

EZ 2459

**VILLAGES OF BENNINGTON
PROPERTY OWNERS' CONSERVANCY**

Corporate Officer's Certification

I, ANN PASSMORE, Secretary of VILLAGES OF BENNINGTON PROPERTY OWNERS CONSERVANCY, a corporation duly organized and existing under the laws of the State of Tennessee, do hereby certify that the attached amendments are a true and exact copy of the Amendments to the Declaration of Covenants, Conditions, and Restrictions and the amendment to the By-Laws which was passed by the membership at the annual meeting held on January 9, 1995.

Executed and certified this 7th day of February, 1995.

Respectfully submitted,

Ann Passmore, Secretary

ACKNOWLEDGEMENT

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, a Notary Public in and for the state and county aforesaid, personally appeared ANN PASSMORE, Secretary of the VILLAGES OF BENNINGTON PROPERTY OWNERS CONSERVANCY, with whom I am personally acquainted; and who, upon oath, acknowledged that she is the person identified in and who executed the foregoing instrument as and for the free act and deed of her principal for the purposes contained therein, said Secretary being expressly authorized and empowered to do so by proper corporate resolution.

SWORN TO AND SUBSCRIBED at office in Shelby County, Tennessee, on this 7th day of February, 1995.



Notary Public

My Commission Expires: December 3, 1995

Prepared by & return to:

T. James Watson, Attorney
P.O. Box 341101
Bartlett, TN 38184-1101

EZ 2459

The following amendment was ratified by obtaining signatures as required under old Declaration Section 11.2. It was duly recorded on December 5, 1994 in the Shelby County Registrar's Office as Instrument Number EU-9822. This is now an official part of the Declaration of Covenants, Conditions, and Restrictions.

BE IT RESOLVED that Declaration 11.2 be, and it hereby is, amended to delete this Section in its entirety; and in its place and stead to be substituted the following provision:

These Declarations may be amended upon proper resolution which shall be approved by the affirmative vote of two-thirds (2/3) of the members of the Board of Directors then in office and also seventy-five (75%) percent of the membership in attendance either in person or by proxy at any regularly scheduled annual meeting or at any special membership meeting called for this purpose; provided that there shall be present and in attendance at any such meeting, either in person or by proxy, at least twenty-five (25%) percent of the total record membership of the conservancy. Any proposed amendments to be presented for deliberation and approval or rejection by the membership shall have first been submitted to the board of directors at least ninety (90) days prior to the date of said meeting and proper notice thereof shall have been given to the membership in accordance with the notice and quorum requirements of Article III of the Conservancy By-Laws. Any amendment subsequently approved shall be duly recorded in the Register's Office of Shelby County, Tennessee.

The following amendments were ratified by an affirmative vote of 75% of the membership in attendance either in person or by proxy at the annual meeting held on January 9, 1995. This is in accordance with the new Declaration Section 11.2 as noted above. These amendments will be recorded in the Shelby County Registrar's Office this month.

BE IT RESOLVED that Declaration 6.4 be amended to delete subsection (d) in its entirety.

BE IT RESOLVED that Declaration 6.4 be amended to include an appropriately designated subsection providing that the following paired lots, upon both of which a single residence has been constructed, shall be deemed to be a single lot for the purposes of both annual and special assessments for all calendar years beginning in 1995: Village of Hedgerow, Section "A", Lots 12/13, 14/15, 16/17, 18/19, 20/21, 22/23, 24/25, and 26/27.

BE IT RESOLVED that Declaration 6.4 be amended to include an appropriately designated subsection providing that any tract, as herein defined, owned by a lawfully recognized non-profit organization shall be assessed at the rate of twenty-five (25.0%) per cent of the amount which would otherwise be assessed under the formulation provided in and calculated under this Section.

BE IT RESOLVED that Declaration 6.6 be amended to authorize the levy of a special assessment only as to residential properties for the purpose of providing to these members common services (such as the engagement of a suitable contractor for the collection of refuse, trash, and garbage, or such other services as may be from time to time determined by the membership); such special assessment authority to be exercised only upon the affirmative vote of two-thirds of the members in attendance at any regularly scheduled membership meeting in compliance with the notice and quorum requirement set forth in Declaration 11.2.

BE IT RESOLVED that Declaration 6.7 be amended to delete subsection (a) in its entirety; and in its place and stead to substitute the following subsection (a):

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SHELBY COUNTY REGISTER OF DEEDS

95 MAR 22 AM 10:22

When the need for maintenance or repair of the common area or any lots, parcels, or tracts caused due to the fault of a lot owner, his family, guests, or invitees, the dweller on a parcel or his family, guests, or invitees, or the owner of a tract or his guest or invitees, or (continue with the present subsection (b) et. seq.

BE IT RESOLVED that Declaration 6.16 be added as follows:

The Conservancy shall be entitled to recover all costs (legal, repair, or any other costs) incurred in connection with the enforcement of these covenants against the owner of any lot, parcel, or tract.

BE IT RESOLVED that Declaration 9.3.1 be amended to prohibit the erection of any separate structure from the main residence except a garage, other than one (1) detached building with dimensions of not to exceed ten feet by the peak of the roof not to exceed nine feet from the ground.

BE IT RESOLVED that Declaration 9.3.3 be amended to prohibit the erection of any wall or fence which exceeds six (6) feet in height on any Lot, Parcel, or Tract.

BE IT RESOLVED that the Conservancy By-Laws, Article III, Section 1, be, and it hereby is, deleted in its place and stead shall be substituted the following provision:

The annual meeting of the membership shall be held on the second Tuesday in September beginning in calendar year 1995.

EZ 2459	
No. _____	
Pgs. <u>2</u> ltm. _____	
STATE TAX _____	
REGISTER'S FEE _____	
RECORDING FEE <u>800</u>	
WT <input type="checkbox"/> MISC FEE _____	
TOTAL _____	
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY B. BATES	
REGISTER	