

## RESTRICTIONS FOR A PORTION OF ROCKY TOP ESTATES

**WHEREAS**, the undersigned is the owner of certain lands located in the First (1<sup>st</sup>) and Seventh (7<sup>th</sup>) Civil Districts of Cocke County, Tennessee, known as a portion of **ROCKY TOP ESTATES**, as said property is described upon the attached Exhibit A; and,

**WHEREAS**, it is part of the development plan of said land that the same shall be restricted according to use and development;

**NOW, THEREFORE**, in consideration of the premises, and for the protection of the present and future owners of tracts described upon Exhibit A hereto, the following special covenants and restrictive covenants and restrictive conditions which are hereby made covenants to run with the land, whether or not they be mentioned or referred to in subsequent conveyances of said tracts or portions thereof, and off-conveyances shall be accepted subject to said covenants and conditions.

1. **MOBILE HOMES**, trailers and/or modular homes are expressly prohibited.
2. **NO NOXIOUS** or offensive activity shall be carried on upon any lot or tract, nor shall anything be done thereon which may be or may become an annoyance to the neighborhood. No animals, livestock or poultry of any kind shall be raised, bred or kept upon the property, except dogs, cats, (horses and ponies allowed on tracts of five acres or more), and other reasonable household pets may be kept provided they are not kept, bred or maintained for any commercial purposes. The allowing of junk or other debris to accumulate in the yard or upon the premises and the allowing of dismantled or partially dismantled automobiles or burned buildings not repaired or removed within 60 days shall be considered nuisances, per se.
3. **ALL PROPERTY OWNERS** whose lots or tracts are served by and/or subject to the non-exclusive right of way easements for ingress and egress to Highway 340 shall be jointly and equally responsible for the ordinary upkeep, maintenance and repair of any roads now or hereafter located upon said easements, subject to the following:
  - (a) Although roads shall be kept and maintained in good condition with ordinary wear and tear expected, all expenditures made for the upkeep, maintenance, repair and resurfacing of roads shall be agreed to in writing by a majority of all lot of tract owners before such expenditures are contracted for or made, unless and emergency situation requires otherwise.
  - (b) The terms "upkeep", "maintenance" and "repair" shall include, but not be limited to, filling pot holes in roads, keeping the roads free and clear of obstructions and limbs, trimming brush and trees along roads, adding stone and crushed gravel where needed on the main-travelled portion and the shoulders of gravel roads, adding asphalt and tar to areas where needed on the main travel portions of hard surfaced roads, and maintaining drainage ditches along the side of the roads.
  - (c) In the event an owner, or his/her guests, agents, employees, or invitees cause damage to a road other than ordinary wear and tear, that owner shall be required to repair such damage and shall be solely and exclusively responsible for the costs thereof.
  - (d) No owner shall have an obligation to upgrade any road to a condition better than it presently exists; provided however, that any owner shall have the right to upgrade any road to a better condition, but at that owner's sole expense.

4. **PHASE THREE (3) OF ROCKY TOP ESTATES** was previously subjected to Rules and Regulations of Rocky Top Estates Home Owners Association, Phase 3, Inc. Water Distribution Agreement. It is the intent of the undersigned to subject the property described upon the attached Exhibit A to the same rules and that said rules shall continue to be administered by Rocky Top Estates Home Owners Association, Phase 3, Inc. **THE 70.00 ACRE, 51.88 ACRE AND 5.323 ACRE TRACTS DESCRIBED UPON EXHIBIT A HERETO SHALL BE EXEMPTED FROM THE BENEFIT AND BURDEN OF PROVISIONS CONTAINED IN THIS SECTION.** The owners of all property described upon the attached Exhibit A (except for the owners of the 70.00, 51.88 and 5.323 acre tracts) shall become limited members of the Rocky Top Estates Home Owners Association, Phase 3, Inc. for the limited purpose of involvement with the following rules and regulations.

- (a) **Application for Connection:** Connection to the mains of the Association will be made on the written application of the owner of the premises to be supplied with water, or the owner's duly authorized agent, on blanks provided by the company, after the applicant agrees to comply with the rates, rules and regulations of the association; and after the approval of the application by the company endorsed on the application. The size of services lines; valves, meters and other fittings, fixtures or appliances necessary to render the service for which application is made shall be determined by the association.
- (b) **Application for Service:** On application of the owner or any authorized agent or any tenant of the owner, water will be furnished through existing connection, or, on application of the owner through new connections, after the owner agrees to comply with the rates, rules and regulations of the company, and after the approval of the application by the company endorsed on such application. The application shall state: (i) the name of the owner of the premises; (ii) the character and extent of service desired; (iii) a description of the premises including the name of the street and house number (if any), the number and kind of fixtures through which water will be supplied and such other information as the association may reasonable require.
- (c) **Change in Ownership, Tenancy or Service:** A new application must be made and approved by the company on any change in ownership of property, or in tenancy or in service, as described in the original application, and the company may discontinue the water supply until such new application is made and approved.
- (d) **Payments:** At the time of making application for connection or service, the applicant must make payment to the company of the fees, deposits or rates, as the case may be, to Rocky Top Estates Home Owners Association, Phase 3, Inc. for the services requested.
- (e) **Connections:** Each lot is responsible for the purchase cost and installation fee of their own water meter. The service line from the curb box or meter to the consumer's premises shall be laid and maintained by the consumer at the consumer's own cost. The line shall be ample size, of standard weight and quality, and all cutoffs, valves, fixtures and appliances furnished by the consumer shall be maintained in good order and condition.
- (f) **Leaks:** Any leak in any pipe or fixture on the premises of the consumer shall be immediately repaired or caused to be repaired by the consumer. Service may be discontinued by the association until such repair is made.
- (g) **Inspection:** All pipes, meters and fixtures shall, at all reasonable hours, be subject to inspection by the company or its duly authorized agents.

