

2 HOMEOWNER'S ASSOCIATION

Lots 9 through the highest number of Lots within the Subdivision shall belong to a Homeowners' Association initially consisting of L. Kent Berry and/or Susan B. Berry, and Wil1 at some point be transferred to other parties within the Subdivision proper. There are certain Federal, State and Local requirements as to detention and retention ponds, and as to stormwater management. The Homeowners' Association may be required to obtain title to any such bodies of water or pond conveyed as a Lot or part of Lot to a third-party. The Developers at some point may transfer all of their interest in such detention or retention or stormwater areas direct to the Homeowners' Association which shall be responsible for the maintenance and upkeep of such ponds. The upkeep and maintenance of such ponds shall be by the people within the drainage basin of each such pond. This may include Lots 1 through 8 as well as 9 through the end of the Lot numbers within the Subdivision. It should be clear that the levy shall be on an equitable basis against the Lot owners affected by each such particular drainage basin. All such homeowners, except Lots 1 through 8, shall also be levied the cost for maintenance of street lights, walking areas if any, and such other activities which would benefit all of the homeowners in the Subdivision. The assessment for both the maintenance of the ponds or drainage areas by the people within the drainage basin, and the separate assessment for the other and general uses of the Homeowners' Association on an annual basis or more frequent if required.

a. STORMWATER

All owners of all Lots in said Subdivision :must comply with :MS4 Phase II Stormwater Management Program as required by the State of Tennessee.

b. DETENTION POND

A detention pond is one that confines or delays a run-off and it may be the obligation of the Homeowners' Association if transferred to said Association to maintain said Detention Pond.

c. RETENTION POND

A retention pond is to retain run-off waters and it may be the obligation of the Homeowners' Association if transferred to said Association to maintain said Retention Pond.