

FARMINGTON RESIDENT'S ASSOCIATION

SUBDIVISION BY-LAWS

Developed By Testerman Construction

WHEREAS, the undersigned, Testerman Construction Company, Inc., of Knoxville, Knox County, Tennessee, is the owner of a tract of land situated in the Sixth Civil District of Knox County, Tennessee, and without the corporate limits of the City of Knoxville, Tennessee, and known as Farmington Subdivision, Unit 3, as shown on the map of the same recorded in Map Book 68-S, page 55, in the Register's Office for Knox County, Tennessee, and

WHEREAS, the owner is desirous that certain restrictive covenants be declared and recorded, which covenants shall be binding on the present owner and all subsequent owners of any lot or lots in said Subdivision.

NOW, THEREFORE, in consideration of the premises and the mutual benefit to be derived by all parties concerned, Testerman Construction Company, Inc., does hereby covenant and agree with all subsequent owners of lots in said subdivision that the following restrictive covenants shall be covenants running with the land and shall be binding in all subsequent owners thereof, and shall insure subdivision, but it is understood that these restrictions shall apply to residential lots only in said subdivision as shown on map of record in Map Book 68-S, page 55, in the Register's office, of Knox County, Tennessee. It is further understood and agreed that these restrictions shall not apply to that portion of the above described property shown on the aforesaid recorded map as (not included) and more specifically referred to as the "Pond Property".

1. These covenants are to take effect immediately and shall be binding on all parties and all person claiming under them until 15 May 2007, at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of the majority of the owners of the lots, it is agreed to change said covenants in whole or in part. The owners reserve and unlimited right to alter these restrictions in their sole discretion where they deem it necessary for the further development of the subdivision.
2. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real estate situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants, and either to prevent him or them from doing to recover damages or other dues for such violation.
3. Invalidation of any one of these covenants by judgment or court order shall not in any way affect any of the other provisions which shall remain in full force and affect.
4. All numbered lots in the tract excluding that portion shown on the recorded maps for future development and that portion shown on the recorded maps as business, commercial, not included on property more specifically referred to as "Pond Property", shall be known and designated as residential lots. No structure shall be erected, altered or placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and a private garage and the usual domestic servants quarters; except that by permission of the sub divider multiple unit housing may be erected on lots suitable for such use and so zoned. The question of suitability shall be entirely within the discretion of the sub divider.
5. No building shall be located on any lot nearer to the front lot line than the building setback line as shown on the recorded plat, nor nearer to any side street line than the setback line shown on the recorded plat except with the express written consent and waiver by the sub divider. It being distinctly understood that the sub divider reserves the right at all times with respect to all lots to allow houses to be adapted to the terrain in the subdivision. For the purpose of this covenant, eaves, steps and open porches shall not be considered as part of the building; provided, however, that this shall not be construed to permit any portion of the building to encroach upon another lot.

6. Not more than one dwelling house may be erected on any one lot as shown on the recorded maps and no lot shown on the said maps may be subdivided or reduced in size by any device, voluntary alienation, partition, judicial sale or other process or process of any kind, except for the purpose of increasing the size of another lot, except by permission of the sub divider.
7. No building shall be erected, placed, altered, or permitted to remain on any lot in this subdivision having a floor area of less than 800 square feet. In computing the said minimum floor area, measurements will be made from exterior walls, but will include no basement areas, porches, carports, or garages. In computing the minimum floor areas of a one-story house, only the main floor will be considered. In a two-story house the first floor must be not less than 700 square feet where the total area is 900 square feet and the remaining area is said level or tri-level houses only the two top levels can be considered in computing the minimum square feet area, except 100 square can be counted in lower level if above grade and is finished, 100 square feet may be counted in basement of house if basement is finished and as two sides above ground.
8. No fences shall be erected whether for decoration or security purposes without the prior written permission of the owners and developers of said subdivision.
9. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may or become an annoyance or nuisance to the neighborhood.
10. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on the tract shall at any time be used as a residence temporarily or permanently nor shall any structure of a temporary character be used as a residence.
11. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent or signs of not more than 5 square feet used by the builder to advertise the property during the construction and sales period.
12. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, and other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.
13. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage of such materials shall be kept in a clean and sanitary condition.
14. Every residence shall be connected to the sanitary sewer.
15. Easements five feet in width are reserved along all lot lines for the installation and maintenance of telephone, sewer and electric lines, but said easements are for no other purpose and not to include any installation of water lines. No easements, rights of way or rights of access shall be deeded, granted or in any way given to any person or companies through any lot in this subdivision unless permission in writing is given by the owner of said subdivision. A five foot drainage easement is reserved along the inside of all lot lines of all lots in the subdivision, and a ten foot easement on lot line that the exterior of the subdivision is also reserved.

