

This instrument prepared by:

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STEVE HALL  
REGISTER OF DEEDS  
KNOX COUNTY

## **DECLARATION OF ANNEXATION OF UNIT III TO CASCADE FALLS SUBDIVISION**

**This Declaration of Annexation of Unit III to Cascade Falls Subdivision** is made as of the 20th day of June, 2005, by Cascade Falls, LLC, Terry Patton, managing member, hereinafter referred to as the "Developer".


### **WITNESSETH:**

**WHEREAS**, the undersigned, Cascade Falls, LLC, Terry Patton, managing member (hereinafter referred to as "Developer") is the owner and developer of a tract of land in the Sixth District of Knox County, Tennessee and without the corporate limits of the City of Knoxville, Tennessee, and being known and designated as Cascade Falls Subdivision, UNIT 1 as shown on the map of same of record in the Register's Office for Knox County, Tennessee as Instrument No. 200407270008314 ("Subdivision"); and

**WHEREAS**, the Developer caused to be prepared a Declaration of Covenants and Restrictions for the Subdivision governing the development and continued existence of the Subdivision and recorded the same as Instrument No. 200407900009299 together with Amendment No. 1 thereto bearing Instrument No. 200503030069119 in the Register of Deeds Office for Knox County, Tennessee ("Declaration of Covenants and Restrictions"); and

**WHEREAS**, Article VII of the Declaration of Covenants and Restrictions ("Declaration") authorizes the Developer of the Subdivision to amend the Declaration and the Declaration contemplates additional Units to be added and subject to the Declaration; and

**WHEREAS**, the Developer of the Subdivision desires to annex additional land to the Subdivision described as Cascade Falls Subdivision, Unit III, as shown on the map of the same of record in the Register's Office for Knox County, Tennessee as Instrument No. 200506140101026 ("Subdivision") to be binding on the present owner and all subsequent owners of any lot or lots in Unit III of the Subdivision; and

  
Instr: 200506210103123 Page: 1 OF 4  
REC'D FOR REC 06/21/2005 3:52:29PM  
RECORD FEE: \$22.00  
M. TAX: \$0.00 T. TAX: \$0.00

**WHEREAS**, the Developer of the Subdivision further desires to amend Article III, Section 1.1, Section 1.2, and Section 1.76 of the Declaration for Unit III of the Subdivision as to Lot Nos. 46 through 59, 61, 87, 88, and 89.

**NOW, THEREFORE**, the Developer does hereby state and declare that the property described in Exhibit "A" attached hereto, being Unit III of Cascade Falls Subdivision, is hereby annexed by the Developer and made subject to all the terms and conditions of the Declaration of Covenants and Restrictions, Cascade Falls Subdivision, of record as Instrument No. 200407900009299 and Amendment No. 1 thereto bearing Instrument No. 200503030069119 in the Register's Office for Knox County, Tennessee. The property described in Exhibit "A" attached hereto is Unit III of Cascade Falls Subdivision and is annexed pursuant to Article VII of the aforementioned Declaration.

Further, the Developer does hereby state and declare that the Declaration for Unit III of Cascade Falls Subdivision is amended as to Lot Nos. 46 through 59, 61, 87, 88, and 89 as follows:

1. Article III, Section 1.1 is amended by deleting the language:

"Houses with one and one-half stories up to two stories shall contain at least 2,400 square feet of living space total, excluding garages, porches, decks and terraces."

and substituting in lieu thereof the following language:

"Houses with one and one-half stories up to two stories shall contain at least 3,000 square feet of living space total, excluding garages, porches, decks and terraces."

2. Article III, Section 1.2 is amended by deleting the language:

"Houses with one floor or one floor and a basement shall contain a minimum of 2,000 square feet on the uppermost level, excluding garages, porches, decks and terraces."

and substituting in lieu thereof the following language:

"Houses with one floor or one floor and a basement shall contain a minimum of 2,500 square feet on the uppermost level, excluding garages, porches, decks and terraces, but including bonus room above the garage area."

3. Article III, Section 1.7 is amended by deleting the language:

"All front elevations must be brick, stone, or EIFS synthetic stucco. The exterior of all foundation walls must be brick, stone, or EIFS synthetic stucco. Concrete covered cinderblock foundations will not be permitted. All other above ground exterior walls (sides and rear), may have vinyl siding or hardboard unless otherwise approved in writing by Developer."



EXHIBIT A

CASCADE FALLS SUBDIVISION  
UNIT III

**SITUATED** in the 6<sup>th</sup> District of Knox County, Tennessee, outside the limits of the City of Knoxville, and being further described as follows:

**BEGINNING** on an iron pin in the south R/W of Calgary Falls Lane, said iron pin marking the northeast corner of Lot 45, Cascade Falls Unit II, as recorded in Instrument No. 200503020068582 in the Register of Deeds Office, Knox County, Tennessee;

