

# MONTCLAIR EAST HOMEOWNERS' ASSOCIATION

1000 READS LAKE ROAD #300  
CHATTANOOGA, TN 37415

July 22, 1991

To: Montclair East Homeowners

MONTCLAIR EAST RULES & REGULATIONS  
Updated August 1991

As required in Section 17 of the Montclair East Homeowners Association By-Laws, the Board of Managers has the responsibility to promulgate and/or amend the Rules of Conduct for the Association. These Rules were last up-dated in mid-1988. Since then there has been a turnover of condo ownership and changes in living conditions requiring issuance of an amended version. Attached, therefore, are the revised Rules for your use.

It has been increasingly apparent to the Board that a large number of property owners desire pets. To accommodate these desires, the Board has approved a change in the Association Rules to allow pet ownership at Montclair East.

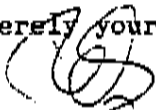
Because of the close proximity of condo units, granting this privilege must be accompanied by acceptance of certain responsibilities by the pet owners to protect the rights of those property owners who do not want pets. The new Rule, Section X, has an effective date of 8/1/91.

The amount of the additional monthly assessment for dogs is to defray the cost of property damage, and odor and appearance control which our history has shown will be required when dogs are in residence.

The Board has prepared a list of current pet owners. Those not wishing to pay the additional monthly assessment for dogs have until 9/1/91 to remove their animals from the premises and so advise the Board.

The Board sincerely hopes that those advocates of pet ownership will be pleased to finally see pets accepted here. We feel certain that the pet owners will want to keep our courtyard and surrounding grounds in good condition, and will want to control their pets to avoid a nuisance to others.

Sincerely yours,



Board of Managers  
Montclair East Homeowners Association

MONTCLAIR EAST  
HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS  
UPDATED AUGUST 1991

I. General Information

To preserve the quality of life enjoyed by the residents of Montclair East, the Board of Managers, under the authority granted to it by the Master Deed and By-Laws, has developed certain rules and regulations. This booklet is issued to provide a convenient reference to them for residents and guests.

Condominium living is a new experience for many residents. Regard for the comfort, tranquility, safety, and security of one's neighbors is the responsibility of each and every resident. The burden of these obligations cannot be delegated to Management but rests, rather, with each and every individual occupying the property.

It is the prerogative of the Board of Managers to interpret, regulate, and enforce the rules and general conduct about the condominium property, and your cooperation and suggestions are welcomed and solicited.

II. Architectural Conformity and Structure-Related Conditions

The exterior of a unit shall not be modified without the prior written consent of the Board of Managers. The exterior of a unit shall include balconies, windows, and doors to individual units.

No awning shall be attached to or hung from the exterior of the buildings or balconies and no sign, notice, illumination or advertisement shall be inscribed or exposed on or at any window or other part of the building without the approval of the Board.

Sidewalks, entrances, carport, parking lots and the courts of the buildings shall not be obstructed at any time. No bicycles shall be left in the carport area; these should be stored inside the owner's courtyard. No water hoses or other loose articles shall be left in the carport area.

Balconies, courtyards, storage space and carports shall be kept clean and orderly. No items shall be displayed from windows, balconies, or in the courtyards which are not complementary to the exterior appearance of the entire complex.

Nothing shall be hung, shaken or thrown from the doors, balconies, or windows.

Firewood shall not be stored on the balconies; this may be stored in the individual courtyard, away from the building. However, at the end of the season, all dead wood shall be removed. No doghouse shall be placed on the balconies.

The following occupancy standards will be observed by all permanent residents and tenants:

<u>Unit Size:</u>	<u>Permanent Residents:</u>
2 bedrooms	No more than 3
3 bedrooms	No more than 4

Owners and/or lessees must notify the Board of Managers of any guest who is to occupy a condominium during the owner/lessee's absence.

The Board of Managers must also be notified of any family member or guest whose residence at Montclair East will exceed one month.

Sounds from musical instruments, stereos, television sets, construction work, etc. resonate in adjacent structures such as ours. To preserve the tranquility of other residents, do not operate any sound producing instruments above conversational level or at unusual hours.

No construction or other service work, except of an emergency nature, is to be permitted in close proximity to the buildings before 9:00 a.m. or after 9:00 p.m.

### III. Fire Prevention

Do not leave personal items in the common areas. Leaving bicycles, footwear, toys, parcels and trash in the common areas is unsightly and, in some cases, in violation of the local fire code. Passages must be kept clear at all times.

