

**RULES AND REGULATIONS
AND OTHER MATTER OF INTEREST TO
RESIDENTS**

**HICKORY BAY TOWERS HOMEOWNERS ASSOIATION
Hendersonville, TN**

Adopted by the Board of Directors on November 16, 1993, after approval of the membership of the Association. The effective date is January 1, 1994. Amended by the Board of Directors, after approval by the Homeowners Association, on July 18, 1995.

HICKORY BAY TOWERS HOMEOWNERS ASSOCIATION

200 Sanders Ferry Road

Hendersonville, TN 37075

The residents of Hickory Bay Towers condominium complex are very happy here. We welcome our new neighbors and hope that you will share our enthusiasm and interest in our residential community here on the shores of Old Hickory Lake.

Like any neighborhood or community, we do have some rules and regulations. The contents of this booklet are derived from our Master Deed and By-Laws (as recorded in the Sumner County Register of Deeds Office), our community experience and the experience of other condominiums. These rules are designed to assure the comfort and safety of all residents of Hickory Bay and to maintain our congenial atmosphere. Although the rules presented here do not supersede the official By-Laws, we suggest you keep this booklet available for ready reference.

TABLE OF CONTENTS

I.	Community Organization	4
II.	Buildings, Facilities, and Grounds	5
III.	General Rules of Conduct	6
IV.	Use of Individual Units	7
V.	Use of Common Elements	9

I. Community Organization

Board of Directors

The rules and by-laws filed and registered in the Register's Office of Sumner County, TN, November 12, 1984, amended November 11, 1988 and July 18, 1995, state that by July 1, 1992, the Hickory Bay Towers Association must be formed, in force, and the operations of Hickory Bay Towers will be turned over to the homeowners.

Therefore, the homeowners had an election and elected nine (9) officers for the Board of Directors. Four (4) officers were elected from Building No.1 by the homeowners of Building No.1 and four (4) officers were elected from Building No.2 by the homeowners of Building No.2. One (1) officer at large was elected by the homeowners of both Building Nos. 1 and 2.

New appointments and/or replacements of a board member from Building No.1 will be voted by the board members of Building No.1 only. Appointment and/or replacement of a board member from Building No.2 will be voted on by board members of Building No.2 only. In case of a tie for either building, only then will the at-large member cast the tie-breaker vote.

Whereby the Board of Directors, having been elected by the votes of the homeowners, it is the duty of the Board of Directors to appoint the officers: president, vice president, secretary, & treasurer. Then, various committees are to be appointed by the Board of Directors. This being done, the Hickory Bay Towers Homeowners Association was officially formed and in place ready to accept the obligations and control of Hickory Bay Towers Homeowners Association as of July 1, 1992, as stated in the Master Deed of November 12, 1984.

Social Committee

We would like the Hickory Bay Condominiums to maintain an active and full social calendar; all residents of Hickory Bay are welcome to attend any social functions.

The Social Committee shall keep a small fund to pay for these events, called a social fund. The committee members will request donations from residents for the social fund. The committee members may also request monies from the Board of Directors for social functions and events.

The Social Committee will consist of a chairman and two homeowners from Building 1 and Building 2

Monthly Maintenance Fee

Every unit pays this monthly fee for maintenance and other services necessary to keep up Hickory Bay Towers. This fee must be paid on or before the fifth(5th) day of the month. No bills are sent; it is your responsibility to remember each month. Checks should be made out to Hickory Bay Towers and mailed to the managing agent or placed in the box provided for maintenance checks.

A ten (10%) percent late fee is assessed on any fee not paid by the tenth (10th) of the month. If not paid within thirty (30) days, the late fee is twenty (20%) percent.

Please remember you are required to pay this fee, even if you disagree with some action or non-action of the Board. Note that if you do not pay, a lien can be placed on your unit after sixty (60) days.

Special Assessments

The Board makes every effort to set a monthly maintenance fee high enough to provide for short-term and long-term contingencies. For example, the two months maintenance fee collected at the time of the closing of each unit is placed in a working capital fund for unforeseen expenditures. And, of course, the building and grounds are fully insured. This is not only a duty of the Board under the By-Laws, it is wise and prudent building management.

Unfortunately, despite all of our plans and precautions, it might someday be necessary to assess every unit to pay for something wholly unexpected for the common elements. Once again, such a fee must be paid and a lien may be placed on any unit that does not pay.

There might be times when a unit owner is responsible for doing maintenance or making repairs to his or her unit or to limited common elements appurtenant to his or her unit. If this is not done, the Board may make an assessment to have this done. To date, this has never been necessary.

