

Index
Eagle Bluff (Formerly River Run)
Covenants And Restrictions

B. Waviers Of Restrictions

1. Approval of Minor Setback Violation for Lot 215, Unit 4, Plat Book 46, Page 157 recorded in Book 4922, Page 924 and re-recorded in Book 4923, Page 516.

C. Miscellaneous Recordings

1. HOA Corporate Charter recorded in Book 4138, Page 530 (“Charter”).
2. Amendment to Charter recorded in Book 4380, Page 144. [Changing name from “River Run” to “Eagle Bluff.”]
3. Street Light Easement with Hamilton County recorded in Book 4411, Page 425.
4. 7126 River Run Drive River Run Drive – Septic Variance Recorded in Book 5126 Page 276.

PREPARED BY WILLIAM D. JONES
ATTORNEY AT LAW
612 GEORGIA AVENUE
CHATTANOOGA, TN

08/12/97 NISC

12.00

##12.00

**** THIS INSTRUMENT REFILED TO INCLUDE AS PART
OF EXHIBIT "A" THE ZONING VARIANCE APPROVAL, BOOK 1922 PAGE 024
AFFIDAVIT OF
NOTICE OF ACTION TAKEN
BY ARCHITECTURAL COMMITTEE FOR
EAGLE BLUFF HOMEOWNERS ASSOCIATION**

BOOK 1922 PAGE 516

Whereas, Charles Marsh Homes, Inc., has caused a residence to be constructed upon of Lot 215, River Run Subdivision, Golf and Country Club, Unit 4, as shown by plat of record in Plat Book 46, page 157, in the Register's Office of Hamilton County, Tennessee; and

Whereas, Charles Marsh Homes, Inc., submitted a request for approval by the Architectural Committee for Eagle Bluff Homeowners Association for a minor setback violation of the restrictions for said subdivision; and

Whereas, the Architectural Committee has approved said request, a copy of which is attached hereto as Exhibit "A"; and

Whereas, Charles Marsh Homes, Inc., desires to record this Notice in the Register's Office of Hamilton County, Tennessee.

Now, therefore, Charles Marsh Homes, Inc., a Tennessee corporation, does hereby affirm the correctness of the above premises and does hereby submit for recording this Affidavit of Notice with an Exhibit "A" attached hereto.

In witness whereof, Charles Marsh Homes, Inc., has caused this Affidavit of Notice to be executed by its duly authorized officer this 12th day of August, 1997.

Charles Marsh Homes, Inc.

by: Charles Marsh Homes
Title: President

STATE OF TENNESSEE
COUNTY OF HAMILTON

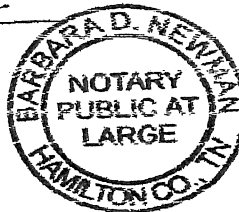
Before me, BARBARA D. NEWMAN, of the state and county aforesaid, personally appeared

CHARLES MARSH with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath, acknowledged himself to be president (or other officer) authorized to execute the instrument of the Charles Marsh Homes, Inc., the within named bargainer, a corporation, and that he as such PRESIDENT executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as PRESIDENT.

WITNESS my hand and seal, at office in Chattanooga, Tennessee, this 12th day of August, 1997.

Barbara D. Newman
Notary Public

My Commission Expires: 8/16/98



RETURN TO:
POWER TITLE SERVICE, INC.
511 GEE - AVENUE
CHATTANOOGA, TN

HAMILTON COUNTY
STATE OF TENNESSEE

07009 12 00 3 10
93942

10/18/97, 38025, 38025/4, 38025/4, 38025/4

38025/4, 38025/4, 38025/4, 38025/4

refile OKS

"EXHIBIT A"

**EAGLE BLUFF HOMEOWNERS ASSOCIATION
PO BOX 16187
CHATTANOOGA, TN 37416**

~~BOOK 4822 PAGE 925~~

W/ file
BOOK 4923 PAGE 517

July 31, 1997

Mr. Charles Marsh
Charles Marsh Homes Inc
Chattanooga, TN

Dear Mr. Marsh:

First let me thank you for bring to our attention the setback mistake made on lot 215. We all appreciate you doing this correctly and not just going on with construction hoping no one would ever find the mistake.

Attached you will find a letter from the Architectural Committee showing all members voted their approval for your requested variance of 1.17' at the back corner of the house.

This letter is to inform you that the board also grants your request.

If you have any questions please call me at 344-8579.

Sincerely,


James E Dwyer
President

"Exhibit "A"

BOOK 4922 PAGE 518
BOOK 4923 PAGE 518

July 29, 1997

Mr. Charles Marsh
Charles Mrsh Homes Inc

Reference your letter dated July 16, 1997.

Dear Mr. Marsh:

Thank you for bringing to our attention the mistake your carpenter made in the side setback on lot 215, 5851 Players Court.

As your letter explains, you are off the 10 foot setback on the back right corner (facing the street) by 1.17'.

Following you will find the vote of the Architectural Committee on your request.