Be sure that movers, delivery personnel and workmen remove all litter after performing their services. They are frequent violators of the fire code and have been known to leave trash in the common areas. The resident is responsible at all times for the actions of his/her employees and agents.

Gasoline or kerosene shall not be stored at anytime on the premises. No fireworks shall be ignited on the property.

No gas, electric or charcoal grills are permitted on balconies.

No kerosene heaters are permitted.

Fireplaces will be inspected annually and cleaned as needed, dependent upon usage. A report of the inspection must be submitted to the Board.

Each owner/resident shall be responsible for designating a resident with whom a key will be left in order that access to all units is available in case of emergency.

#### IV. Trash Disposal

All trash and garbage for which kitchen disposals cannot be utilized shall be put into securely tied plastic bags and placed inside the dumpster. Cardboard containers should be broken down before disposal. Dumpster sliding doors should be reclosed after use.

All waste, such as cigarettes, chewing gums, plastic cups, etc., shall be disposed of properly to keep the sidewalks and parking area clean. If trash is spilled accidentally by a resident, employee or agent, it is of course expected that this person will pick it up and put it in the dumpster.

No construction materials or resulting debris are to be placed in the dumpster. These materials must be carried completely away from the condominium property at the contractor's or unit owner's expense.

#### V. Sale or Lease of a Unit

Units may be used, leased, or sold for single family residential purposes only and no sub-lease shall be allowed.

If a unit comes up for sale, the Board of Managers should be notified as to the asking price for the unit.

The Board shall be provided with pertinent information regarding the buyer, lessee, or tenant, including the name, address, phone number, occupation, and, in case of sale, the name and address of the mortgage company.

It is the responsibility of the owner to inform the lessee of the lessee's required compliance with the policies of their Association. Accordingly, copies of this booklet are to be furnished to the lessee by the owner, and the following special stipulation must be contained in all leases:

This lease shall in all respects be subject to the terms and conditions of the By-laws and the Rules and Regulations pursuant thereto. Failure of the tenant to abide by the provisions of these instruments shall be grounds for eviction. In the event grounds for eviction are found to

exist, the owner shall be required to evict his or her tenant, and upon the owner's failure to commence eviction proceedings within fifteen (15) days of the Association's written request to do so, the Association shall have the right to evict said tenant on behalf of the owner. All costs incurred by the Association for such proceedings shall be for the benefit of the owner of the unit and collectible in the same fashion as other assessments levied against the owner.

All buyers or lessees shall be provided, in advance with a copy of the most recent Rules and Regulations by current owner.

#### VI. Common Areas

Children shall not play or ride vehicles in any of the landscaped areas, courtyard, carport, or parking lot. Play is permitted on terraces below front parking lot. Residents must insure that their children or their guest's children do not play or loiter in the aforementioned areas.

Adults using bicycles must walk them on the courtyard sidewalks and parking garage passageway.

Parties are not to extend into the common areas, courtyard, driveways or parking areas.

Residents are responsible for all damages inflicted on common areas by their guests.

#### VII. Construction

Owners must notify the Board of Managers of construction plans and may only construct, alter, modify or change individual units in accordance with restrictions specified in the Master Deed and the By-laws and with written Board approval.

Permits for all new construction must be secured from local authorities as applicable.

All work must be performed between the hours of 9:00 a.m. and 9:00 p.m.

#### VIII. Parking Facilities

Only passenger car, vans, and small pick-up trucks may be parked in the parking lots. No other vehicle which is a source of annoyance to other residents or which interferes with the proper appearance of the property shall be allowed in the parking areas.

Motorcycles which are the main transportation of the resident may be parked properly in the designated carport and parking spaces.

All vehicles shall be parked in the designated carport and parking areas. No vehicle shall be parked in front of the dumpster or along curbs not designated for parking.

No vehicle shall be washed on the premises.

No repair work, except of emergency nature, shall be permitted on the property. No oil changing is permitted on the property.

Parking in reserved garage area will be only with explicit permission of the owner/resident to whom the space is assigned.

Car covers on infrequently used autos are permitted only if the cars are parked in the owner's designated garage space or in the boat storage area east of the complex.

#### IX. Winter Precautions

The heat in all units shall be kept on, set at least to 50 to 60 degrees Fahrenheit at all times.

Both hot and cold water shall be running, whenever the temperature is expected to be near freezing, especially at night. The vanity doors in the first floor half-bath shall be left open.

