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16 PGS : RESTRICTIONS	
BATCH: 303952	
04/28/2015 - 10:49 AM	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	85.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	87.00

STATE OF TENNESSEE, SEVIER COUNTY  
**CYNDI B LOVEDAY**  
 REGISTER OF DEEDS

This instrument was prepared by:  
 Melanie E. Davis, Attorney  
 329 Cates Street  
 Maryville, Tennessee 37801

# AMENDMENT TO RULES AND REGULATIO OF ENGLISH MOUNTAIN CONDOMINIUMS

THAT WHEREAS, the English Mountain Condominiums are established by Master Deed recorded in the Register of Deeds Office for Sevier County, Tennessee, at Deed Book 262, Page 67 as amended, and

WHEREAS, such Master Deed in Article IX(B)(5) includes the power for the English Mountain Condominium Association, Inc. ("Association"), as provided in its By-Laws, to adopt reasonable Rules and Regulations for the maintenance and conservation of the condominium property and for the health, safety and welfare of apartment owners, all of whom shall be subject to such Rules and Regulations, and

WHEREAS, By-Laws of the Association of record at Book D567, Page 179 provide in Article IX for the Board to adopt such Rules and Regulations and a copy of the Rules and Regulations are attached as recorded therein, and

WHEREAS, such Rules and Regulations can be according to their terms amended by vote of the Board of Directors of the condominium association, and

WHEREAS, the Board of Directors of the condominium association has met and amended the Rules and Regulations, and

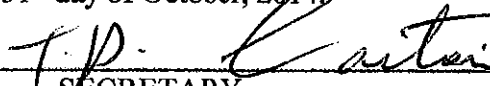
WHEREAS, since the prior Rules and Regulations were recorded, these amendments are hereby recorded in order to put all Owners and interested parties on notice of the amended terms thereof, and

WHEREAS, the duly authorized Board of Directors of the condominium association met on the 31<sup>st</sup> day of October, 2014, in a duly called Association meeting with quorum present and approved such Amended Rules and Regulations by a vote of 8 in favor and 0 opposed with such vote evidenced by the Certificate of the Secretary of the Association which is attached hereto as Exhibit A.

WHEREFORE, the Rules and Regulations of the English Mountain Condominium are amended as follows:

1. The amended Rules and Regulations are hereby adopted and are attached hereto as Exhibit A and incorporated by reference herein.
2. The attached amended Rules and Regulations shall supplant and replace the previous Rules and Regulations of record in the Register of Deeds Office for Sevier County, Tennessee, at Book D567, Page 193, through D567, Page 198 which previous Rules and Regulations are hereby rendered null and void and of no further affect.
3. The Certificate of the Secretary regarding the duly called meeting of the Board of Directors wherein these were adopted are attached hereto as Exhibit B.

WITNESS my hand and seal on this the 31<sup>st</sup> day of October, 2014.

  
\_\_\_\_\_  
SECRETARY

STATE OF TENNESSEE           )  
COUNTY OF Selvieh           )

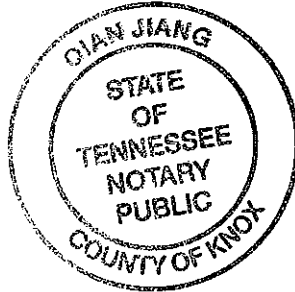
Before me, a Notary Public in and for said County, personally appeared TOM CARTIER, with whom I am personally acquainted, and who, upon oath, acknowledged himself/herself to be the SECRETARY of ENGLISH MOUNTAIN CONDOMINIUM ASSOCIATION, INC., the within named bargainor, a corporation, and that he/she as such SECRETARY, being authorized so to do, executed the within instrument for the purposes therein contained by signing the name of the corporation by himself/herself as SECRETARY.

WITNESS my hand and official seal at office this 30<sup>th</sup> day of OCT, 2014.