II. Building, Facilities, and Grounds

Hickory Bay Condominiums consists of two buildings, the individual units in each building, and other ground on which parking lots, a fountain, landscaping, and other things such as a storage lot, garden area, etc. Although these facilities will be discussed in detail later in this document, all residents should be familiar with the special kinds of property that are part of a condominium,

Individual Units

We have already referred to a “unit”. This is simply the private space purchased by the homeowner. Every homeowner owns the right to use and occupy the space between the walls and the ceiling, from “paint to paint”, so to speak.

Limited Common Elements

In addition to this space, every unit has available for its use certain areas called “limited common elements”. Consisting of such things as the patios and balconies, windows, doors, window grills, entrance walk-ups and the like, the limited common elements belong to everyone - but, that doesn’t mean everyone can use them. Their use is reserved to the benefit of the unit owners to which these limited common elements attach or pertain.

Common Elements

Limited common elements make up a portion of what is called the “common elements”. It may be said that at Hickory Bay whatever property does not belong to an individual unit is part of the common elements. Every unit owner owns the common elements jointly with all other unit owners.

Responsibilities for Maintenance

The general rules governing the use of the units, the limited common elements, and the common elements will be discussed later. First though, let’s talk about who is responsible for the upkeep and repair of these elements.

The general rule is that expenses for the maintenance, repair, or replacement of a unit - and any personal property in it - are borne by the unit owner. If your dishwasher, hot water heater, furnace, or air conditioner needs to be fixed or replaced, it is the resident's responsibility, not the Association's.

On the other hand, the Association is responsible for the common elements (not the limited common elements). Decisions regarding alterations and improvements are made by the Board. Occasionally, the Board may allow a homeowner or group of homeowners to improve or alter common elements. This does not mean, however, that the Association will then become responsible for those alterations or improvements.

The expenses for maintenance, repair or replacement of limited common elements may be borne by the Association, by the homeowner or homeowners who use and are benefited by the service, or it may be shared. Currently, these policies are followed:

- Necessary expenses for maintenance, repair and replacement of all doors (wooden, glass or metal) and windows are borne by the unit owner.
- Necessary expenses for maintenance, repair and replacement of all alterations, additions and improvements beyond that provided all similar units are borne by the unit owner.
- Necessary expenses for maintenance, repair and replacement of window grills, patios, balconies, fences and concrete walkways to units are borne by the Association except for any defects known to have existed prior to the first twelve months.
- The expenses for alteration and improvement to limited common elements are borne by the unit owner using or benefiting from the work. Any alteration or improvement must have prior approval of the Board.
- In any case where the expense is that of the unit owner, the Association may do the work and bill the unit owner in the interest of maintaining uniformity and of saving money to the unit owner.
- Maintenance of grounds in front of a unit or group of units will be provided at Association expense. Such maintenance will be generally limited to such weeding, raking, planting, and trimming that seems to be appropriate to the Board or the building manager in order to maintain a neat and attractive appearance. Other planting done by the unit owner should be maintained similarly by the unit owner with this objective in mind.

III. General Rules of Conduct

There are many rules of conduct for Hickory Bay Condominiums. Some pertain to what can and cannot be done in individual units, some pertain to the limited common elements, and some to the common elements. Most of these rules rest on one basic principle, however: courtesy. Because all residents live close to one another and share ownership in the common elements, it is important to respect our neighbors right to use and enjoy his or her unit and share of the common elements without interference or inconvenience. Thus,

1. No one should carry out any obnoxious, annoying, offensive, or (heaven forbid!) dangerous activity in his or her unit or on the common elements.
2. No one should make loud, disturbing, or objectionable noises. This includes loud television, radios and stereos, guests and children. Peace and quiet is important to the homeowners.

3. Every unit owner should keep his unit in good maintenance and repair, so as not to detract from the neat and attractive appearance of Hickory Bay and to keep our insurance premiums from rising or our insurance from being canceled.

4. Hickory Bay is a private, single-family, residential community. This means units cannot be used for commercial purposes - offices, yard sales, auctions, estate sales, and the like. We do not have the parking facilities; it interferes with privacy; and we are probably not insured for such activities. (Also, Hendersonville's zoning laws prohibit this).

5. Unit owners are reminded - and expected - to make sure their guests, family members, tenants, and visitors are aware of and subject to all of these rules and the provisions of the Master Deed and By-Laws.

6. Although we do not believe rules are made to be broken, there are exceptional occasions when the rules should be waived or "bent". No one has the right to decide that for himself, however, it is a decision for the Board.

7. For violation of any of these rules, the Board may deny or restrict the right of any unit owner to use common elements. As a last resort, if necessary to protect the integrity of the community, the Board may ask a court to enjoin the unit owner from engaging in the offensive conduct or to expel the offender from Hickory Bay Towers.

