

**Cooks Valley HOA Joint Board & ACC Meeting Agenda**

**February 16, 2021**

**Virtual meeting via FreeConferenceCall**

MEETING CALLED TO ORDER – Eli Sbaity

REVIEW & APPROVE MINUTES OF LAST JOINT MEETING – Barbara Smith

TREASURER'S REPORT – Year review/Update on dues/Annual budget - John Saari

ACC REPORT – Bob Kern

GENERAL BUSINESS – All

2021 Annual meeting – date, topics, officer elections, candidates for office  
Date must be within 120 days of year end  
Newsletter topics - Turtle Rock pool closed, Cobb county code amendment  
Front entrance –quality of work  
Turtle Rock parking lot & access road – future of and HOA responsibilities (if any)  
Rental restrictions in Cooks Valley – are we ready to amend covenants  
Amending covenants – what areas need most attention ?

ADJOURN

2/16/21

# Cook's Valley HOA Financial Report

Cook's Valley HOA

Time Period 8/15/2020 - 2/15/2021

Financial Statements in U.S. Dollars

## Revenue

2020 Dues	\$16,440.00
Penalties	\$0.00
Initiation Fees - Home Sales	\$500.00
<b>Total Income</b>	<b>\$16,940.00</b>

## Expenses

CVHOA Social Activities	\$0.00
Insurance - Liability	\$1,000.00
Insurance - Officers & Board	\$0.00
Landscape - Monthly	\$2,700.00
Pine Straw - Entrance	\$0.00
Landscape - Flowers	\$300.00
Legal - Gadis & Lanier Includes \$1405 Retainer	\$1,955.00
Utilities - Water	\$887.64
Utilities - Electric	\$238.00
Web Page & Email 1&1.com	\$120.00
PO Box Rental - Annual	\$130.00
Graduation Banner	\$128.70
TRHOA Pool Membership	\$0.00
Office Expense	\$0.00
Corporate Filing - Annual	\$0.00
Postage	\$55.00
Unanticipated Expenses storm damage tree, safety cones	\$1,480.94
<b>Total Expenses</b>	<b>\$8,995.28</b>

## Current Balance

**\$38,510.68**

## 2021 Budget

**\$12,872.00**

## Projected surplus

**\$3,328.00**

Thanks,

Eli

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**From:** [eli@ebyteware.com](mailto:eli@ebyteware.com) <[eli@ebyteware.com](mailto:eli@ebyteware.com)>  
**Sent:** Monday, February 8, 2021 4:13 PM  
**To:** '[kgaddis@gaddislanier.com](mailto:kgaddis@gaddislanier.com)' <[kgaddis@gaddislanier.com](mailto:kgaddis@gaddislanier.com)>  
**Cc:** 'Bob Kern' <[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)>  
**Subject:** Turtle Rock Parking lot and road

Hello Kim,

I hope you and family are doing well and safe. We need your help in addressing an issue as relates to Turtle Rock subdivision.

Unfortunately, the pool at Turtle Rock is no longer in operation. Last summer their HOA did not have enough members paying to join the pool which deprived them from the funds needed to keep it in operation. It is our understanding that once the pool closed for a season it would no longer qualify for a permit, and it would be too expensive to rehabilitate keep in compliance with Cobb County codes.

Recently, the house overlooking the pool (4922 Marlos Dr) was put up for sale and as a result we received two inquiries about the parking lot:

- 1) We would like to add a permanent driveway to the side of this home off of the easement road going to pool's parking lot.
- 2) We have concerns about access and foot traffic to the parking lot. Does Cooks Valley maintain an easement?

We would appreciate you help in answering the above questions, and few more we thought about:

- 1) What are the HOA's rights and obligations as relates to the parking lot and the road that leads to it?
- 2) Specifically, what do you suggest we do to this area and the road leading to it? Is blocking the road to it a good idea?
- 3) The road leading to it is between two houses. Who owns this road, and can the adjacent 2 properties claim/fence it as part of their property?
- 4) Can adjacent homes use the parking area for personal parking/overflow?
- 5) The HOA maintained this area for years by keeping it clean of leaves and debris.



**Does this lead to Adverse Possession?**

- 6) Should we continue paying the annual fee to Turtle Rock if we no longer have access or utilize to their amenities?(I think \$250 per year)?
- 7) Anything else about this topic you would like to share with us?