Susan Mangan	<u><i>Susan Mangan</i></u>	YES	<u>NO</u>
Gary Muyt	<u><i>OK by phone 7/29 JD</i></u>		
Jack Rolfson	<u><i>[Signature]</i></u>		
Morton Rosenthal	<u><i>[Signature]</i></u>		X
Johnny Sutton	<u><i>[Signature]</i></u>		X

I would remind you that you have a garage on the side of this house you are requesting the variance on that I feel sure will be ~~used~~ for storage. If a driveway is planned for this garage please be sure it is placed on the lot in accordance with our requirements.

Sincerely,

Johnny Sutton
Johnny Sutton
Chairman

CASE NUMBER: 77-071

FILE NO. 77-071

EXHIBIT "A"

RECEIVED & FILED

CONVICTS, SPECIAL EXEMPTION OR SUPPLEMENT

1. Name of applicants: CHARLES MARSH BERRY, INC.
2. Mailing address: 1121 HUNNELL ROAD
MEMPHIS TN 38104
3. Owner of property (if different than applicant): SMC
4. Telephone number (between 8:00 & 5:00): 943-7284
5. Address for which exemption is requested: 2855 FORTNEY DRIVE
6. Subdivision: SMC 800 L440 375
7. Parcel number of subject property: P-2, 047100000-0000 S. Tax map number: 0000-C-007
8. Type of appeal, variance, or special permit requested (be specific):
REQUESTING A VARIANCE ON THE 15FT SIDE YARD SETBACK FROM 15 FEET TO 0-5 FEET.
9. List the Hamilton County zoning ordinance to which appeal, variance, or special permit is being requested from:
ARTICLE IV, SECTION 403.1
10. A check payable to the Hamilton County Justice Court accompany this request of \$25.00.
Send payment to: Hamilton County Building Inspection Department
625 Walnut Street Room 200
Chattanooga, TN 37402

I hereby certify that the facts set out in the foregoing request are true to the best of my information and belief.

I understand that failure to provide adequate and complete information shall be grounds for postponement or denial of this application.

