



DINKELSPIEL RASMUSSEN & MINK PLLC
ATTORNEYS

1669 KIRBY PARKWAY
SUITE 106
MEMPHIS, TENNESSEE 38120

TEL (901) 754-7770
FAX (901) 756-7772

ROBERT L. DINKELSPIEL
rdinkelspiel@drmlawmemphis.com
DIRECT (901) 759-2460

ROBIN H. RASMUSSEN ^M
rrasmussen@drmlawmemphis.com
DIRECT (901) 759-2470

M. WAYNE MINK, JR. ^V
wmink@drmlawmemphis.com
DIRECT (901) 759-2464

PETER D. BASKIND, LL.M.
pbaskind@drmlawmemphis.com
DIRECT (901) 759-2472

ANGELA G. LAWSON
alawson@drmlawmemphis.com
DIRECT (901) 759-2473

BRANDON F. McNARY ^M
bmcnary@drmlawmemphis.com
DIRECT (901) 759-2467

EUGENE M. SAXON
gsaxon@drmlawmemphis.com
DIRECT (901) 759-2468

J. MALACHI BAGGETT
mbaggett@drmlawmemphis.com
DIRECT (901) 759-2477

March 12, 2025

VIA ELECTRONIC MAIL

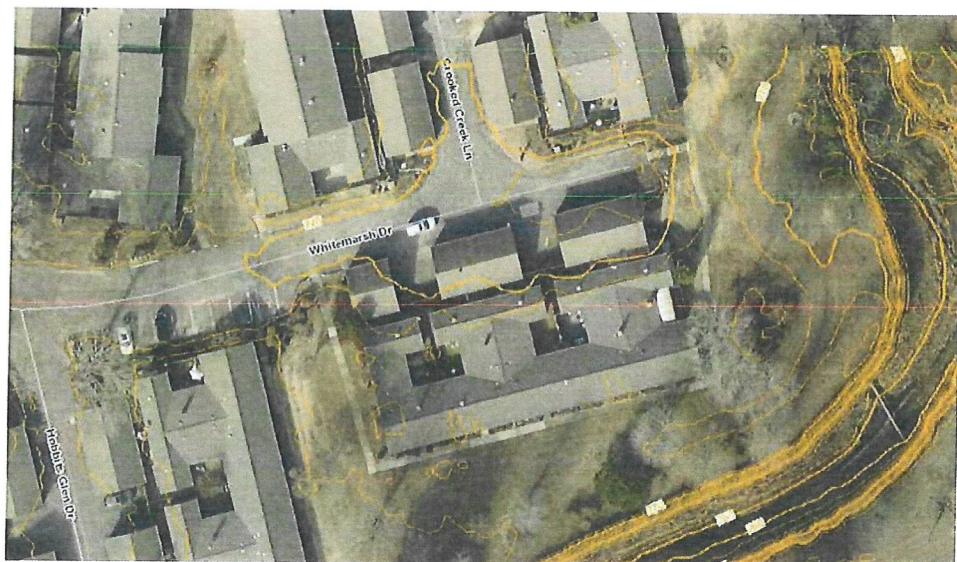
Hobbit's Glen Condominium Association, Inc.
c/o Kim Jones
kim@getfaithrealty.com

**Re: Hobbit's Glen Condominium Association, Inc.
Vehicular Parking
Our File No.: 80007.0000**

Dear Kim:

Per your request, I have reviewed that certain Master Deed Establishing Horizontal Property Regime, dated September 13, 1973, of record in the Register's Office of Shelby County, Tennessee (the "Register's Office"), as Instrument No. J1 6358, as amended by Instrument Nos. J2 5457, K5 4024; as amended and restated as Instrument No. K9 6166, as further amended by Instrument Nos. M1 7858; and as amended and restated by Instrument No. T3 4256, as further amended by Instrument No. EB 6382, as corrected by Instrument No. EP 0421 (as amended and restated, the "Master Deed").

You have requested that I provide an opinion as to the classification of certain asphalt areas adjacent to some units at Hobbit's Glen. Specifically, there are some units that contain small sections of asphalt adjacent to those units and one owner is alleging that those adjacent paved areas are limited common elements reserved for parking for a specific unit owner. A picture obtained from the Shelby County Tax Assessor GIS is below.