My Commission Expires:

07-01-2018

D. Jiang  
Notary Public



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**REGISTER OF DEEDS: Please cross reference the recording of this instrument on the face of the instruments of record in Deed Book Vol. 262, Page 67 and Deed Book Vol. 567, Page 179.**

**EXHIBIT A**

**RULES AND REGULATIONS**

**ENGLISH MOUNTAIN CONDOMINIUM ASSOCIATION**  
**A CONDOMINIUM COMMUNITY**

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**RULES AND REGULATIONS**

The Rules and Regulations hereinafter enumerated as to the Condominium property, the general and limited common elements, the apartments and the condominium in general, shall be deemed in effect until amended by the Board of Directors of the Association and shall apply to and be binding upon all Apartment owners.

The Apartment owners shall at all times, obey said Rules and Regulations and shall see that they are faithfully observed by their families, guests, invitees, servants, lessees, parties renting an Apartment, assigns, and persons for whom they are responsible and persons over whom they exercise control and supervision.

Violation of these Rules and Regulations may subject the violator to any and all remedies available to the Association and other Apartment owners pursuant to the terms of the Master Deed, the Charter of the Association, the Bylaws of the Association, and Tennessee law. Violations may be remedied by the Association by injunction or other legal means. The Association shall be entitled to recover, in said actions, any and all expenses, fees, and court costs incurred by it, together with reasonable attorney's fees against any person violating the Rules and Regulations.

The Board of Directors may, from time to time, adopt or amend previously adopted Rules and Regulations governing the details of the operation, use, maintenance, management and control of the general and limited common elements of the condominium and any facilities or services made available to the apartment owners.

Any waivers, consents or approvals given under these Rules and Regulations by the Board of Directors shall be revocable at any time and shall not be considered as a waiver, consent or approval of identical or similar situation unless determined otherwise by the Board of Directors in its sole discretion.

**1. RULES AND REGULATIONS IN GENERAL:**

- A. Violations should be reported to the Managing Director or Office Manager of the Condominium property, in writing, and not to the maintenance staff, the Board of Directors or to the Officers of the Association.
- B. Notifications of violations will be called to the attention of the violating owner, in writing, by the Managing Director of the Condominium Association who will also

notify, by copy of said notification, the appropriate advisory committee of the Board of Directors.

- C. Disagreements concerning violations will be presented to and be reviewed by the Board of Directors, who may take appropriate action.

2. FACILITIES:

The facilities of the condominium are for the exclusive use of English Mountain Association members, guests accompanied by a member, and lessees or renters of an Apartment and their accompanied guests. No guest or relative of any member or lessee, other than a houseguest or relative, actually in residence, shall be permitted to use the swimming pool unless accompanied by a resident member of the family of such owner or lessee. Any damage to the buildings, recreation facilities or other common areas or equipment caused by any resident or his guests shall be repaired and the cost will be assessed to the Apartment owner(s) or the guest(s) who caused the damage.

3. NOISE:

All electronic/audio equipment (radio, stereo, TV, computer, etc.) MUST be turned down to a minimum volume between the hours of 11:00 PM and 8:00 AM. Also, during this time, there should be minimal noise generated by such activities as parties and home improvement. At any time, occupants of an Apartment shall be cautious with generating noise and/or loud conversations from the balconies, which could easily travel and disturb other units (see Paragraph 20 'C', noise around pool area).

Construction work or similar work being done at an Apartment shall be done only from the hours of 8:00 a.m. until 6:00 p.m. on weekdays and 10:00 a.m. until 4:00 p.m. on weekends in order to minimize disruptions due to noise.

4. PETS:

No reptiles or exotic animals shall be kept or harbored in the condominium property, and, except for dogs and cats, no other animals are permitted unless the Association expressly permits the same, in each instance, in writing. The Association shall grant its permission based on what it deems to be in the best interest of the condominium as a whole. No animals owned or controlled by members or guests shall be allowed to create a noise disturbance or become a nuisance in any public portion of the building or grounds. All dogs must be on leashes when in the common area. Pet owners are responsible for cleaning up their pets' waste.

5. OBSTRUCTIONS:

Sidewalks, entrances, driveways, passages, courts, vestibules, stairways, corridors and halls must be kept open and shall not be obstructed in any manner.