Charles Marsh Berry
Applicant

The above petition was granted

The request is for temporary transfer _____ months

The petition was granted for _____ months

8/13/97 Date

Billy H. [Signature] Chairman

77-071-13 PM 3 19

BY: [Signature]
DEPUTY CLERK

CLERK # 93946810

CLERK FOR
HAMILTON COUNTY
STATE OF TENNESSEE

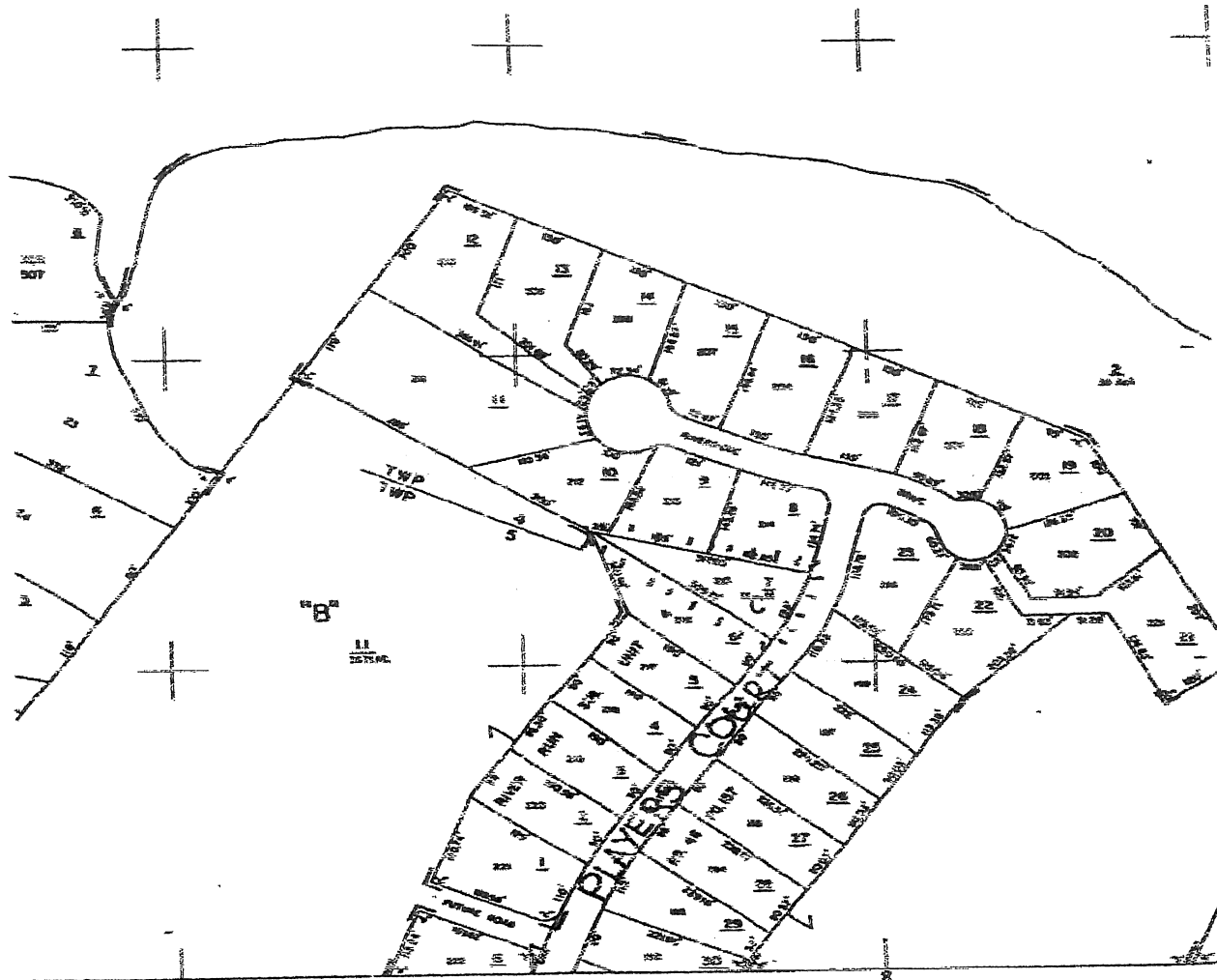
File

09127

LAKE

BOOK 4923 PAGE 520

EXHIBIT "A"



1. All lots shown on this plat are subject to the provisions of the Act of March 27, 1879, relating to the sale of land for taxes.

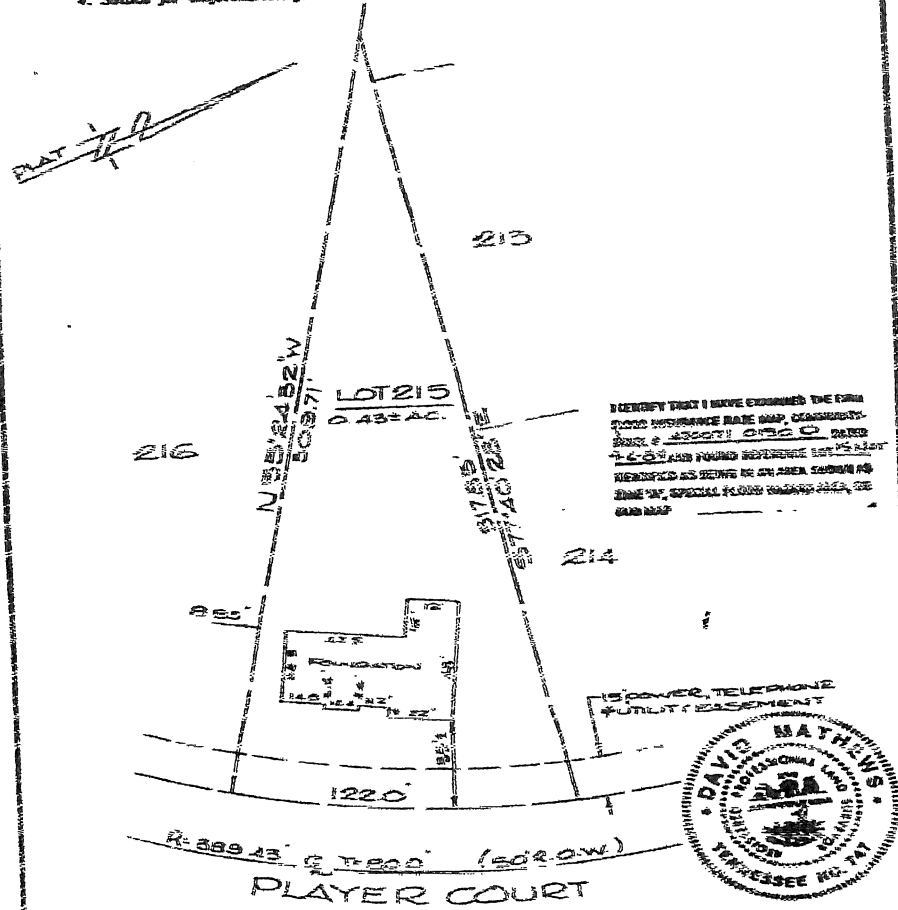
2. The lots shown on this plat are subject to the provisions of the Act of March 27, 1879, relating to the sale of land for taxes.

3. The lots shown on this plat are subject to the provisions of the Act of March 27, 1879, relating to the sale of land for taxes.

1	2	3
4	5	6
7	8	9

NOTE:

1. This survey is responsible to any other owner or lender, as any that be copied or used in any way without the express written consent of the surveyor.
2. The survey was done under the authority of TCA 42-28-123
3. The survey is not a general property survey as defined under Pub. Code 42-28-107
4. Sources for information from which lines were derived PLAT BOOK 100-1



I CERTIFY THAT I HAVE EXAMINED THE FIRM STATE INSURANCE BOND MAP, COMMUNITY-BOND # 430271 0320 DATED 7-20-97 AND FOUND REFERENCED LOT 215 IDENTIFIED AS BEING IN AN AREA COVERED BY STATE OF TENNESSEE SPECIAL FLOOD HAZARD MAP, THE BOND MAP