Thence commencing with the point of BEGINNING and continuing along the south right-of-way line of Calgary Falls Lane, South 64 deg. 41 min. 04 sec. East, 17.99 feet to an iron pin; thence along the arc of a curve to the left 14.13 feet, which arc has a radius of 150 feet and a chord distance of 14.12 feet along a bearing of South 67 deg. 22 min. 58 sec. East to an iron pin; thence along the arc of a curve to the left 76.04 feet, which arc has a radius of 150 feet and a chord distance of 75.22 feet along a bearing of South 84 deg. 36 min. 11 sec. East to an iron pin; thence North 80 deg. 52 min. 31 sec. East 72.10 feet to an iron pin; thence North 80 deg. 52 min. 31 sec. East 29.17 feet to an iron pin; thence North 35 deg. 43 min. 54 sec. East 61.49 feet to an iron pin on the North right-of-way line of Calgary Falls Lane; thence North 05 deg. 53 min. 52 sec. East 117.41 feet to an iron pin; thence North 13 deg. 57 sec. 46 min. West 99.60 feet to an iron pin located in the East right-of-way line of Cascade Falls Lane; thence North 42 deg. 35 min. 22 sec. West 51.48 feet to an iron pin located in the West right of way line of Cascade Falls Lane; thence North 17 deg. 14 min. 03 sec. West 100.38 feet to an iron pin; thence North 73 deg. 04 min. 43 sec. West 90.76 feet to an iron pin; thence North 51 deg. 24 min. 00 sec. West 114.43 feet to an iron pin; thence North 51 deg. 24 min. 00 sec. West 96.28 feet to an iron pin; thence North 02 deg. 38 min. 44 sec. East 54.15 feet to an iron pin; thence north 02 deg. 38 min. 44 sec. East 76.99 feet to an iron pin; thence North 54 deg. 11 min. 58 sec. East 51.07 feet; thence North 54 deg. 11 min. 58 sec. East 76.52 feet to an iron pin; thence North 54 deg. 11 min. 58 sec. East 110.02 feet to an iron pin; thence South 35 deg. 48 min. 02 sec. East 91.12 feet to an iron pin; thence North 89 deg. 13 min. 44 sec. East 120.03 feet to an iron pin; thence North 57 deg. 54 min. 57 sec. East 171.91 feet to an iron pin; thence North 57 deg. 54 min. 57 sec. East 93.75 feet to an iron pin; thence South 34 deg. 31 min. 03 sec. East 144.51 feet to an iron pin; thence South 34 deg. 38 min. 56 sec. East 38.25 feet to an iron pin; thence South 34 deg. 13 min. 43 sec. East 140.48 feet to an iron pin; thence South 34 deg. 13 min. 43 sec. East 66.84 feet to an iron pin; thence South 34 deg. 13 min. 43 sec. East 28.51 feet to an iron pin; thence South 34 deg. 10 min. 59 sec. East 145.57 feet to an iron pin; thence South 34 deg. 20 min. 37 sec. East 311.78 feet to an iron pin; thence South 76 deg. 46 min. 05 sec. West 217.16 feet to an iron pin; thence South 27 deg. 28 min. 48 sec. East 55.21 feet to an iron pin; thence South 27 deg. 28 min. 48 sec. East 209.26 feet to an iron pin; thence South 27 deg. 28 min. 48 sec. East 151.32 feet to an iron pin; thence South 63 deg. 01 min. 05 sec. West 149.84 feet to an iron pin; thence South 63 deg. 01 min. 32 sec. West 100.06 feet to an iron pin; thence North 29 deg. 01 min. 01 sec. West 62.29 feet to an iron pin; thence South 70 deg. 06 min. 48 sec. West 95.09 feet to an iron pin; thence South 70 deg. 06 min. 48 sec. West 159.46 feet to an iron pin; thence South 70 deg. 06 min. 48 sec. West 36.92 feet to an iron pin; thence South 70 deg. 06 min. 48 sec. West 162.90 feet to an iron pin; thence South 70 deg. 06 min. 48 sec. West 158.42 feet to an iron pin; thence North 19 deg. 22 min. 01 sec. West 73.73 feet to an iron pin; thence North 19 deg. 22 min. 01 sec. West 204.47 feet to an iron pin; thence North 19 deg. 22 min. 01 sec. West 199.45 feet to an iron pin; thence North 03 deg. 14 min. 50 sec. East 69.10 feet to the point of BEGINNING and containing thirty-six (36) lots with a total area of 20.86 acres as shown on survey prepared by Richard S. Lynch, Registered Land Surveyor, Tennessee No. 1443, and designated as the final plat of Cascade Falls Unit III dated May 15, 2004 and of record in the Register of Deeds Office for Knox County, Tennessee as Instrument No. 200506140101026.

**BEING** a part of the same property conveyed to Cascade Falls, LLC from Free Gas I, LLC by Quit Claim Deed dated July 30, 2004 of record as Instrument No. 200407300009298 in the Register of Deeds Office for Knox County, Tennessee.

**ALSO BEING** a portion of that property conveyed to Cascade Falls, LLC by Roy Otis Keck III, William Rudder Keck, David Michael Keck and Wanda Jean Sellers are the beneficiaries of the Will of Roy Otis Keck, Jr. as found in the Knox County Probate Records by Warranty Deed dated December 13, 2004 of record as Instrument No. 200412160049129 in the Register of Deeds Office for Knox County, Tennessee.

**ALSO BEING** a portion of that property conveyed to Cascade Falls, LLC by Brett A. Melancon and wife, Martha E. Melancon by Warranty Deed dated December 13, 2004 and of record as Instrument No. 200412160049128 in the Register of Deeds Office for Knox County, Tennessee.