- (h) **Damages:** The association shall in no event be responsible for maintaining any service line owned by the consumer, nor for damages done by water escaping therefrom, nor for defects in lines or fixtures on the property of the consumer. The consumer shall at all times comply with all regulations of the Association relating to the service lines, and shall make all changes in the consumer's lines required on account of changes in grade or otherwise. All damages to service pipes or street mains caused by careless or negligent work or improper filling or excavations shall be chargeable to the person or persons causing such damage, and expenses of repairing the service pipes or street mains shall be recovered from such person or persons.
- (i) **Consumers:** A consumer is defined to be a person, firm, or corporation taking water through a single service pipe for a single building or business.
- (j) **Stop and Waste Valve:** A stop and waste cock or cut-off valve must be placed in the pipeline on the premises of the consumer, to be used in the case of a break or other necessity, whereby pipes to be repaired can be cut off without the necessity of using the street corporation cut off.
- (k) **Meters:** Where water is furnished at a metered rate, the company may install, maintain and inspect a meter to determine the quantity supplied, and the consumer shall provide a suitable location for such meter. The association may continue the use of the meter, and furnish water by meter rate only, and the consumer shall thereafter pay the meter rate schedule. Meters will be maintained by the consumer, so far as ordinary wear and tear are concerned. However, when a meter located inside a building or cellar is damaged by freezing or hot water or any other external cause, the consumer shall pay the cost of such damage. The consumer shall notify the association of any damage to or malfunction of a meter as soon as the damage or malfunction comes to the consumer's knowledge. In case of a disputed account involving the accuracy of a meter, such meter shall be tested on request of the consumer in conformity with the provisions of the rules and regulations pertaining to the water service utilities of Tennessee. If the meter so tested is found to have an error in registration of ten percent (10%) or more, the bills will be increased or decreased accordingly.
- (l) **Discontinuance of Service:** Subject to the provisions of a following section regarding emergence discontinuance, service under any application (including public fire protection) may be discontinued for any of the following reasons: (i) for misrepresentation, in an application, as to property or fixtures to be supplied or the use to be made of the water supply; (ii) for the use of water on any property or for a purpose other than that described in the application; (iii) use of running water to prevent freezing, or to cool containers, or the contents thereof is not legitimate use and is particularly prohibited; (iv) for willful waste of water through improper or imperfect pipes, fixtures, meters or otherwise; (v) for failure to keep in good order and to protect the association's connections, service lines or fixtures; (vi) for neglecting to make or renew advance payments, or for nonpayment of any account for water supplied or water service or fire protection, or of any Regulations; (vii) for damaging, causing injury to or otherwise interfering with any service pipe, meter, curb stop cock or any other appliances of the association controlling or regulating water supply; (viii) in case of vacancy of premises; and (ix) for violation of any rules of the company. Water will be turned off to any premises, upon the written order of the consumer without in any way affecting the existing application.

- (m) **Manner of Cutting Off Water Supply:** No water fixture or appliance in connection therewith will be considered cut off until it is discontinued so that it cannot be used again, or is sealed in a manner satisfactory to the company.
- (n) **Persons Authorized to Turn Off Water:** No plumber, owner or other unauthorized person shall turn the water on or off at any corporation stop or curb stop, or disconnect or remove the meter without the consent of the association.
- (o) **Discontinuance of Water Service in Event of Emergency:** As necessity may arise in case of a break in a water main, pipe or other conduit or in case of an emergency, or any situation affecting NUB, or for any other unavoidable cause, the association may temporarily cut off the water supply in order to make necessary repairs, connections or the like. However, the company is required to use reasonable and practicable measures to notify consumers in affected areas of such discontinuance of service. If the association has made a reasonable attempt to notify consumers by public-service announcements in newspapers of general circulation in the area affected, or in person or by mail or telephone, in the area affected, the company will be deemed to have taken reasonable and practicable measures to notify consumers. In the event of discontinuance of water service under the circumstances set for the in the following section, the association shall not be liable for any damage or inconvenience suffered by consumer, or for any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, poor quality of water or for causes reasonably beyond the company's control
- (p) **Reserve for Emergency:** The association may reserve a sufficient supply of water at all times in its reservoirs to provide for fires and other emergencies, or may restrict or regulate the quantity of water used by consumers in case of scarcity, or whenever the public welfare may require it. In case of publicly declared drought or extreme scarcity, or whenever the public welfare may require it, no street or lawn sprinkling or washing of private vehicles with potable water shall be permitted. In less extreme circumstances, when the water supply is publicly determined to be seriously below normal, no street or lawn sprinkling or washing of private vehicles with potable water shall be done by users. The association shall have authority to make determinations as to the extent of such emergencies, which determinations shall prevail unless contradicted by the Association.
- (q) **Renewal of Service:** When service has been discontinued, the association will renew service on proper application, when conditions under which the service was discontinued are corrected, and on the payment of charges provided in the schedule of rates or tariffs of the association. A consumer whose service has been discontinued at one residence may not have service renewed at another residence until all demands of the association for water furnished have been paid or otherwise satisfied, and the association's rules and regulations complied with. Where application is made by a person who is not the owner of the premises to be supplied, the association may require a deposit to be made, the amount of which is based upon the character of the service desired, but the same shall not exceed monthly minimum payment for the meter rate water charge, as applicable. Where water has been turned off for nonpayment of bill, or for any other valid reason, it shall not be turned on again until the consumer has paid the turn-on charge as fixed in the schedule of rates.

