

THIS INSTRUMENT PREPARED BY:

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Nashville, TN 37203

Karen Johnson Davidson County
Batch# 675281 DEEDMAST
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20210712-0093423

**FIRST AMENDMENT TO
DECLARATION OF FUSION CONDOMINIUMS**

This First Amendment (the “Amendment”) to Declaration of FUSION Condominiums is made and executed by RSD Hamilton Avenue, LLC (the “Declarant”) as of the 24 day of June, 2021.

WITNESSETH:

WHEREAS, pursuant to that certain Declaration of FUSION Condominiums of record as Instrument No. 20200313-0028239, Register’s Office for Davidson County, Tennessee (the “Declaration”), the Declarant created that certain Condominium identified in the Declaration as the FUSION Condominium; and

WHEREAS, the Declarant is executing and recording this Amendment for the purpose of making certain revisions to the Declaration as set forth hereinbelow; and

WHEREAS, the Declarant has the authority to execute and record this Amendment in accordance with the terms and provisions of Section 7.01(a) of the Declaration.

NOW, THEREFORE, in accordance with Section 7.01(a) of the Declaration, the Declaration is hereby amended as follows:

1. “Exhibit B – Plat” is hereby deleted from the Declaration in its entirety and replaced with “Exhibit B – Plat” which is attached to this Amendment. The Plat has been revised and replaced with the attached Exhibit B for the purpose of more accurately depicting the location and area contained in each of the Units.

2. Except as amended hereby, the Declaration remains in full force and effect. Any capitalized terms that are not defined in this Amendment shall have the meaning as set forth in the Declaration.

3. First Bank, successor by merger to Franklin Synergy Bank (the “Lender”), as the holder of that certain indebtedness described in and secured by that certain Commercial Construction Deed of Trust recorded at Instrument No. 20191203-0124557 in the Register’s Office for Davidson County, Tennessee (the “2019 Deed of Trust”) and that certain Deed of Trust,

Assignment of Leases and Rents, Security Agreement and Fixture Filing recorded at Instrument No. 20200508-0048211, said Register's Office (the "2020 Deed of Trust" and, together with the 2019 Deed of Trust, collectively, the "Deeds of Trust") which encumbers the Property, joins in this instrument below for the purpose of confirming its consent and subordination to this Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Amendment on this the 24 day of June, 2021.

DECLARANT

RSD HAMILTON AVENUE LLC,
a Tennessee limited liability company

By: Red Seal Development Corp., an Illinois corporation, as Manager

By: [Signature]
Printed Name: Todd Fishbein
Title: CEO

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Todd Fishbein, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the CEO of Red Seal Development Corp., an Illinois corporation, as Manager of RSD Hamilton Avenue, LLC, a Tennessee limited liability company, the within named bargainer, and that he as such CEO of Red Seal Development Corp., as Manager of RSD Hamilton Avenue, LLC, executed the foregoing instrument for the purposes therein contained, by signing the name of RSD Hamilton Avenue, LLC by Red Seal Development Corp., as its Manager by himself as CEO.

Witness my hand and seal this 24th day of June, 2021.

[Signature]
NOTARY PUBLIC

My Commission Expires: 8/27/2022



CONSENT TO AMENDMENT AND SUBORDINATION OF DEEDS OF TRUST

The Lender hereby consents to this Amendment and subordinates the Deeds of Trust, together with any other instruments evidencing and securing the indebtedness secured thereby, to this Amendment.

The Deeds of Trust shall be considered first deed of trust liens on the Property, as defined in the Declaration, but subordinate to the Declaration as amended by the Amendment, as fully as if the Declaration, as amended by the Amendment had been recorded prior to the Deeds of Trust.

Lender hereby warrants and represents to Declarant that Lender has not assigned, sold or transferred the Deeds of Trust, or any interest therein, to any person or entity.

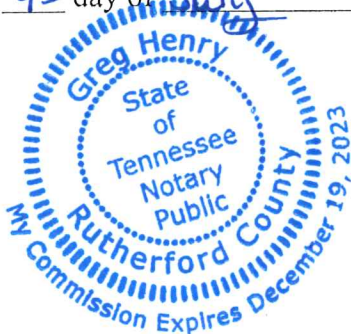
FIRST BANK, successor by merger to Franklin Synergy Bank

By: [Signature]
Title: Sr. V.P.

