

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

ARTICLE XI
THE USE AND ENJOYMENT OF COMMON PROPERTY,
EASEMENT OF ENJOYMENT AND SUSPENSION THEREOF

Section 1. All members shall have the use and enjoyment of common property and easement of enjoyment as provided for in Article VI of this Declaration.

Section 2. Regular Suspension. Should an Owner(s) become delinquent in the payment of any Assessment or Personal Charge or violate any other provision of the Governing Documents, the Association, by and through its Board of Directors, may deny such Owner enjoyment of the Common Properties until such time as any such delinquent Assessments or Personal Charges and any interest due thereon are paid and any such violations are ceased and any penalties therefore are satisfied.

Section 3. Penalty Suspension. The Association, by and through its Board of Directors, shall further have the right, in its sole discretion, to impose as a Penalty Suspension, for any such violations, the suspension of such Owners easement of enjoyment for a period not to exceed thirty (30) days for any one (1) violation or occurrence. An Owner must be given such notice and opportunity as is reasonable, under the circumstances, to refute or explain in writing, the charges against him by the Association before any decision of the Association's Board of Directors to impose any such Penalty Suspension is enforced.

Section 4. General. Any suspension of rights, under these provisions, shall not constitute a basis for any reduction of Assessments or other charges payable by such Owner.