- (r) **Terms of Payment:** All minimum charges for meter rates shall be due and payable monthly in advance on or before the 15<sup>th</sup> day of the month.
  - (s) **Abatement and Refunds:** No abatement on meter bills will be made for leaks or for water wasted by damaged fixtures.
  - (t) **Repairs and Upgrades to Main Water Lines:** All necessary repairs and maintenance to the main water lines of the association that exceed the fees paid for general maintenance of lines will be billed at a pro-rata share for each lot owner based upon the number of lots owned. Any upgrades must be approved by the association. A main water line is any water line maintained by the association. This does not include any lines exiting the meter and continuing to a residence, or any lines contained within a residence.
  - (u) **Resubdivision of Lots:** Any re-subdivision of a lot requiring a meter, will be charged the same set-up and installation fee as a lot along with the same monthly fee.
  - (v) **Monthly Fee:** A fee of \$10.00 per month will be assessed for maintenance of the water lines until the account has a balance of \$5,000.00. Additional maintenance fees will not be assessed until account balance drops below \$3,000.00. Electric bills will be divided based upon the percentage of water used. Water usage fee is .005 per gallon, subject to the rate changes from NUB.
  - (w) **Agreements or Representations by Agents of Association:** No agent or employee of the company shall have authority to bind the company by any promise, agreement or representation in violation of these Rules and Regulations.
  - (x) **Authority of Undersigned:** These rules and regulations are extended to the property as aforementioned by the undersigned under its authority as owner of the subject property and as the \_\_\_\_\_ of Rocky Top Home Owners Association Phase 3, Inc.
5. **THESE RESTRICTIVE COVENANTS** shall run with the land and shall be binding upon the parties and all persons claiming under them for a period of 10 years from the date these covenants are recorded in the Register's Office for Cocke County, Tennessee, after which time the covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the owners of the lots or tracts described upon Exhibit A hereto, has been recorded in said Register's Office agreeing to change said covenants in whole or in part.
6. **IF A LOT OR 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 upon this property to prosecute at law or equity against the person or persons violating or attempting to violate any such covenant and to either prevent them from doing so or to recover damages or other dues for such violation. The prevailing party in any suit to enforce these restrictions shall be entitled to collect reasonable attorneys fees and court costs.
7. **THE VIOLATION OR INVALIDITY** of any one of these covenants by judgment or court decree shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, I have set my signature this 3rd day of July, 2010.

MJS LAND SALES, LLC, AS OWNER  
AND President OF ROCKY TOP HOME OWNER'S  
ASSOCIATION, PHASE 3, INC.

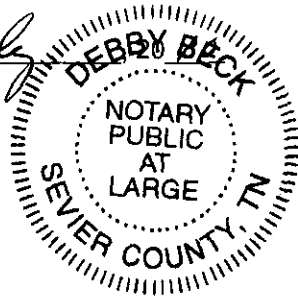
BY: Gary Spann  
GARY SPANN, CHIEF MANAGER

STATE OF TENNESSEE

COUNTY OF SEVIER

Personally appeared before me, the undersigned, a Notary Public, GARY SPANN, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the **CHIEF MANAGER** of the maker, **MJS LAND SALES, LLC** or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute the instrument on behalf of the maker.

WITNESS my hand, at office, this 3rd day of July  
Debby Beck  
NOTARY PUBLIC



My Commission expires: 9/20/2012

BK/PG: 1334/679-698

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|----------------------------|--------|
| 20 PGS : AL - RESTRICTIONS |        |
| LINDA BATCH: 32597         |        |
| 08/06/2010 - 11:12 AM      |        |
| VALUE                      | 0.00   |
| MORTGAGE TAX               | 0.00   |
| TRANSFER TAX               | 0.00   |
| RECORDING FEE              | 100.00 |
| DP FEE                     | 2.00   |
| REGISTER'S FEE             | 0.00   |
| TOTAL AMOUNT               | 102.00 |

STATE of TENNESSEE, COCKE COUNTY

LINDA BENSON  
REGISTER OF DEEDS

## EXHIBIT A

**BEING THE FOUR (4) MAIN TRACTS LOCATED IN COCKE COUNTY, TENNESSEE AND BEING DESCRIBED AS FOLLOWS:**

### **MAIN TRACT ONE:**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and described in **five (5) lots** as follows:

#### **LOT 1**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being all of **Tract/Lot 1 of ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod in the Northeastern right-of-way of Kiowa Way, a common corner to Lot 32 Rocky Top Estates, Phase 1 (Plat Book 10, Page 27); **THENCE FROM SAID POINT OF BEGINNING** and continuing with the right-of-way of Kiowa Way, North 53 deg. 46 min. 04 sec. West 110.56 ft. to a point, being a common corner to Lot 25 (Berry – Book 1113, Page 362); thence leaving the right-of-way of Kiowa Way and with the line of Lot 25, North 56 deg. 28 min. 16 sec. West 272.63 ft. to a point, being the centerline of a water line easement; thence North 56 deg. 28 min. 16 sec. West 97.95 ft. to a point; thence South 20 deg. 29 min. 37 sec. West 48.81 ft. to a 5/8" iron rod; thence South 12 deg. 53 min. 33 sec. West 327.82 ft. to a 5/8" iron rod, a common corner to MJS Land Sales, LLC (Book 1108, Page 546); thence leaving the line of Lot 25 and with the line of MJS Land Sales, LLC, North 70 deg. 29 min. 26 sec. West 711.33 ft. to a point, a common corner to Tract 3; thence leaving the line of MJS Land Sales, LLC, and with the line of Tract 3, North 63 deg. 29 min. 56 sec. East 762.66 ft. to an iron pin set in the Western edge of a 50 foot right-of-way; thence South 72 deg. 26 min. 56 sec. East 25.97 ft. to a point in the centerline of a 50 foot right-of-way; thence leaving the line of Tract 3 and with the centerline of the 50 foot right-of-way and the adjoining line of the City of Newport, South 56 deg. 59 min. 58 sec. East 152.31 ft. to a point; thence South 78 deg. 47 min. 29 sec. East 71.29 ft. to a point being a common corner to Tract 2; thence continuing with the centerline of the 50 foot right-of-way and with the line of Tract 2, North 88 deg. 37 min. 58 sec. East 157.86 ft. to a point; thence South 64 deg. 59 min. 38 sec. East 94.59 ft. to a point; thence South 86 deg. 05 min. 00 sec. East 72.30 ft. to a point; thence South 76 deg. 47 min. 06 sec. East 128.84 ft. to a point, being the centerline of a water line easement; thence South 58 deg. 24 min. 10 sec. East 33.05 ft. to a point, being a common corner to the lands of Wescott (Book 1042, Page 144); thence continuing with the centerline of the 50 foot right-of-way and with the line of Wescott, South 07 deg. 35 min. 44 sec. East 51.99 ft. to a point; thence South 25 deg. 24 min. 25 sec. West 92.43 ft. to a point; thence leaving the centerline of the 50 foot right-of-way, South 66 deg. 53 min. 04 sec. West 37.75 ft. to a 5/8" iron rod being a common corner to Lot 32 Rocky Top Estates, Phase 1; thence with the line of Lot 32, South 46 deg. 15 min. 03 sec. West 203.61 ft. to the point of **BEGINNING**. Containing 8.513 acres, more or less, according to survey of Randall Freeman, RLS #2478, 301 East Main Street, Second Floor, Suite 206, Newport, TN 37821, dated January 18, 2010, bearing Job No. 59PA1.00.