Thanks,  
Eli

**Bob Kern**

Chairman, Architectural Control Committee

Cook's Valley HOA

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Bob Kern &lt;bob.kern@cookvalleyhoa.com&gt;

2/11/2021 5:39 PM

**RE: Turtle Rock Parking lot and road**

To Kim Gaddis &lt;kgaddis@gaddislanier.com&gt; • eli@ebyteware.com &lt;eli@ebyteware.com&gt;

Kim,

Thanks for your reply to Eli's note. I have pasted in below the link to the bookmarked pdf of the by-laws and covenants going back to the beginning of Cook's Valley.

<http://cookvalleyhoa.com/cookvalleyComplete%20CovenantsDec2009.pdf>

A quick look at this document found the following - The Revised by laws of "Turtle Rock Homeowners Association Inc. beginning on page 11 In particular Article VI subsection C (Page 15) Turtle Rock Class C membership Paragraphs 11 & 12 on page 16 address the parking lot following up on Section 3 addressing rights of lessees of properties in either Turtle Rock or Cook's valley.

Cook's Valley HOA Covenants Definitions Common areas references Turtle Rock recreation amenities on page 27 and again in 1992 on page 117 defining common areas

I hope this helps.

Best regards,

Bob

On 02/11/2021 4:14 PM Kim Gaddis <kgaddis@gaddislanier.com> wrote:

Hi, Eli:

Thanks for your email below. I have looked at my files and I do NOT have a copy of the Turtle Rock Amenities Easement that is referenced in the Association's Declaration for Cook's Valley. I also tried to research it online to see if I could find a copy in the Cobb County, Georgia, online land records, and nothing comes up. Do you have a copy of it?

I will need this in order to answer your questions below.

Cook's Valley DOES have an easement to two (2) specific tracts of land Owned either by Turtle Rock Subdivision HOA or Lot Owners in Turtle Rock or Cook's Valley (I would need to research the legal descriptions of the easements and cross reference the plats for clarification as to ownership) for the purposes of: Tract One: maintenance of the entry monuments, landscaping, sprinkler systems, and lighting, and for the purpose of Tract Two: for ingress and egress into the Turtle Rock amenities area in connection with use rights granted in the Amenities Easement (which is what I do not have a copy of).

I really need to find a way to get a copy of the Amenities Easement in order to advise you on the questions below and I won't be able to do that by your February 16, 2021, meeting as I am out of town next week. If you can possibly see if you can locate this old Easement (recorded in 1990, I believe), or possibly even ask the

Board at Turtle Rock for a copy, that would be a helpful start.

We can then discuss this further and schedule a conference call for the last week in February. Thanks!

*Kimberly C. Gaddis, Esq.*

GADDIS & LANIER, LLC

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**From:** [eli@ebyteware.com](mailto:eli@ebyteware.com) [mailto:[eli@ebyteware.com](mailto:eli@ebyteware.com)]

**Sent:** Thursday, February 11, 2021 2:58 PM

**To:** Kim Gaddis <[kgaddis@gaddislanier.com](mailto:kgaddis@gaddislanier.com)>

**Cc:** **Bob Kern**

**Subject:** RE: Turtle Rock Parking lot and road

Hi Kim,

I forgot to mention that we have a board meeting scheduled for 2/16. Is it possible to have this information from you by then?

This will help us determine if we include it on the meeting's agenda.



**COOKS VALLEY HOME OWNERS ASSOCIATION INC**  
**BOARD MEETING MINUTES 2020**

\*\*\*\*\*

**DATE:** October 31<sup>st</sup> , 2020

**MEMBERS IN ATTENDANCE:** Eli Sbaity, John Saari, Barbara Smith, Bob Kern, Bob Adamac, Mike Krug, Tapasya Patel, Paul Hammel

**CALLED TO ORDER:** Meeting was called to order at 11:46am. by Eli Sbaity. Quorum of board members present.

**GENERAL BUSINESS -** ACC members were appointed for the 2020-2021 year. They are Eli Sbaity, Paul Hammel, Bob Adamac, Tap Paytel and Barbara Smith. Barbara Smith motioned for approval, Mike Krug seconded.

Update on drainage issue on Chestea Drive. Lawyer letter has been drawn up but not sent. Waiting to see if sod helps. Two choices for resolution with the issue were stated as follows: a) Send letter to Penny – give her 30days to comply or have lien issued b). Get professional survey to look at water issue up the street, see if they feel issue can be addressed by other methods. Several people had recommendations on how to contact. Selection of engineer and cost will be reviewed by board before moving forward. Eli Sbaity motioned for approval, Bob Kern 2<sup>nd</sup> all approved.