6. CHILDREN:

Children are not to play in the public halls or stairways. Reasonable supervision must be exercised when children are playing on the grounds.

7. DESTRUCTION OF PROPERTY / RESPONSIBILITY OF UNIT OWNERS:

Neither owners, their family members, nor guests or lessees of an Apartment, shall mark, mar, damage, destroy, deface or engrave any part of the Association buildings and grounds. Members shall be responsible for any such damage done by themselves, their family members, their guests, or their renters or lessees.

8. EXTERIOR APPEARANCE:

The exterior of the condominium and all other areas appurtenant to the Condominium Apartments shall not be painted, decorated, or modified by any Apartment owner in any manner without prior consent of the Association; which consent may be withheld on purely aesthetic grounds, within the sole discretion of the Association. No awnings, window guards, light reflective materials, storm shutters, ventilators, fans, or air conditioning devices shall be used in or about the Condominium property except as shall have been approved by the Association; which approval may be withheld on purely aesthetic grounds within the sole discretion of the Board of Directors.

No uniform exterior colors may be altered. All sliding glass doors and exterior windows must present a solid white appearance from the outside, by the use of lined curtains, sheers, vertical blinds, etc.

No commercial signs, personal notices or advertisements, shall be inscribed or exposed on or at any window or other part of the condominium, except such as shall have been approved in writing by the Association, nor shall anything be projected out of any window in the condominium without similar approval (also see R & R Sections 10, 11 & 14).

Requests for deviations from the stated policy must be made to the Condominium Managing Director or office manager, in writing, detailing the entire deviation being requested. The Managing Director will then pass the request to the Building and Grounds committee. The Buildings and Grounds Committee will review the request and either

accept or deny it. If denied, the request will be so noted and returned through the Managing Director to the Owner. The Owner can appeal the denial to the Board of Directors. If accepted, the Buildings and Grounds Committee will introduce the request at the next Board of Directors meeting for a vote at that time. The Board of Directors has decision making power and the Building and Grounds Committee is merely making a recommendation to it. The Managing Director will maintain a copy of all requests for deviation in the office and all approved deviations will be available for review by any owner. All approved deviations shall contain all details concerning the deviation including the approved materials, location, color, etc. which must be adhered to by any other owner seeking to make the same change.

The location of any radio antenna, television aerial, or satellite antenna; and the size thereof, that may be installed on the grounds, attached to any building, hung from the exterior of any condominium unit, or installed upon the roof of any building, shall be regulated by the Buildings and Grounds Committee, with appeal to the Association Board of Directors. The intent of this requirement is to enhance safety and preserve the natural beauty of the community.

Small nameplate plaques and decorations of limited size may be placed on the front of an owner's Apartment, under the light, or on the walls of the Apartment entrance.

9. CLEANLINESS:

All garbage and refuse from the Condominium property shall be deposited with care in garbage containers intended for such purpose, only at such times and places, and in such manner as the Board of Directors will direct. All disposal facilities shall be used in accordance with instructions given to the owner by the Board of Directors.

Disposal of construction debris, furniture, and other large items shall not be allowed in the trash area or on Condominium property. From time-to-time, the association may provide a limited-use dumpster for this purpose. An Apartment owner, and/or his assigns shall be assessed for the cost of the dumpster based upon the percentage of usage. No garbage or trash, that is to be placed within the disposal facilities, shall be placed in the limited use dumpster.

Apartment owners shall take extra precautions with BBQ activity and smoking in and about the Condominium property. Smoking materials are NOT to be disposed of in the parking lots, picnic areas, nor any area on, or adjacent to, flammable materials such as leaves and pine needles. Owners shall properly dispose of cigarette and other smoking related items in the containers provided for such disposal or within their respective Apartments. Owners using the picnic and BBQ areas must keep these areas clean, free of trash and garbage, and use the appropriate containers provided.



