

**NULLIFICATION OF FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF SIGNAL FOREST SUBDIVISION**

THIS NULLIFICATION OF FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF SIGNAL FOREST SUBDIVISION (this "Nullification") is made as of this      day of June, 2006, by ROBERT S. ELLIOTT and wife, WENDY JO ELLIOTT, in their capacity as owners of Lot fifty-eight (58) Signal Forest Subdivision, Hamilton County, Tennessee (the "Elliotts"), PHILLIP L. HARRIS and wife, LONNA J. HARRIS, in their capacity as owners of Lot thirty-four (34) Signal Forest Subdivision (the "Harrises"), CLIFFORD E. KINLEY and wife, FEI ZHOU, in their capacity as owners of Lot seventeen (17) Signal Forest Subdivision (the "Kinleys"), JAMES RICHARD ROSE and wife, LINDA W. ROSE, in their capacity as owners of Lot fifty-five (55) Signal Forest Subdivision (the "Roses") and BRYAN S. TURNER and wife, CHERYL S. TURNER, in their capacity as owners of Lot thirteen (13) Signal Forest Subdivision (the "Turners").

**RECITALS**

*WHEREAS*, Signal Forest Development, LLC, a Tennessee limited liability company ("Developer"), recorded that certain Declaration of Covenants, Conditions and Restrictions of Signal Forest Subdivision dated November 27, 1996 ("Declaration") on December 2, 1996 in Book 4785, Page 304, in the Register's Office of Hamilton County, Tennessee ("ROHCT") which Declaration encumbers and benefits that certain residential subdivision known as Signal Forest Subdivision ("Development") more particularly described in the Final Plat of Signal Forest Subdivision recorded on November 3, 1995 in Plat Book 54, Page 87, ROHCT; and

*WHEREAS*, Developer has recorded a document titled First Amendment to Declaration of Covenants, Conditions and Restrictions of Signal Forest Subdivision dated March 6, 2006 ("First Amendment") on March 9, 2006 in Book 7867, Page 521, ROHCT, which purports to amend the Declaration; and

*WHEREAS*, the Elliotts are the owners of Lot fifty-eight (58) of the Development, the Harrises are the owners of Lot thirty-four (34) of the Development, the Kinleys are the owners of Lot seventeen (17) of the Development, the Roses are the owners of Lot fifty-five (55) of the Development, the Turners are the owners of Lot thirteen (13) of the Development and are thereby included among those persons designated as "Owners" under the Declaration; and

*WHEREAS*, Section 7.01 of the Declaration provides:

"7.01 Right of Enforcement. This Declaration and the Restrictions contained herein shall inure to the benefit of and shall be enforceable by: (a) the Developer so long as it is an Owner; (b) the Association; (c) each Owner, his legal representatives, heirs, successors and assigns."; and

*WHEREAS*, the Declaration contains no provision which expressly authorizes an amendment thereof by any specified percentage of the Development's Owners, the Association and/or by the Developer or any other designated individual(s) or entity; and

*WHEREAS*, in the absence of such a specific delegation of authority to amend or modify the Declaration, the consent of all Owners of property located within the Development must be obtained for any proposed modification of the Declaration to be effective

Instrument: 2006062100232  
Book and Page: G1 7985 539  
Data Processing F \$2.00  
Misc Recording Fe \$20.00  
Total Fees: \$22.00  
User: MSERTEL  
Date: 21-JUN-2006  
Time: 03:23:16 P  
Contact: Pam Hurst, Register  
Hamilton County Tennessee

THIS INSTRUMENT PREPARED BY:  
ROSS I. SCHRAM III, ESQUIRE  
SPEARS, MOORE, REBMAN & WILLIAMS, P.C.  
P. O. BOX 1749  
CHATTANOOGA, TN 37401-1749

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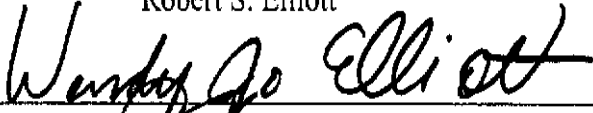
*WHEREAS*, Developer recorded the First Amendment unilaterally without obtaining the consent or approval of each and every Owner of property within the Development as required.

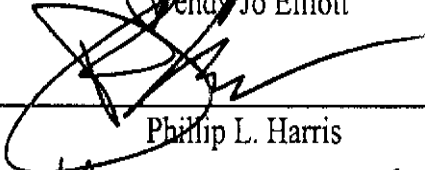
*NOW, THEREFORE*, to protect and preserve their rights as the Owners of Lot fifty-eight (58), Lot thirty-four (34), Lot seventeen (17), Lot fifty-five (55) and Lot thirteen (13) of the Development as well as the rights of each and every other Owner of property located within the Development, the undersigned do hereby declare the following:


1. The First Amendment, lacking authority from all existing Owners of property located within the Development as required by the Declaration is hereby declared to be null, void and of no force or effect.
2. No person should rely upon or take any actions based upon any terms or provisions contained in the First Amendment.
3. As of the date hereof, the Declaration without amendment or modification is the only document which governs the rights and obligations of current and future Owners of property located in the Development.

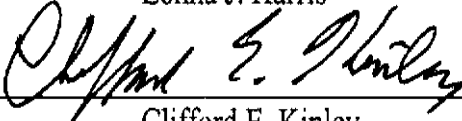
*IN WITNESS WHEREOF*, the undersigned have executed this Nullification as of the day and year above set forth.