IN WITNESS WHEREOF, the said Testerman Construction Company Inc., hath Hereunto caused these presents to be signed by its President and attested by its Secretary by the authority given by its Board of Directors on the 2nd day of October 1981.

Farmington Residents Association

AMENDMENT:

October 1984

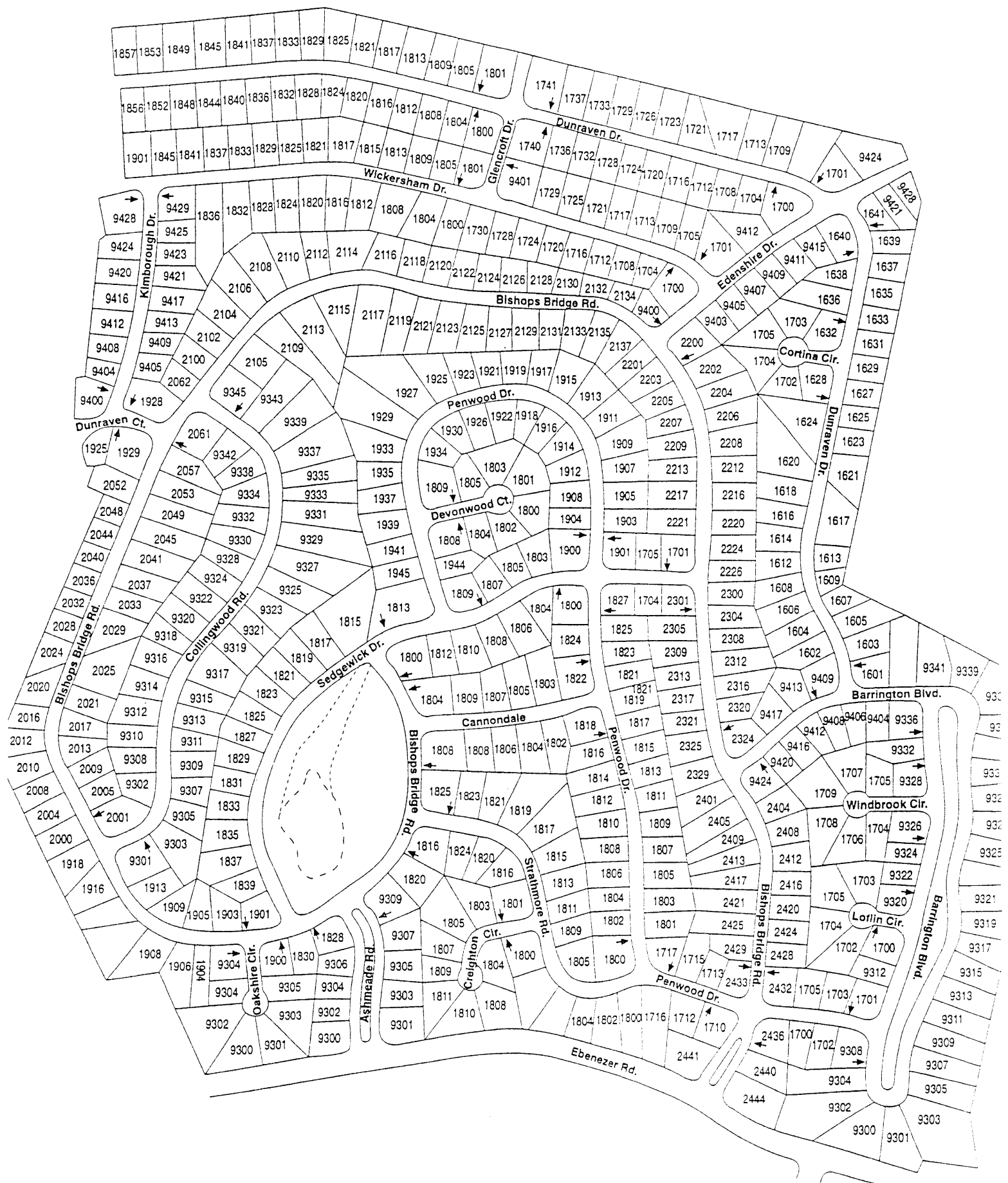
Under Item Number 8, The Association voted to allow wooden fences in the subdivision. No fence shall exceed 6 feet in height and must be constructed and maintained so as not to degrade the appearance of the subdivision. The Association reserves the right to reject any fence it deems unfit or unsightly. Barns and Outbuildings are permitted, as long as, they follow guidelines under Item Number 10.