10. BALCONIES:

- A. Plants, pots, receptacles and other movable objects must not be kept, placed or maintained on ledges or railings.
- B. No objects shall be hung on or from balconies with the exception of swings, small bird feeders, and hanging plants. These objects shall not present a hazard to units below, nor create a nuisance of any kind. Temporary ceiling fans, that are not permanent in any way, and that plug into a wall socket, are permitted to be temporarily hung from the balcony ceiling.
- C. Except on occasion, for a few hours for protection from the sun, no permanent exterior blinds, shades, curtains, screens, dividers, etc. are permitted on balconies. No permanently fastened furniture, shelves, or cabinetry shall be permitted on walls or floors of balcony areas; with the exception of deck boxes, firewood storage racks, etc. that do not project above the railing height.
- D. No cloth, clothing, rugs or mops shall be left out over night or shaken from windows, doors or balconies.
- E. No objects or fluids shall be discharged or thrown from balconies.
- G. No barbecuing grills or open flame devices are permitted to be operated on any of the balconies, stairways or landings, and/or corridors. Barbecuing is herein defined as an activity involving flames, potential flames, grease fires, and/or lots of smoke. No fumes or smoke from a BBQ device should cause a nuisance to any other unit. When using BBQ stations provided by the Association, in designated picnic areas, Owners shall be mindful of fire prevention and excessive smoke. Barbecue fires or smoker devices must not be positioned near motor vehicles nor closer than 30' from any building.

Grilling, using electric kitchen type appliances, such as an electric Foreman Grill, will be permissible on balconies, IF not generating smoke and fumes that would drift into an adjacent unit.

In addition, no barbecuing grills or open flame devices (except approved devices specifically designed and appropriate for the purpose) shall be operated within any of the buildings or Apartment interiors.

Observations of heavy smoke coming out of a building or from a balcony must be investigated prior to activating a fire alarm.

Apartment owners and their assigns are expected to practice fire prevention, prevent potential grease fires, and eliminate smoke and fumes that could cause respiratory and/or health problems to occupants of other Apartments.

H. Fireworks, explosives, and the discharge of fire arms, are prohibited.

I. Satellite dish assemblies shall be permitted to be installed, in a manner and at those locations, approved by the Board of Directors (See R & R Section 5, Obstructions). They would NOT normally be approved to be installed on the grounds, or attached to balconies; unless a hardship situation is presented to the Board of Directors and subsequently approved. Satellite dish installations, not conforming to this rule shall be relocated or removed at the termination of, or during the renewal of, any existing contract(s).

11. HALLWAYS:

Garbage cans, trash bags, laundry, dry cleaning, supplies or other articles shall not be placed in the halls or on staircase landings. No member shall allow doors to the corridor to remain open for any purpose other than for immediate passage.

12. STORE ROOMS:

Owners are responsible to see that nothing is placed in the storage areas that would present a fire hazard or present a nuisance to other units. Doors to storage rooms shall be kept closed and locked when not being accessed.

13. EMERGENCY ENTRY:

In case of any emergency originating in or threatening any Apartment, regardless of whether the Owner is present at the time of such emergency, the Board of Directors of the Association, or any other person authorized by it, or the Managing Director, shall have the right to enter such Apartment for the purpose of remedying or abating the cause of such emergency. Such right of entry shall be immediate and limited to the nature of the emergency. In order to facilitate entry to any Apartment, in the event of any such emergency, the owner of each Apartment shall deposit, under the control of the Association and/or the Association Office Manager, a key to such Apartment.

14. BICYCLES:

Bicycles must be placed or stored in areas as may be designated by the Managing Director, but in no case, present a tripping hazard nor block access to any corridor, stairway or stairway landing, or common access passageway (also see R & R Sections 5 & 11).

15. ATTIRE

When owners, their families, guests, and renters, are located in the General Common Elements, they should be dressed in appropriate attire, as appropriate for those areas.

Persons in transit to/from the pool area should be considerate of this requirement and utilize cover-ups over bathing attire.”

