

**RESOLUTION OF ALL OF THE BOARD DIRECTORS
OF FRANKLIN CREEK HOMEOWNER'S ASSOCIATION, INC.**

WHEREAS, Franklin Creek Homeowners Association, Inc., is a nonprofit corporation organized and existing under the laws of the State of Tennessee (hereinafter the "Association"); and

WHEREAS, the Association was created, delegated and assigned the powers of maintaining and administering the community and facilities, administering and enforcing the covenants and restrictions, and collecting and disbursing the assessments and charges created and authorized under the Declaration of Covenants and Restrictions of Franklin Creek recorded at Instrument No. 200411100039789 in the Register's Office for Knox County, Tennessee (the "Declaration"), and applicable law including, without limitation, as set forth in the Tennessee Nonprofit Corporation Act, Tenn. Code Ann. § 48-53-102; and

WHEREAS, Article VIII, Section 1(a) of the Association Bylaws empowers the Association Board of Directors to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the Members or non-voting Members and their guests thereon, and to establish penalties for the infraction thereof; and

WHEREAS, Article VI of the recorded Declaration, Article VIII, Section 1(b)-(c) of the Bylaws, and Tenn. Code Ann. § 48-53-102 authorize the Board to levy dues, service fees, and other charges upon Members for violations of the Declaration, Bylaws, and rules and regulations of the Association to further the enforcement activities and affairs of the Association; and

WHEREAS, the Board is further authorized to delegate the authority in carrying out its duties, pursuant to Article VIII, Sections 1(e) and 3 of the Association Bylaws, to a qualified professional management company; and

WHEREAS, pursuant to the Service Agreement dated November 20, 2014, the Board has retained the services of Fennell Property Management, Inc. to identify violations of the Declaration, Bylaws, and rules and regulations of the Association and perform other administrative and managerial services in respect to the Association as further described therein; and

WHEREAS, the undersigned, being all the directors of the Association, do hereby consent to the adoption of, and adopt, the following resolutions:

NOW THEREFORE BE IT RESOLVED THAT, pursuant to Article VIII, Sections 1(e) and 3 of the Association Bylaws, the Board hereby unanimously approves the Service Agreement dated November 20, 2014, a copy of which shall be kept on file in the records of the Association, between the Association and Fennell Property Management, Inc. to identify violations of the Declaration, Bylaws, and rules and regulations of the Association and perform other administrative and managerial services in respect to the Association as further described therein, under the terms provided therein.

NOW THEREFORE BE IT FURTHER RESOLVED THAT, pursuant to Tenn. Code Ann. § 48-53-102(16) and (19), Article VI of the Declaration, and Article VIII, Section 1(a) of the Association Bylaws, the Board hereby unanimously approves the following fine structure for violations of the Declaration, Bylaws, and rules and regulations adopted by the Board:

The Board may fine any Member for any violation of the covenants and restrictions contained in the Declaration, Bylaws, or any rules or regulations adopted by the Board. Fines assessed by the Board shall be \$100.00 for each violation. Additional fines shall be levied every ten (10) days during which the violation remains uncorrected. The Board may assess separate fines for each individual violation. Prior to levy of any initial fine hereby approved, the Association or its agent shall mail a notice of violation allowing the violating Member or non-voting Member ten (10) days to correct the violation. If the violation remains uncorrected, then the Association or its agent shall mail a second notice of violation allowing the violating Member or non-voting Member an additional ten (10) days from the date of the second notice to correct the violation. If the violation still thereafter remains uncorrected, then commencing ten (10) days after the date of the aforesaid second notice, the Association or its agent shall mail a "Fine Notice" assessing the initial \$100.00 fine for the ongoing violation. Additional fines of \$100.00 shall continue to accrue automatically, without further notice, every ten (10) calendar days after levy of the initial \$100.00 fine until the violation is rectified and all accrued fines relating to the subject violation have been paid.