**SUBJECT** to a water line easement 10 feet in width, more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 5/8" iron rod in the Northeastern right-of-way of Kiowa Way, a common corner to Lot 32 Rocky Top Estates, Phase 1 (Plat Book 10, Page 27); **THENCE FROM SAID POINT OF BEGINNING** and continuing with the right-of-way of Kiowa Way, North 53 deg. 46 min. 04 sec. West 110.56 ft. to a point, being a common corner to Lot 25 (Berry – Book 1113, Page 362); thence leaving the right-of-way of Kiowa Way and with the line of Lot 25, North 56 deg. 28 min. 16 sec. West 272.63 ft. to a point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING** North 16 deg. 28 min. 14 sec. East 11.35 ft. to a point; thence North 77 deg.

50 min. 41 sec. East 77.08 ft. to a point; thence South 85 deg. 34 min. 14 sec. East 117.53 ft. to a point; thence North 82 deg. 26 min. 42 sec. East 30.43 ft. to a point; thence North 88 deg. 47 min. 50 sec. East 89.92 ft. to a point; thence North 82 deg. 24 min. 29 sec. East 40.42 ft. to a point; thence North 74 deg. 01 min. 32 sec. East 85.87 ft. to a point; thence North 59 deg. 25 min. 28 sec. East 75.77 ft. to a point in the centerline of a 50 foot right-of-way in the line of Tract 2.

**TRACT/LOT 2**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being all of **Tract/Lot 2 of ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a point in the center line of a 50 foot right-of-way, said point being a common corner to the Southwestern corner of Wescott (Book 1041, Page 144); **THENCE FROM SAID POINT OF BEGINNING** and with the centerline of the 50 foot right-of-way, North 58 deg. 24 min. 10 sec. West 33.05 ft. to a point; thence North 76 deg. 47 min. 06 sec. West 128.84 ft. to a point; thence North 86 deg. 05 min. 00 sec. West 72.30 ft. to a point; thence North 64 deg. 59 min. 39 sec. West 94.59 ft. to a point; thence South 88 deg. 37 min. 58 sec. West 157.86 ft. to a point being a common corner to the City of Newport; thence leaving the centerline of the 50 foot right-of-way and with the City of Newport, North 32 deg. 21 min. 04 sec. East 32.19 ft. to a 5/8" iron rod; thence North 21 deg. 07 min. 09 sec. East 232.01 ft. to a 5/8" iron rod; thence North 61 deg. 17 min. 23 sec. West 155.00 ft. to a point; thence leaving the line of the City of Newport, North 22 deg. 18 min. 19 sec. West 47.92 ft. to a point in the centerline of a 50 foot right-of-way, a common corner to Tract 3; thence with the centerline of a 50 foot right-of-way and the line of Tract 3, North 20 deg. 16 min. 32 sec. West 188.88 ft. to a point, a common corner to Tract 4; thence leaving the centerline of the 50 foot right-of-way, and with the line of Tract 4, South 80 deg. 04 min. 03 sec. East 28.93 ft. to an iron pin set; thence South 80 deg. 04 min. 03 sec. East 699.78 ft. to a point in the line of Wescott (Book 1041, Page 144); thence leaving the line of Tract 4 and with the line of Wescott, South 16 deg. 25 min. 38 sec. West 377.62 ft. to an iron pin set; thence South 09 deg. 20 min. 44 sec. West 114.50 ft. to an iron pin set; thence South 09 deg. 20 min. 44 sec. West 27.01 ft. to the point of **BEGINNING**. Containing 5.43 acres, more or less, according to survey of Albert B. Rand, RLS #2087, Rand Land Surveying, 366 Fox Creek Road, Seymour, TN 37865, dated March 29, 2006.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot right-of-way adjoining the above described property along its Southern and Western boundary lines and providing access to and from the above described property to a public road.

**TRACT/LOT 3**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being all of **Tract/Lot 3 of ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a point in the centerline of a 50 foot right-of-way, said point being a common corner to the City of Newport (Book 1203, Page 532) and Tract 1; thence leaving the centerline of said 50 foot right-of-way, and with the line of Tract 1, North 72 deg. 26 min. 56 sec. West 25.97 ft. to an iron pin set; thence South 63 deg. 29 min. 56 sec. West 762.66 ft. to a point, a common corner to Tax Map 59, Parcel 1.05; thence leaving the line of Tract 1 and with the line of Tax Map 59, Parcel 1.05, North 71 deg. 11 min. 43 sec. West 196.38 ft. to a point, a common corner to Tract 8; thence leaving the line of Tax Map 59, Parcel 1.05 and with the line of Tract 8, North 20 deg. 00 min. 08 sec. East 526.48 ft. to a point, a common corner to Tract 7; thence leaving the line of Tract 8 and with the line of Tract 7, North 21 deg. 32 min. 35 sec. East 219.00 ft. to a point, a common corner to Tract 5; thence leaving the line of Tract 7 and with the line of Tract 5, North 88 deg. 54 min. 35 sec. East 682.04 ft. to an iron pin set in the Western edge of a 50 foot right-of-way; thence North 88 deg. 54 min. 35 sec. East 29.67 ft. to a point being the centerline of a 50 foot right-of-way and being a common corner to Tract 2; thence continuing with the centerline of the 50 foot right-of-way and the line of Tract 2, South 20 deg. 16 min. 32 sec. East 188.88 ft. to a point, a common corner to the land of the City of Newport



(Book 1203, page 532); thence leaving the line of Tract 2 and with the line of the City of Newport, South 25 deg. 39 min. 37 sec. West 120.34 ft. to a point; thence South 40 deg. 55 min. 34 sec. West 138.18 ft. to a point; thence South 01 deg. 52 min. 24 sec. West 52.76 ft. to the point of **BEGINNING**. Containing 11.52 acres, more or less, according to survey of Albert B. Rand, RLS #2087, Rand Land Surveying, 366 Fox Creek Road, Seymour, TN 37865, dated March 29, 2006.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot right-of-way adjoining the above described property along its Eastern boundary lines and providing access to and from the above described property to a public road.

