

**Bethany Springs Condominium
Homeowners Association, Inc.**

AMENDED RULE 2

**(The underlined italicized sections are the changes that have been made since the
previous vote on Rule 2)**

**(It will take a majority vote of over 50% of a quorum of over 50% of the
membership present or voting by proxy to pass this Rule.)**

Community Landscaping Rules and Regulations

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 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 By-Laws require the Board to, among other things, use assessments collected to maintain, care for and preserve the units and condominium property, and to additionally, adopt rules and regulations pursuant to Article IX of the By-Laws;

WHEREAS, the original Rule 2 stated that **the Board contracted to have a Master Plan developed in collaboration with a committee of interested residents known as the Master Plan Committee (MPC);**

WHEREAS, the original Rule 2 stated that **the Association has ratified a Master Landscape Design Plan for landscape of the common and limited common elements of the Bethany Springs Condominium community called the Master Plan (Rule 1);**

AND WHEREAS, the Association membership, at the Annual Meeting on April 3, 2008 passed Rule 2 with the exception of Item #5 which was sent back to the Master Planning Committee for further clarification, the original Item #5 stating the following:

5. Regarding accent pieces -

Style - may be a small statue or other decorative accent piece;

Number - no more than one;

Location - on the concrete entrance walkway close to the house (not down toward the street or in the front garden).

NOW, THEREFORE, BE IT RESOLVED THAT the original Rule 2 be amended to read as follows:

Amended Rule 2

Community Landscaping Rules and Regulations

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 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 By-Laws require the Board to, among other things, use assessments collected to maintain, care for and preserve the units and condominium property, and to additionally, adopt rules and regulations pursuant to Article IX of the By-Laws;

(Paragraphs 5 and 6 in the WHEREAS section have been deleted due to the fact that Rule 1 (the Master Landscaping Plan) was not ratified by the membership of the Association at the April 3, 2008 Annual Meeting.)

NOW, THEREFORE, BE IT RESOLVED THAT the following regulations and guidelines, including plant lists, landscape materials, direction, and restrictions be ratified by the members of the Association as **Amended Rule2:**

1. Regarding flower pots:

Number - no more than two in front of unit;

Color - brick red, concrete, black, white, or **bronze**;

Size - no higher than 20"

Placement - may be on one or both sides of front of garage, at the corner of the walkway, or by the front door.

2. Regarding a bench or chair:

Length - may have one or two seats, but may not be longer than 40";

Material - may be wrought iron or a metal that looks like wrought iron, or concrete; may not be plastic or wood;

Placement - on front walkway. May not be in front garden area.

3. Regarding pavers in the front gardens:

Material - must be red brick, either with a strait or scalloped top edge;

Placement - along the two side edges of the front garden, but not at the front edge of the garden. This will make it easier for our landscapers to mow.

4. Regarding gardens around utility boxes, poles, and hydrants:

There are currently 12 such gardens. The owners of the units where these gardens occur have the option of enhancing them, using the plants recommended by the Committee. Individuals may edge these gardens with the same style of brick pavers as are used in the brick retaining walls, which come in 6,10,and 12 inch sizes. *The Association through its Board retains the right to approve the appearance of these gardens, and if in the Board's opinion they are not consistent with the landscaping in place and do not enhance the overall appearance of the community, to require that the homeowner remove the plants.*

5. Regarding accent pieces:

Style - may be a small statue or other decorative accent piece, 30 inches or less in height; no nude statues;

Number - no more than one;

Location - on the concrete walkway, no farther out from the house than the corner of the garage, and not in the front garden.

6. Regarding Wreaths:

Door wreaths are permitted on the front exterior door but shall not be affixed to the door by use of a permanent attachment. Christmas wreaths are also permitted on the front exterior door and front windows but permanently installed hangers shall not be used. No wreaths shall be permanently affixed to any unit.

7. No fountains, water features, birdbaths, plastic flowers or outdoor lights are permitted in front of units. No wind chimes are permitted anywhere in the neighborhood.

(We have deleted the section regarding flags, since this is covered in the Master Deed. We have also deleted the sentence stating that no item may be attached to the outside of the buildings, since this is also covered in the Master Deed).

8. Regarding mail boxes:

No planting of any kind around the mailboxes;

Seasonal decoration of mailboxes, within reason, is permitted.

As a limited common element, the maintenance of mailboxes is the responsibility of the HOA.

9. Regarding trees:

No tree is permitted in the front of the buildings, due to the number of utilities

that are present in this area.

At the side and back of building:

Up to three (3) trees total may be planted in these areas by the unit owner. Prior to planting, each unit owner must consult with the Board, which will have final authority over the tree placement and type of tree selected. (We recommend that you select from the list provided herein). All trees must be located at least ten (10) feet from the building structure, exterior light poles, transformers, signs, etc. Trees planted by unit owners must be properly trimmed and mulched at the unit owner's expense. The mulch used must match in color used in areas maintained by the Association. Leaves generated by these trees must be raked and properly disposed of by the unit owner. The same is true for all brush generated as a result of unit owner pruning. Unit owners who have planted trees in these areas prior to this Rule WILL NOT be asked to relocate trees that do not comply with these guidelines. However, any damage caused by such trees to the unit building or to the general or limited common elements will be repaired at the unit owners expense.

You must call phone # 811 to have buried utility cables located before any holes can be dug or trees planted.

10. You must obtain Board approval before putting in a garden in the rear or side of your unit. But as stated in the Master Deed, the Homeowners Association through its Board retains the right to review and require that any shrubs or flowers which are planted by an owner be removed, if in the opinion of the Board, the plants are not consistent with the landscaping in place and do not enhance the overall appearance of the community.

The plants that we are recommending would be good for the side and back as well as the front, since they have been selected with height and drought considerations in mind. No plants in front of windows may be higher than the window sill.

11. **RECOMMENDED** plants to add to gardens (at discretion of homeowners):

Shrubs:

Abelia Confetti
Bamboo Nandina/Heavenly Bamboo
Bluebeard Caryopteris
Boxwood
Contorted Filbert
Encore Azalea (blooms three times a year)
Girard Rose Azalea
Autumn Carnation Azalea
Double Knock-out Rose

Dwarf Forsythia
Dwarf Fothergilla
Dwarf Nandina
Iberis: Candy Tuft
Leatherleaf Viburnum
Winter Star Camelia
Yuletide Camelia

Groundcover:

Forsythia
Pincushion

Trees: (For side and rear only)

American Redbud
Cornus (Korean) Kousa Dogwood
Dwarf Japanese Maple
Japanese Snow Fountain Cherry
Loropetalum Tree
Natchez Crape Myrtle (needs afternoon shade)
Plum Yew

Evergreen:

Dwarf Kinoki False Cypress
Eastern Arborvitae

Flowers/Perennials:

Annuals and/or bulbs selected by homeowners
Blanket Flower
Blue False Indigo
Camellia (blooms in fall and winter)
Coneflowers
Day Lily
English Lavender
Goldenrod Firecracker
Lace Fern
Lamb's Ear
Monarda: Bee Balm
Pincushion Flower
Red Valerian
Rosemary
St. John's Wort
Showy Stonecrop "Autumn Joy"
Shasta Daisy
Texas Sage
Threadleaf Coreopsis

Grasses (tall grasses are not appropriate in the front gardens):

Heavy Metal Switch grass

Monkey Grass

Muhly Grass

Ravenna Grass

Bethany Springs Condominium Homeowners Association, Inc. (BSCHOA)

Rule 2: Part of Community Landscaping Rules and Regulations

Voted upon: February 26, 2009 during a Special Membership Meeting