STATE OF Tennessee)
COUNTY OF Williamson)

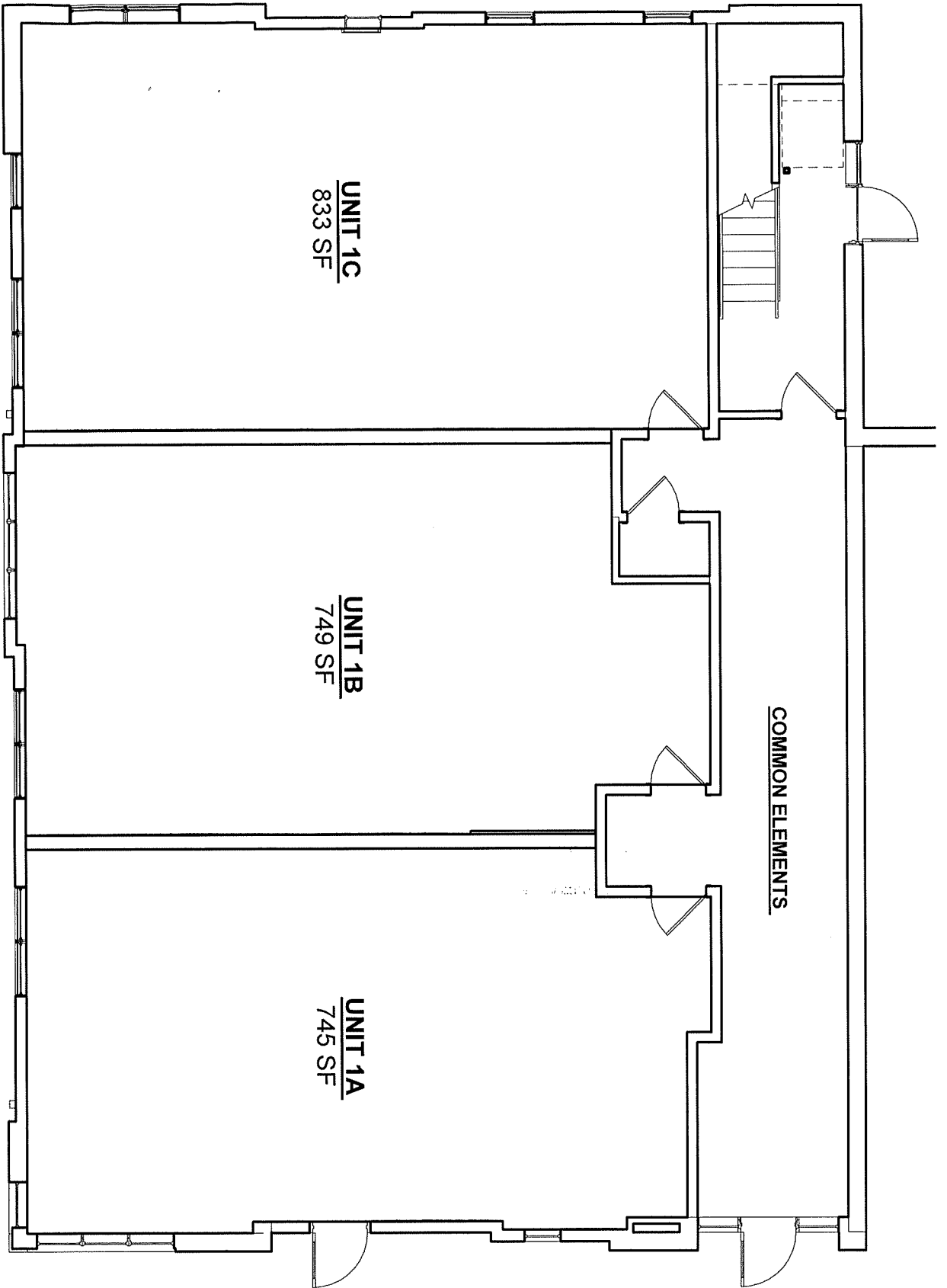
Before me, Greg Henry, a Notary Public of said County and State, personally appeared Chris Marchetti, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Senior Vice President of First Bank, the within named bargainer, and that he as such Senior Vice President executed the foregoing instrument for the purposes therein contained, by personally signing the name of First Bank by himself as Senior Vice President.

Witness my hand and seal, at Office in Brentwood, Tennessee, this 9th day of July, 2021.