October 1989

All residents are required to pay an annual due of \$35.00 per year as a Home Owners Association (HOA) fee. Fees are mandatory and will begin January 1st of each year. All dues must be paid by June 30th of each year.

October 1989

Current Board Members of the Association, have the right to appoint individuals in Board member positions as needed to fill those voluntary positions in cases no one will run for positions as required in the Association By – Laws. Positions will remain vacant until someone volunteers to assume those positions. All Board Member positions are voluntary. HOA fees are Mandatory, even for board members.



BY-LAWS
OF
FARMINGTON HOMEOWNERS ASSOCIATION

ARTICLE I

TITLE AND OBJECT

- Section 1. The name of this organization is Farmington Homeowners Association, herein known as the “Association” or “Corporation”.
- Section 2. The purposes of this Association are:
- 1) To promote the general improvement and positive maintenance of the community encompassed by Farmington subdivision. This purpose relates to, but is not limited to, such things as landscaping, beautification and those kinds of activities which have to do with the safety, health, appearance, welfare and beautification of the entire community.
 - 2) To promote self-help and community action and to provide for the social welfare and education of the members hereof and, in so far as permitted by law, to do any other thing that in the opinion of the Board of Directors will promote the common good and general welfare of the people of Farmington and all units thereof. This purpose relates to, but is not limited to, such things as the protection of residents, the protection of property values and the providing for an avenue or avenues for collective action and negotiation with various developers, public agents, committees, commissions and other community leaders, so that the best interests of the residents of this community may be served.

ARTICLE II

MEMBERSHIP

- Section 1. Membership in this Association shall be limited to adult residents and owners of real property in Farmington Subdivision. Membership may be held in the name of both spouses, either spouse or any person whose name appears on the deed to real property in and who is a resident or owner of real property in Farmington Subdivision. In the event membership is held in a multiple capacity by a family unit, as by husband and wife, each adult member of that family unit shall have one (1) vote in any matter that comes before the Association. All person included in the regular household of a member shall be entitled to the privileges of membership to which that member is entitled, and all such persons shall also be subject to the duties and obligations of membership to which that member is subject.

- Section 2. No applicant shall become a member unless he or she is a resident or property owner of Farmington Subdivision and has paid to the Association the annual dues for a membership. Continuous fulfillment of such requirements shall be a condition of membership. Membership dues shall be set from year to year by the Board of Directors.
- Section 3. All memberships shall be recorded on the books of the Association. Memberships are automatically transferrable with a change of home ownership.
- Section 4. No membership shall be transferrable until all indebtedness of the member to the Association has been paid.

ARTICLE III

ACCOUNTS

- Section 1. All dues and accounts shall become payable yearly on the first day of June. On the first day of August, unless the bill be paid, the debtor member shall be automatically suspended from the Association and on the tenth day of August, debtor member shall be subject to expulsion from the Association and forfeiture of membership at the discretion of the Board of Directors.

ARTICLE IV

GOVERNING BODY

- Section 1. The governing body of the organization shall be the Board of Directors, consisting of a President, two (2) Vice-Presidents, Secretary, Treasurer, the Chairperson of each working committee name in Article IX, Section 1, and one (1) at-large member.
- Section 2. The Board of Directors is vested with all powers, not otherwise reserved by these By-laws, to maintain, operate, manage and control the Association, and to adopt and enforce rules for the management and government of the Association. A majority of the Board of Directors shall constitute a quorum; if less than quorum present, majority of those present may adjourn meeting from time to time.
- Section 3. The Board of Directors shall be vested with the power to fill any vacancies arising in the Board of Directors or any other office until the next annual meeting or meeting of members, whichever shall occur first. The Board shall have the power to appoint an assistant or acting Secretary or Treasurer and to prescribe their duties and, in carrying out the general purposes of the Association, to interpret the By-laws, which interpretation shall be final.
- Section 4. The Board of Directors shall have the authority to fix fees and dues payable by all Association members and to revise the same from time to time.
- Section 5. Subject to conditions, limitations and restrictions contained in the By-laws and the Charter, the Board of Directors shall be vested with the power to make all contracts necessary for day to day activities and to do such other acts as its discretion may dictate

for the welfare of the Association and to delegate its administrative duties to committees or other persons or group of persons as the Board of Directors deem necessary.

