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BOOK 2529 PAGE 0166

## RESOLUTION REGARDING USE OF LOTS AND DWELLINGS

### ADOPTED BY THE BOARD OF DIRECTORS OF DEERFIELD PROPERTY OWNER'S ASSOCIATION

19-8-BE S/12

April 19, 2010

Pursuant to Section 4(j) of Article IV of the By-Laws of Deerfield Property Owners Association, the Board of Directors adopts the following rules, regulations and restrictions:

1. For purposes of this restriction, an "owner" shall be defined as it is in the Declaration of Covenants and Restrictions, Phase I. "Subdivision" means that real property described in Exhibit A of the Declaration of Covenants and Restrictions for Phase I (hereinafter referred to as "Covenants") as recorded at Book 465 at Page 159 of the records of the Chancery Clerk of Madison County, Mississippi.
2. There shall be no lease or rental of a Lot or any dwelling or structure thereon for investment, commercial or business purposes, and there shall be no lease or rental of a Lot or dwelling by a corporation or other commercial entity except as expressly allowed by the Declaration of Covenants and Restrictions, Phase I. Leasing as permitted herein is only allowed by an individual owning the subject property and may be leased or rented for single family residential purposes only.
3. The owner of a Lot may not lease or rent a Lot or any dwelling or structure thereon without the prior written approval of the Board of Directors.
4. Permission to lease or rent must be requested by the owner in writing prior to entering into any such agreement with lessee or renter.
5. In order to seek approval of a proposed lease or rental, the Owner must first file a formal written application with the Board of Directors. Owner's formal written application must be accompanied with a \$250 application fee payable to Deerfield Property Owners Association at the time of a tenant change. The purpose of this fee is to cover the expense of 1) the initial inspection of the property, 2) legal fees relating to the review of all submitted documentation, 3) record research by the Deerfield Property Owners Association, and 4) special handling of application documents by the Board.
6. Once the Owner's written application has been received, the Architectural Review Committee will first determine whether the property is in compliance with all applicable Covenants and Bylaws. If the subject property is approved by the Architectural Review Committee, the Owner's application will be forwarded to the Board of Directors for review. The Board of Directors will review the application to

determine whether the proposed lease or rental meets the standards of this resolution.

7. An approved lease or rental must be for the entire dwelling and for a term of at least 6 months and may not exceed one year. Any lease or rental approved by the Board of Directors must comply with any and all other conditions of the Covenants, and must be reviewed by the Board before renewal.
8. In the event that the Deerfield Property Owners Association determines that a violation of the approved lease or rental has occurred, including, but not limited to, a violation of the Covenants, Bylaws, Standards and Guidelines, or County Regulations, the Owner and the Tenant shall be notified in writing and given a reasonable opportunity to correct the violation. In the event of a violation, the Board may, in its discretion, terminate its approval of the lease or rental.
9. If a violation remains uncorrected for thirty (30) days, following notification as outlined in section 8 above, the Owner will be assessed a fine of \$200.00 per month for each month that the violation remains uncorrected. Any fine assessed shall constitute a lien against the Owner's property, and shall be subject to any and all legal means of collection.
10. Any lease or rental existing prior to the filing of this Regulation with the Chancery Clerk of Madison County, Mississippi shall be considered "grandfathered" under the following conditions:
  - a. the then existing lease or rental agreement must be submitted to the Board of Directors for its approval within sixty (60) days of the recording of this Regulation with the Chancery Clerk of Madison County, Mississippi;
  - b. the then existing lease or rental must be for the entire dwelling;
  - c. the remaining term of the then existing lease or rental must not exceed one (1) year;
  - d. any then existing lease or rental approved by the Board of Directors must comply with the other conditions of the Covenants;
  - e. Tenant(s) must observe all covenants and rules and regulations of the development;
  - f. at the expiration of the then existing lease or rental term, any proposed new lease or rental agreement must be submitted to the Board of Directors for its review;
  - g. any then existing or proposed new lease submitted to the Board for approval under this section must comply with the provisions set forth in section 5 above; and