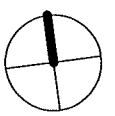


[Signature]
NOTARY PUBLIC
My Commission Expires: 12-19-2023

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1 WORKFORCE HOUSING - LEVEL 1 PLAN
1/8" = 1'-0"



CENTRIC
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FUSION TOWNHOMES
HAMILTON AVENUE | NASHVILLE | TN | 37203

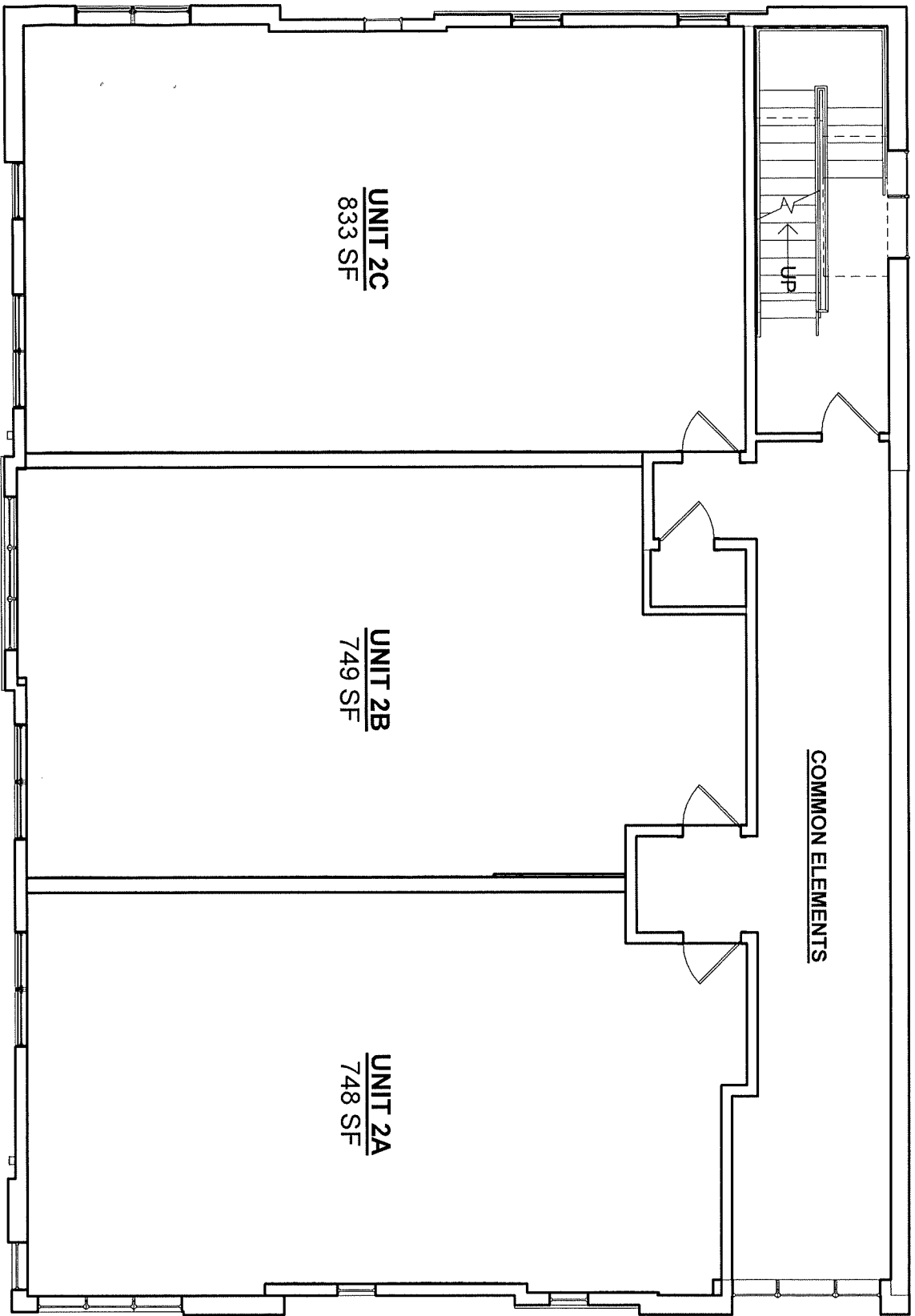
PROJECT #17037

No. Description Date

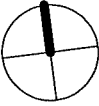
WF HOUSING -
FLOOR PLANS

A1

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1 WORKFORCE HOUSING - LEVEL 2 PLAN
1/8" = 1'-0"