**TRACT/LOT 4**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being all of **Tract/Lot 4 of ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a ½" iron rod found at a hacked 24" chestnut oak, said iron rod being the common corner to Morrow (Book 141, page 64), Gilliam (Book 306, Page 169) and Wescott (Book 1041, Page 144); **THENCE FROM SAID POINT OF BEGINNING** and with the line of Wescott, South 16 deg. 25 min. 38 sec. West 249.22 ft. to a point, being a common corner to Tract 2; thence leaving the line of Wescott and with the line of Tract 2, North 80 deg. 04 min. 03 sec. West 699.78 ft. to an iron pin set; thence North 80 deg. 04 min. 03 sec. West 28.93 ft. to a point in the centerline of a 50 foot right-of-way, said point being a common corner to Tract 5; thence with the centerline of the 50 foot right-of-way and the line of Tract 5, North 33 deg. 40 min. 24 sec. West 245.74 ft. to a point; thence, North 28 deg. 40 min. 41 sec. West 113.40 ft. to a point; thence North 04 deg. 02 min. 49 sec. West 111.49 ft. to a point; thence North 51 deg. 38 min. 09 sec. East 39.42 ft. to a point; thence South 67 deg. 46 min. 10 sec. East 104.24 ft. to a point; thence North 76 deg. 21 min. 47 sec. East 84.67 ft. to a point; thence South 82 deg. 54 min. 09 sec. East 57.83 ft. to a point; thence North 78 deg. 32 min. 51 sec. East 37.13 ft. to a point; thence North 03 deg. 03 min. 08 sec. East 37.06 ft. to a point, said point being a common corner to the land of Morrow (Book 144, Page 64); thence leaving the centerline of the 50 foot right-of-way and with the line of Morrow, South 62 deg. 17 min. 03 sec. East 174.09 ft. to a 10" painted hickory; thence South 63 deg. 41 min. 05 sec. East 258.05 ft. to a 6" pine; thence South 61 deg. 57 min. 31 sec. East 213.17 ft. to a 10" painted hickory; thence South 65 deg. 46 min. 32 sec. East 118.21 ft. to the point of **BEGINNING**. Containing 7.70 acres, more or less, according to survey of Albert B. Rand, RLS #2087, Rand Land Surveying, 366 Fox Creek Road, Seymour, TN 37865, dated March 29, 2006.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot right-of-way adjoining the above described property along its Western boundary lines and providing access to and from the above described property to a public road.

**TRACT/LOT 8**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being all of **Tract/Lot 8 of ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a ½" iron rod found at a painted rock, said iron rod being a common corner to the land of Henderson (Book 192, Page 348) and Turner (Book 88, Page 390); **THENCE FROM SAID POINT OF BEGINNING** and with the line of Turner, North 35 deg. 16 min. 18 sec. East 90.53 ft. to as 36" chestnut oak painted; thence North 20 deg. 56 min. 54 sec. East 283.20 ft. to a 20" black oak three hacks, said oak being a common corner to the land of Berryhill (not-recorded); thence with the line of Berryhill, North 31 deg. 59 min. 53 sec. East 227.13 ft. to a 16" oak three hacks, said oak being a common corner to the land of Morrow (Book 141, page 64); thence South 76 deg. 35 min. 51 sec. East 45.86 ft. to an iron pin set; thence South 73 deg. 21 min. 42 sec. East 26.80 ft. to a point in the centerline of a 50 foot right-of-way, and also being a common corner to Tract 7; thence with the centerline of said 50 foot right-of-way, and the line of Tract 7, South 01 deg. 49 min. 50 sec. East

68.12 ft. to a point; thence South 16 deg. 03 min. 41 sec. East 71.98 ft. to a point; thence South 04 deg. 11 min. 43 sec. West 65.20 ft. to a point; thence South 20 deg. 30 min. 28 sec. West 115.98 ft. to a point; thence leaving the centerline of said 50 foot right-of-way and continuing with the line of Tract 7, South 80 deg. 02 min. 53 sec. East 10.43 ft. to an iron pin set; thence South 81 deg. 03 min. 21 sec. East 41.41 ft. to an iron pin set; thence South 79 deg. 56 min. 06 sec. East 370.09 ft. to a point in the line of Tract 3; thence leaving the line of Tract 7 and with the line of Tract 3, South 20 deg. 00 min. 08 sec. West 526.48 ft. to a point in the line of Tax Map 59, Parcel 1.05; thence leaving the line of Tract 5 and with the line of Tax Map 59, Parcel 1.05, North 71 deg. 11 min. 43 sec. West 359.06 ft. to an iron pin set; thence North 71 deg. 11 min. 43 sec. West 164.00 ft. to an iron pin set; thence North 71 deg. 11 min. 42 sec. West 18.89 ft. to a point in the centerline of a 50 foot right-of-way; thence with the centerline of said 50 foot right-of-way, South 83 deg. 46 min. 00 sec. West 132.62 ft. to a point; thence North 73 deg. 46 min. 42 sec. West 83.95 ft. to a point at the terminus of a 50 foot right-of-way; thence North 73 deg. 46 min. 42 sec. West 37.69 ft. to an iron pin set, being a common corner to the lands of Henderson (Book 192, Page 348); thence with the line of Henderson, North 54 deg. 23 min. 23 sec. East 79.11 ft. to a 30" blackoak three hacks; thence North 48 deg. 19 min. 40 sec. East 188.75 ft. to the point of **BEGINNING**. Containing 8.54 acres, more or less, according to survey of Albert B. Rand, RLS #2087, Rand Land Surveying, 366 Fox Creek Road, Seymour, TN 37865, dated March 29, 2006.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot right-of-way crossing the property as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 16" oak three hacks, said oak being a common corner to the Southernmost corner of Morrow (Book 141, Page 64); thence South 76 deg. 35 min. 51 sec. East 45.86 ft. to an iron pin set; thence South 73 deg. 21 min. 42 sec. East 26.80 ft. to the point of **BEGINNING** and being the centerline of a 50 foot right-of-way; thence South 01 deg. 49 min. 50 sec. East 68.12 ft. to a point; thence South 16 deg. 03 min. 41 sec. East 71.98 ft. to a point; thence South 04 deg. 11 min. 43 sec. West 65.20 ft. to a point; thence South 20 deg. 30 min. 28 sec. West 115.98 ft. to a point; thence South 80 deg. 02 min. 53 sec. East 10.43 ft. to a point; thence South 25 deg. 53 min. 55 sec. West 103.46 ft. to a point; thence South 23 deg. 29 min. 36 sec. West 225.74 ft. to a point; thence South 45 deg. 35 min. 19 sec. West 78.97 ft. to a point; thence South 66 deg. 22 min. 53 sec. West 93.79 ft. to a point; thence South 83 deg. 46 min. 00 sec. West 132.62 ft. to a point; thence North 73 deg. 46 min. 42 sec. West 83.95 ft. to the terminus of said 50 foot right-of-way.

