

Prepared By and Return To:  
Hon & Kopet, Attorneys  
Title Guaranty & Trust Company  
617 Walnut Street  
Chattanooga, TN 37402

Instrument: 2009061600121  
Book and Page: G1 8953 174  
MISC RECORDING FEE \$10.00  
DATA PROCESSING FEE \$2.00  
Total Fees: \$12.00  
User: HCDC\TFreudenberg  
Date: 6/16/2009  
Time: 2:04:27 PM  
Contact: Pam Hurst, Register  
Hamilton County, Tennessee

131435

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR HAMPTON CREEK  
TO DESIGNATE NEW DECLARANT**

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WHEREAS, the **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HAMPTON CREEK** are of record in Book 5341, Page 710, in the Register's Office of Hamilton County, Tennessee (the "Declaration"); and,

WHEREAS, pursuant to the terms of the Declaration, **HAMPTON CREEK DEVELOPMENT COMPANY, LLC**, a Tennessee limited liability company, is the Declarant; and,

WHEREAS, **STEVE A. MCKENZIE** is the controlling member of **HAMPTON CREEK DEVELOPMENT COMPANY, LLC**, a Tennessee limited liability company; and,

WHEREAS, the Chapter 11 bankruptcy filing of Steve A. McKenzie may be found in File No. 1:08-bk-16378 in the United States Bankruptcy Court Eastern District of Tennessee, Southern Division; and,

WHEREAS, **C. KENNETH STILL**, Trustee in Bankruptcy for Steve A. McKenzie, in File No. 1:08-bk-16378 in the United States Bankruptcy Court Eastern District of Tennessee Southern Division, has the power and authority of the Declarant.

WHEREAS, pursuant to the terms of Article 1.16 of the Declaration, the Declarant has the power to designate a new Declarant if the designated new Declarant (1) takes title to any portion of the property described in Exhibit "A" of the Declaration for the purpose of development and/or resale in the ordinary course of business and (2) is designated as the Declarant in a recorded instrument executed by the immediately preceding Declarant; and,

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WHEREAS, by deed of record in Book 8953, Page 167, in the Register's Office of Hamilton County, Tennessee, **HAMPTON CREEK INVESTMENTS, LLC**, a Tennessee limited liability company, acquired title to a portion of the property described in Exhibit "A" of the Declaration for the purpose of development and/or resale in the ordinary course of business; and,

WHEREAS, the present Declarant desires to designate **HAMPTON CREEK INVESTMENTS, LLC**, a Tennessee limited liability company, as Declarant; and,

NOW, THEREFORE, I, **C. KENNETH STILL**, Trustee in Bankruptcy for **Steve A. McKenzie**, in File No. 1:08-bk-16378 in the United States Bankruptcy Court Eastern District of Tennessee, Southern Division, exercising the power and authority vested in me, do hereby designate **HAMPTON CREEK INVESTMENTS, LLC**, a Tennessee limited liability company, as Declarant, as defined in the Declaration.

IN WITNESS WHEREOF, I have hereunto set my hand, as Trustee, to be effective as of this 11<sup>th</sup> day of June, 2009.

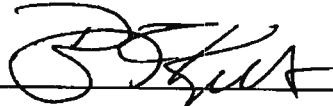


**C. KENNETH STILL**, Trustee in Bankruptcy for **Steve A. McKenzie**, in File No. 1:08-bk-16378 in the United States Bankruptcy Court Eastern District of Tennessee, Southern Division

STATE OF TENNESSEE  
COUNTY OF HAMILTON

On this 11<sup>th</sup> day of June, 2009, before me personally appeared **C. KENNETH STILL**, with whom I am personally acquainted (or has proven to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument and acknowledged that he executed said instrument as his free act and deed, as Trustee in Bankruptcy for **Steve A. McKenzie**, in File No. 1:08-bk-16378 in the United States Bankruptcy Court Eastern District of Tennessee, Southern Division.

Witness my hand and Notarial Seal.



NOTARY PUBLIC

My Commission Expires: 9-22-10

*em*

Instrument: 2010061000211  
Book and Page: GI 9184 629  
MISC RECORDING FEE \$10.00  
DATA PROCESSING FEE \$2.00  
Total Fees: \$12.00  
User: DLS  
Date: 6/10/2010  
Time: 3:25:44 PM  
Contact: Pam Hurst, Register  
Hamilton County, Tennessee

DOCUMENT PREPARED BY:  
PATRICK, BEARD, SCHULMAN & JACOWAY, P.C.  
537 MARKET STREET, SUITE 202  
CHATTANOOGA, TENNESSEE 37402

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS FOR HAMPTON CREEK**

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions for Hampton Creek, a planned unit development, are recorded in Book 5341, page 710 in the Register's Office of Hamilton County, Tennessee (the "Restrictions"); and