IV. Use of Individual Units

Unlike a detached, single-family home (in which the homeowner can do just about anything with it he or she wants, such as painting the outside purple and orange), the use of the individual unit is much more restrictive. These rules were not put in place to prevent the homeowner from enjoying his or her unit. Rather, they are included here and in the Master Deed to protect the smart appearance of Hickory Bay Towers as a whole and to preserve (and even enhance) the value of the overall complex and that of each unit in it.

The rules can be separated into two areas: inside you unit and activities that take place outside of it.

Interior of units

1. Rugs, draperies, linens, clothing, and the like may not be shaken out over balconies or from windows or hung from any exposed part of the building.

2. Nothing may be swept, poured, or tossed from windows, doors, or balconies.

3. Nothing may be placed on the outer sills of windows or outside any window.

4. Electricity can be a dangerous thing. Homeowners should take care to avoid overloading circuits or receptacles that could result in a fire or damage the electrical system in the building.

5. Homeowners may not operate any machines, appliances or other equipment that could cause a disturbance to others, or connect any machines, appliances, or accessories to the heating or plumbing systems without Board approval. (For example, if the TV you purchased at an outdoor bizarre in Afghanistan causes interference to radio or TV reception in other parts of the building, you will be asked to remove it).

6. To maintain the attractive and uniform appearance of the exterior, everyone will be expected to hang a permanent drape or curtain over every window and door in his / her unit. All such coverings must be lined and visible from the outside as solid white, off-white, or such neutral color as "having little or no decided color, free from mixture of other colors".
7. Temporary coverings, such as bed sheets will not do. The window covering must be tailored for or designed for the window or door.
8. Unit owners will be expected to comply with Rule No. 6 within 30 days of assuming occupancy.
9. Window glass may not be tinted. Colored glass may not be installed.
10. Homeowners are expected to use common sense when it comes to harboring animals as pets. No animals except for small dogs (less than 25 pounds), house cats, fish, or birds, may be kept. In addition,
 - a. All pets must reside in the unit.
 - b. Pets must be kept on a leash at all times while inside the building on common areas, as stated in the By-Laws.
 - c. Common areas such as the party room, library, pool room, and exercise room are off-limits to pets at all times.
11. Unit owners may lease their units. Please see "Exhibit A", *Residential Lease Fact Sheet*, for details.

Exteriors of Units

1. The list of items that may not be attached to the outside of units is a long one, and is not all-inclusive (for example: lighting, shades, screens, awnings, patio covers, fences, aerials, exterior wiring, antennas, radio or TV broadcasting or receiving devices, slabs, sidewalks, curbs, gutters, patios, porches, driveways, and walls). The general rule is that *nothing* may be affixed or attached to the outside of a unit, unless previously approved by the Board.
2. Likewise, nothing on the exterior of the building may be altered or removed without the approval of the Board. Remember, these are common elements, the ownership of which you share with the other unit owners at Hickory Bay Towers.
3. No decorations, signs, notices, advertisements, banners and the like may be displayed or visible from the outside of any unit or placed on common elements without Board approval. The exception are the American and Tennessee flags, respectfully displayed; and tastefully decorated, such as at Christmas or other holidays.
4. Interior alterations that protrude through walls or roof are not permitted without Board approval. In fact, it is questionable whether such alterations are permitted at all, as they would require a unit owner to encroach on common elements (walls and ceilings are common elements).

5. Outside lights may not be installed; extraordinary interior lights that are overly conspicuous from the outside are not permitted, except with Board approval.
6. Clotheslines, sheets, blankets, laundry, and the like items may not be hung or displayed outside of a unit or be visible from the outside of a unit (other than, of course, permitted curtains or draperies).
7. A unit owner may not paint, decorate, or adorn the outside of his / her unit without Board approval.

V. Use of Common Elements

Hickory Bay Towers common elements - its parking lot, fountain area, garden, party room, and so on - belong to all of the unit owners. Consequently, everyone has the right to use them, but at the same time, everyone who uses them must respect his / her neighbors' ownership interest in them. Treat the common elements like you own them - because you do!

Common Areas: In General

1. Sidewalks, entrances, and passageways should be kept free of obstructions. They are to be used for ingress and egress only. Be courteous when you park your automobile (sometimes the front end of a car will overhang the sidewalk).
2. Roadways and vehicle areas are to be used for moving traffic in and out and around Hickory Bay Towers. These areas are not for play or recreation.
3. Smoking is permitted in areas designated by the Board.
4. If a unit owner, his / her guests, tenants, or visitors damage any common element, repairs shall be made at the expense of the unit owner.
5. The Association does not maintain areas of the common elements for storage. The Association does not assume any responsibility for articles stored in common elements.

Facilities

1. The Party Room

The party room is available to all residents. Advance reservations are encouraged to avoid conflicts and to assure that the room will be available on the requested time and date. The room may be reserved as much as six months in advance by contacting building management.