- Section 6. The Board of Directors shall not be vested with the power to make any contracts extending beyond, or not to be performed within, a period of one (1) year; nor to sell, encumber, convey, contract, purchase or otherwise incur any indebtedness for extraordinary purposes, except by an affirmative vote by a majority of the members present or represented at a regular or called meeting of the membership. This limitation, however, shall not apply to expenditure necessary to preserve the Association properties in the event of an emergency.
- Section 7. Any member of the Board of Directors who shall be absent from three (3) consecutive regular meetings, unless he or she has previously obtained permission to do so from the Board, or shall present at the next regular meeting an excuse for his or her absence satisfactory to the Board, shall be deemed to have resigned his or her office.
- Section 8. Regular meetings of the Board of Directors shall be held at the discretion of the President (who shall also serve as Chairman of the Board), who shall fix time and place for the meeting. The act of a majority of the Board of Directors present at the meeting where quorum is present shall be the act of the Board of Directors. Six (6) members of the Board of Directors shall constitute a quorum for purposes of transacting business by the Board of Directors.
- Section 9. Special meetings of the Board of Directors may be called by the President or Treasurer. The Secretary shall give each member notice at least twenty-four (24) hours in advance of the holding of any special meeting.
- Section 10. The Board of Directors shall be vested with the power to extend the privileges of the Association facilities to others on such terms as they deem advisable and may permit non-members to participate at such times and on such terms as they deem wise.

ARTICLE V

FISCAL YEAR

- Section 1. The fiscal year of the Association shall begin July 1, and end June 30 of each calendar year.

ARTICLE VI

SELECTION OF OFFICERS, TERM OF OFFICERS & ASSOCIATION MEETINGS

- Section 1. The initial Officers of the Association shall be appointed by the Board of Directors and shall serve until the first meeting of members. At the first meeting of members, the Officers and Board of Directors shall be elected in conformance with these By-laws. Thereafter, the Officers and Board of Directors shall be elected at the annual meeting of the members of the Association, which shall be held during August at such hour and

place as may be designated by the Board of Directors. Members shall be given a ten-day notice of the annual meeting.

- Section 2. The election of Officers and Board of Directors of the Association shall be by members present at the annual meeting, and a majority of those present and voting shall be required to elect. Nominations for office will be made by a committee appointed by the Board of Directors or by the Board of Directors itself. Additional nominations may be made by members from the floor. If there are more than two (2) candidates for office, and none achieve a majority vote, the top two (2) vote-getters shall engage in a run-off election. The committee chairperson(s) who shall serve on the Board of Directors shall be elected by the respective committees.
- Section 3. A member may be represented at any meeting by proxy. Such proxy must be in writing and shall be filed with the Secretary of the Association prior to the opening of the meeting at which the proxy is intended to be used.
- Section 4. Officers and members of the Board of Directors shall hold office for one (1) year, from September 1 through August 31, and thereafter until their successors shall have been elected.
- Section 5. The Board of Directors may, upon their own motion, and shall, upon the written request of ten (10) members, call a special meeting of the Association by giving a ten (10) day notice to the members. The notice of every special meeting shall state the facts or object or objects for which it is called, and no other business shall come before the meeting.
- Section 6. Five percent (5%) of the membership entitled to vote shall constitute a quorum at all Association meetings.

ARTICLE VII

ELIGIBILITY TO VOTE AND TO HOLD OFFICE

- Section 1. Only those who are Members shall be eligible to vote and to hold office in the Association.

ARTICLE VIII

DUTIES OF THE OFFICERS

- Section 1. The President shall preside at all meetings of the Association and of the Board of Directors and shall exercise general supervision and control over all affairs of the Association. The President or, in his or her absence, a Vice-President shall, with the Treasurer, sign all written contracts of the Association and shall perform such other duties as the By-laws or Board of Directors, in its discretion, assign him or her.
- Section 2. The Vice-Presidents, in the absence of the President, shall perform all of the President's duties. They shall also coordinate the activities of the area coordinators, and perform all other tasks which may be assigned to them by the Board of Directors.

