

This Instrument Prepared By:  
JACK W. PIPER, JR., Attorney  
Suite 310, 550 W. Main Street  
Knoxville, TN 37902

028EM 057  
SHERRY WITT  
REGISTER OF DEEDS  
KNOX COUNTY

COUNTERSIGNED  
KNOX COUNTY PROPERTY ASSESSOR  
MAR 05 2010  
BY PHIL BALLARD  
~~NE~~

AMENDMENT TO BY-LAWS OF  
BETHANY SPRINGS HOMEOWNERS ASSOCIATION, INC.

These Amendments to the By-Laws of Bethany Springs Condominiums Homeowners Association, Inc. have been adopted effective the 26<sup>th</sup> day of February, 2009, by the affirmative vote of 75% or more of the homeowners within Bethany Springs Condominiums, which votes were cast at a meeting duly held in accordance with the requirements of the Master Deed and the By-Laws of Bethany Springs Condominiums Homeowners Association, Inc.

WITNESSETH:

WHEREAS, the By-Laws of Bethany Springs Condominiums Homeowners Association, Inc. have been previously recorded at Instrument No. 200505020086657 in the Register's Office for Knox County, Tennessee, to which By-Laws specific reference is hereby made, and:

WHEREAS, the By-Laws provide for amendment at Article XI therein, providing for any proposed amendment to be voted upon at a duly called meeting for that purpose in accordance with the By-Laws of Bethany Springs Condominiums Homeowners Association, Inc. and providing that a quorum of 67% of the members entitled to vote, in person or by proxy, be present and that the vote upon the amendment carry by 67% voting in favor of the amendment, and;

WHEREAS, the meeting of the membership of homeowners within the Bethany Springs Condominiums Homeowners Association, Inc., met on February 26, 2009, at a specially called meeting in accordance with the By-Laws for the purpose of voting upon proposed amendments to

  
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RECORD FEE: \$72.00  
H. TAX: \$0.00 T. TAX: \$0.00  
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the By-Laws at Article IV, Section 4, Article V, Article VII, Article IX, each of which proposed amendments were published and circulated among the membership in compliance with the By-Laws, copies of which are attached here to and marked Exhibits A, B, C, and incorporated herein by reference, and;

WHEREAS, each of the proposed amendments which have been marked Exhibits A, B, C, received an affirmative vote of 75% or more of the votes of all homeowners, more than the 67% necessary to constitute a quorum and 67% voting in favor of the purposed amendments, and the said amendments were duly adopted.

NOW, THEREFORE, the Bethany Springs Condominiums Homeowners Association, Inc., in accordance with the By-Laws of the Association, does hereby publish and declare that the By-Laws of Bethany Springs Condominiums Homeowners Association, Inc. are hereby amended as specifically provided in Exhibits A, B, and C, which are attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, acting by and through its designated officers, the Bethany Springs Condominiums Homeowners Association, Inc., has affixed its signature hereto.

BETHANY SPRINGS CONDOMINIUMS  
HOMEOWNERS ASSOCIATION, INC.

BY: Sandra E. Foster  
Sandra E. Foster, President

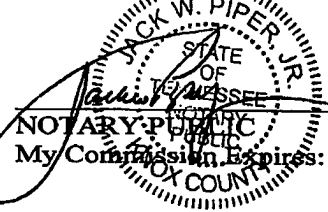
  
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BY: John R. Temple  
John R. Temple, Secretary

STATE OF TENNESSEE     )  
                                          ) ss:  
COUNTY OF KNOX         )

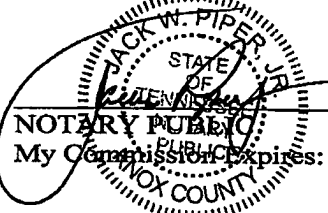
Before me, the undersigned of the state and county mentioned, personally appeared **Sandra E. Foster**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the President of Bethany Springs Condominiums Homeowners Association, Inc., the within named bargainor, and in said capacity, executed the foregoing instrument for the purpose therein contained, by personally signing as President of Bethany Springs Condominiums Homeowners' Association, Inc.

Witness my hand and seal this 5<sup>th</sup> day of March, 2010.