Approval was given for for retaining Gaddis & Lanier for another year and fees to be paid. Bob Kern motioned for approval, Eli Sbaity approved. All approved

Dumpster weekend and tree limb removal were discussed. Due to COVID issues and past issues of abuse the dumpster weekend was tabled for this year. Eli to check with Tomas about tree limb pickup. Removal of tree that fell during Zeta Storm will be \$1400 to remove off sidewalk. All approved moving forward with the removal.

Speeding issues were discussed, Speed bumps are not something the HOA can do. Bob Kern to give out # to call to report speeding to be put in next newsletter.

Tap to speak with Penny regarding over growth of bushes that are blocking driveways and are a safety issue.

Front entrance cleanup and flower refresh were taken care of on Monday after Paul Hammel contacted Crawford for the 2<sup>nd</sup> time.

**MOTION TO ADJOURN:** Meeting was adjourned at 12:45pm

Respectfully submitted

*Barbara Smith*

Barbara Smith/Secretary



# BOARD MEETING MINUTES 2020

DATE: October 31<sup>st</sup>, 2020

MEMBERS IN ATTENDANCE: Eli Spatz, John Sear, Barbara Smith, Bob Kern, Bob Adams, Mike Krug, Tapasya Patel, Paul Hammett.

CALL TO ORDER: Meeting was called to order at 11:45am by Eli Spatz. Quorum of board members present.

GENERAL BUSINESS - AOC members were appointed for the 2020-2021 year. They are Eli Spatz, Paul Hammett, Bob Adams, Tapasya Patel and Barbara Smith. Barbara Smith motioned for approval. Mike Krug seconded.

Update on drainage issue on Chester Drive. Lawyer letter has been drawn up but not sent. Waiting to see if road helps. Two choices for resolution with the issue were stated as follows: a) Send letter to Penny - give her 30 days to comply or have lien issued b) Get professional survey to look at water issue up the street, see if they feel issue can be addressed by other methods. Several people had recommendations on how to contact. Selection of engineer and cost will be reviewed by board before moving forward. Eli Spatz motioned for approval. Bob Kern 2<sup>nd</sup> all approved.

Approval was given for retaining Gable & Lerner for another year and fees to be paid. Bob Kern motioned for approval. Eli Spatz approved. A approved. Dumpster weekend and tree limb removal were discussed. Due to COVID issues and past issues of abuse the dumpster weekend was tabled for this year. Eli to check with Thomas about tree limb pickup. Removal of tree that fell during Zeta Storm will be \$1400 to remove off sidewalk. All approved moving forward with the removal.

Speeding issues were discussed. Speed bumps are not something the HOA can do. Bob Kern to give out # to call to report speeding to be put in next newsletter.

Tap to speak with Penny regarding over growth of bushes that are blocking driveways and are a safety issue.

Front entrance cleanup and flower refresh were tabled due to on Monday after Paul Hammett contacted Crawford for the 3<sup>rd</sup> time.

MOTION TO ADJOURN: Meeting was adjourned at 12:45pm

Respectfully submitted

Barbara Smith/Secretary

**COOKS VALLEY HOME OWNERS ASSOCIATION INC**  
**SPECIAL CALLED BOARD MEETING MINUTES 2020**

\*\*\*\*\*

**DATE:** November 7, 2020

**MEMBERS IN ATTENDANCE (via tele conference call):** Eli Sbaity, John Saari, Barbara Smith, Bob Kern, Bob Adamac, Mike Krug, Tapasya Patel, Paul Hammel

**CALLED TO ORDER:** Meeting was called to order at 10:11am by Bob Kern. Quorum of board members present.

**SPECIAL BUSINESS -** The purpose of this meeting is to discuss recent motion made at CVHOA board meeting on Oct 31st proposing the HOA move forward with getting an engineering survey of areas involved in 2566 Chestea Drive drainage issue. Bob Kern is concerned that we acted in haste and that doing this could have repercussions that have not even been discussed. Eli Sbaity asked us to address and name the problem the HOA is trying to resolve and what are the options. Bob Kern presented a brief recap of the problem – since trees were taken down at 2566 Chestea (w/o HOA approval) the water drainage problem for Andy Price has been an issue. Numerous meetings and communications involving all involved homeowners, HOA/ACC board member and Cobb County officials have taken place. Andy Price had a specific way he thought the issue needed to be resolved and has become quite upset that his ideas were not followed. The Cobb County comments sent to Bob Kern after numerous discussions concluded that the plan the Yangs submitted may not convey runoff from a 100 year event like a county dedicated system would be required to do so, but should adequate for smaller, more frequent events.

