

Section 1: [2016 Amended Covenants Section 2.A & Section 2.B] Residential Purposes and Architectural Control Committee Approval

All lots in Timber Ridge shall be used for single-family residential purposes only. No dwelling, fence, driveway, bulkhead, or other structure shall be erected, placed, or altered on any lot until blueprints, elevations, exterior material samples (restricted to brick, stucco, or Hardie board; roof pitch of 7/12 or greater with architectural shingles or metal roofing), color samples, and a landscaping plan have been submitted to and approved in writing by the Architectural Control Committee (ACC).

ISSUE #1

MARKUP #1 ->

Section 2: [2016 Amended Covenants Section 3.E & Section 3.F] Commercial Vehicles, Trucks Over 3/4 Ton, RVs, and

No commercial vehicles, trucks exceeding three-quarters (3/4) ton capacity, cargo vans, trailers, motor homes, campers, or boats shall be parked on any street or on any lot forward of the front building sill line. All passenger vehicles must be parked on a paved concrete or approved driveway surface and not on grass or street rights-of-way.

Section 3: [2016 Amended Covenants Section 3.K] Enforcement, Violations, Fines, and 20% Markup Self-Help Lien

In the event an Owner violates any provision of these Covenants, including failure to maintain a lot or dwelling in a neat and sightly condition or abandoning a dwelling in disrepair, the Board of Directors may, after written notice sent by mail or posted on the lot, impose monthly recurring fines against the Owner, and the TRPOA may enter upon the lot to remedy the violation (including mowing, clearing debris, or repairing exterior conditions) and bill the Owner for the actual cost thereof plus a twenty percent (20%) administrative markup, which sum together with fines and attorney's fees shall constitute a binding lien upon the lot.

Section 4: [2016 Amended Covenants Section 4.G, Section 4.H, & Section 4.I] Annual Assessments, 10% Increase Cap,

The Board of Directors shall levy annual assessments for the maintenance of roadways, parks, Treasure Point Park, boat launches, and common areas. Annual assessments may not be increased by more than ten percent (10%) in any year, nor may a Special Assessment for extraordinary or emergency expenses exceed One Hundred Dollars (\$100.00) per lot in any 12-month period, without the affirmative vote of sixty percent (60%) of the members voting in person or by proxy. All unpaid assessments, interest, late fees, and collection costs shall constitute a continuing lien on the lot enforceable in the First Judicial District of Harrison County.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2016 Amended Covenants Section 2.A & Section 2.B (p. 1): MS Manual Attorney Audit Finding (2016 Amended Covenants Section 2.A & Section 2.B - [2016 Amended Covenants Section 2.A & Section 2.B] Residential Purposes and Architectural Control Committee (ACC) Approval - All lots in Timber Ridge shall be used for single-family residential purposes only. No dwelling, fence, driveway, bulkhead, or other structure shall be erected, placed, or altered on any lot until blueprints, elevations, exterior material samples (restricted to brick, stucco, or...

Statutory / Legal Reference: Miss. Code Ann. §§ 79-11-101 et seq. & Common-Law Covenants; Miss. Code Ann. §§ 89-9-1 to 89-9-37 (Mississippi Condominium Law)

Statutory Comparison: 1. Internal Hierarchy Conflict & Restraint on Alienation in Board Short-Term Rental Resolution (Mississippi Supreme Court Precedent): While 2016 Amended Covenants Section 2.A requires 'single-family residential purposes' and Section 3.L permits rental properties subject to tenant compliance, the Board's standalone 'Short-Term Rental Resolution' imposes registration, operational restrictions, and STR-specific fines via a unrecorded Board resolution rather than a recorded Covenant amendment under Section 6.E. Under Mississippi Supreme Court precedent (*see, e.g., *Journeay v. Berry**, 953 So. 2d 1145 (Miss. Ct. App. 2007); **mistretta / Lake Castle** line of cases), substantive restrictions on the use and leasing of real property must be enacted through a duly recorded amendment to the Declaration of Restrictive Covenants (requiring 60% owner approval under Section 6.E), not a mere Board resolution.

CURRENT WORDING IN DOCUMENT:

roof pitch of 7/12 or greater with architectural shingles or metal roofing), color samples, and a landscaping plan have been submitted to and approved in writing by the Architectural Control Committee (ACC).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2016 Amended Covenants Section 2.A & Section 2.B ([2016 Amended Covenants Section 2.A & Section 2.B] Residential Purposes and Architectural Control Committee (ACC) Approval - All lots in Timber Ridge shall be used for single-family residential purposes only. No dwelling, fence, driveway, bulkhead, or other structure shall be erected, placed, or altered on any lot until blueprints, elevations, exterior material samples (restricted to brick, stucco, or Hardie board; roof pitch of 7/12 or greater with architectural shingles or metal roofing), color samples, and a landscaping plan have been submitted to and approved in writing by the Architectural Control Committee (ACC).) to conform with Miss. Code Ann. §§ 79-11-101 et seq. & Common-Law Covenants; Miss. Code Ann. §§ 89-9-1 to 89-9-37 (Mississippi Condominium Law) and the manual attorney audit recommendations for Timber Ridge Property Owners Association, Inc..