  
NOTARY PUBLIC  
My Commission Expires: 9/11/2010

Before me, the undersigned of the state and county mentioned, personally appeared **John R. Temple**, 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 Secretary of Bethany Springs Condominiums Homeowners Association, Inc., the within named bargainor, and in said capacity, executed the foregoing instrument for the purpose therein contained, by personally signing as Secretary of Bethany Springs Condominiums Homeowners' Association, Inc.

Witness my hand and seal this 5<sup>th</sup> day of March, 2010.

  
NOTARY PUBLIC  
My Commission Expires: 9/11/2010

**Bethany Springs Condominium  
Homeowners Association**

**AMENDMENT TO THE  
BY - LAWS  
OF  
BETHANY SPRINGS CONDOMINIUM  
HOMEOWNERS ASSOCIATION, INC.**

**Pertaining to the Powers of the ADMINISTRATIVE BOARD  
(Article IV Section 4)**

(Without changing any wording in Article IV Section 4, this amendment reorders the original items, placing Item (h) before Item (i) to clarify the powers concerning Rules and Regulations. This reordering requires a new letter designation for each item following the original item (g).

(It will take a 67% approval of a 67% quorum of the membership present or voting by proxy to pass this amendment.)

WHEREAS, the Master Deed of the Bethany Springs Condominiums establishes that the property shall be administered by an Association of Homeowners known as The Bethany Springs Condominiums Homeowners Association, Inc, and referred to as the Association;

WHEREAS, the Master Deed states that the By-Laws of the Association be attached thereto and by reference incorporated therein;

WHEREAS, the Association shall have, perform, and fulfill the powers, duties and responsibilities required under the Master Deed, and the By-Laws (of the Association) and the Tennessee Horizontal Property Act;

WHEREAS, the Association shall elect pursuant to the By-Laws, an Administrative Board to serve as the governing body of the Association;

WHEREAS, the Administrative Board has the power and authority, given to it in the By-Laws, to call for a vote to amend the By-Laws;

WHEREAS, the By-Laws currently state the following:

  
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Exhibit No. A

*By-Laws*

## ARTICLE IV ADMINISTRATIVE BOARD

Section 4. **Powers:** ....The powers of the Board shall specifically include, but not be limited to the following:

- h.) To make appropriate changes in the Rules and Regulations for the occupancy of the condominium units as may be deemed necessary. Any such changes shall be approved at the next meeting of the membership by a majority of the votes cast.
- i.) To acquire and/or rent and/or lease a condominium unit in the name of the Association or a designee.
- j.) To carry out the obligations of the Association under any restrictions and/or covenants running with the land submitted to the Condominium ownership of the Association or its members.
- k.) To designate, as the Board deems appropriate, assigned parking spaces, other than limited common elements for each condominium unit, visitors, service vehicles and other vehicles.
- l.) To adopt rules and regulations pursuant to Article IX of the By-Laws.

WHEREAS, ARTICLE XI of the By-Laws states the following:

### AMENDMENT

These By-Laws may be altered, amended or added to only at a duly called meeting of the members, provided (i) that the notice of the meeting shall contain a full statement of the proposed amendment; and (ii) that the quorum requirement for such purposes shall be sixty-seven percent (67%) of the members entitled to vote, in person or by proxy; and (iii) it shall be necessary that the vote upon the amendment carry by sixty-seven percent (67%) voting in favor of the amendment rather than a simple majority of those votes cast.

No amendment to these By-Laws shall be passed which would operate to impair or prejudice the right or liability of any mortgagee nor shall any amendment be passed in violation of any provision in the Act.

NOW, THEREFORE, BE IT RESOLVED that the By-Laws be amended by a sixty - seven percent (67%) vote of the members present or represented by proxy to read as follows:

  
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BY - LAWS  
OF  
BETHANY SPRINGS CONDOMINIUMS  
HOMEOWNERS ASSOCIATION, INC.