WHEREAS, Hampton Creek Investments, LLC, a Tennessee limited liability company, by an Amendment to Declaration of Covenants, Conditions, and Restrictions for Hampton Creek to Designate new Declarant recorded in Book 8953, page 174 in the Register's Office of Hamilton County, Tennessee has been designated as the Declarant under the Restrictions so that Hampton Creek Investments, LLC is now the Declarant and the sole Class B Member under the terms of the Restrictions; and

*46996*

WHEREAS, the development is within the Class B Control Period as provided in Section 1.11 of the Restrictions and Section 3.3 of the bylaws of Hampton Creek Homeowners Association, Inc, which is attached to and recorded with the Restrictions in the Office of the Register of Deeds of Hamilton County, Tennessee; and

WHEREAS, Section 17.2 (a) of the Restrictions provides in pertinent part that: "until termination of the Class B Control Period, Declarant may unilaterally amend this Declaration for any purpose."; and

WHEREAS, Declarant desires to amend the Restrictions to confirm the Board's authority over certain assessments:

NOW, therefore, the Declarant does hereby amend the Restrictions as follows:

The words and terms of this instrument, unless otherwise defined herein, shall have the same meanings ascribed to them as in the Restrictions.

Section 9.1 of the Restrictions is amended by adding at the end of the second sentence thereof the following: "(e) Golf course Assessment as described in Section 9.7.1"

A new Section 9.7.1 is added to the Restriction as follows:


**9.7.1 Golf Course Assessment.** The Board shall have the power to require that each Owner of an occupied Unit maintain a membership with the Golf Course at least at the social membership level. The Board shall have the power to contract with the owners of the Golf Course to arrange and pay for such social memberships as a Common Expense. The Board shall also have the power to levy a Golf Course Assessment against

Owners of occupied Units in an amount determined by the Board to reimburse the Association for all or a portion of the costs of such social memberships and to provide for discounts or other relief from the Golf Course Assessment for Owners of occupied Units who are 65 years or older.

Any other provisions in the Restrictions to the contrary or seemingly to the contrary are hereby deemed amended to remove any such conflict or seeming conflict.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the 7 day of June 2010.


Hampton Creek Investments, LLC (Declarant)

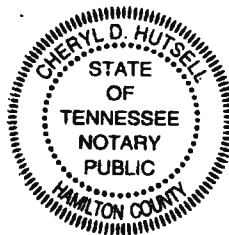
By:   
Name: William G. Miller, II  
Title: President

STATE OF TENNESSEE )  
COUNTY OF HAMILTON )

Before me personally appeared William G. Miller, II, 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 Hampton Creek Investments, LLC, and that he as such President, executed the foregoing instrument for the purpose therein contained, by signing the name of Hampton Creek Investments, LLC by himself as such President.

WITNESS my hand and seal, this 7<sup>th</sup> day of June, 2010.

  
Notary Public  
My commission expires: 12-4-2013



mail Env  
DOCUMENT PREPARED BY:  
PATRICK, BEARD, SCHULMAN & JACOWAY, P.C.  
537 MARKET STREET, SUITE 202  
CHATTANOOGA, TENNESSEE 37402

Instrument: 2011093000166  
Book and Page: GI 9486 507  
MISC RECORDING FEE \$10.00  
DATA PROCESSING FEE \$2.00  
Total Fees: \$12.00  
User: MNS  
Date: 9/30/2011  
Time: 3:36:37 PM  
Contact: Pam Hurst, Register  
Hamilton County, Tennessee

**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR HAMPTON CREEK**

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions for Hampton Creek, a planned unit development, are recorded in Book 5341, page 710 in the Register's Office of Hamilton County, Tennessee (the "Restrictions"); and

WHEREAS, Hampton Creek Investments, LLC, a Tennessee limited liability company, by an Amendment to Declaration of Covenants, Conditions, and Restrictions for Hampton Creek to Designate new Declarant recorded in Book 8953, page 174 in the Register's Office of Hamilton County, Tennessee has been designated as the Declarant under the Restrictions so that Hampton Creek Investments, LLC is now the Declarant and the sole Class B Member under the terms of the Restrictions; and

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WHEREAS, the development is within the Class B Control Period as provided in Section 1.11 of the Restrictions and Section 3.3 of the bylaws of Hampton Creek Homeowners Association, Inc, which is attached to and recorded with the Restrictions in the Office of the Register of Deeds of Hamilton County, Tennessee; and

WHEREAS, Section 17.2 (a) of the Restrictions provides in pertinent part that: "until termination of the Class B Control Period, Declarant may unilaterally amend this Declaration for any purpose."; and

WHEREAS, Declarant desires to amend the Restrictions to remove any requirement that Hampton Creek Owners' Association (the "Association") participate in alternative dispute resolution proceedings prior to commencing litigation to enforce Article X (Architectural Standards) and Article XI (Use Guidelines and Restrictions.)

NOW, therefore, the Declarant does hereby amend the Restrictions as follows:

The words and terms of this instrument, unless otherwise defined herein, shall have the same meanings ascribed to them as in the Restrictions.

