

**FIFTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
TELLICO HARBOR PROPERTY ASSOCIATION, INC.**

**ARTICLE I
DEFINITIONS**

In addition to other definitions herein provided and except where it is clearly evident from the context that a different meaning is intended, the following terms shall have the following meaning when used in this Declaration:

1. “Charter” means that certain Charter of Tellico Harbor Property Owners Association, Inc. as filed in the Department of State in the State of Tennessee, as may be amended from time to time.
2. “By-Laws” means the current By-Laws of Tellico Harbor Property Owners Association, Inc. as recorded in the Register’s Office for Monroe County, Tennessee, as may be amended from time to time.
3. “Declaration” means the current Covenants, Conditions, Restrictions as recorded in the Register’s Office for Monroe County, Tennessee and Rules & Regulations extended or supplemented from time to time in the manner herein provided.
4. “Governing Documents” means the collective documents of the current Charter, By-Laws and the Declaration as defined herein, as may be amended from time to time.
5. “Rules and Regulations” means those documents created to provide clarification, guidance and consistency of applications to the Governing Documents.
6. “Association” means Tellico Harbor Property Owners Association, Inc., a Tennessee non-profit mutual benefit corporation, its successors and assigns.
7. “Board of Directors” means the Board of Directors of Tellico Harbor Property Owners Association, Inc.
8. “Board of Directors’ Meetings” means any organizational or regular meeting as called for by the majority of Board Members in accordance with the Governing Documents or special meetings as called for by the President or requested by two-fifths (2/5) of the Board of Directors.

9. "Property" means all real property described in the Charter which is hereby subject to the Governing Documents and shall also include any additional land made subject to the terms of the Governing Documents in the future.
10. "Common Property" means all the land, property and space shown on the Plat, and all improvements and structures erected, constructed or contained therein or thereon, and all easements, rights and appurtenances belonging thereto and all future furniture, fixtures, furnishings and equipment intended for the mutual use, benefit or enjoyment for the Owners.
11. "Public Streets" shall mean and refer to all ways of access for vehicles which are dedicated to the general public.
12. "Utility Easements" shall mean and refer to those areas of land designated for such purposes on the Plat or as may be provided for in this Declaration or any amendments hereto.
13. "Lot" shall mean the numbered lots as currently registered in the Register's Office for Monroe County, Tennessee.
14. "Living Unit" shall mean and refer to any portion of a building situated upon the Property designed and intended for use and occupancy as a residence by a single family.
15. "Member" means all those persons or entities who are members of the Tellico Harbor Property Owners Association, Inc. as hereinafter provided.
16. "Members' Meeting" means any annual or special meeting as called for by the President, Vice-President or a majority of the Board of Directors, including a written request for special meetings by a majority of lot owners, for the purpose of conducting THPOA business where it has been determined in accordance with the Governing Documents that such meetings are required.
17. "Owner" shall mean and refer to the owner of record whether one (1) or more persons or entities, of a fee simple title to any Lot which is a part of the Property, but excluding those persons or entities having such interest merely as collateral security for the payment of a debt or for the performance of an obligation.
18. "Occupant" means any person or persons in possession of a Living Unit.
19. "Common Expense" means all expenses incurred by the Association for the maintenance, repair, replacement, operation, management and administration of the Common Property, together with any expenses which are the specific responsibility of an individual Owner which are paid by the

Association and charged to the responsible Owner as a Personal charge for reimbursement.

20. "Assessment" means such amounts as are required by the Association for payment of the Common Expenses and levied against the Owners by the Association in accordance herewith.
21. "Personal Charge" means any expense or charge of the Association for which a specific Owner is liable.
22. "Administrative Fee" means a fee that may be applied to a lot owner(s) account for a violation of the Governing Documents and/or R & R's when the Association is required to correct the violation; or for the collection of outstanding balance on accounts necessitating a lien.
23. "Shoreline Strip" means those certain lands of the Tellico Reservoir owned by TVA and lying between 805 M.S.L. and 820 M.S.L. and adjacent to the Property.