

# FAIRFIELD MOUNTAINS PROPERTY OWNERS ASSOCIATION, INC.

## SUBDIVIDING LOTS POLICY

WHEREAS, the POA is subject to the Declaration of Restrictive Covenants of Fairfield Mountains first recorded in the Rutherford County Registry of Deeds in Deed Book 388, Page 404, and as amended (hereinafter referred to as the “Declaration of Covenants and Restrictions”), the same providing for the subdividing of lots with the written approval of the Fairfield Mountains Property Owners Association, Inc. (“POA”); and

WHEREAS, it is the desire of the Board of Directors to allow a lot to be subdivided under certain circumstances and conditions, such as if all the subdivided lots will produce suitable building sites and the subdivision is in the best interests of the surrounding lot owners and the community.

NOW, THEREFORE, BE IT RESOLVED that the POA does hereby adopt the following procedures and policies for the subdividing of lots:

A suitable building site is defined as a lot that meets all applicable local and county legal requirements, will hold a conventional septic system or has sewer access, meets the minimum building square footage and setback requirements as defined in the Declaration of Covenants and Restrictions, as amended, meets all applicable Architectural Control Committee Rules and Regulations, and meets all other Policies and Procedures. Whether a proposed subdivision meets the terms and conditions of this Policy and whether it shall be approved by the POA Board of Directors shall be determined at the sole discretion of the POA Board of Directors. It is the purpose of this Policy to encourage and enhance the growth of the community and to protect the POA’s source of revenue, while recognizing a lot owner’s desire to reasonably control their property.

1. The Primary Member, as defined by the Primary Member Designation Policy, of the subject property must submit in writing to the Chief Executive or his designee, a request to grant the subdividing of the property. The following must accompany the request:
  - a. A survey/plat of the proposed subdivided lots must accompany the request. This survey/plat must include the location of a suitable building site on each lot (including the septic tank placement with leach field(s) if applicable) in order to meet the minimum setback and square footage requirements as defined in the Declaration of Covenants and Restrictions as amended, Architectural Control Committee Rules and Regulations, Policies, Procedures, state statutes, laws and regulations, as well as all local and county requirements.
  - b. A current Health Department Site Evaluation (perc test) showing that each lot will pass for a three (3) bedroom home must accompany the request.

- c. If the proposed subdivided lots do not pass the Health Department Site Evaluation (perc test) and a sewer hookup is available, a written statement from the sewer provider advising that all the proposed lots will accept a sewer hookup must accompany the request.
2. The proposed subdivided lots must have access to a POA, County or State maintained road. If this access is provided by an easement, the easement must be drawn in the survey/plat and clearly reflected that the access is not and will not be maintained by the POA. Furthermore, said easement must be properly recorded in all resulting deed(s) or in a separate document.
3. The proposed acreage of each lot must be of equal to, or greater acreage of, the other surrounding lots within the same vicinity of the subdivision.
4. Assessments will become due and payable for each additional lot from the date the lot subdivision is approved in writing by the POA. The amount of the assessment will be prorated from the date it is approved, through the end of the year and payable annually thereafter. If the resulting lots are retained by the same owner, each lot will still incur separate assessments from the date that the subdivision has been approved in writing.
5. If the subdivision of lots is approved, a copy of the survey/plat and property deed(s) showing the lots subdivided, must be recorded within thirty (30) days of the approval, in the Rutherford County Registry and immediately delivered to the POA Membership Services Manager. Failure to record said documents within the thirty (30) days will render the approval invalid, subject the resulting subdivided lots to reasonable fine at the POA's discretion and require that additional written approval be obtained from the POA.
6. In the sole discretion of the POA, all resulting subdivided lots must produce suitable building sites and the resulting subdivision must be in the best interests of the surrounding lot owners and the community.
7. The POA Board of Directors reserves the right at any time, and from time to time, to change, amend, or delete any portion of this Policy, or to abandon such Policy when in its judgment the best interests of the property owners of the POA would be best served thereby.

In the event any provision of this Policy is invalid or illegal for any reason, the invalidity or illegality shall not affect the remaining parts of the Policy, but the Policy shall be construed and enforced as if the invalid or illegal provision had never been inserted, and the POA Board of Directors shall have the opportunity to correct and remedy the invalidity or illegality by revising this Policy.

Policy Effective September 1, 2006

Adopted by the Board of Directors on July 18, 2006.