Other Rules for party room use:

- a. Generally, the party room may be used for almost any activity, except for something dangerous or illegal or inappropriate to Hickory Bay Condominiums. Commercial activities or promotions may not be held in the party room except by prior approval of the Board, which will not ordinarily be granted for the simple reason that our residents do not appreciate being badgered or pestered into attending such activities.
- b. The party room may be reserved for use between 9:00 am and 12:00 am (midnight).
- c. Activities that would tend to bring in a large number of non-residents are discouraged.

d. There may be no more than thirty-three (33) persons present in the party room at any time (by order of Hendersonville Fire Department).

e. Activities are confined to the party room and may not spill over into the halls and other common elements.

f. Any resident who reserves the party room shall be responsible for any damages to it, to other common elements, and to others' units that may occur as a result of the activity. The Board may require that a damage deposit be posted, depending on the type of activity and number of persons, but not to exceed One Hundred Dollars (\$100.00).

g. For activities occurring in the evening or on weekends, the resident may procure a key from the building management to secure the party room. He / she is responsible for safe-keeping the key and securing the building after using the party room. If the key is lost, the resident shall pay to have another made and may be required to pay for changing the locks.

h. Residents reserving the party room must clean it afterwards. For an activity held during the evening, clean-up may take place no later than the following morning. All trash will be disposed of in Hickory Bay's outdoor receptacles; dishes and flatware cleaned and neatly stacked; ashtrays emptied and cleaned; furniture returned to its original place. Leave the party room the way you found it!

If the room is not left the way it was found, there will be a \$20 charge.

2. Trash Collection

Every floor on Hickory Bay has a chute on which to place the trash. The trash goes down into the trash bin and the maintenance person rolls the bin to the dumpster behind Building 2. The trash should be securely bundled so that when it tumbles down the chute, it does not make a mess. Put all of trash and garbage in bags - no loose items, please.

3. Exercise Room

Please take advantage of the exercise room. Located across from the party room, it is open day and night and may be used by all residents.

One of our most popular exercises is walking around the complex. All the way around both buildings - including the carport behind Building 2 - is four-tenths (4/10) of a mile.

4. The Garden

Behind the tennis courts is an acre or two of ground in which many residents grow vegetables, flowers, or other legal plants. Everyone is welcome to stake out a row or two or more. A water hose is run out from the utility shed; many gardeners hook it up to their own soaker hoses. A variety of vegetables is grown. At harvest time, look for surplus set out in the party room. Take what you need and can use and leave the rest to others.

5. The Tennis Courts - Although not often used, the tennis courts are available to all residents of Hickory Bay Towers. No reservations are necessary at this time; but as interest and popularity grows, the Board may establish a reservation system. Lighting for night play is in place; you are responsible for turning off the lights after use. Keep our utility bills down!

The Outside Grounds - The outside grounds, flowers, yards, shrubbery, and fountains will be maintained in proper fashion as to enhance the value of our property.

6. Parking Areas

We observe a number of rules for use of the parking lot:

- a. The speed limit inside the complex is 5-10 mph.
- b. Recreational vehicles, campers, trailers, boats, motor homes, commercial vehicles and inoperative vehicles may not be parked at Hickory Bay overnight or on weekends except with the approval of the Board or building management. At the present time, such vehicles may be parked behind Building 2's carport area. Unsightly vehicles parked in the rear of the building or unauthorized vehicles may be towed at the owner's expense!
- c. Extensive maintenance or major repairs may not be made on vehicles. If you must change your oil yourself, please do so out of sight, behind Building 2's carport, and dispose of used oil properly, please!
- d. Please park within marked spaces only - not over or on white lines.
- e. Parking spaces reserved for handicapped residents and guests are just that: reserved for them, and off limits to everyone else. Hickory Bay follows the guidelines set forth by the State of Tennessee. Anyone holding a certificate for this special parking privilege issued by the State and having a vehicle identified for same may use a handicapped parking space.
- f. Cars and other vehicles should not be washed in the parking lot. Cars and other vehicles may be washed in tennis court area and rear area of carport No. 2.

g. Parking

- (1) Two main entrances - **NO PARKING. Loading and unloading only for fire lanes.**
- (2) No parking in rear of Building 2. **Loading and unloading only for fire lanes.**

Any unidentified vehicle(s) on Hickory Bay Condominiums property after seven (7) days will be given seventy-two (72) hour notice to remove the vehicle or the vehicle will be subject to removal from the property and stored with all costs at the owner's expense.

h. Commercial or unsightly vehicles and auto trailers or boats will not be permitted in regular parking areas. Temporarily, they may be parked in the rear beyond carport No. 2 or in the locked fence area.