Bob Kern made a motion that the motion made in the Oct 31<sup>st</sup> meeting be rescinded. Eli Sbaity seconded the motion and all board members approved.

Discussion followed that outlined 3 options for what the HOA can do next.

1. Send the letter to the Yangs from the HOA attorney stating they need to comply with the 18" pipe plan or be fined \$25 per day.
2. Assess the homeowners and try to remedy issue and place lien on Yang's property
3. Let Andy pursue on his own.

More discussion was brought forth by numerous board members on their own flood/water issues and how they had resolved them and questioning why Andy Price had not taken some issued on his own to resolve the water he has as a result of being lowest point on that side of the street. The water issue at Andy's house has always been there, this is not anything new. Also discussed was the original attorney letter to the Yangs that had not been sent. The board had agreed at another meeting to wait and see if the newly installed sod would make a difference in the water runoff. That was 5-6 weeks ago and the grass has filled in nicely and it appears that the water runoff is not as bad as the June 1<sup>st</sup> incident.

Barbara Smith noted that some communication does need to be made to Andy whatever the decision by the board is. Everyone agreed so discussion started on what the communication should include as well as possible ramifications if Andy decides to pursue legal action that may or may not include CVHOA/ACC. Bob Kern made a motion to have attorney address letter to Andy Price that the HOA has closed the issue and he is free to pursue his own course of resolution. Mike Krug seconded, all board members approved.

Eli will set up call with attorney to discuss language and feedback on this option. He opened call to any board member, but he will also get back to board on results of the call.

Respectfully submitted,  
*Barbara Smith/Secretary*





Bob Kern &lt;bob.kern@cooksvalleyhoa.com&gt;

2/11/2021 6:11 PM

## Rental property?

To Kim Gaddis &lt;kgaddis@gaddislanier.com&gt; Copy Eli Sbaity &lt;eli.sbaity@cooksvalleyhoa.com&gt;

Kim,

I hit the send button early, as I had meant to add another topic that came up a couple of minutes ago.. I have pasted it in below, as this is another topic we wish to discuss at our Tuesday evening board meeting - how we can prohibit sales to rental agencies or individual buyers for rental purposes. You can drive through Turtle Rock and you can see what this has done to their subdivision. We don't want this to happen to Cook's Valley

We have one rental property that has been such for several years and is being maintained. We would prefer not to have rentals because they would lower the property values which are soaring at the moment. In looking at our covenants as amended in 1992, Page 133 Article VIII Section 1 "All Lots shall be restricted exclusively to single-family residential use. No Lot, or any portion thereof, shall at any time be used for any commercial, business or professional purpose" In my opinion a rental property is a business as it generates income for the owner.

We could, of course, say we strongly discourage rentals of any duration. What would be better though would be to present this to the board for a vote on a resolution to prohibit rentals of any duration in Cook's Valley

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Hello,

I work with a company that buys houses and I'm writing to see if there are rental restrictions in the Cooks Valley Subdivision or if houses can be leased. Any info you could provide would be helpful. Thanks, JD

**JD Dinos Acquisitions Analyst**

**Open House Atlanta Realty & Investments, LLC.** 1050 Crown Pointe Parkway, Suite 470, Atlanta, GA 30338

Email: [John.Dinos@Openhouse-group.com](mailto:John.Dinos@Openhouse-group.com)

(678) 908-9789

GA Real Estate Sales License No. 264750

Thanks in advance for your help.

Best Regards,

***Bob Kern***

Chairman, Architectural Control Committee

Cook's Valley HOA

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Kim,

Thanks for your reply to Eli's note. I have pasted in below the link to the bookmarked pdf of the by-laws and covenants going back to the beginning of Cook's Valley.

<http://cooksvalleyhoa.com/cooksvalleyComplete%20CovenantsDec2009.pdf>

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Cook's Valley HOA Covenants Definitions Common areas references Turtle Rock recreation amenities on page 27 and again in 1992 on page 117 defining common areas

I hope this helps.

