

This Instrument Prepared By:  
Garrett P. Swartwood  
LONG, RAGSDALE & WATERS, P.C.  
1111 N. Northshore Drive, Suite S-700  
Knoxville, TN 37919

**THIRD AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR APPLE VIEW FARMS**

This Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Apple View Farms (the "Third Amendment") is made as of the 23 day of November, 2020, by **APPLE VIEW FARMS COMMUNITY ASSOCIATION, INC.**, a Tennessee non-profit corporation (the "Association").

**WITNESSETH:**

WHEREAS, Apple View Farms, LLC, a Tennessee limited liability company (the "Declarant"), made and executed that certain Declaration of Covenants, Conditions and Restrictions for Apple View Farms dated as of August 2, 2000, of record in Book 1097, Page 198 in the Office of the Register of Deeds for Sevier County, Tennessee (the "Declaration");

WHEREAS, the Declaration has been supplemented by that Supplement to Declaration of Covenants, Conditions and Restrictions for Apple View Farms dated October 1, 2007, of record in Book 2946, Page 329 in the Office of the Register of Deeds for Sevier County, Tennessee, and amended by that certain Amendment One to Declaration of Covenants, Conditions and Restrictions for Apple View Farms dated as of October 1, 2007, of record in Book 2946, Page 326 in the Office of the Register of Deeds for Sevier County, Tennessee (the "First Amendment");

WHEREAS, the Declaration has been amended by that Second Amendment to Declaration of Covenants, Conditions and Restrictions for Apple View Farms dated in April of 2021 (the "Second Amendment") and recorded in the Office of the Register of Deeds for Sevier County, Tennessee, on or about the date of this Third Amendment;

WHEREAS, the Declarant Control Period, as provided in Article I, Section 9 of the Declaration, expired on August 2, 2015; and

WHEREAS, Voting Representatives, exercising the votes of one hundred percent (100%) of the Class "A" Members of the Association, unanimously voted at a meeting held on or about November 23, 2020, to amend the Declaration as provided below, directed the Association to record an amendment in the Office of the Register of Deeds for Sevier County, Tennessee, to effect the same, and execute this instrument to express their consent to the amendment;

NOW, THEREFORE, the Association hereby amends the Declaration as follows:

1. The first sentence of Article I, Section 25 of the Declaration is hereby deleted in its entirety and replaced with the following:

"Voting Representative" shall mean and refer to the representative selected by the majority of votes of the Members of each respective Neighborhood to be responsible for casting all votes attributable to Residential Units in that Neighborhood for election of directors and all other matters provided in this Declaration and in the Bylaws, unless otherwise specified therein.

2. The first sentence of the second paragraph of Article III, Section 2 of the Declaration is hereby deleted in its entirety and replaced with the following:

Otherwise, this Declaration may be amended only by the affirmative vote or written consent of the Class A Members of the Association, who shall be entitled to personally exercise the right to vote or consent for such purpose; for clarification, only the vote or consent exercised by the Class A Members themselves, and not by the Voting Representatives, may amend this Declaration, except as otherwise specifically provided herein.

3. Article XIV, Section 3(b) of the Declaration is hereby deleted in its entirety and replaced with the following:

(b) The consent of at least sixty-seven percent (67%) of the Class "A" votes and the approval of eligible holders of first mortgages on Residential Units to which at least fifty-one percent (51%) of the votes of Residential Units subject to a mortgage appertain shall be required to materially amend any provisions of the Declaration, Bylaws, or Charter of the Association, or to add any material provisions thereto, which establish, provide for, govern or regulate any of the following:

- (i) voting;
- (ii) assessments, assessment liens or subordination of such liens;
- (iii) reserves for maintenance, repair and replacement of the Common Area;
- (iv) insurance or fidelity bonds;
- (v) rights to use of the Common Area;
- (vi) responsibility for maintenance and repair of the Properties;
- (vii) expansion or contraction of the Properties or the addition, annexation or withdrawal of Properties to or from the Association;
- (viii) boundaries of any Residential Units;
- (ix) leasing or renting of Residential Units;
- (x) imposition of any right of first refusal or similar restriction of the right of any Owner to sell, transfer or otherwise convey his or her Residential Unit;
- (xi) establishment of self-management by the Association where professional management has been required by an eligible holder; or

(xii) any provisions included in the Declaration, Bylaws or Charter which are for the express benefit of holders, guarantors or insurers of first mortgages on Residential Units.

