

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

**ARTICLE III
RESERVATION OF EASEMENTS**

Section 1. Utility and Drainage Easements. The Association and its successors and assigns, hereby reserves and is granted a perpetual, alienable and releasable blanket easement, privilege and right on, in, over and under the Property to install, maintain and use electric, cable television and telephone transmission and distribution systems, poles, wires, cables and conduits, water mains, water lines, drainage lines and drainage ditches, or drainage structures, sewers and other suitable equipment and structures for drainage and sewage collection and disposal purposes or for the installation, maintenance, transmission and use of electricity, cable television systems, telephone, gas, lighting, heating, water, drainage, sewerage and other conveniences or utilities on, in, over and under all of the Common Property and on, in, over and under all of the easements in place or as shown on the Plat, whether such easements are for drainage, utilities or other purposes, and on, in, over and under a five (5) foot strip along the side yard lot line of each Lot in the Property and along a ten (10) foot strip along the front and rear lot lines of the respective Lots. The Board of Directors shall have the unrestricted and sole right and power of alienating and releasing the privileges, easements and rights reserved and granted herein with the understanding, however, that the Board of Directors will make such utility easements available to the Association for any other utilities which the Association shall agree upon, and for which the Association shall have assumed the responsibility for obtaining additional easements in order that utilities other than sewer and water may be installed. Such utility easements shall be made available to the Association without cost to it. The Association and Owners shall acquire no right, title or interest in or to any poles, wires, cables, conduits, pipes, mains, lines or other equipment or facilities placed on, in, over or under the Property which is subject to said privileges, rights and easements. Within these aforesaid easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels within the easements, or which may obstruct or retard the flow of water through drainage channels within the easements.

Section 2. Other Easements. All other easements and reservations as reflected on or in the notes of the Plat or hereafter granted of record by the Association, in its sole discretion, as to the Common Property, shall be binding upon each Owner and his Lot to the same extent as if set forth herein.