DESCRIBE LOT 215 UNIT 4 PLAT BOOK AG PAGE 157
 RIVER RUN 90 MORTGAGE NA
 ADDRESS 3351 PLAYER COURT
 COUNTY HAMILTON
 STATE TENNESSEE FOR CHARLIE MARSH
 PURPOSE LOAN SURVEY
 "FOUNDATION"

DAVID MATHIEWS SURVEYING COMPANY
 1820 EARLE ROAD
 CRYSTAL SPRING, TENNESSEE 37043
 OFFICE (423) 870-4228
 FAX (423) 870-3877

DATE 7-12-97
 SHEET 17 OF 17
 CM
 412-15

BOOK 1923 PAGE 521

Secretary of State
Corporations Section

James K. Polk Building, Suite 1800
Nashville, Tennessee 37243-0306

BOOK 4138 PAGE 530

DATE: 04/23/93
REQUEST NUMBER: 2685-0149
TELEPHONE CONTACT: (515) 741-0527
FILE DATE/TIME: 04/23/93 0932
EFFECTIVE DATE/TIME: 04/23/93 0932
CONTROL NUMBER: 0265108

TO:

MILLER & MARTIN
BY: ALAN NICHOLS
1000 VOLUNTEER BLDG.
CHATTANOOGA, TN 37402

RE:

RIVER RUN HOMEOWNERS ASSOCIATION, INC.
CHARTER - NONPROFIT

CONGRATULATIONS UPON THE INCORPORATION OF THE ABOVE ENTITY IN THE STATE OF TENNESSEE, WHICH IS EFFECTIVE AS INDICATED.

A CORPORATION ANNUAL REPORT MUST BE FILED WITH THE SECRETARY OF STATE ON OR BEFORE THE FIRST DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF THE CORPORATION'S FISCAL YEAR. ONCE THE FISCAL YEAR HAS BEEN ESTABLISHED, PLEASE PROVIDE THIS OFFICE WITH THE WRITTEN NOTIFICATION. THIS OFFICE WILL MAIL THE REPORT DURING THE LAST MONTH OF SAID FISCAL YEAR TO THE CORPORATION AT THE ADDRESS OF ITS PRINCIPAL OFFICE OR TO A MAILING ADDRESS PROVIDED TO THIS OFFICE IN WRITING. FAILURE TO FILE THIS REPORT OR TO MAINTAIN A REGISTERED AGENT AND OFFICE WILL SUBJECT THE CORPORATION TO ADMINISTRATIVE DISSOLUTION.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE. PLEASE BE ADVISED THAT THIS DOCUMENT MUST ALSO BE FILED IN THE OFFICE OF THE REGISTER OF DEEDS IN THE COUNTY WHEREIN A CORPORATION HAS ITS PRINCIPAL OFFICE IF SUCH PRINCIPAL OFFICE IS IN TENNESSEE.

FOR: CHARTER - NONPROFIT

FROM:
MARTIN & MARTIN ATTORNEYS
SUITE 1000
VOLUNTEER BLDG
CHATTANOOGA, TN 37402-0000



Riley C. Darnell

RILEY C. DARNELL
SECRETARY OF STATE

MC 83741-12
(A7-cash record)

RECEIVED
STATE OF TENNESSEE
93 APR 23 AM 9:32

RILEY DARNELL
SECRETARY OF STATE

FILED

CHARTER OF

RIVER RUN HOMEOWNERS ASSOCIATION, INC.

Under Section 48-52-102 of the
Tennessee Nonprofit Corporation Act

BOOK 4138 PAGE 531

RECEIVED
STATE OF TENNESSEE
93 APR 23 AM 9:44
RILEY DARNELL
SECRETARY OF STATE

1. **Name.** The name of the corporation is

RIVER RUN HOMEOWNERS ASSOCIATION, INC.
2. **Mutual Benefit.** This corporation is a mutual benefit corporation.
3. **Registered Office.** The location of the initial registered office of the corporation is 5800 Muirfield Lane, Chattanooga, Tennessee, 37416. The initial registered office is located in Hamilton County, Tennessee. The name of the initial registered agent at that office is Marion L. Robinson.
4. **Incorporator.** The name and address of the incorporator is W. Alan Nichols, Suite 1000, Volunteer State Life Building, 832 Georgia Avenue, Chattanooga, Tennessee, 37402.
5. **Principal Office.** The principal office of the corporation is located at 5800 Muirfield Lane, Chattanooga, Tennessee 37416.
6. **Non-Profit.** The corporation is not for profit.
7. **Members.** The corporation will have members.
8. **Purposes.** The corporation is organized for the purposes of carrying on one or more of the functions of a homeowners' association, including, without limitation, the administration, through a Board of Directors, of the residential development known as River Run Subdivision in Hamilton County, Tennessee, which includes the acquisition (either in its own name or as nominee for the members of said residential development), construction, management, maintenance, and care of the corporation's property as well as the preservation and architectural control of the improvements and common areas of said residential development. Further purposes of the corporation include the promotion of the health, safety and welfare of the residents of the development and any additions thereto, including the power to have and exercise any and all powers, rights and privileges which a corporation organized under the provisions of the Tennessee Nonprofit Corporation Act relating to not-for-profit corporations may now or hereafter have or exercise.

