

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

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**ARTICLE IV  
RESERVED UTILITIES**

Utilities for the Property shall be furnished by companies so engaged in the vicinity of the Property. The Association, by and through its Board of Directors, has and retains the exclusive right to negotiate contracts and agreements with such companies, under such conditions and for such considerations as it shall deem proper under the circumstances. The utilities referred to shall include, but not be limited to, water service, sewer service, natural, liquefied or manufactured gas systems, electrical systems, sanitation service, telephone systems, cable systems, and the distribution facilities.

The Association, by and through its Board of Directors, shall have the right to enter into contracts with utility companies to furnish certain or all of the utility services aforesaid. The Board of Directors shall have the right, but not the obligation, to so contract and to expend funds of the Association therefore, as a Common Expense, in order to secure necessary or desirable utility services whether named herein above or not.