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Board hereby unanimously approves the following policy relative to assessments and other fees levied as authorized pursuant to Tenn. Code Ann. § 48-53-102(16) and (19), Articles IV and VI of the Declaration, and Article VIII, Section 1(a) of the Association Bylaws:

Annual member assessments fixed (currently \$470) and as may be hereafter adjusted by the Board from time to time shall be due and payable in equal quarterly installments. Each annual assessment installment is due as of the first day of each quarter and shall be automatically delinquent if not paid by the last calendar day of the first month of each quarter. For example, quarterly assessment installments which are due on April 1st of each year shall be deemed delinquent if not paid on or before April 30th of that quarter. Additionally, any special assessments which may hereafter be levied as authorized shall be due upon delivery of notice thereof and shall be automatically delinquent if not paid within thirty (30) days after delivery of said notice.

As reasonable compensation for the damage done to the Association by any Member's or non-voting Member's failure to timely pay maintenance assessments, special assessments, or other fees and charges as may be authorized or required pursuant to Tenn. Code Ann. § 48-53-102(16) and (19), Articles IV and VI of the Declaration, and Article VIII, Section 1(a) of the Association Bylaws, an additional "Service Fee" in the amount of \$25.00 per month shall be

continually applied to each such Member's or non-voting Member's personal assessment account from the date of the delinquency until cured.

The Board may also invoke any other or additional remedies provided by the Declaration, Bylaws, or applicable law (including, without limitation, recording Notice of Liens, or prosecuting any proceeding at law or in equity) separately or concurrently, in any order, as in its discretion may be necessary or convenient in aid of collecting assessments and other authorized fees and charges on behalf of the Association.

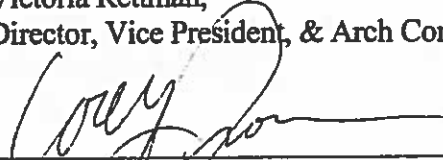
NOW THEREFORE BE IT FURTHER RESOLVED THAT, that this Resolution shall take effect instantly upon passage, this 6th day of January, 2015. Any and all acts authorized pursuant to this Resolution and performed prior to the passage of this Resolution are hereby ratified and approved.



Michelle Anningson,
Director and President



Victoria Rettman,
Director, Vice President, & Arch Committee Chair



Corey Brown, Director and Treasurer



Maria Montenegro, Director and Secretary

**RESOLUTION OF ALL OF THE BOARD OF DIRECTORS
OF FRANKLIN CREEK HOMEOWNER'S ASSOCIATION, INC.**

WHEREAS, Franklin Creek Homeowners Association, Inc., is a nonprofit corporation organized and existing under the laws of the State of Tennessee (hereinafter the "Association"); and

WHEREAS, Tenn. Code Ann. § 48-53-102(3) and (19) authorize the Board to "make and amend bylaws ... for regulating and managing the affairs of the [Association]" and to "[d]o all things necessary or convenient, not inconsistent with law, to further the activities and affairs of the [Association]; and

WHEREAS, the Board of the Association deems it necessary and convenient in furtherance of the activities and affairs of the Association to ratify and restate the Bylaws of the Association heretofore utilized in regulating and managing the affairs of the Association, a true and exact copy of which is attached hereto as **Exhibit A** (the "Bylaws"); and


WHEREAS, the undersigned, being all the directors of the Association, do hereby consent to the adoption of, and adopt, the following resolutions:

NOW THEREFORE BE IT RESOLVED THAT the Board hereby unanimously ratifies, restates and approves the Bylaws heretofore used in regulating and managing the affairs of the Association, a true and exact copy of which is attached hereto as **Exhibit A**.

NOW THEREFORE BE IT FURTHER RESOLVED THAT, that this Resolution shall take effect instantly upon passage, this 6th day of January, 2015. Any and all acts authorized pursuant to this Resolution and performed prior to the passage of this Resolution are hereby ratified and approved.



Michelle Anningson,
Director and President



Victoria Rettman,
Director, Vice President, & Arch Committee Chair



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