RECEIVED
STATE OF TENNESSEE
93 APR 27 AM 9:32
RILEY
SECRET

BOOK 4138 PAGE 532

RECEIVED
STATE OF TENNESSEE
93 APR 27 AM 10:00
SECRET

9. Liquidation, Dissolution. In the event of liquidation, dissolution or winding up of the corporation, whether voluntary or involuntary or by operation of law, the residual assets of the corporation shall be distributed equally to each person who is a member of the corporation at the time of dissolution.

10. Director's Liability. A director of the corporation shall not be personally liable to the corporation or its members for monetary damages for breach of fiduciary duty as a director, except for liability (a) for any breach of the director's duty of loyalty to the corporation or its members; (b) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; or (c) under Section 48-58-304 of the Tennessee Nonprofit Corporation Act. If the Tennessee Nonprofit Corporation Act is hereafter amended to authorize the further elimination or limitation of the liability of directors, then the liability of a director of the corporation, in addition to the limitation on personal liability provided herein, shall be limited to the fullest extent permitted by the amended Tennessee Nonprofit Corporation Act.

11. Indemnification. The corporation shall have the power to indemnify its directors and officers to the fullest extent permitted by the Tennessee Nonprofit Corporation Act.

IN WITNESS WHEREOF, the undersigned incorporator has signed this charter the 1st day of April, 1993.

Alan Nichols
W. ALAN NICHOLS

126575

SARAH P. DEFRIESE
REGISTER
HAMILTON COUNTY
STATE OF TENNESSEE

04/27/93 MISC 5.00 **5.00 C

'93 APR 27 PM 3 50

BY: [Signature]
DEPUTY
RECPT. # 60626

Secretary of State
Corporations Section
James K. Polk Building, Suite 1800
Nashville, Tennessee 37243-0306

BOOK 4380 PAGE 144

DATE: 07/13/94
REQUEST NUMBER: 2866-1749
TELEPHONE CONTACT: (615) 741-0537
FILE DATE/TIME: 07/12/94 1033
EFFECTIVE DATE/TIME: 07/12/94 1033
CONTROL NUMBER: 0265108

gill
TO:
MILLER & MARTIN
832 GEORGIA AVE.
SUITE 1000
CHATTANOOGA, TN 37402-2289

RE:
EAGLE BLUFF HOMEOWNERS ASSOCIATION, INC.
CHARTER AMENDMENT

THIS WILL ACKNOWLEDGE THE FILING OF THE ATTACHED DOCUMENT WITH AN EFFECTIVE DATE AS INDICATED ABOVE.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE.

PLEASE BE ADVISED THAT THIS DOCUMENT MUST ALSO BE FILED IN THE OFFICE OF THE REGISTER OF DEEDS IN THE COUNTY WHEREIN A CORPORATION HAS ITS PRINCIPAL OFFICE IF SUCH PRINCIPAL OFFICE IS IN TENNESSEE.

RECEIVED
RILEY C. DARNELL

07 09 2050

FOR: CHARTER AMENDMENT

ON DATE: 07/13/94

FROM:
MILLER & MARTIN (VOLUNTEER BLDG/S-1000)
VOLUNTEER BLDG.
SUITE 1000
CHATTANOOGA, TN 37402-0000

RECEIVED: FEES \$10.00 \$10.00
TOTAL PAYMENT RECEIVED: \$20.00

RECEIPT NUMBER: 00001675890
ACCOUNT NUMBER: 00000307



SS-4458

Riley C. Darnell

RILEY C. DARNELL
SECRETARY OF STATE

AMENDMENT TO CHARTER
OF RIVER RUN HOMEOWNERS ASSOCIATION, INC.
(Adopted pursuant to the provisions of
T.C.A. 548-60-105)

JUL 12 10:33
SECRETARY OF STATE

River Run Homeowners Association, Inc., a Tennessee non-profit corporation (the "Corporation") hereby amends the Charter of the Corporation as filed on April 23, 1993 as Control Number 0265108 with the Tennessee Secretary of State as follows:

The name of the Corporation is changed from "River Run Homeowners Association, Inc." to "Eagle Bluff Homeowners Association, Inc." 07/20/94 MISC 5.00 **5.00 B

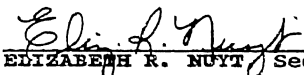
Except as modified herein, the Charter shall remain in full force and effect.

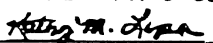
IN WITNESS WHEREOF, the President and Secretary of the Corporation have executed this Amendment to acknowledge that it has been duly adopted by the members of the Corporation at its annual meeting on March 1, 1994.