**MAIN TRACT ONE BEING** a portion of the same property conveyed to MJS Land Sales, LLC, by deed from, Gary Spann and wife, Elizabeth Spann, and Randy W. Spann and wife, Crissy Spann, dated April 23, 2002, and of record in Book 1095, Page 389, in the Register's Office for Cocke County Tennessee.

**MAIN TRACT TWO:**

**SITUATE** in Seventh (7<sup>th</sup>) Civil of Cocke County, Tennessee and being **Tracts/Lots 9 and 10 of the ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**TRACT/LOT 9**

**SITUATE** in Seventh (7<sup>th</sup>) Civil of Cocke County, Tennessee and being **Tract/Lot 9 of the ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod in the line of Owens, corner to 5.04 acre tract, and running thence with the Owens line, North 26° 18' 32" East 226.46 feet to a 12 inch chestnut oak with three hacks; thence North 54° 23' 23" East 233.15 feet to a 5/8 inch iron rod in the line of Henderson; thence South 73° 46' 42" East 37.69 feet to a point in the center of the terminus of a 50 foot right-of-way; thence with said right-of-way centerline, South 73° 46' 42" East 83.95 feet to the point of intersection of said right-of-way and another 50 foot right-of-way which leads southward across the premises; thence

continuing with the centerline of the first mentioned 50 foot right-of-way, North 83° 46' 00" East 132.62 feet to a point, corner to Spann; thence South 71° 11' 43" East 738.33 feet to a point, corner to the aforesaid 5.04 acre tract; thence South 86° 14' 47" West 1043.34 feet to a point in the center of a 50 foot right-of-way; thence South 86° 14' 47" West 196.80 feet to the point of **BEGINNING, containing 5.28 acres**, more or less, as shown on a plat prepared by Michael A. Ivy, Tennessee RLS No. 1834, dated July 30,2000. Description taken from previous deed of record.

**THERE IS ALSO CONVEYED**, and the above described premises are subject to a portion of, a permanent, non-exclusive right-of-way, for ingress and egress, 50 feet in width the centerline of which runs with northernmost boundary of the premises and then traverses the premises from to the northern boundary to the southern boundary and leads to Hopi Way and State Highway 340.

#### **TRACT/LOT 10**

**SITUATE** in Seventh (7<sup>th</sup>) Civil of Cocke County, Tennessee and being **Tract/Lot 10 of the ROCKY TOP ESTATES, PHASE 3**, and being more particularly described as follows:

**BEGINNING** at a 10 inch chestnut oak in the line of Owens, corner to a 5.03 acre tract, and running thence with the Owens line, North 25° 26' 00" East 182.06 feet to a 1/2 inch iron rod, corner to a 5.28 acre tract; thence North 86° 14' 47" East 196.80 feet to a point in the center of a 50 foot right-of-way leading to Hopi Way; thence North 86° 14' 47" East 1043.34 ft. to a point, a common corner to MJS Land Sales, LLC; thence with the line of MJS Land Sales, LLC, South 40° 24' 26" West 369.53 feet to a point, corner to the aforesaid 5.03 acre tract; thence North 88° 05' 43" West 918.18 feet to a point in the center of the aforesaid 50 foot right-of-way; thence North 88° 05' 43" West 158.54 feet to the point of **BEGINNING, containing 5.04 acres**, more or less, as shown on a plat prepared by Michael A. Ivy, Tennessee RLS No. 1834, dated July 30, 2000. Description taken from previous deed of record.

**THERE IS ALSO CONVEYED**, and the above described premises are subject to a portion of, a permanent, non-exclusive right-of-way, for ingress and egress, 50 feet in width which traverses the premises from to the northern boundary to the southern boundary and leads to Hopi Way and State Highway 340.

**MAIN TRACT TWO BEING** the same property conveyed to MJS Land Sales, LLC, by deed from, Debbie Gauvin and husband, Gary Gauvin, dated April 6, 2009, and of record in Book 1313, Page 610, in the Register's Office for Cocke County Tennessee.