Best regards,

Bob

On another matter, just today, we received a question posed by a realtor asking whether we allow rentals in Cook's Valley. We have one rental property that been such for several years and is being maintained. We would prefer not to have rentals because they would lower the property values which are soaring at the moment. In looking at our covenants as amended in 1992, Page 133 Article VIII Section 1 "All Lots shall be restricted exclusively to single-family residential use. No Lot, or any portion thereof, shall at any time be used for any commercial, business or professional purpose"

2/12/20





## **Considerations for inclusion in Covenants amendment – Q&A Session?**

1. Allow for the inclusion of virtual meetings, at the discretion of the board, for all HOA meetings.
2. Prohibit home rentals, both long term and short term in Cook's valley. The current rental home on Marlos would be grandfathered in, but could not be sold as a rental

### **Single Family/Owner Occupied only**

1. Family is defined as immediate family, exception made were live -in caregiver is required
  2. No portion of the home may be rented or leased. The one rental property is hereby grandfathered in and must be compliant with this amendment when/if sold
  3. Working from home is permitted, including running your own business, provided employees, if any, do not routinely report to your home
  3. Expand definition of " immediate family" to include live-in care-giver
  4. Work from home provision – as it is already being done
  5. Correspondence with homeowners will be in English
- 

### **ARTICLE 1 Definitions – from covenants**

**Section 9. II Owner** shall mean and refer to the record owner, whether one or more persons, of the fee simple title to any Lot, but excluding those having such interest merely as security for the performance of an obligation

### **ARTICLE 2 ACC - ORIGINAL**

**Section 2. Meetings.** The Architectural Control Committee shall hold regular meetings at least once every calendar quarter or more often as may be established by the Architectural Control Committee. Regular and special meetings of the Architectural Control Committee shall be held at such time and at such place as the Architectural Control Committee shall specify. Notice of each regular or special meeting of the Architectural Control Committee shall be mailed to each member thereof at his residence or at his usual place of business at least three (3) days

before the day the meeting is to be held. Notice of regular and special meetings, need not specify the purpose or purposes for which the meeting is called. Notice of a meeting need not be given to any member of the Architectural Control Committee who signs a waiver of notice either before or after the meeting. Attendance of a member of the Architectural Control Committee at a meeting shall constitute a waiver of any and all objections with respect to the place of the meeting, the time of the meeting or the manner in which it has been called or convened, except when the member states, at the beginning of the meeting, any such objection or objections to the transaction of business. At each meeting of the Architectural control Committee; the presence of a majority of the members then in office shall constitute a quorum for the transaction of business. Except as otherwise provided herein, the act of a majority of the members of the Architectural Control committee present at any regular or special meeting thereof, at which a quorum is present shall constitute the act of the Architectural Control Committee. In the absence of a quorum, any member of the Architectural Control Committee present at the time and place of the meeting may adjourn the meeting from time to time until a quorum shall be present. At any adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called. Any action required to be taken at a meeting of the Architectural Control Committee, or any action which may be taken at a meeting of the Architectural Control Committee, may be taken without a meeting if written consent is obtained from all members of the Architectural Control Committee setting forth the action so taken. Such consent shall have the same force and effect as a unanimous vote.

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### **Rewrite –to include teleconference/virtual**

**Section 2. Meetings.** The Architectural Control Committee shall hold regular meetings at least once every calendar quarter or more often as may be established by the Architectural Control Committee. Regular and special meetings of the Architectural Control Committee shall be held at such time and at such place, *including teleconferencing & virtual sites* as the Architectural Control Committee shall specify. Notice of each regular or special meeting of the Architectural Control Committee shall be mailed *to the residence, usual place of business or emailed* to each member at least three (3) days before the day the meeting is to be held. Notice of regular and special meetings, need not specify the purpose or purposes for which the meeting is called. Notice of a meeting need not be given to any member of the Architectural Control. Committee who signs a waiver of notice either before



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## **ARTICLE VIII – original**

### **GENERAL COVENANTS AND RESTRICTIONS**

The following covenants and restrictions shall apply to all Lots and to all structures erected or placed thereon:

**Section 1. Residential Use.** All Lots shall be restricted exclusively to single-family residential use. No Lot or any portion thereof, shall at any time be used for **any** commercial, business or professional purpose: provided, however, that nothing herein shall be construed to prohibit or prevent Declarant or any builder of residences in Cook's Valley from using any Lot owned by Declarant or such builder for the purpose of carrying on business related to the development, improvement and sale of Lots in Cook's Valley.