214744

SARAH P. DEFRIESE
REGISTER
HAMILTON COUNTY
STATE OF TENNESSEE


CHARLES L. ARANT, President


ELIZABETH R. NUYT Secretary

'94 JUL 20 PM 3 50
BY: 
DEPUTY
DEPT # 708730

This Instrument Prepared By:
W. Alan Nichols
Miller & Martin
Suite 1000
Volunteer State Life Building
832 Georgia Avenue
Chattanooga, Tennessee 37402-2289

IOM
Sherbin Taylor

AGREEMENT

THIS AGREEMENT is made to be effective as of the 27th day of September, 1994 from HAMILTON COUNTY, TENNESSEE ("County"), a political subdivision of the State of Tennessee, to EAGLE BLUFF HOMEOWNERS ASSOCIATION, INC., a Tennessee non-profit association and the successor by name change to River Run Homeowners Association, Inc. (the "Association").

received
9/22

BACKGROUND

1. The County is the owner in fee simple of various roads in the Eagle Bluff, formerly known as the River Run, subdivision in Hamilton County, Tennessee which are fifty (50) feet in width. These roads, which are known as River Run Drive, Muirfield Drive, Laurel Ridge Road, Topsail Greens Drive, Pine Hurst View Court, Doral Lane, Rainbow Springs Drive, Sawgrass Court, Spyglass Court, Players Court, Tee Way Circle, River Ridge Drive, Players Run Court and Eagle Bluff Trail, are collectively referred to herein as the "Roads."

2. Although the Roads have a width of fifty (50) feet, only twenty-six (26) feet of their width has been paved and accordingly the County owns unimproved property comprising approximately twelve (12) feet on either side of the existing paved

change

areas of the Roads. The Association has requested the right to install, at its expense, lighting within the unimproved portions of the Road rights-of-way to enhance the health, safety and security of individuals utilizing the Roads. The County has agreed to this request subject to the terms of this document.

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived by both parties from the installation of lighting within the Eagle Bluff subdivision, and for other good and valuable consideration, the receipt and legal sufficiency of all of which are acknowledged, the parties hereto agree as follows:

1. The County grants to the Association a permanent easement to install, utilize, maintain, repair and replace lighting and related facilities within the portion of each of the Roads not utilized by the County from time to time for access, utility or drainage purposes. The County will not be responsible for the maintenance and repair of the lighting and such expenses will be paid by the Association. The Association shall also promptly repair any damage to public utilities or public property caused by the exercise of its rights hereunder.

2. The County shall have the right at any time to require that any lighting installed by the Association be relocated in the event it is necessary for the County to utilize the area occupied by such lighting for access, drainage or utilities. In such event, the Association will relocate such designated lighting at its expense within one hundred twenty (120) days following receipt of notice to do so from the County. Such notice shall be

directed to the registered agent for service of process of the Association (which may be changed from time to time by the Association giving written notice to the Office of the Register of Deeds of Hamilton County).

3. The terms and provisions of this Agreement shall be covenants running with the land and shall be binding upon the parties and their successors in interest and assigns.

IN WITNESS WHEREOF, this Agreement has been executed by the County to be effective as of the date first above written.

HAMILTON COUNTY, TENNESSEE

By: [Signature]
Title: County Executive

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Before me, a Notary Public in and for the state and county aforesaid, personally appeared Clyde Ramsey, to me known (or proved to me on the basis of satisfactory evidence) to be the County Executive of HAMILTON COUNTY, TENNESSEE, a political subdivision of the State of Tennessee, who acknowledged that he executed the foregoing instrument for the purposes therein contained on behalf of said County in his capacity aforesaid.

[Signature] WITNESS my hand and seal at office this 27th day of September, 1994.

226693

[Signature]
Notary Public
My Commission Expires: Jan 22, 1998

PAMELA HURST
REGISTER
HAMILTON COUNTY
STATE OF TENNESSEE

09/28/94 MISC 12.00 **12.00 C

'94 SEP 28 AM 9 38

168061.1

By: [Signature]
DEPUTY
REGISTRAR Chazgo

Instrument: 1998081400222
 Book and Page: 61 5160 276 \$2.00
 Data Processing F \$16.00
 Misc Recording Fe \$18.00
 Total Fees:
 User: KSPRUIELL
 Date: 14-AUG-1998
 Time: 02:59:58 P
 Contact: Pam Hurst, Register
 Hamilton County Tennessee

PREPARED BY AND RETURN TO:
 Thomas E. Dixon, Attorney
 FIRST AMERICAN TITLE INSURANCE COMPANY
 6066 Shallowford Road
 Chattanooga, Tennessee 37421

File No.: 981080

VARIANCE

WHEREAS, the subdivision plat of RIVER RUN SUBDIVISION, GOLF AND COUNTRY CLUB, UNIT III, as shown by plat of record in Plat Book 43, Page 175, in the Register's Office of Hamilton County, Tennessee, imposes a Fifty (50) foot Building Setback Line on Lot One Hundred Thirty-Three (133) of said subdivision; and

WHEREAS, the subdivision plat, in Note # 13 of the General Notes on the plat, gives express authority to the Hamilton County Health Department to change the Minimum Building Setback Line; and

WHEREAS, MICHAEL G. McARTHUR AND WIFE, TINA E. McARTHUR, d/b/a McARTHUR DEVELOPMENT (hereinafter referred to as the "McARTHURS"), are the owners of Lot 133, River Run Subdivision, Golf and Country Club, Unit III, by that Deed recorded in Book 5138, Page 723, in the said Register's Office; and

