

This Instrument Prepared by:

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**AMENDMENT TO DECLARATIONS OF RESTRICTIONS OF FOX CREEK FARMS
SUBDIVISION UNITS I, II, III and IV**

WHEREAS, the undersigned being the owners of Lots in Fox Creek Farms Subdivision, Units I, II, III and IV, with respective plats of record in Map File 1027A and Map File 1547B at the Register's Office for Blount County, Tennessee, to which reference is hereby made; and

WHEREAS, the undersigned owners are desirous that said Declaration of Restrictions of Fox Creek Farms Subdivision as to Units I, II and III of record in Misc. Record Book 97, page 422 and Declaration of Restrictions of Fox Creek Farms Subdivision Unit IV of record in Misc. Record Book 168, page 274 all at the Register's Office for Blount County, Tennessee, be and are hereby amended as follows:

1. That Item No. 1 in Declaration of Restrictions of record in Misc. Record Book 97, page 422 as to Fox Creek Farms Subdivision Units I, II and III and Item No. 1 in Declaration of Restrictions as to Fox Creek Farms Unit IV of record in Misc. Record Book 168, page 274 at said Register's Office be amended by deleting the dates of 1 January, 2010 and January 1, 2020 and instead restate said respective sections as follows:

These covenants are to take effect immediately and shall be binding on all parties and all persons claiming under them on a year to year basis subject to amendment or modification a majority by vote of the lot owners as defined by and according to the terms and provisions of the "Declaration of Character of Development" of Fox Creek Farms Subdivision Units I, II, III and IV of record in at the Register's Office for Blount County, Tennessee, in Record Book _____, page _____, the terms of which are incorporated by reference herein. (Hereafter referred to as Declaration of Character of Development Document).

However, no amendment or change in said covenants shall alter or terminate the annual road or maintenance fee or lien thereof.

2. Said Restrictive Covenants are amended to require a 75% ($\frac{3}{4}$) majority vote in order to pass proposals as to road maintenance and improvement, subject to exceptions to majority vote requirements in the "Declaration of the Character of Development Document", above referred to and, as to any "Super" Majority requirements therein, the same being incorporated by reference.

3. Item No. 12 as to the Declaration of Restrictions of Fox Creek Farms Subdivision applicable to Units I, II and III of record in Misc. Record Book 97, page 422 and Item No. 12 as to the Declaration of Fox Creek Farms Subdivision Unit IV of record in Misc. Record Book 168, page 274 at the Register's Office for Blount County, Tennessee be amended by specifically deleting the provisions for a Private Road Chairman and in place thereof shall, and does hereby designate Fox Creek Farm Owners Association, Inc., being charged with maintenance and upkeep of the private roads in Fox Creek Farms Subdivision with authorization as follows:

Lot owners of Fox Creek Farms Subdivision Units I, II, III and IV, shall by ownership of respective lots in Fox Creek Farms Subdivision, be members of the Fox Creek Farms Owners Association, Inc., said association being charged with the collecting of road maintenance fees and maintaining the private roads in Fox

Creek Farms Subdivision. The annual maintenance fees shall be set according to and governed by the By-Laws of the Fox Creek Farms Owners Association, Inc., and are incorporated by reference herein, which are of record in Record Book _____, page _____ at the Register's Office for Blount County, Tennessee.

4. Specifically the provision in Item 12 of the Declaration of Restrictions of Fox Creek Farms Unit IV providing for 2/3 majority, is hereby deleted and is hereby amended to require a 75% (¾) majority vote, to be consistent with the provision as hereinabove provided requiring a 75% (¾) majority vote in proposals brought before the said Owners Association, as to road maintenance and improvement and subject to the exceptions as to majority vote requirements in the Declaration of Character of the Development Document.

5. As hereinabove provided, this Amendment and the aforesaid original Declaration of Restrictions are subject to the terms and conditions and provisions as set forth in the Declaration of Character of Development document and By-Laws of Fox Creek Farms Owners Association, Inc., both being of record at the Register's Office for Blount County, Tennessee, to which reference is hereby made.

6. All other restrictions and covenants as set forth in the above reference Declarations of Restrictions shall remain in full force and effect, unless specifically deleted or amended of the provisions hereof, and the Declaration of Character of Development document and By-Laws of Fox Creek Farms Owners Association, Inc., hereinabove referred to and incorporated by reference herein.

IN WITNESS WHEREOF, the undersigned have mutually adopted the aforesaid Amendment to the Declaration of Restrictions by action of the lot owners of Fox Creek Farms Subdivision, this the _____ day of _____, 2004.

Owner: _____ Lot No. _____

Signed: _____
Print Name: _____

Owner: _____ Lot No. _____

Signed: _____
Print Name: _____

Owner: _____ Lot No. _____

Signed: _____
Print Name: _____

Owner: _____ Lot No. _____

Signed: _____
Print Name: _____

Owner: _____ Lot No. _____

Signed: _____
Print Name: _____

Owner: _____ Lot No. _____

Signed: _____
Print Name: _____