#### **MAIN TRACT THREE:**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being **three (3) tracts** more particularly described as follows:

#### **TRACT 1**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being a **70.00 acre tract** located on Highway 340 and being more particularly described as follows:

**BEGINNING** at a 1/2" iron pin new in the Western right-of-way of Highway 340, said iron pin being a common corner to the Northeastern most corner of property of Huff; **THENCE FROM SAID POINT OF BEGINNING** and with the line of Huff, North 87 deg. 01 min. 13 sec. West 52.97 ft. to a 1/2" iron pin old at a poplar; thence North 87 deg. 01 min. 13 sec. West 1760.00 ft. to a 2" pipe with a cap, a common corner to USA Tract 1425D; thence leaving the line of Huff, and with the line of USA Tract 1425D the following courses and distances along the center of a ridge: North 58 deg. 29 min. 37 sec. West 217.62 ft. to a point; thence North 34 deg. 13 min. 57 sec. West 147.27 ft. to a point; thence North 61 deg. 44 min. 53 sec. West 193.83 ft. to a point; thence North 53 deg. 56 min. 26 sec. West 265.38 ft. to a point; thence North 51 deg. 03 min. 11 sec. West 151.80 ft. to a point; thence North 49

deg. 34 min. 31 sec. West 240.25 ft. to a point; thence North 40 deg. 48 min. 34 sec. West 165.26 ft. to a point; thence North 43 deg. 09 min. 21 sec. West 166.36 ft. to a point; thence North 50 deg. 18 min. 12 sec. West 161.08 ft. to a point; thence North 35 deg. 25 min. 59 sec. West 128.93 ft. to a point, a common corner to the land of Suddarth (Book 1296, page 865); thence leaving the line of USA Tract 1425D and with the line of Suddarth, North 45 deg. 08 min. 01 sec. East 633.66 ft. to a ½" iron pin new, a common corner to Bowers (Book 1295, page 802); thence leaving the line of Suddarth and with the line of Bowers, North 40 deg. 33 min. 51 sec. East 36.54 ft. to a ½" iron pin new, a common corner to a 51.88 acre tract; thence leaving the line of Bowers and with the line of the 51.88 acre tract, South 68 deg. 02 min. 21 sec. East 2,749.08 ft. to a ½" iron pin new, being the centerline of a 50 foot joint access easement for ingress and egress and utilities and also being a common corner to a 5.323 acre tract; thence leaving the line of a 51.88 acre tract and with the line of a 5.323 acre tract, South 51 deg. 56 min. 17 sec. East 199.93 ft. to a 28" oak; thence South 51 deg. 56 min. 17 sec. East 139.25 ft. to a ½" iron pin new in the Western right-of-way of Highway 340; thence leaving the line of the 5.323 acre tract and with the right-of-way of Highway 340 and a curve to the left with a radius of 1,667.10 ft., an arc length of 382.33 ft., a chord bearing of South 13 deg. 31 min. 53 sec. West, a chord length of 381.49 ft. to a point; thence South 06 deg. 57 min. 45 sec. West 69.60 ft. to a point; thence North 83 deg. 02 min. 15 sec. West 5.00 ft. to a point; thence South 06 deg. 57 min. 45 sec. West 74.13 ft. to the point of **BEGINNING**. Containing 70.00 acres, more or less, according to survey of Randall Freeman, RLS #2478, 301 East Main St., Second Floor, Suite 206, Newport, TN 37821, dated 25, 2010, bearing Job No. 59PA1.00.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot access easement for ingress and egress to Blackfeet Way and utility easement as the centerline of said easement serves as the Southeastern boundary line of a 51.88 acre tract and the Northwestern boundary line of a 5.323 acre tract as shown on the above referenced survey.

## **TRACT 2**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being a **51.88 acre tract** located off Highway 340 and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** start at a ½" iron pin new in the Western right-of-way of Highway 340, said iron pin being a common corner to the Northeastern most corner of property of Huff; thence North 06 deg. 57 min. 45 sec. East 74.13 ft. to a point; thence South 83 deg. 02 min. 15 sec. East 5.00 ft. to a point; thence North 06 deg. 57 min. 45 sec. East 69.60 ft. to a point; thence with a curve to the right having a radius of 1667.10 ft., an arc length of 382.33 ft., a chord bearing of North 13 deg. 31 min. 57 sec. East, and a chord length of 381.49 ft. to a ½" iron pin new, a common corner to a 5.323 acre tract; thence North 51 deg. 56 min. 17 sec. West 139.25 ft. to a 28" oak; thence North 51 deg. 56 min. 17 sec. West 199.93 ft. to a ½" iron pin new in the centerline of a 50 foot joint use access easement and also being the point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING** and with the common boundary line of a 70.00 acre tract, North 68 deg. 02 min. 21 sec. West 2749.08 ft. to a ½" iron pin new in the line of Bowers (Book 1295, page 802); thence with the line of Bowers, North 40 deg. 33 min. 51 sec. East 442.15 ft. to a point; thence South 78 deg. 57 min. 56 sec. East 144.81 ft. to a point; thence North 40 deg. 33 min. 51 sec. East 403.12 ft. to a point; thence North 40 deg. 33 min. 51 sec. East 369.53 ft. to a ½" iron pin new; thence South 70 deg. 08 min. 19 sec. East 711.20 ft. to a 5/8" iron pin old in the line of Phase 1 Rocky Top Estates; thence with the line of said Phase 1, South 14 deg. 04 min. 47 sec. West 50.38 ft. to a 5/8" iron pin old; thence South 23 deg. 21 min. 11 sec. East 338.41 ft. to a 5" iron pin old; thence South 29 deg. 20 min. 16 sec. East 167.63 ft. to a 5/8" iron pin old; thence South 29 deg. 51 min. 08 sec. East 132.75 ft. to a 5/8" iron pin old; thence South 47 deg. 38 min. 04 sec. East 335.21 ft. to a 5/8" iron pin old; thence South 56 deg. 38 min. 38 sec. East 228.61 ft. to a 5/8" iron pin old; thence South 57 deg. 48 min. 47 sec. East 207.05 ft. to a 5/8" iron pin old; thence South 57 deg. 47 min. 40 sec. East 190.07 ft. to a 5/8" iron pin old; thence North 33 deg. 11 min. 20 sec. East 256.49 ft. to a 5/8" iron pin old in the Southwestern right-of-way of Blackfeet Way; thence with the right-of-way of Blackfeet Way, South 59 deg. 18 min. 24 sec. East 192.07 ft. to a ½" iron pin new in the centerline of a 50 foot joint access easement and also being a common corner to a 5.323 acre tract; thence with the centerline of said 50

foot joint access easement and the line of the 5.323 acre tract, South 33 deg. 11 min. 20 sec. West 733.92 ft. to the point of **BEGINNING**. Containing 51.88 acres, more or less, according to survey of Randall Freeman, RLS #2478, 301 East Main St., Second Floor, Suite 206, Newport, TN 37821, dated 25, 2010, bearing Job No. 59PA1.00.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot access easement for ingress and egress to Blackfeet Way and utility easement as the centerline of said easement serves as the Southeastern boundary line of the property herein described and the Northwestern boundary line of a 5.323 acre tract as shown on the above referenced survey.