ARTICLE IV  
ADMINISTRATIVE BOARD

Section 4. **Powers:** ....The powers of the Board shall specifically include, but not be limited to the following:

h.) To adopt rules and regulations pursuant to Article IX of the By-Laws.

i.) To make appropriate changes in the Rules and Regulations for the occupancy of the condominium units as may be deemed necessary. Any such changes shall be approved at the next meeting of the membership by a majority of the votes cast.

j.) To acquire and/or rent and/or lease a condominium unit in the name of the Association or a designee.

k.) To carry out the obligations of the Association under any restrictions and/or covenants running with the land submitted to the Condominium ownership of the Association or its members.

l.) To designate, as the Board deems appropriate, assigned parking spaces, other than limited common elements for each condominium unit, visitors, service vehicles and other vehicles.

Bethany Springs Condominium Homeowners Association, Inc. (BSCHOA)  
Amendments to the By-Laws

Voted upon: February 26, 2009 during a specially called Membership Meeting

**Bethany Springs Condominium  
Homeowners Association**

**AMENDMENT TO THE  
BY - LAWS  
OF  
BETHANY SPRINGS CONDOMINIUM  
HOMEOWNERS ASSOCIATION, INC.**

**Pertaining to the Officers of the Board (Articles V and VII)**

(The amendment to Article V separates the positions of Vice-President and Treasurer, which gives the board more flexibility in filling these positions. For instance, the skills of a Vice-President and a Treasurer are not the same, and a person may want to serve multiple terms as Treasurer without having to ascend to the position of President. Currently, the VP/Treasurer must ascend to the Presidency after one term in office. It also provides for all officers, including President, to be elected by the board on an annual basis. This gives the President the option of serving more than one term.)

(The amendment to Article VII separates the offices of Vice-President and Treasurer for the purposes of signing checks and handling assessments. It requires two signatures on a check, which has been our practice from the beginning.)

(The underlined italicized words are the changes that you will be voting on.)

(It will take a 67% approval of a quorum of 67% of the membership present or voting by proxy to pass this amendment.)

WHEREAS, the Master Deed of the Bethany Springs Condominiums establishes that the property shall be administered by an Association of Homeowners known as The Bethany Springs Condominiums Homeowners Association, Inc, and referred to as the Association;

WHEREAS, the Master Deed states that the By-Laws of the Association be attached thereto and by reference incorporated therein;

WHEREAS, the Association shall have, perform, and fulfill the powers, duties and responsibilities required under the Master Deed, and the By-Laws (of the Association) and the Tennessee Horizontal Property Act;

WHEREAS, the Association shall elect pursuant to the By-Laws, an Administrative Board to serve as the governing body of the Association;

Exhibit No. B  
By-Laws

WHEREAS, the Administrative Board has the power and authority, given to it in the By-Laws, to call for a vote to amend the By-Laws;

WHEREAS, the By-Laws currently state the following:

## ARTICLE V OFFICERS

Section 1. **Executive Officers:** The executive officers of the Association shall be a President, a Secretary, and a Vice-President/Treasurer. The offices shall be filled by a member serving upon the Board. No two offices may be united in one person. The term of each office shall be one year, with the following stipulation. The member of the Board serving as the Vice-President/Treasurer shall ascend to the office of the President during the subsequent year so that after the initial election of officers, the only two offices that will be elected annually will be those of Vice-President/Treasurer and Secretary, unless an office is vacated by the ascending Vice-President prior to or during his term as President.

Section 6. **The Vice President/Treasurer:**

- a.) The Vice-President/Treasurer shall be vested with all powers and required to perform all the duties of the President in his absence, and such other duties as may be prescribed by the Board.
- b.) The Vice-President/Treasurer shall keep full and accurate accounts of the receipts and disbursements in books belonging to the Association and shall deposit all monies and other valuable effects in the name and to the credit of the Association, in such depositories as may be designated by the Board.
- c.) The Vice-President/Treasurer shall disburse the funds of the Association as ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Board Members at the regular meetings of the Board, or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Association. Such records shall be open to inspection to members at reasonable times.
- d.) The Vice-President/Treasurer may be required to give the Association, at the Association's cost, a bond in a sum and with one or more sureties satisfactory to the Board for the faithful performance of the duties of his office, and the restoration to the Association, in case of his death, resignation or removal from office, of all books, papers, vouchers, money or other property of whatever kind in his possession belonging to the Association.