Section 16.2 of the Restrictions is amended by deleting present subsection (b) and substituting in lieu thereof the following:

(b) any suit by the Association to enforce the provisions of Article X and Article XI.

Any other provisions in the Restrictions to the contrary or seemingly to the contrary are hereby deemed amended to remove any such conflict or seeming conflict.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the 13<sup>th</sup>  
day of Sept 2011.

Hampton Creek Investments, LLC (Declarant)

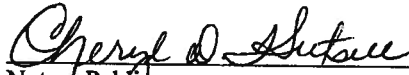
By: 

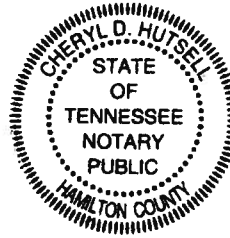
Name: William G. Miller, II  
Title: President

STATE OF TENNESSEE )  
COUNTY OF HAMILTON )

Before me personally appeared William G. Miller, II, 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 Hampton Creek Investments, LLC, and that he as such President, executed the foregoing instrument for the purpose therein contained, by signing the name of Hampton Creek Investments, LLC by himself as such President.

WITNESS my hand and seal, this 13<sup>th</sup> day of September, 2011.

  
Notary Public  
My commission expires: 12-4-13



*Mail Env.*  
DOCUMENT PREPARED BY:  
PATRICK, BEARD, SCHULMAN & JACOWAY, P.C.  
537 MARKET STREET, SUITE 202  
CHATTANOOGA, TENNESSEE 37402

Instrument: 2011093000167  
Book and Page: GI 9486 509  
MISC RECORDING FEE \$10.00  
DATA PROCESSING FEE \$2.00  
Total Fees: \$12.00  
User: RMS  
Date: 9/30/2011  
Time: 3:36:37 PM  
Contact: Pam Hurst, Register  
Hamilton County, Tennessee

**FOURTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS FOR HAMPTON CREEK**

**AMENDMENT OF BY-LAWS OF HAMPTON CREEK OWNER'S  
ASSOCIATION**

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions for Hampton Creek, a planned unit development, are recorded in Book 5341, pages 710 et seq. in the Register's Office of Hamilton County, Tennessee (the "Restrictions"); and

*RR*  
WHEREAS, Hampton Creek Investments, LLC, a Tennessee limited liability company, by an Amendment to Declaration of Covenants, Conditions, and Restrictions for Hampton Creek to Designate new Declarant recorded in Book 8953, page 174 in the Register's Office of Hamilton County, Tennessee has been designated as the Declarant under the Restrictions so that Hampton Creek Investments, LLC is now the Declarant and the sole Class B Member under the terms of the Restrictions; and

WHEREAS, the development is within the Class B Control Period as provided in Section 1.11 of the Restrictions and Section 3.3 of the By-Laws (the "By-Laws") of Hampton Creek Homeowners Association (the "Association"), which is attached to, incorporated by reference in (pursuant to Section 1.9 of the Restrictions) and recorded with the Restrictions in the Office of the Register of Deeds of Hamilton County, Tennessee; and

WHEREAS, Section 17.2 (a) of the Restrictions provides in pertinent part that: "until termination of the Class B Control Period, Declarant may unilaterally amend this Declaration for any purpose."; and

WHEREAS, Section 6.6 of the By-Laws provides in pertinent part: "so long as the Class "B" membership exists, the Class "B" Member [Declarant] may, unilaterally amend these By-Laws for any other purpose, provided the amendment has no material adverse affect upon any right of any owner".

WHEREAS, Declarant desires to amend the By-Laws with respect to the provisions for a "quorum" at meeting of the Association.

NOW, therefore, the Declarant does hereby amend the By-Laws as follows:

**AMENDMENT TO BY-LAWS**

The words and terms of this instrument, unless otherwise defined herein, shall have the same meanings ascribed to them as in the Restrictions and By-Laws.

Section 2.11 of the By-Laws is amended by deleting the present Section 2.11 and substituting in lieu thereof the following:

Except otherwise provided in these By-Laws or in the Declaration, the presence of the Members or proxies representing not less than 35% of the total votes in the Association shall constitute a quorum at all meetings of the Association.

Any other provisions in the Restrictions or the By-Laws to the contrary or seemingly to the contrary are hereby deemed amended to remove any such conflict or seeming conflict.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the 13<sup>th</sup> day of Sept 2011.

Hampton Creek Investments, LLC (Declarant)

By: [Signature]  
Name: William G. Miller, II  
Title: President

STATE OF TENNESSEE )  
COUNTY OF HAMILTON )

Before me personally appeared William G. Miller, II, 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 Hampton Creek Investments, LLC, and that he as such President, executed the foregoing instrument for the purpose therein contained, by signing the name of Hampton Creek Investments, LLC by himself as such President.

WITNESS my hand and seal, this 13<sup>th</sup> day of September, 2011.

[Signature]  
Notary Public  
My commission expires: 12-4-13