- Section 3. The Secretary shall keep the minutes of all the meetings of the Association and of the Board of Directors. The Treasurer shall have charge of the records of the Association. The Treasurer shall give notice of all meetings of the Association to the members thereof, as above provided, and give notice of all meetings of the Board of Directors to all of the members thereof, as above provided, and shall conduct the general correspondence of the Association. The Treasurer shall render a financial report to the Board of Directors at their meetings and at such other times as may be ordered by the Board of Directors. The Treasurer shall further cause a complete annual audit of the financial condition of the Association to be made at the end of the fiscal year and shall report the result to the membership at its annual meeting.
- Section 4. The officers shall serve without compensation.
- Section 5. The funds of the Association shall be expended only by check, which must be signed by the Treasurer, and countersigned by the President or Vice-President.

ARTICLE IX

COMMITTEES

- Section 1. The President shall appoint, subject to the ratification and approval of the Board of Directors, such committees from time to time with such powers as the Board of Directors may deem advisable. The following are the committees currently appointed and which shall select chairpersons who shall sit on the Board of Directors:

- 1) Maintenance & Beautification
- 2) By-Laws
- 3) Restrictive Covenant
- 4) Security and Community
- 5) Social
- 6) Newsletter

No person may serve as chairperson of more than one (1) committee. Committee chairpersons shall serve for a one (1) year term and shall be eligible for re-election at the expiration of the term. In addition to the above named committees, the President shall have the power to appoint, subject to ratification and approval by the Board of Directors, such *ad hoc* committees from time to time as he or she deems necessary.

- Section 2. Each Committee appointed by the President shall be open for membership by any member who wishes to join a committee. There shall be no limit on the number of committees which a member may join. A member may not concurrently serve as chairperson of more than one (1) committee.

ARTICLE X

ORDER OF BUSINESS

Section 1. At all meetings of the Association, except special meetings, the order of business shall be as follows:

- 1) Reading of the minutes of the last annual meeting and of all special meetings held subsequent thereto.
- 2) Report of the Board of Directors.
- 3) Report of Treasurer.
- 4) Report of Committees.
- 5) Unfinished Business.
- 6) New Business
- 7) Elections
- 8) Adjournment

This order of business may be changed at any meeting by a majority vote of the members present.

Section 2. The order of business at the Board of Directors meetings shall be as follows:

- 1) Reading of the minutes of the last regular meeting and of special meetings held subsequent thereto.
- 2) Report of Officers.
- 3) Reports of Committees.
- 4) Unfinished Business.
- 5) New Business.
- 6) Adjournment.

This order of business may be changed at any meeting by a majority vote of the members present.

ARTICLE XI

RESIGNATIONS & EXPULSIONS

Section 1. All resignations must be presented to the Secretary or Treasurer of the Association.

Section 2. Any member may be expelled for cause on a vote of two-thirds (2/3) majority of the members present and voting at any meeting of the Association, provided that notice has been given, as herein required, or by the Board of Directors, as elsewhere herein provided.

ARTICLE XII

PENALTIES

- Section 1. In the event of an infraction of any By-law or rule of the Association or any conduct on the part of any member which may tend to endanger the good order, welfare or character of the Association or the safety of its members, such offending member may be expelled by a two-thirds (2/3) vote of the membership, providing that fourteen (14) days' notice in writing shall have been given the offending member and each member of the Association of the meeting at which such expulsion shall be considered. Any member so charged with misconduct shall have an opportunity to defend himself, either in person or by representative, at the meeting of the Association when the charges against him shall be considered.
- Section 2. For misconduct or neglect of duty, any officer may be expelled from office by a majority vote of a quorum of the members at any meeting of the membership called for that purpose. Notice of such meeting shall state the purpose for which it is called.
- Section 3. If the conduct of any guest upon Association property is of such a nature as to be disorderly, unbecoming, offensive or such as to bring the Association into disrepute, that guest shall be asked to leave the premises by the Board of Directors or its designated representative, and that guest may be denied future access to the Association property by the Board of Directors.

ARTICLE XIII

AMENDMENTS

- Section 1. These Association By-laws may be amended:
- 1) at a meeting of the Association by a majority vote of the members present in person or by proxy or
 - 2) by two-thirds (2/3) majority vote of the Board of Directors at any meeting of the Board of Directors where a quorum is present.