

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

This Fifth Amendment to Declaration of Covenants, Conditions and Restrictions is made and entered into this 8th day of June, 2018, by the Membership and BOARD of DIRECTORS, Tellico Harbor Property Association, Inc., a Tennessee not-profit mutual benefit corporation (hereinafter referred to as the “Association”)

WITNESSETH:

THAT, WHEREAS, the original developer, Seven C’s, Inc. was the sole owner of all the property described in the original Declaration of Covenants, Conditions and Restrictions for Tellico Harbor enacted on the 6th day of April, 1989, as well as drafted and enacted the original Charter, By-Laws and Governing Documents for said Development known as Tellico Harbor: and

WHEREAS, said Declaration was amended by the First Amendment to the Declaration of Covenants, Conditions and Restrictions, Tellico Harbor, dated June 5, 1989 and recorded in Miscellaneous Book 72, page 68, in the records of the Monroe County Register’s Office and by the Second Amendment to the Declaration of Covenants, Conditions and Restrictions, Tellico Harbor, dated May 12, 2000 and recorded in Miscellaneous Book 123, page 179, in the records of the Monroe County Register’s Office and by the Third Amendment to the Declaration of Covenants, Conditions and Restrictions, Tellico Harbor, dated November 17, 2004 and recorded in Miscellaneous Book 158, page 797, in the records of the Monroe County Register’s Office, and by the Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions, Tellico Harbor dated July 17, 2012, and recorded in Miscellaneous Book 227, page 436, in the records of the Monroe County Register’s Office; and

WHEREAS, said original Developer has sold and/or no longer owns any lots and/or property located in Tellico Harbor; and

WHEREAS, the individual property and lot owners who have purchased all the property in Tellico Harbor wish to amend the Governing Documents for Tellico Harbor Property Owners Association, Inc. to reflect changes and updates since these Governing Documents’ original inception on April 6, 1989, and the four recorded Amendments thereto, referenced above; and

WHEREAS, the Association is now the administrator of certain property adjacent to Tellico Reservoir and lying in the Sixth (6th) Civil District of Monroe County, Tennessee, more particularly described as all of that certain property as shown on the Final Plat for Tellico Harbor, Section A, Monroe County, Tennessee prepared by Tucker Hinson Associates, Incorporated, Project No. 86291A, dated July 15, 1988 (Sheet 1-4)

recorded on March 28, 1989 noted in Note Book 28/93 recorded in Plat Cabinet C, Slide 6 in the Register's Office for Monroe County, Tennessee (the "Plat"); and

WHEREAS, the Property shall be administered and managed by the Association through a Board of Directors in accordance with the Charter, By-Laws and Declarations of Covenants, Conditions, Restrictions and Rules & Regulations (hereinafter collectively the "Governing Documents") which are for the purpose of protecting the value and desirability of and which shall run with the Property and be binding upon all parties having any right, title or interest in or to said Property of any portion thereof, their heirs or executors.

WHEREAS, the Property was acquired from the Tellico Reservoir Development Agency, an agency created under the laws of the State of Tennessee and organized and existing pursuant to Act of April 1, 1982, Pub. Ch. No. 679, codified at Section 64-1-701 et. seq. of the Tennessee Code Annotated (hereinafter referred to as "TRDA"); and

WHEREAS, the Association has entered into certain agreements with TRDA which subject the Property to various restrictions, conditions, limitations, easements and covenants; and

WHEREAS, the Property is subject to the restrictions, conditions, limitations and easements applicable to Tract XTELLER-13 contained in that certain Special Warranty Deed between the Tennessee Valley Authority, a corporate agency and instrumentality of the United States organized and existing pursuant to the Tennessee Valley Authority Act of 1933, 48 Stat. 58, as amended, 16 U.S.C. Section 831-831dd (1976; Supp. V, 1981) (hereinafter referred to as "TVA"), recorded in the Register's Office for Monroe County, Tennessee, in Book of Warranty Deeds, Vol. 163, page 461; and

WHEREAS, the Property is subject to the restrictions, conditions, limitations, easements and covenants as contained in Contract No. TV-60000A, as supplemented, between TVA and TRDA, and these covenants, conditions and restrictions; and

WHEREAS, the original Developer, with the encouragement and assistance of TRDA has created upon the Property a residential community with streets, water and sewer utility systems, recreational facilities, greenbelt areas and other common facilities for the use and benefit of said community (hereinafter referred to as the "Project"); and

WHEREAS, the Association desires to provide for the administration of the facilities aforesaid and also desires to provide for the preservation of the values and amenities in said community and for the maintenance of said facilities and, to this end, desires to subject the Project, to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of the Property and each owner thereof; and

WHEREAS, the Association hereby declares that all of the Property has been sold and conveyed subject to the following easements, restrictions, covenants and

conditions, which are for the purpose of protecting the value and desirability of and which shall run with the Property and be binding upon all parties having any right, title or interest in or to said Property of any portion thereof, their heirs, executors, administrators, legal representatives, successors and assigns, and which shall inure to the benefit of each owner thereof; and

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, Tellico Harbor Property Owners Association, Inc., do hereby amend, rescind, and/or add to the Governing Documents replacing and superseding all prior recorded Governing Documents for the By-Laws and Declaration of Covenants, Conditions & Restrictions as approved by the Property Owners of the Tellico Harbor Property Owners Association by vote during a special meeting held on the 31st day of May, 2018 at Tellico Harbor Clubhouse, 2000 Cherokee Drive, Maryville, TN 37801.