# Turtle Rock Driveway Easement

From this drawing, it  
Looks like the driveway  
Easement is on the  
property adjacent to  
Lonnie's belonging to  
The Andrizzis'

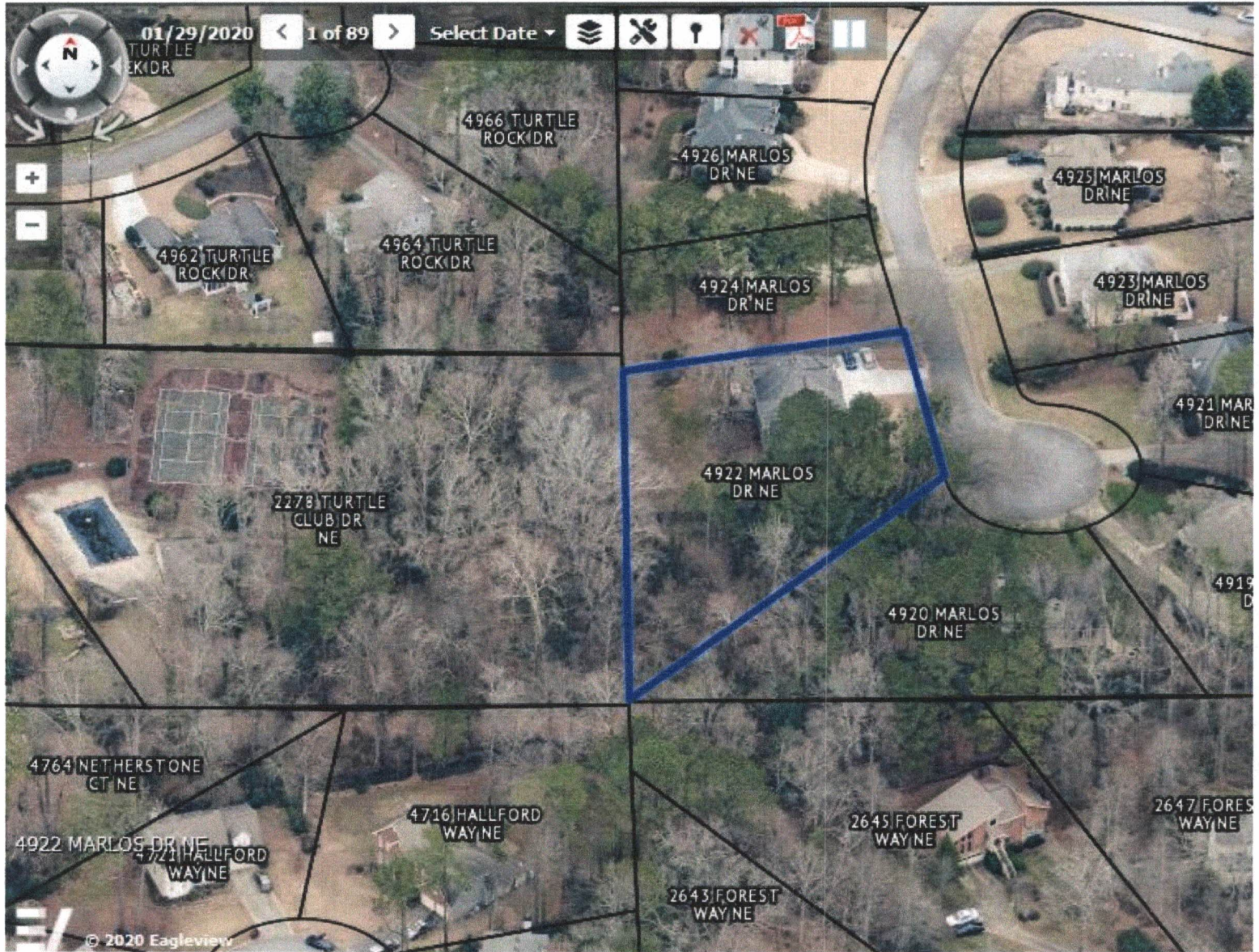


# Turtle Rock Driveway Easement

from the driveway to  
looks like it is the  
easement is in the  
property adjacent to  
being belong to  
the adjacent

