

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

**ARTICLE VIII
ARCHITECTURAL CONTROL AND
COVENANT COMPLIANCE COMMITTEES**

Section 1. Architectural Control Committee. The Board of Directors shall establish an Architectural Control Committee (ACC) in accordance with the By-laws. The ACC's duties shall be as defined in the By-laws and further defined in this Article and the Rules and Regulations.

- A. No building, fence, wall, structure, landscaping or planting shall be commenced, erected or maintained upon the Property or the Shoreline Strip, nor shall any exterior addition, change of alteration be made thereto, until and unless the plans and specification showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design, effect on sight line from other Lots, location in relation to surrounding structures and topography and compliance with this declaration and the Protective Covenants contained herein by the Architectural Control Committee of the Association.
- B. The Committee shall make such determinations by majority vote and the determination of the individual committee members shall be upon the exercise of the sole and absolute discretion of such member. In the event said Committee fails to approve or disapprove such design and location within forty-five (45) days after said plans and specifications have been properly submitted to it in accordance with reasonable rules and regulations which may be adopted thereby, approval will not be required and this provision will be deemed to have been fully complied with, except to the extent such construction is in violation of the Protective Covenants, Shoreline Strip Rules or Water Use Facilities Permit. The Architectural Control Committee shall have the right to set reasonable charges and fees within their discretion necessary to offset expenses incurred by them in connection with the performance of their duties hereunder and the failure to pay same shall be grounds for withholding approval hereunder, said Personal Charge shall be promptly paid. It is understood and agreed that the individual seeking architectural review shall be responsible for all fees and charges of such review.
- C. The Architectural Control Committee, through its members or duly authorized agent or employees, shall have the right, after reasonable notice to the Owner, to enter upon any Lot, Living Unit or the Shoreline Strip area

at reasonable hours for the purposes of the performance of its functions hereunder. The ACC has the authority to levy personal charges and/or administrative fees to any Property Owner not in compliance with the Governing Documents and Rules and Regulations as they pertain to ACC building/project permit applications.

- D. The ACC members shall convene a meeting to review any and all applications submitted for approval. A minimum of three (3) members shall be at such meeting except in an urgent situation when the ACC can act with two (2) members present. Approval of a minimum of two (2) members is required for the application.
- E. The original documents shall be filed with the ACC records in the THPOA office by Lot Number and a copy of the signed building application shall be returned to the Owner unless such originals are required by the TRDA.

Section 2. Covenant Compliance Committee. The Board of Directors shall establish a Covenant Compliance Committee (CCC) in accordance with the By-laws. The CCC's duties shall be as defined in the By-laws and further defined in this Article and the Rules and Regulations.

- A. The Covenant Compliance Committee shall be responsible for the enforcement of all Governing Documents and Rules and Regulations as they pertain to the membership except those issues the ACC is responsible for. This enforcement includes the assessment of penalties for persistent noncompliances. Repeat violations may result in an immediate penalty assessment with the violation notice.
- B. The CCC shall conduct its duties in a manner consistent with being a good neighbor using verbal and or written courtesy notifications for first violations and the investigation of filed complaints. If a violation from a written complaint is found, the CCC shall first notify the member by a verbal or written courtesy notice. Should a courtesy notification go unanswered, a formal written violation notice shall be issued along with a schedule of applicable penalty assessments and the appeal process.
- C. The Covenant Compliance Committee, through its members or duly authorized agent or employees, shall have the right, after reasonable notice to the Owner, to enter upon any Lot, Living Unit or the Shoreline Strip area at reasonable hours for the purposes of the performance of its functions hereunder. The CCC has the authority to levy personal charges and/or administrative fees to any Property Owner not in compliance with the Governing Documents and/or Rules and Regulations.
- D. Copies of all violation correspondence shall be filed in the THPOA office by Lot Number.