16. PLUMBING:

- A. Commodes and other plumbing fixtures shall not be used for any other purposes than those for which they are constructed. No sweepings, rubbish, rags or other foreign substances shall be thrown therein. The cost of any damage resulting from misuse shall be borne by the Owner.
- B. To avoid potential freezing of pipes inside the walls or inside an Apartment from November 1 to April 1, special precautions must be taken by Apartment owners and guests when the Apartments are vacant. Heat must be left on, with thermostat set at the lowest setting for non-digital thermostats, and 45° for digital equipment. Kitchen and bathroom cabinet doors, containing plumbing, should be left open. The maintenance staff and Managing Director must have access to each vacant Apartment to perform winterization, and for inspection during the winter months. Vacant Apartments should turn off the water supply to that Apartment, especially during winter months.

17. TRASH CONTAINERS:

All refuse, garbage, waste, bottles, cans, etc., shall be appropriately disposed of and deposited in the trash collection containers provided for that purpose, distributed throughout the property, and within the trash container enclosure. Construction materials, furniture, and large objects are not to be disposed of in trash collection containers or trash container enclosure.

Hot ash shall be placed into the metal container, labeled HOT ASHES. These are made available for that purpose. Owners are cautioned not to place hot coals or ashes into the trash collection containers located near picnic tables.

No garbage or trash shall be placed in the construction materials, limited use, dumpster. Cost of such a dumpster will be proportioned among the users, according to the percentage of volume materials placed in dumpster, each cycle. The percentage estimate will be made by Association maintenance personnel.

18. ROOF and CRAWL SPACE:

Members are not permitted on the roof of any building for any purpose. Contractors and satellite dish installers shall not be permitted access to the roof or crawl space under each building, without a member of the maintenance staff being present.

19. SOLICITATION:

There shall be no solicitation, by any person, anywhere on the property, for any cause, charity, or any purpose whatsoever, unless specifically authorized by the Board of Directors. These requests will not normally be approved.

20. SWIMMING POOL:

A. Since the pool is not guarded, Owners and their guests, using the swimming pool, do so at their own risk.

B. Only Owners, their guests, and lessees or renters and their guests, may use the pool. All persons using the pool must obey the posted swimming pool rules. Children, twelve (12) years and under, using the pool and facilities of the recreation area must be accompanied and supervised by a responsible adult.

C. Swimming in the pool is permitted between the hours of 8:00 AM and 10:00 PM, during the summer season; and shall be open to all. An hour in the morning, and a one to two-hour period in the afternoon or early evening, shall be set aside by the Managing Director, from time to time, according to the needs of the membership, and shall be designated as a "QUIET TIME" for the use and quiet enjoyment of persons, over the age of 14. Persons using the pool area should minimize loud activity, cheering, and yelling.

D. Owners, guests, and renters who wish to have pool parties (more than six people) must secure permission from the Managing Director or Office manager, providing date, time, and approximate number of people. This request shall be posted on the office bulletin board. If no conflicts arise, nor any objections are registered, it shall be at the Managing Directors discretion whether or not to grant approval.

E. The following are specific rules for persons using the pool:

1. All persons entering the pool should be free of dirt and contaminants. If not, then they should use the shower in the pool house, or on the pool deck, prior to entering the pool. Due to obvious health reasons, users are cautioned to avoid introducing contaminants of any kind or source, into the pool water.
2. Restraining pool safety cables should be kept in place and are not be used as swings or as a diving aid. Users of the pool should use caution around the pool screen/covering mechanism.
3. Pneumatic floats, swimming aids and other items of a similar nature, are permitted in the pool so long as they do not interfere with others who are also using the pool.

4. No hard balls are allowed in the pool area. Beach balls, etc. may be used, but may not be thrown when other guests are using the pool. Discretion should be exercised when other guests enter the pool.
5. Pets are forbidden in the general pool and recreation area.
6. Running in the general pool and recreation area is not permitted. Supervising adults shall ensure that children shall behave in a responsible manner and safety is maintained.
7. Snack foods and/or non-alcoholic beverages, in non-glass containers, may be consumed poolside provided that care is taken to assure the safety of other member/guests using this facility. Cooking or larger family gatherings should be restricted to the area within the fence provided for such occasions.
8. If suntan oil is used, make certain that a beach towel is used to cover patio furniture. Excess oil should be removed prior to entering the pool, as this will accumulated on the water surface and the sides of the pool.
9. Persons using these facilities must be appropriately attired.

