

This Instrument Prepared By:  
 RENO & CAVANAUGH PLLC  
 424 Church Street, Suite 2910  
 Nashville, Tennessee 37219

Karen Johnson Davidson County  
 Batch# 751662 REST  
 11/09/2021 10:34:08 AM 6 pgs  
 Fees: \$32.00 Taxes: \$0.00



20211109-0149373

## DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (“Declaration”) is made by **BARBARA LEE EATHERLY** and **BETH E. AMBROSE**, formerly known as **MARY BETH EATHERLY** (collectively, “Owners”). This Declaration applies to the Property as defined below.

### RECITALS

WHEREAS, Barbara Lee Eatherly and Beth E. Ambrose, formerly known as Mary Beth Eatherly are owners of a parcel known as 1715 Murfreesboro Pike and identified in the Exhibit A property description attached hereto as “Tract I” and;

WHEREAS, Barbara Lee Eatherly and Beth E. Ambrose, formerly known as Mary Beth Eatherly are owners of a parcel known as 0 Murfreesboro Pike and identified in the Exhibit A property description attached hereto as “Tract II” (collectively, Tract I and Tract II, the “Property”) and;

WHEREAS, the intent of the Owners is to establish through this Declaration that the use of the Property shall be limited to Vehicular Parking as defined below.

WHEREAS, the Owners, for said purposes, declare and covenant that the restrictions set forth herein governing the use and occupancy of the Property are and will be covenants running with the land and binding upon the Owners and subsequent owners of the Property land, and are not merely personal covenants of the Owners.

### DECLARATION

Now, therefore, for and in consideration of the matters set forth herein, the Owners, by this Declaration, do declare the Property is and shall be held, transferred, sold, conveyed, and occupied subject to the following restrictions set forth in this Declaration, which shall run with the Property and be binding on all parties having right, title or interest in the Property and their heirs, successors and assigns.

1. “Vehicular Parking” shall mean the parking of operational motor vehicles on a temporary basis within an improved off-street parking area, including the storage of automobile inventory. Vehicular Parking shall not include the sale or repair of vehicles directly on or from the Property.
2. This Declaration shall take effect upon the filing of this Declaration with the Davidson County, Tennessee Register of Deeds (the “Effective Date”).

3. From and after the Effective Date, the use of the Property shall be limited to Vehicular Parking as defined above.
4. In addition to the requirements stated herein, development and use of the Property shall be consistent with the adopted zoning regulations of Metropolitan Nashville and Davidson County, including any Specific Plan zoning adopted by the Metropolitan Council and applied to the Property.
5. Governing Law. This Declaration shall be governed by the laws of the State of Tennessee.
6. Amendments. This Declaration may be amended or canceled only by written instrument executed by the then-current owner of the Property.
7. Entire Agreement. This Declaration constitutes the entire agreement of Owner with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.

[signature page(s) follow]

5 IN WITNESS WHEREOF, the Owners have caused this Declaration to be executed on the day of November, 2021.

Barbara Lee Eatherly  
Barbara Lee Eatherly

STATE OF TENNESSEE )

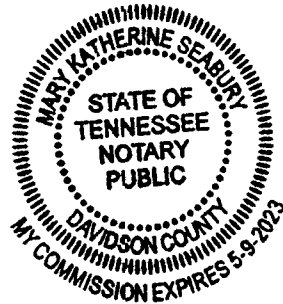
COUNTY OF DAVIDSON )

Personally appeared before me, Mary Katherine Seabury, a Notary Public of said County and State, Barbara Lee Eatherly, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and seal, at Office in the aforesaid county and state, this 5 day of NOVEMBER, 2021.

Mary Katherine Seabury  
Notary Public

My Commission Expires: 05.09.2023



Beth E. Ambrose

Beth E. Ambrose, formerly known as Mary Beth Eatherly

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

Personally appeared before me, Mary Katherine Seabury, a Notary Public of said County and State, Beth E. Ambrose, formerly known as Mary Beth Eatherly, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and seal, at Office in the aforesaid county and state, this 5 day of NOVEMBER, 2021.

Mary Katherine Seabury  
Notary Public

My Commission Expires: 05-09-2023

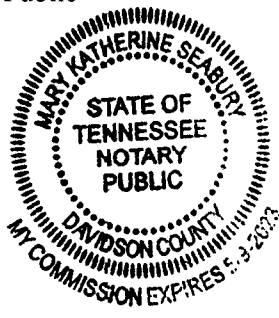


Exhibit A

## Property Description

Tract I:

Land in Davidson County, Tennessee, described as follows, To-wit:

Being a 5.34, more or less, acre tract of land lying in the 31st Councilmanic District of Davidson County, Tennessee, said tract being a portion of the Reserved for Future Development Parcel #2 on the plan of Town Park Estate in Book 3300, Page 65, Register's Office of Davidson County, Tennessee.