WHEREAS, the McARTHURS have constructed and erected upon said Lot 133, a foundation that straddles the Building Setback Line, thereby violating the Fifty (50) foot Building Setback imposed by the subdivision plat; and said violation is shown by survey prepared by David Matthews, Professional Land Surveyor, Tennessee No. 474, dated as of August 07, 1998, and attached hereto as EXHIBIT "A"; and


WHEREAS, THE HAMILTON COUNTY HEALTH DEPARTMENT has worked out an arrangement with the McARTHURS (as evidenced by that Memo, attached hereto as EXHIBIT "B"), to reduce the Minimum Building Setback to a distance of Thirty-Four (34) feet, plus or minus, as shown on said David Matthews survey, attached hereto as EXHIBIT "A"; and

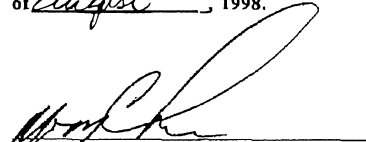
NOW THEREFORE, the HAMILTON COUNTY HEALTH DEPARTMENT, pursuant to the authority vested in it by the subdivision plat recorded in Plat Book 43, Page 175, in the said Register's Office, does hereby execute this Variance to waive the violation of the Fifty (50) foot Building Setback, and to establish the Minimum Building Setback to Thirty-Four (34) feet, plus or minus, as shown on said David Matthews survey;

AND, MICHAEL G. McARTHUR AND WIFE, TINA E. McARTHUR, d/b/a McARTHUR DEVELOPMENT, the fee simple owners of Lot 133, River Run Subdivision, Golf and Country Club, Unit III, for ourselves and our successors in title or assigns, also join herein, to approve said foundation and residence, and to state that we will interpose no objections thereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on this the 14th day of August, 1998.

HAMILTON COUNTY HEALTH DEPARTMENT

By: 
 NAME: C. PICKETT
 TITLE: ASSISTANT DIRECTOR


 MICHAEL G. McARTHUR


 TINA E. McARTHUR


 MICHAEL G. McARTHUR, D/B/A
 McARTHUR DEVELOPMENT


 TINA E. McARTHUR, D/B/A
 McARTHUR DEVELOPMENT

File: First Tenn.

OK 588372

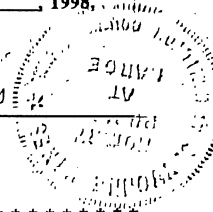
STATE OF: TENNESSEE }
COUNTY OF: HAMILTON }

BEFORE ME, a Notary Public of the aforesaid State and County, personally appeared MICHAEL G. McARTHUR AND MICHAEL G. McARTHUR, D/B/A McARTHUR DEVELOPMENT, to me known (or proved by sufficient evidence) to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed and for the purposes therein contained.

WITNESS MY HAND and Notarial Seal on this the 14th day of August, 1998.

My Commission Expires: 10/12/98

J. Brown Vines
Notary Public



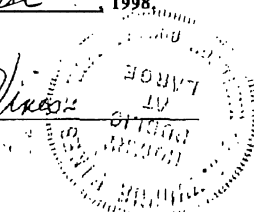
STATE OF: TENNESSEE }
COUNTY OF: HAMILTON }

BEFORE ME, a Notary Public of the aforesaid State and County, personally appeared TINA E. McARTHUR AND TINA E. McARTHUR, D/B/A McARTHUR DEVELOPMENT, to me known (or proved by sufficient evidence) to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed and for the purposes therein contained.

WITNESS MY HAND and Notarial Seal on this the 14th day of August, 1998.

My Commission Expires: 10-12-98

J. Brown Vines
Notary Public



STATE OF: TENNESSEE }
COUNTY OF: HAMILTON }

BEFORE ME, a Notary Public of the aforesaid State and County, personally appeared Mary Pickett to me personally known (or proved to me on the basis of satisfactory evidence), who, being by me duly sworn (or affirmed) did say that such person is the Assistant Director or other officer or agent authorized to execute the instrument) of THE HAMILTON COUNTY HEALTH DEPARTMENT, the within named bargainer, and that he/she, as such Mary Pickett, executed the foregoing instrument for the purpose therein contained, by signing his name on behalf of the said HAMILTON COUNTY HEALTH DEPARTMENT, as such Assistant Director.

WITNESS MY HAND and Notarial Seal on this the 13th day of August, 1998.