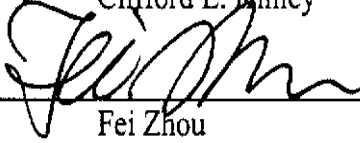
  
\_\_\_\_\_  
Robert S. Elliott

  
\_\_\_\_\_  
Wendy Jo Elliott

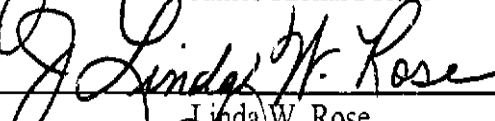
  
\_\_\_\_\_  
Phillip L. Harris


  
\_\_\_\_\_  
Lonna V. Harris

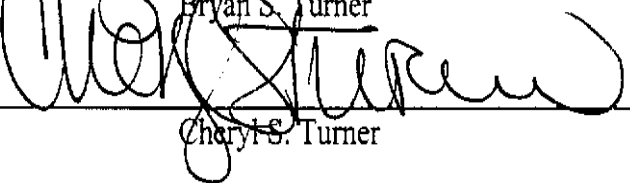
  
\_\_\_\_\_  
Clifford E. Kinley

  
\_\_\_\_\_  
Fei Zhou

  
\_\_\_\_\_  
James Richard Rose

  
\_\_\_\_\_  
Linda W. Rose

  
\_\_\_\_\_  
Bryan S. Turner

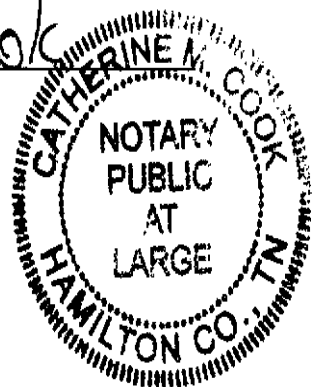
  
\_\_\_\_\_  
Cheryl S. Turner

STATE OF TENNESSEE \*  
\*  
COUNTY OF HAMILTON \*

Personally appeared before me, the undersigned Notary Public, duly appointed, commissioned and qualified in and for the said State and County, the within-named Robert S. Elliott and wife, Wendy Jo Elliott, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence to be the persons herein described) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in said County, this 14<sup>th</sup> day of June, 2006.

Catherine M Cook  
NOTARY PUBLIC



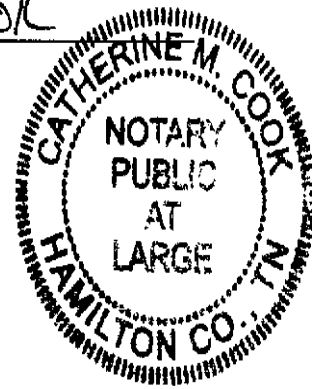
My Commission Expires: 03-05-2008

STATE OF TENNESSEE \*  
\*  
COUNTY OF HAMILTON \*

Personally appeared before me, the undersigned Notary Public, duly appointed, commissioned and qualified in and for the said State and County, the within-named Phillip L. Harris and wife, Lonna J. Harris, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence to be the persons herein described) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in said County, this 14<sup>th</sup> day of June, 2006.

Catherine M Cook  
NOTARY PUBLIC



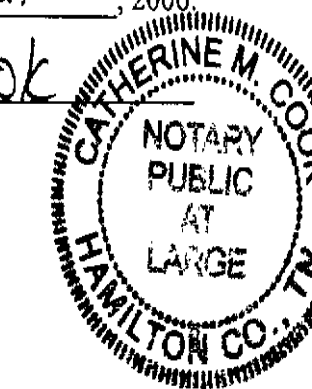
My Commission Expires: 03-05-2008

STATE OF TENNESSEE \*  
\*  
COUNTY OF HAMILTON \*

Personally appeared before me, the undersigned Notary Public, duly appointed, commissioned and qualified in and for the said State and County, the within-named Clifford E. Kinley and wife, Fei Zhou, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence to be the persons herein described) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in said County, this 14<sup>th</sup> day of June, 2006.

Catherine M Cook  
NOTARY PUBLIC



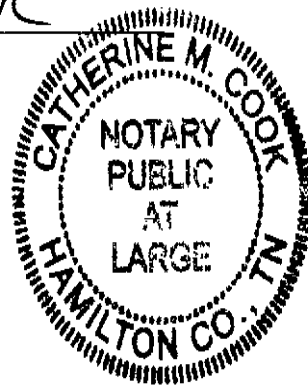
My Commission Expires: 03-05-2008

STATE OF TENNESSEE \*  
\*  
COUNTY OF HAMILTON \*

Personally appeared before me, the undersigned Notary Public, duly appointed, commissioned and qualified in and for the said State and County, the within-named James Richard Rose and wife, Linda W. Rose, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence to be the persons herein described) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in said County, this 14<sup>th</sup> day of June, 2006.

Catherine M Cook  
NOTARY PUBLIC



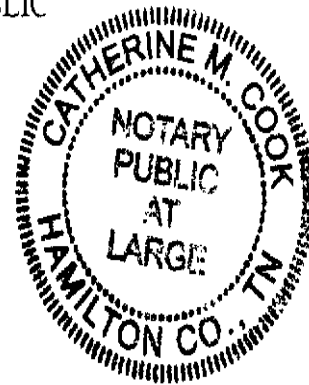
My Commission Expires: 03-05-2008

STATE OF TENNESSEE \*  
\*  
COUNTY OF HAMILTON \*

Personally appeared before me, the undersigned Notary Public, duly appointed, commissioned and qualified in and for the said State and County, the within-named Bryan S. Turner and wife, Cheryl S. Turner, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence to be the persons herein described) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in said County, this 14<sup>th</sup> day of June, 2006.

Catherine M Cook  
NOTARY PUBLIC



My Commission Expires: 03-05-2008