e.) The Vice-President/Treasurer shall maintain a register for the names of any mortgage holders or lien holders on units who have requested in writing that they be registered and to whom the Association will give notice of default in case of non payment of assessments. No responsibility by the Association is assumed with respect to said register except that it will give notice of default to any registered mortgage or lienor therein, if so requested by said mortgage or lienor.

f.) With the approval of the Board, the Vice-President/Treasurer shall be authorized to delegate all or part of his responsibilities to competent accounting, collection or management personnel, pursuant to written definition of the responsibilities to competent accounting, collection or management personnel, but in such event, the Treasurer shall retain supervisory responsibilities.

## ARTICLE VII Finances

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Section 2. Checks: All checks or demands for money and notes of the Association shall be signed by any one of the following officers: President, Secretary, or Vice-President/Treasurer, or by such officers or such other person or persons as the Administrative Board may from time to time designate.

Section 3 d) When the Board has determined the amount of any assessment, the Vice-President/Treasurer of the Association shall mail or present all statements of the assessment to each of the assessed owners. All assessments shall be payable to the Association and upon request, the Vice-President/Treasurer or his designated agent shall give a receipt for each payment made.

WHEREAS, ARTICLE XI of the By-Laws states the following:

### AMENDMENT

These By-Laws may be altered, amended or added to only at a duly called meeting of the members, provided (i) that the notice of the meeting shall contain a full statement of the proposed amendment; and (ii) that the quorum requirement for such purposes shall be sixty-seven percent (67%) of the members entitled to vote, in person or by proxy; and (iii) it shall be necessary that the vote upon the amendment carry by sixty-seven percent (67%) voting in favor of the amendment rather than a simple majority of those votes cast.

No amendment to these By-Laws shall be passed which would operate to impair or prejudice the right or liability of any mortgagee nor shall any amendment be passed in violation of any provision in the Act.

NOW, THEREFORE, BE IT RESOLVED that the By-Laws be amended by a sixty -

seven percent (67%) vote of the members present or represented by proxy to read as follows:

## ARTICLE V. OFFICERS

Section 1. **Executive Officers:** The executive officers of the Association shall be a President, a **Vice-President**, a Secretary, and a **Treasurer**. The offices shall be filled by a member serving upon the Board. No two offices may be united in one person. The term of each office shall be one year, **with each officer being elected by the Board.**

Section 6. **The Vice President:**

**The Vice-President** shall be vested with all powers and required to perform all the duties of the President in his absence, and such other duties as may be prescribed by the Board.

Section 7. **The Treasurer**

- a.) **The Treasurer** shall keep full and accurate accounts of the receipts and disbursements in books belonging to the Association and shall deposit all monies and other valuable effects in the name and to the credit of the Association, in such depositories as may be designated by the Board.
- b.) **The Treasurer** shall disburse the funds of the Association as ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Board Members at the regular meetings of the Board, or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Association. Such records shall be open to inspection to members at reasonable times.
- c.) **The Treasurer** may be required to give the Association, at the Association's cost, a bond in a sum and with one or more sureties satisfactory to the Board for the faithful performance of the duties of his office, and the restoration to the Association, in case of his death, resignation or removal from office, of all books, papers, vouchers, money or other property of whatever kind in his possession belonging to the Association.
- d.) **The Treasurer** shall maintain a register for the names of any mortgage holders or lien holders on units who have requested in writing that they be registered and to whom the Association will give notice of default in case of non payment of assessments. No responsibility by the Association is assumed with respect to said register except that it will give notice of default to any registered mortgagee or lienor therein, if so requested by said mortgagee or lienor.

e.) With the approval of the Board, the Treasurer shall be authorized to delegate all or part of his responsibilities to competent accounting, collection or management personnel, pursuant to written definition of the responsibilities to competent accounting, collection or management personnel, but in such event, the Treasurer shall retain supervisory responsibilities.

*The section previously designated Section 7 shall be designated Section 8.*  
*The section previously designated Section 8 shall be designated Section 9.*

## **Article VII**

### **Finances**

Section 2. Checks: All checks or demands for money and notes of the Association shall be signed by any two of the following officers: President, Vice-President, Treasurer, or Secretary, or by such officers or such other person or persons as the Administrative Board may from time to time designate.