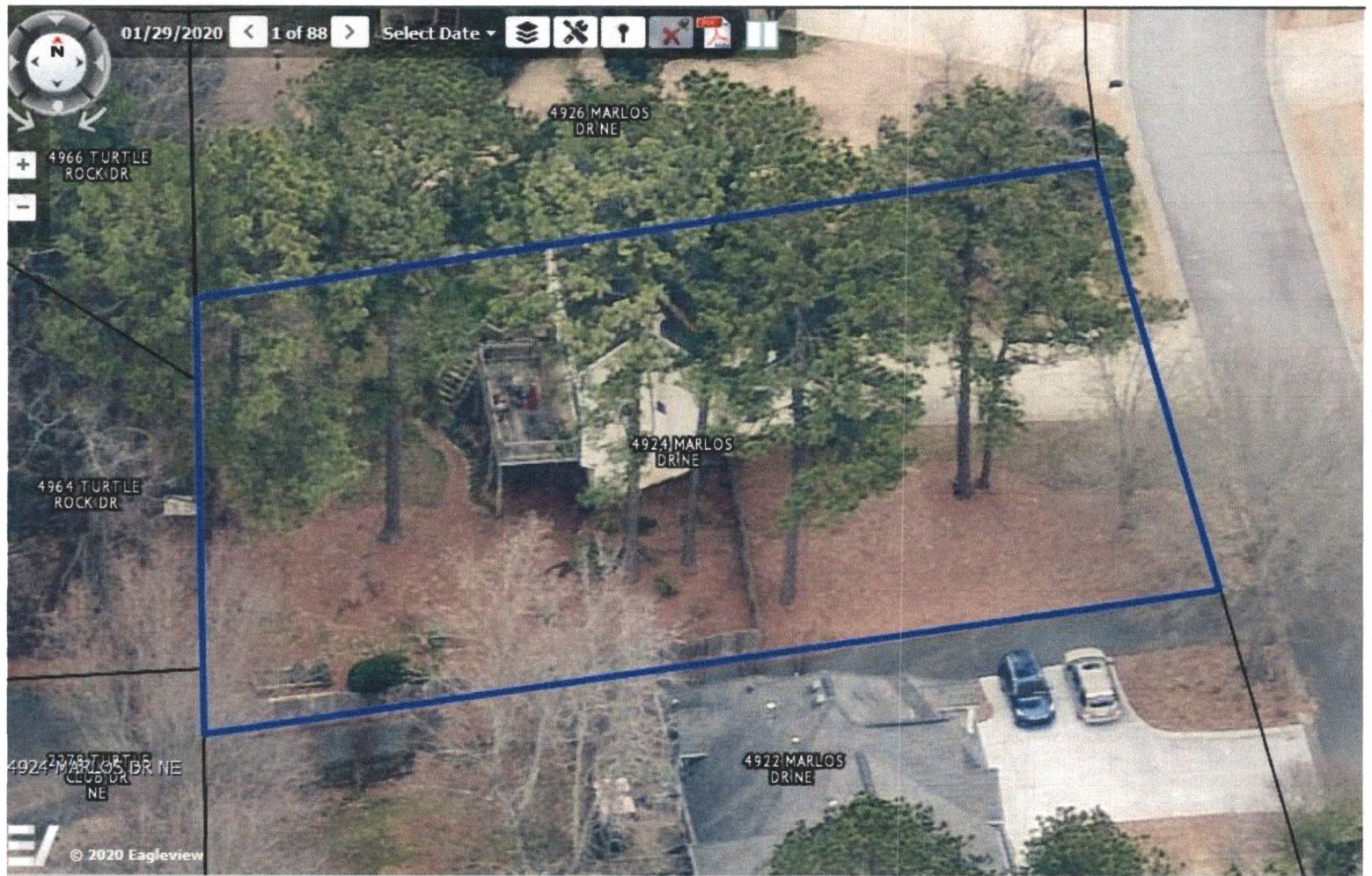














#### GENERAL COVENANTS AND RESTRICTIONS

The following covenants and restrictions shall apply to all Lots and to all Structures erected or placed thereon:

Section 1. Residential Use. All Lots shall be restricted exclusively to single-family residential use. No Lot, or any portion thereof, shall at any time be used for any commercial, business or professional purpose; provided, however, that nothing herein shall be construed to prohibit or prevent Declarant or any builder of residences in Cook's Valley from using any Lot owned by Declarant or such builder