BEGINNING at a point in the southerly margin of Murfreesboro Pike, said point further described as being the most northeasterly corner of Lot #1 on the plan of Town Park Estates Section II, of record in Book 4060, Page 18, said Register's Office; thence leaving said northeast corner ad running along the most southerly margin of Murfreesboro Pike, as follows: S 54° 36' East, a distance of 72.44 feet, more or less; thence South 36° 01' West a distance of 29.03 feet, more or less; thence South 54° 57' East, a distance of 236.23 feet, more or less; thence leaving said southerly margin, South 1° 29' West, a distance of 208.82 feet, more or less to a point in the rear of Lot #105, on the plan of Town Park Estates, Section I, as of record in Book 3300, Page 65, said Register's Office; thence along the rear property line of Lots 105, 106, 107, 125, 126, 127, 130 & 131, on the above mentioned plan of Section I, the following courses and distances: North 55° 11' West, a distance of 161.04 feet; thence South 50° 21' West a distance of 158.35 feet; thence South 34° 07' West a distance of 185.67 feet; thence North 65° 55" West, a distance of 149.94 feet; thence South 83° 56' West a distance of 100.00 feet; thence North 16° 56' East, a distance of 146.52 feet; thence leaving the rears of the above mentioned lots and running along the most northerly line of Lot 131, North 55° 24' West, a distance of 195.00 feet to a point on the easterly margin of Town Park Drive, around a curve to the right having a radius of 1695.2 feet, a distance of 9.84 feet, more or less to the beginning of a curve to the right having a radius of 428.37 feet, a distance of 79.58 feet to a point thence North 34° 57' East, a distance of 179.00 feet to a point; said point being the most southwesterly corner of Lot #1 on the plan of Town Park Estates Section II, as of record in Book 4060, page 18, Register's Office of Davidson County, Tennessee; thence along the southerly line of Lot #1, South 54° 47' 44" East, a distance of 225.00 feet to a point; thence North 34° 57' East, a distance of 150.00 feet to the point of beginning, containing 5.34 acres, more or less.

LESS AND EXCEPT that portion conveyed to the State of Tennessee in Book 8739, Page 167, Register's Office of Davidson County, Tennessee.

Being the same property conveyed to Barbara Lee Eatherly, Trustee by Warranty Deed from Joseph F. Gordon and wife, Connie H. Gordon, and S. L. Hutcheson, Jr., a single person, dated

September 11, 1986 and recorded September 16, 1986, in Book 6980, Page 697, Register's Office of Davidson County, Tennessee and being the same property conveyed to Barbara Eatherly and Beth E. Ambrose, by Quitclaim Deed from Barbara Eatherly, Trustee, dated December 22, 2010 and recorded January 31, 2011 in Instrument No. 20110131-0008641, Register's Office of Davidson County, Tennessee.

Known as 1715 Murfreesboro Pike, Nashville, TN 37217

Tract II:

Land in Davidson County, Tennessee, being described as follows, to-wit:

Beginning at an iron pin on the westerly margin of Murfreesboro Road, 503.67 feet southeast of the intersection of the easterly margin of Town Park Drive with the westerly margin of Murfreesboro Road; thence with Murfreesboro Road in a Southeasterly direction, the following: S 54° 56' 00" E, 488.16 feet to an iron pin; S 35° 04' 00" W, 30.00 feet to an iron pin; S 54° 56' 00" E, 61.22 feet to a concrete monument; thence leaving Murfreesboro Road and with a line common with Town Park Estates Subdivision, N 88° 06' 00" W, 441.10 feet to an iron pin; thence continuing with Town Park Estates, N 01° 29' 00" E, 325.68 feet to Murfreesboro Road, the point of beginning, containing 78,229 square feet or 1.796 acres, more or less.

LESS AND EXCEPT that portion conveyed to the State of Tennessee in Book 8739, Page 164, Register's Office of Davidson County, Tennessee.

Being the same property conveyed to Barbara Lee Eatherly and Mary Beth Eatherly by Deed from C. S. Baker and wife, Elizabeth T. Baker dated December 24, 1985, recorded January 23, 1986, in Book 6768, Book 608 and corrected in General Warranty Deed of Correction dated February 10, 1986 and recorded February 18, 1986, in Book 6783, Page 463, Register's Office of Davidson County, Tennessee.

Known as O Murfreesboro Pike/Road, Nashville, TN