Section 3 d) When the Board has determined the amount of any assessment, the Treasurer of the Association shall mail or present all statements of the assessment to each of the assessed owners. All assessments shall be payable to the Association and upon request, the Treasurer or his designated agent shall give a receipt for each payment made.

Bethany Springs Condominium Homeowners Association, Inc. (BSCHOA).  
Amendments to the By-Laws  
Voted upon: February 26, 2009 during a specially called Membership Meeting

**Bethany Springs Condominium  
Homeowners Association**

**AMENDMENT TO THE  
BY - LAWS  
OF  
BETHANY SPRINGS CONDOMINIUM  
HOMEOWNERS ASSOCIATION, INC.**

**Pertaining to Rules and Regulations (Article IX)**

(In Article IV Section 4 (h) the By-Laws state that "Any changes (to the Rules and Regulations) shall be approved at the next meeting of the membership by a majority of votes cast. Then in Article IX the Rules and Regulations are again mentioned in reference to Rules and Regulations which may be adopted in the future by the membership. In this amendment we are adding wording to clarify that we need a 51% majority vote to pass new rules and regulations, which does not change the intent of the original Article IX.)

(The underlined italicized section has been added and is the section that you will be voting on.)

(It will take a 67% approval of a quorum of 67% of the membership either present or voting by proxy to pass this amendment.)

WHEREAS, the Master Deed of the Bethany Springs Condominiums establishes that the property shall be administered by an Association of Homeowners known as The Bethany Springs Condominiums Homeowners Association, Inc, and referred to as the Association;

WHEREAS, the Master Deed states that the By-Laws of the Association be attached thereto and by reference incorporated therein;

WHEREAS, the Association shall have, perform, and fulfill the powers, duties and responsibilities required under the Master Deed, and the By-Laws (of the Association) and the Tennessee Horizontal Property Act;

WHEREAS, the Association shall elect pursuant to the By-Laws, an Administrative Board to serve as the governing body of the Association;

WHEREAS, the Administrative Board has the power and authority, given to it in the By-Laws, to call for a vote to amend the By-Laws;

Exhibit No. C

*By-Laws*



WHEREAS, the By-Laws currently state the following:

**ARTICLE IX**  
**Rules and Regulations**

In addition to the other provisions of these By-Laws, any rules or regulations which may be adopted in the future by the membership, together with any subsequent amendments, shall govern the use of the condominium units general and limited common areas and the conduct of all residents and guests.

WHEREAS, ARTICLE XI of the By-Laws states the following:

**AMENDMENT**

These By-Laws may be altered, amended or added to only at a duly called meeting of the members, provided (i) that the notice of the meeting shall contain a full statement of the proposed amendment; and (ii) that the quorum requirement for such purposes shall be sixty-seven percent (67%) of the members entitled to vote, in person or by proxy; and (iii) it shall be necessary that the vote upon the amendment carry by sixty-seven percent (67%) voting in favor of the amendment rather than a simple majority of those votes cast.

No amendment to these By-Laws shall be passed which would operate to impair or prejudice the right or liability of any mortgagee nor shall any amendment be passed in violation of any provision in the Act.

NOW, THEREFORE, BE IT RESOLVED that the By-Laws be amended by a sixty - seven percent (67%) vote of the members present or represented by proxy to read as follows:

**BY - LAWS**  
**OF**  
**BETHANY SPRINGS CONDOMINIUMS**  
**HOMEOWNERS ASSOCIATION, INC.**

**Article IX**  
**RULES AND REGULATIONS**

In addition to the other provisions of these By-Laws, any rules or regulations which may be adopted in the future by a vote greater than 50% of a quorum of more than 50% of the membership present or represented by proxy, provided that it does not conflict with the Master Deed, together with any subsequent amendments, shall govern the use of the



condominium units general and limited common areas and the conduct of all residents and guests.

Bethany Springs Condominium Homeowners Association, Inc. (BSCHOA)  
Amendments to the By-Laws

Voted upon: February 26, 2009 during a specially called Membership Meeting