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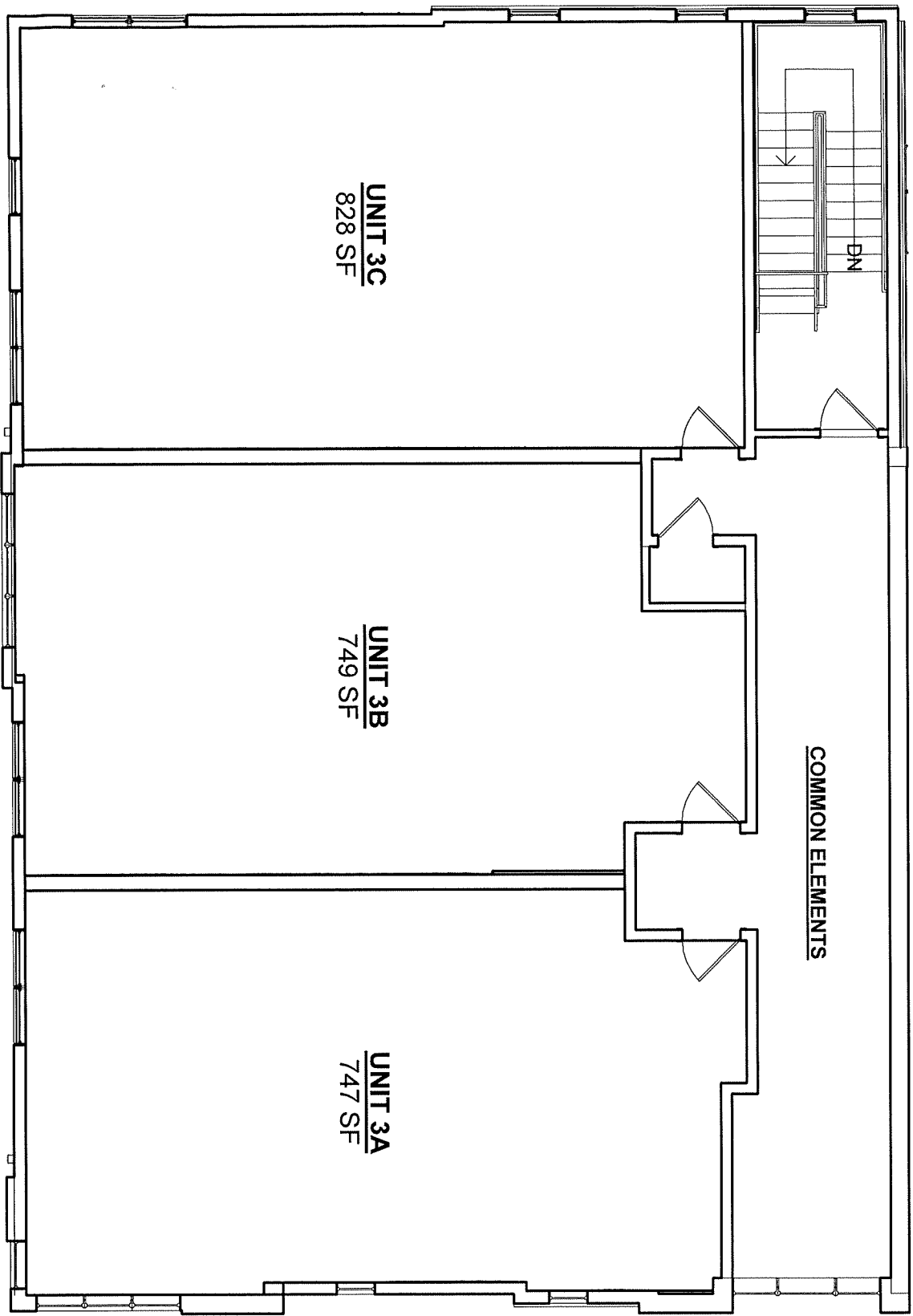
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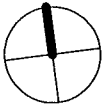
WF HOUSING -
FLOOR PLANS

A2

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1 WORKFORCE HOUSING - LEVEL 3 PLAN
1/8" = 1'-0"



CENTRIC
ARCHITECTURE

FUSION TOWNHOMES

HAMILTON AVENUE | NASHVILLE | TN | 37203

PROJECT #17037

No.	Description	Date
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WF HOUSING -
FLOOR PLANS

A3