

THIS INSTRUMENT PREPARED BY AND RETURN TO:  
PATRICK, BEARD, SCHULMAN & JACOWAY, P.C.  
537 MARKET STREET, SUITE 300  
CHATTANOOGA, TENNESSEE 37402

**AMENDMENT NO. 4  
TO  
DECLARATION OF EXCHANGE NORTH BUILDING CONDOMINIUM**

THIS FOURTH AMENDMENT TO THE DECLARATION OF EXCHANGE NORTH BUILDING CONDOMINIUM (this “Fourth Amendment”) is entered into and made effective as of the \_\_\_\_ day of \_\_\_\_\_, 2024 (the “Effective Date”), by the EXCHANGE NORTH BUILDING ASSOCIATION, INC, a Tennessee not-for-profit corporation (the “Association”).

**WITNESSETH:**

WHEREAS, certain property was previously submitted to the Declaration of Exchange North Building Condominium, recorded at Book 11395, Page 457 in the Register’s Office for Hamilton County, Tennessee (the “Declaration”), and further establishing the condominium development located in Hamilton County, Tennessee known as Exchange North Building Condominium (the “Condominium”) and submitting the property to the provisions of Tenn. Code Ann. § 66-27-201 through 507, known as the Tennessee Condominium Act of 2008 (the “Act”); and

WHEREAS, the Association is the duly formed governing body of the Condominium; and

WHEREAS, pursuant to the Act at Tenn. Code Ann. § 66-27-317, the Declaration may be amended by the Association with approval of at least sixty-seven percent (67%) of the total allocated votes of the Association; and

WHEREAS, the Secretary of the Association has certified that \_\_\_\_\_ ( ) members of the Association, representing at least sixty-seven percent (67%) of the total allocated votes of the Association affirmatively cast their votes to amend the Declaration.

NOW THEREFORE, in consideration of the foregoing premises, the parties hereby amend the Declaration as follows:

1. The Declaration shall be amended by deleting Article IX Section 9.1(e) in its entirety and replacing it with the following Sections 9.1(e) and 9.1 (f):

(e) Smoke-Free Policy. No Smoking of any kind is permitted on the Real Estate, including but not limited to, within the Units, and upon any Common Elements and Limited Common Elements located on the Real Estate as those terms are defined herein.

Smoking means inhaling, burning, carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes using an electronic smoking device, such as an e-cigarette or vapor pen.

Each Unit Owner shall inform his/her occupants, agents, guests, tenants, residents, visitors, contractors and invitees of this Smoke Free Policy. Each Unit Owner is responsible for the acts of his/her occupants, agents, guests, tenants, residents, visitors, contractors and invitees in violation of this Smoke Free Policy.

A violation of this Smoke Free Policy by a Unit Owner or his/her occupants, agents, guests, tenants, residents, visitors, contractors and invitees shall be deemed a nuisance or annoyance under Section 9.1(b).

(f) Rules and Regulations. In addition to the restrictions set forth in subparagraphs (a) through (e) of this Section 9.1, the use of the Units, Common Elements and Limited Common Elements shall be subject to such Rules and Regulations as may be adopted by the Association, which may include fines for violations of this Section.

2. This Amendment shall take effect and be applied prospectively as of the date that it is recorded in the Register's Office for Hamilton County, Tennessee.
3. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration, as applicable.
4. All terms and provisions of the Declaration not heretofore amended shall remain in full force and effect.

**[SIGNATURE PAGE TO FOLLOW]**

CERTIFICATION

I hereby certify that I am the duly-elected Secretary of EXCHANGE NORTH BUILDING ASSOCIATION, INC., a Tennessee not-for-profit corporation, I further certify that the foregoing Fourth Amendment to the Declaration of Exchange North Building Condominium was adopted and approved by the affirmative vote (in person or by alternate) of the Unit Owners to whom at least sixty-seven percent (67%) of the total votes in the Condominium have been allocated.

By: \_\_\_\_\_

\_\_\_\_\_, Secretary

STATE OF TENNESSEE  
COUNTY OF HAMILTON

Before me, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be the Secretary of EXCHANGE NORTH BUILDING ASSOCIATION, INC., and that he/she as such Secretary, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Association by himself/herself as its Secretary.

Witness my hand and official seal at office in Chattanooga, Hamilton County, Tennessee.

This \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.