^{*} Rule 31 Listed Mediator
^M Also Licensed in Mississippi
^V Also Licensed in Virginia



The picture above depicts five units located on Whitmarsh Drive. As you can see, there are two paved area between the five units.

These paved areas are clearly not included within the definition of a unit (See Master Deed, Article 1(d)). The question becomes whether these paved areas common are elements or limited common elements. Article 1(g) of the Master Deed defines "General Common Elements" as:

[t]he entire Project excepting all units therein granted or reserved and excepting Limit Common Areas; and also includes... roofs, foundations, conduits, wires and other utility installations to the outlets, bearing walls, and perimeter walls, all installations of power, lights, gas, hot and cold water, heating and sewer existing for common use or for the use of more than one unit and all other parts of the property necessary or convenient to its existence, maintenance, and safety, and all other elements of the Project rationally of common use or necessary to its existence, upkeep, and safety.

Article 1(h) of the master Deed defines "Limited Common Elements" as:

[t]hose portions of the Common Areas reserved for the use of a certain individual unit or units to the exclusion of other individual units, including without limitation, attics, garages, individual ramps to garages and patios, and all electric power lines, gas lines, water lines and sewer lines connected to and servicing each individual nit and no other.

Neither definition references any car parking areas. If the Master Deed does not classify an element as a "limited common element" and if it is clearly not part of the unit, it defaults to a general common element.

In addition to the Master Deed, I have also reviewed the site plan for Hobbit's Glen. The attached site plan includes some of these paved areas highlighted in orange. The units are clearly outlined as to not include these paved areas. Furthermore, there is no delineation between these paved areas and the common elements. Therefore, these paved areas are shown as common areas on the site plan.

Lastly, I have also reviewed various documents provided by the owner alleging that these paved areas are limited common elements. It should be noted that the provisions referenced by the unit owner come from the original Master Deed. The Master Deed has been amended and restated twice since its original recordation in 1973. The Restated



Master Deed recorded in 1982 as Instrument No. T3 4256 is the controlling document. In short, "parking areas" are not included within the definition of limited common elements.

To summarize, these paved areas are general common elements. As such, the Board of Directors may make reasonable rules and regulations regarding the use of the same. No owners may prohibit the parking of vehicles in these paved areas. However, no vehicle should be parked in a way which prohibits a unit owner from accessing his or her unit or any limited common element appurtenant thereto. Should you have any questions on this matter, please feel free to contact me.

Sincerely,

DINKELSPIEL, RASMUSSEN & MINK, PLLC,

Brandon F. McNary

BFM

TECHNICAL STAFF, BUREAU OF THE ARMY, WASHINGTON, D. C.

Appendix 2

THE FULFILLMENT OF AN INDIVIDUAL DUTY
BOARD OWNERS ASSOCIATION AN ASSOCIATION
TAKEN MOVED BY THE BOARD AND DELEGATES
TO PROVIDE FOR THE CONTINUING MAINTENANCE
BY UNDERTAKING BY THE ASSOCIATION.

Abstract

DECLARATION OF CONFLICT OF INTEREST

ASSOCIATED CHEMICALISTS INC. AND THEN
THEY ARE THE ONLY MAN MANUFACTURED CERTAIN
TROPICAL BUT OTHERS IN THE HONOLULU
CONCERN AREAS ARE NOT MANUFACTURED WITH
COMMON USE AND REFINEMENT OF THE LEO
IN THE PROVISIONS OF THE MATTER IN
THE FORM TO BE SUBMITTED BY ASSOCIATED
MANUFACTURING THIS PLAY WAS PROCEED
MANUFACTURING CERTAIN PARTS BEING A
SOMEWHERE AND MANUFACTURED FOR THE
OTHER MANUFACTURING, SAYS ASSOCIATED
BOARDS OF ADVERTISING IN THE SOUTH

LIBRARY PUBLIC

14-00000-17310-03-1254

9-1-75

FARMINGTON GOLF COURSE

COMMON AREA EASEMENTS

Cabana

Swimming
Pool

30' BUILDING SETBACK X

COMMON AREA EASEMENTS