- h. the "grandfathering" provisions set forth herein cease to apply upon the sale or transfer of the subject property.
11. Any lease or rental agreement not submitted to the Board of Directors within sixty (60) days of the recording of this Document with the Chancery Clerk of Madison County, Mississippi shall not be afforded any protections provided under this Regulation, including but not limited to being "grandfathered" in as a then existing lease or rental. Any lease or rental created after expiration of the previous lease or rental shall be considered to be in violation of this Regulation unless approved in writing by the Board of Directors.
  12. These Rules and Regulations shall be enforced by the Board of Directors, and will include any and all procedures there existing for levying of fines and/or associated penalties. In addition, the Board of Directors may take any and all legal action necessary to enforce these Rules and Regulations. Further, the Board of Directors is authorized to fine any owner or lessor of dwellings that violate this Rule and Regulation \$200.00 per month, which fine shall constitute a lien against that property, and shall be subject to any and all legal means of collection.
  13. Such fine shall begin to accrue thirty (30) days after the Deerfield Property Owners Association has mailed notice of the violation of this Regulation to the record owner of the lot by certified mail. Any fine assessed shall continue to accrue monthly until the violation has been corrected and the fine is paid in full. The owner of the dwelling must advise the Board of Deerfield Property Owners Association once they are in compliance with this Resolution. If the fine is not paid in full within thirty (30) days from the date on which the fine began to accrue, the Property Owners Association shall be entitled to interest at the rate of 8% per annum, and the Association may bring an action at law against the Owner personally obligated to pay same or to foreclose the lien against the property. There shall be added to the amount of such assessment or of such fine the cost of preparing and filing the Complaint in such action, and in the event a judgment is obtained, such judgment shall include interest on the fine as above provided and a reasonable attorney's fee to be fixed by the Court together with the cost of the action.
  14. Tenant(s) must observe all covenants and rules and regulations of the development. No lots or dwellings shall be sold under any time-sharing, time interval, or assumption of right-to-use programs.
  15. Each and every section of this restriction, and every portion thereof, is separate, severable, and not dependent upon other provisions of this restriction. In the event that any section of this restriction, or any portions thereof, are held to be invalid, then such finding of invalidity shall not affect the validity and application of other sections and portions thereof.
  16. By adoption and enforcement of this Resolution, the Deerfield Property Owners Association, its Board of Directors, and its Committees do not warrant or guarantee the safety, fitness, or suitability of any dwelling.

17. This resolution does not apply to leases or rental agreements with a roommate or family members of the owner.

18. Lot 81 of Deerfield, Phase I, is given the explicit right to rent subject to the balance of this rental resolution.

This restriction is effective the 20<sup>th</sup> day of April, 2010.

Witness our signatures this the 20<sup>th</sup> day of April, 2010.

*Kaye Robinson*

Kaye Robinson, President  
Deerfield Property Owners Association

*Bob Beasley*

Bob Beasley, Vice-President  
Deerfield Property Owners Association

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the county aforesaid, Kaye Robinson, President of the Deerfield Property Owners Association Board of Directors, who acknowledged that she, acting for and on behalf of said Board of Directors, in its capacity and after having been first duly authorized to do so, signed and delivered the above and foregoing on the day and year therein written.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 20<sup>th</sup> day of April, 2010.

*Leslie Dumas*

Notary Public

My Commission Expires:



STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the county aforesaid, Bob Beasley, Vice-President of the Deerfield Property Owners Association Board of Directors, who acknowledged that he, acting for and on behalf of said Board of Directors, in its capacity and after having been first duly authorized to do so, signed and delivered the above and foregoing on the day and year therein written.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 20<sup>th</sup> day of April, 2010.

Leslie Dumas  
Notary Public

My Commission Expires:



MADISON COUNTY MS This instrument was filed for record April 22, 2010, at 8:00 A.M.

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ARTHUR JOHNSTON, C. C.

BY: [Signature] D.C.