21. PARKING:

No vehicle shall be parked in such manner as to impede or prevent access to another Owner's parking space. All persons will obey the parking regulations posted at the private streets, parking areas and drives, and any other traffic regulations promulgated in the future for the safety comfort and convenience of the owners.

No trailers of any kind, or a vehicle which cannot operate on its own power, shall remain within the Condominium property for more than seventy-two (72) hours. No repair of vehicles shall be made within the Condominium property, (except in emergency situations, and then only to the extent necessary to enable the vehicle to be taken for repair).

The number of vehicles allowed per unit is within the Managing Directors discretion, but normally limited to one to be parked near the building, along the sidewalk. A second vehicle, when authorized, shall be parked at the rear of each parking area, and may be required to be parked in designated overflow parking areas.

A full time resident of an Apartment (ordinarily resident for at least eight (8) months), shall be provided the opportunity to purchase from the Association, a permanent parking space for one vehicle. The designated parking space may be marked and/or labeled as being reserved for a specific Apartment.

When in use, all vehicles on the premises must display an English Mountain parking tag or affixed sticker.

No Owner, who is not a full time resident (not ordinarily resident), shall leave a vehicle parked on the premises, when not in residence, for more than seventy-two (72) hours without notifying the Managing Director of their intent to do so and receiving permission. No person(s) shall leave any vehicle(s) on Condominium property for the sole purpose of selling them.

22. COMMON FACILITIES:

Members are requested to cooperate with the Managing Director in the use of common facilities where more than one organized activity is scheduled for the same time.

23. GUESTS:

Owners shall notify the Managing Director or Office Manager, in advance, by written notice, email, or phone call, of the arrival and departure dates of short term guests, who are not renting, who have permission to occupy the Apartment in the Owners' absence. Owners should have such guests check in at the office upon arrival in order that service can be extended to them in the way of telephone calls coming into the office, incoming email or mail, or any emergency that might arise. Guests should be given copies of the Association Rules and Regulations, by the Owner of the Apartment they are visiting, and the Owner(s) will be responsible for their compliance with such Association Rules and Regulations.

24. TREE CUTTING:

Cutting of trees, and clearing of brush, etc. in and about the Condominium property, cannot be conducted without permission from the Association Board of Directors or the Managing Director. Such activity cannot be conducted without the concurrence of the residents of any building or area that might be negatively affected.

The membership shall be particularly aware of cutting of trees and clearing of brush, etc. for whatever purpose, on lands adjacent to Association property, especially lands that do not belong to the Association, so as to constitute trespassing. This activity shall be expressly prohibited without the permission of the owner(s) of such lands.

**25. STAND-BY GENERATOR RULES:**

The Association has formulated a series of Rules and Regulations pertaining to the usage, storage, operating limitations, restrictions, insurance company directives, and safety requirements for the use of an emergency Stand-by Generator on Association property. The Stand-by Generator Rules and Regulation, which change frequently as a result of Insurance company requirements, can be found in an addendum to this document. Owners of Apartments, must make application to the Association office, and if approved, are expected to follow the Stand-by Generator Rules and Regulations.

## EXHIBIT B

I, Thomas Paul Cartier, hereby certify that I am the duly elected Secretary of the Board of Directors of the English Mountain Condominium Association, Inc. The Board of Directors met at a duly called meeting on the 31<sup>st</sup> day of October, 2014, and voted 8 in favor and 0 opposed to adopting new Rules and Regulations as provided in the Master Deed for English Mountain Condominium. The meeting was held on proper notice with quorum present.

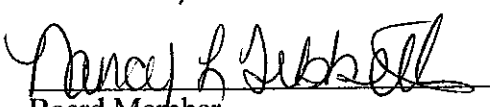
I hereby certify these actions in my role as Secretary of the Association.

This 31<sup>st</sup> day of October, 2014.

  
\_\_\_\_\_  
SECRETARY

APPROVED:

  
\_\_\_\_\_  
Board Member

  
\_\_\_\_\_  
Board Member

  
\_\_\_\_\_  
Board Member

  
\_\_\_\_\_  
Board Member

  
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Board Member