in Article XIII, Section 2 of the Declaration without the consent, joinder, or approval of the Association, the Board, any Owner, or any other Person, and the Appointment Period (as defined in the Declaration) has not yet terminated; and

WHEREAS, the Declarant desires to amend the Declaration to (a) modify the fencing restrictions set forth in Article X, Section 9 of the Declaration with respect to Lots 8, 14, and 30 of the Development Property to permit fencing to be installed forward of the rear corner of the dwelling on said Lots in order to maintain a uniform and aesthetically consistent fence line across the front of said Lots, and (b) correct certain scrivener's errors in the Declaration wherein references to "Wilson County, Tennessee" were inadvertently included in lieu of "Davidson County, Tennessee."

NOW, THEREFORE, for and in consideration of the foregoing premises, Declarant hereby amends the Declaration as follows:

1. Article X, Section 9 of the Declaration (Fencing, Walls, and Hedges) is hereby amended by adding the following new paragraph at the end thereof:

Notwithstanding the foregoing restriction that no fence nor wall shall be erected or maintained nearer to the front lot line than the rear of the dwelling, the Owners of Lots 8, 14, and 30 of the Development Property, as shown on the applicable Plat, shall be permitted to install fencing, upon application to and approval by the ARC, forward of the rear corner of the dwelling so as

to maintain a uniform and flush fence line across the front elevation of the Lots. The location of any such fencing shall remain subject to the approval of the ARC as will style, type, and materials and shall otherwise comply with the requirements of Article X, Section 9 of the Declaration.

2. Article I, Section 25 of the Declaration (Plat) is hereby amended by deleting the reference to "Wilson County, Tennessee" and replacing it with "Davidson County, Tennessee."

3. Article I, Section 26 of the Declaration (Record and/or Recording) is hereby amended by deleting the reference to "Wilson County, Tennessee" and replacing it with "Davidson County, Tennessee."

4. Article XIII, Section 1 of the Declaration (Members) is hereby amended by deleting the reference to "Register's Office for Wilson County, Tennessee" and replacing it with "Register's Office for Davidson County, Tennessee."

5. Except as modified herein, the Declaration is unmodified and remains in full force and effect. The recitals set forth above are material and incorporated herein by reference. Capitalized words not otherwise defined herein shall have the same definition as set forth in the Declaration.

[Signature on Following Page]

