

2-E-13-RZ cor Franklin



# FURROW AUCTION COMPANY



## FAX COVER SHEET

Date: FEB 7, 2013

Time: 10:40am

Please deliver to the following:

NAME: MIKE B

COMPANY: MPC

CITY: KNOX

STATE: TN

FAX # 215-2500

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4

THIS FAX IS BEING SENT BY:

NAME: ROBBIE FRANKLIN FAX # (865) 525-4179 DIRECT PHONE # (865) 546-3206

COMMENTS:

CASE # 2-E-13-RZ. OPPOSED TO CHANGE OF ZONING. PROJECT WAS PURCHASED AND DEVELOPED BY CURRENT HOME OWNER UNDER THOSE RESTRICTIONS. THANK YOU FOR YOUR TIME AND CONSIDERATION - Robbie J. Franklin

Original or hard copy to follow?  yes  no

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FURROW AUCTION, 1022 ELM STREET, KNOXVILLE, TN 37921-6249

1022 Elm Street • Knoxville, Tennessee 37921 • 865/546-3206

www.furrow.com

This instrument prepared by

Fred W. Plummer, Jr.  
Attorney-in-Fact for Fred W. Plummer, Sr.

Date: July 7, 1995

**DECLARATION OF RESTRICTIONS**  
**OF**  
**FRED W. PLUMMER FARM SUBDIVISION**

WHEREAS, the undersigned is the "Owner" of the property known as Fred W. Plummer Farm Subdivision, as shown on Map File No. \_\_\_\_\_ and \_\_\_\_\_ in the Register's Office for Knox County, Tennessee, (the "Property") and

WHEREAS, the Owner desires to impose restrictions upon said property for the purpose of maintaining the beauty and integrity of said property and

NOW, THEREFORE, It is agreed that from and after the date of this instrument the tracts in Fred W. Plummer Farm Subdivision, as shown on Map File No. \_\_\_\_\_ and \_\_\_\_\_ in the Register's Office for Knox County, Tennessee, be and are hereby restricted as follows:

1. These covenants are to take effect immediately, upon the recording in the Register's Office for Knox County, Tennessee, and shall be binding on all parties and all persons claiming under them until July 1, 2015, at which time said covenants shall automatically be extended for successive periods of ten (10) years, unless by a vote of the 75% of the then owners of the tracts, it is agreed to change said covenants in whole or in part. Each owner shall be entitled to one vote for each tract which he owns for the purposes of decision making on such matters affecting the enforcement of these restrictions or other matters that are of common interest to the owners of this subdivision; however, if a tract is subdivided or has more than one owner, the total number of owners of that tract shall constitute one vote. These restrictions may be amended at any time by an affirmative vote of 75% of the tract owners.
2. If any tract owner, or their heirs or assigns, shall violate, or attempt to violate, any of the covenants herein, it shall be lawful for any other person or persons owning any real estate situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons attempting to violate or violating any such covenants, and either to prevent him or them for so doing, or to recover damages or other dues for such violation.
3. The Property is restricted to agricultural and/or single family residential use only, and no tract shall be used for commercial purposes.
4. Any outbuilding shall be constructed of the same type exterior materials as the main dwelling, or painted metal, painted wood, or painted block (painted to match the color of the main dwelling). No unpainted galvanized metal or aluminum shall be permitted.
5. Other than household pets, the only animals permitted on the tracts are cattle and horses. No cattle or horses may be kept on tracts of less than five (5) acres. On tracts larger than five (5) acres, a maximum of five (5) head of cattle or horses per tract shall be permitted. The breeding of any other animals including pets, for commercial purposes is prohibited, and feed tracts are specifically prohibited. In the event that horses are kept where permitted, said horses must have on-premises stable space.
6. No building shall be located nearer than fifty (50) feet to the front lot line on Graves Road and nearer than fifty (50) feet to the front tract line on Shackelford Lane, and no more than fifteen (15) feet from the side line and twenty-five feet (25) from the rear line. On tracts 3 through 6 and 8 through 11, no outbuildings shall be located between the residence and the northern property line of said tracts. For the purpose of this covenant, eaves, steps, and open porches shall be considered as part of the building.