My Commission Expires: Aug. 8, 2001

Carolyn S. Collins
Notary Public

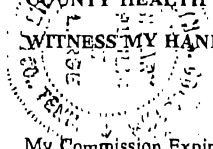
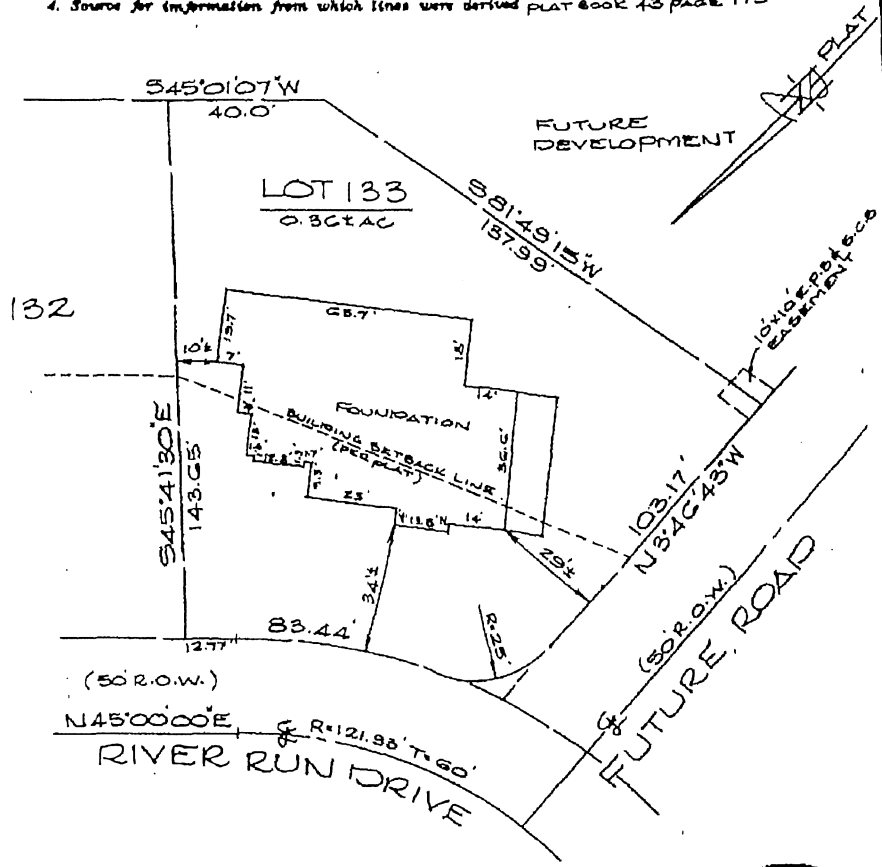


EXHIBIT "A"

NOTE: 1. This survey is not transferable to any other owner or lender, and may not be copied or used in any way without the express written consent of the surveyor.
 2. The survey was done under the authority of TCA 82-18-128
 3. The survey is not a general property survey as defined under Rule 0820-3-.07
 4. Source for information from which lines were derived PLAT BOOK 43 PAGE 175



I CERTIFY THAT I HAVE EXAMINED THE 1991 FLOOD INSURANCE RATE MAP, COMMUNITY PLAN NO. 47001 0150 D DATED 7-6-89 AND FOUND REFERENCE LOT 133 NOT IDENTIFIED AS BEING IN AN AREA SHOWN AS ZONE "A", SPECIAL FLOOD HAZARD AREA, ON SAID MAP



DESCRIPTION: LOT 133 UNIT 3 PLAT BOOK 43 PAGE 175
 RIVER RUN DR
 ADDRESS: 7216 RIVER RUN DRIVE MORTGAGE: FIRST TENNESSEE BANK NATIONAL ASSOC
 COUNTY: HAMILTON PURCHASER:
 STATE: TENNESSEE BUILDER: MIKE McARTHUR
 PURPOSE: LOAN SURVEY
 "FOUNDATION"

DAVID MATHES SURVEYING COMPANY
 1880 HAMILL ROAD
 CHATTANOOGA, TENNESSEE 37343
 OFFICE (423) 870-4808
 FAX (423) 870-8871

SCALE 1" = 30'	RELIEF TO M.M.	FIELD BOOK
DATE 8-7-98	MEAS. NO.	9749-75

BY: *David Mathews*
 PROFESSIONAL LAND SURVEYOR

EXHIBIT "B"

HEALTH DEPARTMENT
Environmental Health

Memo

To: Dennis Tweed

From: Gary Pickett, Health Department *GP* 209-8110

Date: August 10, 1998

Re: Setback variance for Lot 133 River Run/Eagle Bluff

The Chattanooga-Hamilton County Health Department has reviewed the plot plan submitted by Mike McArthur for the above mentioned lot. It appears the only way possible for the septic system to be installed without adhering to the original setback will be if they use the experimental chambered leaching system (infiltrator) for the installation.

Mr. McArthur has agreed to do so and has paid the experimental permit fee and signed the required Hold Harmless and Indemnification Agreement with Hamilton County. This will enable him to reduce the required field line footage from 400 linear feet for the 4-bedroom home to 200 feet of this chambered leaching system. He should not have any problem installing the 200 feet while maintaining the necessary 10 foot setback from both the residence and all property lines.

The Health Department will therefore grant the variance from the 50 foot building setback based on the plot plan submitted by Mr. McArthur and the decision to use the chambered leaching system which reduces the required field line footage by 50 percent. If I can be of further assistance in this matter, please feel free to contact me at 209-8110.

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Thank You.

JMP/facvvr