4. Article XIV, Section 3 of the Declaration is further amended by adding the following subsection (c):

(c) The method of taking the required vote to amend the Declaration shall be determined by the Board of Directors and the Bylaws. Balloting may take place at a meeting, electronically or by mail-in in the sole determination of the Board of Directors. The Board of Directors shall have the sole right to determine when and if a vote is taken on any issue. Once a vote is taken and the results are published to the membership, the issue shall not be revisited for at least three (3) years.

5. Unless otherwise defined herein, all capitalized terms shall have the meaning set forth in the Declaration.

6. Except as otherwise provided herein, the Declaration is hereby ratified and confirmed.

IN WITNESS WHEREOF, the Association has caused this instrument to be executed as the date first above written.

**THE ASSOCIATION:**

APPLE VIEW FARMS COMMUNITY  
ASSOCIATION, INC.,  
a Tennessee non-profit corporation

By: Gordon G. Fee  
Name: Gordon G. Fee  
Its: President

By: Eddie Williams  
Name: Eddie Williams  
Its: Treasurer

**VOTING REPRESENTATIVES:**

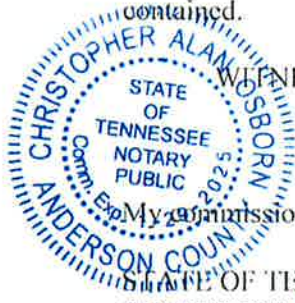
Eddie Williams  
EDDIE WILLIAMS  
President and Voting Representative for the members  
of The Orchards and Villas Condominium Owners  
Association, Inc.

Rick Rickerman  
RICK RICKERMAN  
President and Voting Representative for the members  
of River Place Condominium Owners  
Association, Inc.

STATE OF TENNESSEE  
COUNTY OF Anderson

Before me, the undersigned Notary, of the state and county aforementioned, personally appeared Gordon Fee, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him self to be President of Apple View Farms Community Association, Inc., the within named bargainor, a Tennessee non-profit corporation, and that he as such officer executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal this 22 day of September, 2021.



My commission expires: 1/25/2025

[Signature]  
Notary Public

STATE OF TENNESSEE  
COUNTY OF Sullivan

Before me, the undersigned Notary, of the state and county aforementioned, personally appeared Eddie Williams, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him self to be Treasurer of Apple View Farms Community Association, Inc., the within named bargainor, a Tennessee non-profit corporation, and that he as such officer executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal this 6th day of October, 2021.

My commission expires: 12/01/21

STATE OF TENNESSEE  
COUNTY OF Sullivan



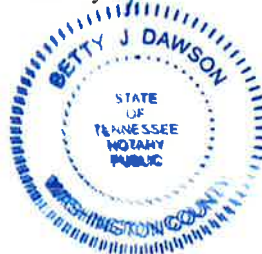
[Signature]  
Notary Public

Before me, the undersigned Notary, of the state and county aforementioned, personally appeared EDDIE WILLIAMS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be President and Voting Representative for the members of The Orchards and Villas Condominium Owners Association, Inc., and that he as such Voting Representative, being authorized to do so, executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal this 6th day of October, 2021.

My commission expires: 12/01/21

[Signature]  
Notary Public



STATE OF TENNESSEE  
COUNTY OF Sevier

Before me, the undersigned Notary, of the state and county aforementioned, personally appeared RICK RICKERMAN, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be President and Voting Representative for the members of River Place Condominium Owners Association, Inc., and that he as such Voting Representative, being authorized to do so, executed the foregoing instrument for the purpose therein contained.

WITNESS my hand and seal this 24<sup>th</sup> day of September, 2021.

Rick Rickerman  
Notary Public

My commission expires: 08/30/2022