7. Plat notes restrict re-subdivisions of certain tracts without prior Health Department approval. Subject to these restrictions, re-subdividing is permitted provided re-subdividing of tracts is approved by local and/or state Planning Commission and Health Department. In the event of further sub-division, the new subdivision tracts must meet the same restrictions as provided herein, with each owner entitled to one pro rata share of vote for each tract he owns of the subdivided tract for the purpose of decision making on such matters affecting the enforcement of these restrictions or other matters that are of common interest to the owners of the subdivision.

8. No dwelling shall be constructed, erected, placed, altered, or permitted to remain on any tract unless having a living area, exclusive of open porches, garages, or basements, of not less than 1,600 square feet of heated and cooled space. A second story will be considered in figuring the living area. All dwellings shall have a solid foundation of brick, concrete block, or stone. All residences shall have an exterior finish of brick veneer, stone, stucco or synthetic stucco, log, wood, or vinyl and shall conform in workmanship and materials to the standard building practice for the State of Tennessee and shall be consistent with all construction in the subdivision, and shall meet with the minimum requirements of the Federal Housing Authority. No exposed concrete block foundation and no aluminum siding will be permitted. All foundations must have an exterior finish of brick, stucco, or stone. Roofs shall not have less than a 6/12 pitch.

9. No trailer, manufactured home, basement, tent, shack, garage, barn, or other outbuilding erected on the tract shall at any time be used as a residence, temporarily or permanently; nor shall any structure of a temporary character be used as a residence. No mobile homes are permitted on any tracts.

10. Utility Easements five (5) feet in width are reserved along all said tract lines and the right of way of the Joint Permanent Easement for the installation and maintenance of appropriate and necessary utilities. No easements, right of way or rights of access shall be deemed granted or in any way given to any person or company through any tract in this subdivision unless permission is given in writing by the owner of said respective tract.

11. Electrical service lines to Tracts 3 through 6 and 8 through 11 shall be installed underground in the area north of the northern right of way of the Joint Permanent Easement. No power poles shall be installed on Tracts 13 through 16 closer than 600' from the northern property line of said tracts.

12. No tract shall be used or maintained as a dumping ground for garbage, junk yard, the storage of used cars or other refuse, waste, or any other unsanitary conditions. Garbage or other waste shall be kept in sanitary covered containers which shall be located to the rear of any residence constructed upon the subject premises.

13. Until sewage disposal facilities are available, every residence comply with all laws and health regulations of the Knox County Health Department and State Health Department. No outside toilets shall be permitted in the subdivision.

14. No house constructed on any tract in the subdivision may be occupied prior to its completion, which completion shall include landscaping, all of which said landscaping shall be consistent and in keeping with the surrounding neighborhood. Every tract is to be properly maintained and mowed at least four times a year.

15. On any tract less than five (5) acres in size, no fencing of barbed wire or page fencing shall be permitted. On tracts more than five (5) acres, barbed wire or page fencing shall be permitted.

16. No sign of any kind shall be displayed to the public view on any tract except one (1) sign of not more than twelve square feet advertising the property for sale or for rent or signs of not more than twelve square feet used by a builder to advertise the property during the construction and sales period.

17. No noxious or offensive trade or activity shall be carried on upon any tract or tract nor shall any activity be done thereon which may become an annoyance or nuisance to the neighborhood.

By: Fred W. Plummer Sr

Its: \_\_\_\_\_

By: Fred W. Plummer Jr

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF TENNESSEE )

COUNTY OF Maury )

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Fred W. Plummer with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the within named bargainor, and that he as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing said instrument.

Witness my hand and official seal at office in Maury County, this 7th day of July, 1995.

Scott Lay  
Notary Public

My Commission Expires: 4/27/99