

**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS  
MARKS BEND SUBDIVISION**

This declaration of Protective Covenants and Restrictions is made and published by Shaw Enterprises LLC of Maury County Tennessee, (hereinafter referred to as the "Developer").

WHEREAS, the Developer owns free title to a residential subdivision development know as MARKS BEND SUBDIVISION.

WHEREAS, the Developer, desires to provide for the protection and preservation of the values, amenities, desirability and attractiveness of MARKS BEND SUBDIVISION.

An Architectural Review Committee comprised of Developer and his current marketing representatives, duly appointed by the Developer, shall coordinate each residence and lot to generally coordinate the aesthetic development and overall planning. **THIS ARCHITECTURAL REVIEW COMMITTEE SHALL PRE- APPROVE ALL HOUSE PLANS, ROOM ADDITIONS, FENCES OR ANY MODIFICATIONS TO ANY STRUCTURE OR LOT IN SUBDIVISION.**

In the event of the death, resignation or incapacity of any member, the Developer (or in his absence, the successor of Shaw Enterprises LLC or their respective successors or assigns) shall have full authority to remove any Architectural Review Committee member, in his sole and absolute discretion.

NOW, HEREOFRE, the Developer declares all lots shown on the Plat of MARKS BEND SUBDIVISION, to be subject to the following protective covenants and restrictions:

**HOME SIZE AND USE**

No dwelling shall be permitted on any lot with less than 1700 square feet on the main floor. Two story or split foyer dwellings shall have at least 1500 square feet on main level. All lots shall be used for single family residential purposes. There shall be no trade, business, commercial activity or practice of a profession on any lot. In no event shall any part of the main structure or garage be used as a second dwelling for any purpose.

**HOME FINISH**

All residences shall be constructed to have an outside finish of brick and/ or stone. Vinyl or wood windows shall be required on all residences. No bare foundation block (painted or unpainted) can show and must be covered by brick. Vinyl is permitted for trim only.

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SHAW ENTERPRISES LLC  
PO BOX 8081  
COLUMBIA, TN 38402

|              |          |
|--------------|----------|
| RC 4 PG BA:  | 17155    |
| 03/13/2007   | 09:35 AM |
| VALUE        | 0.00     |
| MTG TAX      | 0.00     |
| TRN TAX      | 0.00     |
| REC FEE      | 20.00    |
| DP FEE       | 2.00     |
| REG FEE      | 0.00     |
| TOTAL        | 22.00    |
| RECORDED BY: | KAY      |

BK/PG:D329/235-238

**07063734**

KAY GIBBONS, REGISTER  
GILES COUNTY, TENNESSEE

**GARAGES**

All residences must have an attached garage that can be used for housing a minimum of two and a maximum of four vehicles. **NO GARAGE DOORS** shall be designed to face toward the street on which residence faces.

**LANDSCAPING**

The front of each house shall be landscaped with shrubbery and shall be completed within six (6) months after occupancy of home. Any ensuing yard projects must be **PRE-APPROVED BY ARCHITECTURAL REVIEW COMMITTEE** and completed within 30 days of starting.

**UTILITIES**

All utility service wires, cable, pipes, mains including, but not limited to electricity, gas, water, sewer, telephone, and cable lines for the residence and any outbuildings shall be underground. All utility easements on plat of record shall remain clear and accessible.

**DRIVEWAYS**

Each residence must have a concrete driveway and each drive must be completed as the residence is completed or occupied which ever shall occur first.

**PARKING**

a) No vehicle shall be parked on any street in excess of twenty-four (24) hours in one calendar year.

b) No vehicle which is inoperable and/or with expired registration shall be parked or kept on any lot unless housed in an enclosed garage.

c) No recreational or commercial vehicles, including but not limited to, boats and utility trailers, shall be parked at any residence. No items detrimental to the appearance of the subdivision shall be permitted on any lot.

**MAILBOXES**

Each residence shall have **ONE SINGLE MAILBOX** supplied by Developer. Any mailboxes damaged after residence is occupied will be replaced from Developer stock at homeowner's expense. **NO MAILBOX** shall have its appearance changed at anytime. No additional mailboxes are allowed.

**OUTBUILDINGS**

All outbuildings (buildings not attached to residence) must be constructed with the same style and material as the exterior of residence. Any outbuilding must be approved by Architectural Review Committee prior to construction. No prefabricated structures shall be moved to or allowed in this subdivision.

**FENCES**

All fences shall be constructed of **BLACK** aluminum or wrought iron type material. No wood, plastic, chain link or wire type fences are permitted. No white or privacy type fences are permitted. All fences shall start at the rear corner of each residence. All fences must be approved prior to installation by Architectural Review Committee. Screening of heating and cooling units shall be with shrubbery only.

**PETS**

All normal household pets, including dogs and cats shall at all times be confined to the lot occupied by the owner of such pets. No animals shall be raised, bred or maintained for any commercial or breeding purpose. The Architectural Review Committee shall have the right, in their sole and absolute discretion, to require an animal owner to remove any animal they determine to be offensive or a nuisance to the neighborhood.

**POOLS**

All swimming pools must be in ground, surrounded by fencing approved by Architectural Review Committee. No above ground pools are allowed. Pool placement must be pre-approved by Architectural Review Committee.

**ANTENNAS/SATELLITE DISHES**

There shall be **NO** antennas in this subdivision. Small satellite dishes are allowed **ONLY** if mounted in **REAR OF HOME**, no more than 4 ft. above ground level, screened from view of neighbors. **PLACEMENT AND SCREENING MUST BE PRE-APPROVED BY ARCHITECTURAL REVIEW COMMITTEE.**

**PLAY EQUIPMENT**

Trampolines of any style are not permitted in subdivision. Swing sets or other play equipment must be approved by Architectural Review Committee.

**SIGNS**

Signs are limited to one per lot and shall be a professionally done **FOR SALE** sign only, not to exceed 6 square feet.

The covenants, term and conditions, restrictions and limitations herein contained are to be appurtenant and run with the land. These covenants, terms and conditions, restrictions, and limitations shall also be binding upon all parties and persons claiming under them and shall insure to the benefit of and shall be binding upon them and each of their heirs, executors, administrators and assigns.

Enforcement shall be by proceedings at law in equity against any person or persons violating or attempting to violate any covenant. Said restrictions may be enforced by the undersigned or the owner or owners of any property in MARKS BEND SUBDIVISION. It is further provided that the failure to enforce said restrictions as to a violation or violations shall not be deemed as a waiver of the right to do so thereafter. Any owner found to have violated any covenant or restriction shall be responsible for all court costs and attorneys fees.

These restrictive covenants may be amended unilaterally by the Developer without the necessity of consent or approval by any lot owners or other interested parties, within five (5) years following recordation of these restrictive covenants.

Invalidation of any one of these covenants by judgment or Court Order shall in no way affect any of the other provisions, which shall remain in full force and effect.

In Witness Whereof, this instrument has been executed on this, the 12<sup>th</sup> day of March ~~2006~~ 2007

Shaw Enterprises LLC

By: [Signature]

Randall Shaw, Chief Manager

State of Tennessee  
County of Maury

[Signature]  
Kimberly K. Harwell personally appeared before me, the undersigned, Randall Shaw, with whom I am personally acquainted and who acknowledged that that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal at Columbia, Tennessee, on this the 12<sup>th</sup> Day of March ~~2006~~ 2007