If the resident is leaving town, arrangements shall be made with someone to check the heater and running water in the unit periodically.

Water supply to the entire complex should never be turned off.

#### X. Pet Ownership

Pets individually 25 pounds or less are permitted with the following stipulations: (By definition a pet is any domesticated animal usually a dog or cat).

##### 1. Dogs:

An assessment of \$4/dog/month will be paid by the dog owner at the time of payment of the regular monthly Maintenance Fee.

Visiting dogs will be assessed at the same rate as resident dogs except that the full monthly rate will be assessed for any visiting period less than one month.

A non-refundable deposit of \$50 (1 year in advance) will be required for any dog acquired after 8/1/91. After the first year, the monthly Maintenance Fee will include the sum indicated above.

2. Cats:

Cats normally kept in-house are permitted without an additional assessment provided they are not turned out to roam the property.

3. Pet owners are responsible for controlling their animals so as to not disturb the peace or be a source of annoyance to their neighbors. (Such instances include allowing a pet to run free thus invading other people's property, leaving an animal on a deck or confined in a courtyard to make noise). Owners are also responsible for any damage their pets cause to a neighbor's property.
4. Property owners are granted permission to purchase, at their expense, an entrance gate into their courtyard designated by the Board of Managers.
5. Pet owners shall leash their animals while they move around the courtyard, parking areas, and driveways.
6. The area immediately East of the complex (under the TVA power lines) or the terrace areas below the front parking lot are designated as pet walks.
7. Property owners leasing their units will decide if their renters may have a pet. If permitted, the property owner shall be assessed as described above and will be responsible for insuring that the renter complies with this rule.

## *Montclair East Homeowners Association*

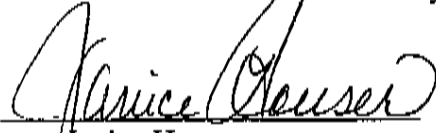
A special meeting of the Montclair East Homeowners Association was held July 9, 1997 for the purpose of discussing a letter from the law firm of Pryor, Flynn, Priest & Harber on behalf of Dr. Ty Prince (owner of Unit #315). Units represented at the meeting were 301, 302, 304, 305, 313, 320, 318, & 307. Units 317, 316, 321, & 315 were represented by written proxies and a letter from Ed Brantly in Unit #306 expressing his desire not to permit dogs was read during the meeting (copy available from Tom Layton). Dr. Prince has received an offer to purchase his unit subject to a contingency clause requiring the association to permit a small dog in the unit.

A lengthy discussion ensued during which pros and cons were discussed regarding granting permission for a dog to be allowed in this complex. A motion was made by Joyce Garrett and seconded by Tom Layton that Policy #10 of The Rules and Regulations of Montclair East Homeowners Association be redefined allowing Unit 315 to "grandfather" a small dog with certain specific restrictions, i.e. The dog must be walked with a leash and the owner shall be required to use a "pooper scooper" to dispose of the dog's droppings so as not to interfere with the existing tranquility of the surroundings and the quality of life of the neighborhood. There shall be a specific area assigned for walking the dog and in no event shall be dog be permitted inside the common courtyard area of the complex. Any one (1) violation shall result in a \$100 fine to the dog owner.

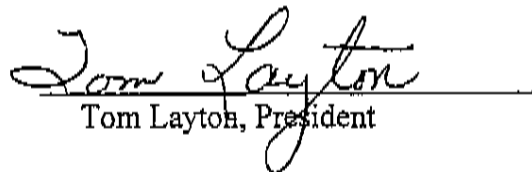
The dog must be kept under control at all times and his barking cannot create a nuisance to neighbors. If barking becomes a problem and more than   \*   complaints are received within a 30 day period, the pet owner will be required to remove the dog from the premises. The resident(s) moving into unit #315 will be required to sign a copy of the amended Rules and Regulations indicating his/her/their agreement to abide by these rules and to pay the fines involved in the event of a violation of the amended Policy #10. A new copy of the amended Rules and Regulations will be provided to all homeowners within 45 days.

Any current or future resident requesting permission for a dog, will also be required to sign a copy of the Rules and Regulations indicating his/her/their agreement to abide by same. Residents desiring a dog must submit a written request to the Board of Managers and each case will be decided on an individual basis.

The Motion was carried by a vote of 10 to 3. The meeting was adjourned.



Janice Houser  
For Jane Bates, Secretary



Tom Layton, President

\*The number of complaints to be determined by the Board of Managers at their meeting scheduled for 7/17/97.