

BRENTWOOD VILLA CONDOMINIUM ASSOCIATION, INC.

September 19, 2022

To: Brentwood Villa Condominiums Owners

Re: Proposed Amendment to the Master Deed

Dear Brentwood Villa Condominiums Owners:

After having discussions with many of you, the HOA Board of Directors has asked Attorney, Gerald C. Wigger, to prepare the 5th Amendment to the Master Deed. The proposed Amendment prohibits leasing for a period of two (2) years after a new Owner takes ownership of a Unit. The new Owner must reside in the Unit during that two (2) year period before the Owner has the ability to lease the Unit. Please take a moment to review the proposed Amendment along with the Ballot.

Also, please note that the leasing rights of current Owners will NOT be affected by this amendment. Current Owners have a vested right to use their Unit as a “long-term rental” until the ownership of the property transfers. This is according to the current law in Tennessee.

Your vote is very important. Please cast your vote on the enclosed Ballot and return your Ballot to:

Brentwood Villa Condominium Association, Inc.
c/o David Floyd & Associates, Inc.
104 East Park Drive, Suite 320
Brentwood, TN 37027

Please be sure to return your Ballot as soon as possible but no later than December 31, 2022.

Thank you for your attention to this matter.

Sincerely,

Brentwood Villa HOA Board of Directors

THIS INSTRUMENT PREPARED BY:
Ortale Kelley Law Firm (RCH)
330 Commerce Street, Suite 110
P. O. Box 198985
Nashville, Tennessee 37201

**FIFTH AMENDMENT TO
MASTER DEED ESTABLISHING BRENTWOOD
VILLA CONDOMINIUM**

THIS FIFTH AMENDMENT (“Fifth Amendment”) TO MASTER DEED ESTABLISHING BRENTWOOD VILLA CONDOMINIUM made this the ___ day of _____, 2022, on behalf of the Members of the Brentwood Villa Condominium Association, Inc. (the “Association”).

WITNESSETH:

WHEREAS, Radnor/Nashville Corporation, (“Declarant”) recorded the Master Deed establishing Brentwood Villa Condominium Association, Inc., of record in Book 6923, Page 943, in the Register’s Office for Davidson County, Tennessee (the “Register’s Office”); as amended by the First Amendment to Master Deed Establishing Brentwood Villa Condominium (“First Declaration Amendment”) of record in Book 7035, Page 115, as amended by the Second Amendment to Master Deed Establishing Brentwood Villa Condominium (“Second Declaration Amendment”) of record in Book 7101, Page 730, as amended by the Third Amendment to Master Deed Establishing Brentwood Villa Condominium (“Third Declaration Amendment”) in Book 7266, Page 84, as amended by the Fourth Amendment to Master Deed Establishing Brentwood Villa Condominium (“Fourth Declaration Amendment”) of record in Book 7423, Page 574, all of record in said Register’s Office (collectively referred to herein as the “Master Deed”); and

WHEREAS, Paragraph 21 of the Master Deed provides for amendment of the Master Deed by the approval of sixty-seven percent (67%) of the votes of the Association membership along with the approval of the Association’s Board of Directors; and

WHEREAS, members holding sixty-seven percent (67%) of the votes in the Association have approved this Amendment; and

WHEREAS, the Board of Directors has approved this Amendment; and

WHEREAS, the provisions within the paragraphs of this Fifth Amendment shall be incorporated into the Master Deed by reference and shall have legally binding effect as to any Unit Owner, as defined under Section 3 of the Master Deed, with any interest, whether legal, equitable or otherwise, in the Development upon recordation of this Fifth Amendment in said Register’s Office.

NOW WHEREFORE, the Master Deed Establishing Brentwood Villa Condominium

is hereby amended as follows:

1. Section 14 of the Master Deed shall be amended by adding the following new section at the end of said article:

(g) Leasing of a Unit by a Unit Owner is permitted, provided that the Unit Owner has owned and occupied the Unit for a period of at least two (2) years. The terms set out in this Section 14(g) shall not apply to validly executed leases in effect on the date this Fifth Amendment is filed. Further, as Owners have a vested right to use their Unit as “long-term rental” property until the Owner transfers the Unit, this Fifth Amendment shall not apply to current Owners. Owners may continue to lease Units for long term rentals which is defined as a period of one hundred and eighty (180) days or more. The lease restrictions set forth in this Section 14(g) shall be applied in full force and effect on future Unit Owners, upon the filing of this Fifth Amendment.

2. This Amendment shall take effect and be applied prospectively as of the date that it is recorded in the Register’s Office for Davidson County, Tennessee.

3. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Master Deed.

4. All other provisions of the Master Deed, and any exhibits thereto, not heretofore amended shall remain in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

**BALLOT
FOR
BRENTWOOD VILLA CONDOMINIUM ASSOCIATION, INC.
September 19, 2022**

Proposed Resolution with Proposed Action: This ballot is being submitted to the Members of Brentwood Villa Condominium Association, Inc. (the “Association”) for a vote on whether to approve the Fifth Amendment to the Master Deed for Brentwood Villa Condominium Association, Inc. (“Master Deed”), to permit leasing of a Unit only after an Owner has owned the Unit for at least two (2) years, as more clearly described in the proposed Fifth Amendment, which is attached. The new language of the proposed amendment is described below:

New Language: The amendment requires that any new owner live in, and occupy, the home for two years prior to having eligibility to lease the home, thereby attempting to protect the community from investor leasing.

Procedure for Amendment: In order to amend the Master Deed for Brentwood Villa Condominium Association, the Master Deed requires at least ninety (90) votes, representing sixty-seven percent (67%) of the total allocated votes of the Association. In light of the foregoing, the Secretary submits the proposed ballot to the Members of the Association to vote on the proposed action as set forth below:

1. Members are entitled to vote by mail delivered to the Association’s Property Manager or hand delivery to a Board member. These are the only options.
2. The number of votes required to meet the Quorum requirement is twenty-five (25%) percent of the total votes of Association Membership, or thirty-four (34) submissions.
3. Number of votes received needed to carry the approval: ninety (90) votes, representing sixty-seven percent (67%) of the votes of the Association membership.
4. The date on or before which all votes must be received: December 31, 2022.
5. The location for all votes to be mailed:

Brentwood Villa Condominium Association, Inc.
c/o David Floyd & Associates, Inc.
104 East Park Drive, Suite 320
Brentwood, TN 37027

This written Ballot shall not be effective unless delivered on or before December 31, 2022.

I, the below Member of Brentwood Villa Condominium Association, Inc., being a member in good standing, hereby submit my Ballot:

Vote Cast: I hereby cast a ballot; please check the appropriate box and initial on the line after the box chosen.

_____ **FOR:** Amending the Master Deed restrictions on the leasing of Lots.

_____ **AGAINST:** Amending the Master Deed restrictions on the leasing of Lots.

Please print & sign your name and print your address below:

Print Name

Date

Signature

Address

City, State, Zip