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THIRD AMENDMENT TO THE DECLARATION OF COVENANTS AND
RESTRICTIONS FOR BROCK POINTE SUBDIVISION, UNIT 2
LOTS 62 THROUGH 96,
LOTS 99 THROUGH 124,
LOTS 126 THROUGH 150

WHEREAS, the DECLARATION OF COVENANTS AND RESTRICTIONS FOR BROCK POINTE SUBDIVISION, UNIT 2 (the "Declaration") is of record in Book 8713, Page 489, in the Register's Office of Hamilton County, Tennessee; and,

WHEREAS, the said Declaration was amended by that AMENDMENT TO THE DECLARATION OF COVENANTS AND DECLARATION recorded in Book 8856, Page 581, in the Register's Office of Hamilton County, Tennessee, and further amended by that SECOND AMENDMENT TO THE DECLARATION OF COVENANTS AND DECLARATION recorded in Book 8949, Page 448, in the Register's Office of Hamilton County, Tennessee; and,

WHEREAS, BA DEVELOPMENT, INC, a Tennessee corporation, (the "Developer") is the Developer of Brock Pointe (the "Development"); and,

WHEREAS, the Declaration provides that the "Declaration may be amended, modified or revoked in any respect from time to time by the Developer prior to the date that the governing authority for the Development is transferred from the Developer to the Board in accordance with the Bylaws;" and,

WHEREAS, the Developer has not transferred the governing authority to the Board; and

WHEREAS, the Developer desires to amend the Declaration.

NOW, THEREFORE, the Developer does hereby amend the Declaration as follows:

Article 3.04 is hereby amended to read as follows:

3.04 Minimum Square Footage. No single-family detached Dwelling Unit shall be erected or permitted to remain in the Property unless it has the number of square feet of enclosed living area measured from the exterior walls, exclusive of open porches or screened porches, carports, garages or basements, set forth in this section. For the purposes of this section, stated square footage shall mean the minimum floor area required, and floor area shall mean the finished and

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heated living area contained within the residence, exclusive of open porches, garages, and steps. In the case of any question as to whether a sufficient number of square feet of enclosed living area have been provided, the decision of the Developer or the Architectural Review Committee shall be final. The minimum number of square feet required may vary from lot to lot and from phase to phase. The minimum number of square feet for each lot and phase shall be set forth on the recorded plat for each phase. The minimum number of square feet required on each lot is as follows:

- A) As to Lots 62-73, Lots 91-96, Lots 99-102, Lot 112, Lots 122-124, Lots 126-135, and lots 146-150:
 - (I) A single-level home shall contain not less than 2,000 square feet of heated floor space on the main level, and shall also contain a main level two car garage; and
 - (II) A story and a half level home shall contain not less than 1,300 square feet of heated floor space on the main level, and shall also contain a main level two car garage; and the upper level shall not contain less than 500 square feet of heated floor space, to make a minimum of 1,800 square feet of heated floor space; and
 - (III) A two-level home shall contain not less than 2,200 square feet of heated floor space. The main level shall contain not less than 1,100 square feet of heated floor space, and the main level shall also contain a two-car garage. The upper level shall not contain less than 1,100 square feet of heated floor space.

- B) As to Lots 74-90, Lots 103-111, Lots 113-121, and Lots 136-145:
 - (I) A single-level home shall contain not less than 1,500 square feet of heated floor space on the main level, and shall also contain a main level two car garage; and
 - (II) A story and a half level home shall contain not less than 1,200 square feet of heated floor space on the main level, and shall also contain a main level two car garage; and the upper level shall not contain less than 300 square feet of heated floor space, to make a minimum of 1,500 square feet of heated floor space; and
 - (III) A two-level home shall contain not less than 1,600 square feet of heated floor space. The main level shall contain not less than 800 square feet of heated floor space, and the main level shall also contain a two-car garage. The upper level shall not contain less than 800 square feet of heated floor space.

The Declaration shall remain in full force and effect, except as herein amended above.

IN WITNESS WHEREOF the Developer has executed this amendment to the Declaration on this 21th day of August 2011.

BA DEVELOPMENT, INC., a Tennessee corporation

By: [Signature]
Name: ANTHONY A. WILLIAMS
Title: PRESIDENT

STATE OF TENNESSEE
COUNTY OF HAMILTON

On this 21th day of August 2011, before me personally appeared, ANTHONY A. 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 the President of BA DEVELOPMENT, INC., a Tennessee corporation, the within named bargainor, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of BA DEVELOPMENT, INC., a Tennessee corporation, by himself as such President.

Witness my hand and Notarial Seal.

[Signature]

NOTARY PUBLIC

My Commission Expires: 10.15.2011