### **TRACT 3**

**SITUATE** in the First (1<sup>st</sup>) Civil District of Cocke County, Tennessee and being a **5.323 acre tract** located on Highway 340 and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** start at a ½" iron pin new in the Western right-of-way of Highway 340, said iron pin being a common corner to the Northeastern most corner of property of Huff; thence North 06 deg. 57 min. 45 sec. East 74.13 ft. to a point; thence South 83 deg. 02 min. 15 sec. East 5.00 ft. to a point; thence North 06 deg. 57 min. 45 sec. East 69.60 ft. to a point; thence with a curve to the right having a radius of 1667.10 ft., an arc length of 382.33 ft., a chord bearing of North 13 deg. 31 min. 57 sec. East, and a chord length of 381.49 ft. to the point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING** and with the line of a 70.00 acre tract, North 51 deg. 56 min. 17 sec. West 139.25 ft. to a 28" oak; thence North 51 deg. 56 min. 17 sec. West 199.93 ft. to a ½" iron pin new in the centerline of a 50 foot joint access easement and being a common corner to a 51.88 acre tract; thence with the centerline of said joint use access easement and the line of the 51.88 acre tract, North 33 deg. 11 min. 20 sec. East 733.92 ft. to a ½" iron pin new in the Southern right-of-way of Blackfeet Way; thence with the right-of-way of Blackfeet Way, South 58 deg. 52 min. 09 sec. East 311.14 ft. to a point; thence with a curve to the right through the intersection of Blackfeet Way and Highway 340 with a radius of 20 ft., an arc length of 35.02 ft., a chord bearing of South 08 deg. 42 min. 12 sec. East, a chord length of 30.72 ft.; thence continuing with the right-of-way of Highway 340, South 41 deg. 27 min. 45 sec. West 135.15 ft. to a point; thence with a curve to the left with a radius of 1667.10 ft., an arc length of 107.23 ft., a chord bearing of South 39 deg. 37 min. 04 sec. West, a chord length of 107.21 ft. to a point; thence North 52 deg. 13 min. 30 sec. West 5.00 ft. to a point; thence with a curve to the left with a radius of 1672.10 ft., an arc length of 153.20 ft., a chord bearing of South 35 deg. 09 min. 01 sec. West, a chord length of 153.15 ft. to a point; thence South 57 deg. 28 min. 29 sec. East 5.00 ft. to a point; thence with a curve to the left with a radius of 1667.10 ft., an arc length of 361.46, a chord bearing of South 26 deg. 18 min. 50 sec. West, a chord length of 360.75 ft. to the point of **BEGINNING**. Containing 5.323 acres, more or less, according to survey of Randall Freeman, RLS #2478, 301 East Main St., Second Floor, Suite 206, Newport, TN 37821, dated 25, 2010, bearing Job No. 59PA1.00.

**TOGETHER WITH AND SUBJECT** to the joint use of a 50 foot access easement for ingress and egress to Blackfeet Way and utility easement as the centerline of said easement serves as the Southeastern boundary line of a 51.88 acre tract and the Northwestern boundary line of the property herein described.

**MAIN TRACT THREE BEING** a portion of the same property conveyed to MJS Land Sales, LLC, by deed from, Gary Spann and wife, Elizabeth Spann, and Randy W. Spann and wife, Crissy Spann, dated April 23, 2002, and of record in Book 1095, Page 389, in the Register's Office for Cocke County Tennessee.

### **MAIN TRACT FOUR:**

**SITUATE** in the First (1<sup>st</sup>) and Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and described in **eight (8) lots** as follows:

**LOT 16**

**SITUATE** in the Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 16 of ROCKY TOP ESTATES** and being more particularly described as follows:

**BEGINNING** at a set 5/8" iron rod in the Northwestern right-of-way of Arapaho Way, a common corner to Lot 9 (Vallina – Book 1224, Page 20); **THENCE FROM SAID POINT OF BEGINNING** and with the line of Lot 9, North 53 deg. 01 min. 47 sec. West 192.30 ft. to a set 5/8" iron rod, common corner to Lot 18; thence leaving the line of Lot 9 and with the line of Lot 18, North 32 deg. 16 min. 32 sec. East 164.38 ft. to a 5/8" iron rod set, a common corner to Lot 17; thence leaving the line of Lot 18 and with the line of Lot 17, South 84 deg. 36 min. 41 sec. East 274.50 ft. to a 5/8" iron rod set in the Northwestern right-of-way of Arapaho Way; thence leaving the line of Lot 17 and with the right-of-way of Arapaho Way, South 42 deg. 11 min. 18 sec. West 308.87 ft. to the point of **BEGINNING**. Containing 1.14 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**LOT 26**

**SITUATE** in the Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 26 of ROCKY TOP ESTATES** and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 5/8" iron rod set in the Northern right-of-way of Kiowa Way, a common corner to Lot 28 (Cogar – Book 1088, Page 384) and Lot 27; thence South 72 deg. 36 min. 41 sec. East 85.12 ft. to a point; thence South 64 deg. 39 min. 53 sec. East 175.12 ft. to the point of **BEGINNING** at a set 5/8" iron; **THENCE FROM SAID POINT OF BEGINNING** and with the line of Lot 27, North 20 deg. 06 min. 42 sec. East 325.61 ft. to a 5/8" iron rod set in the Southern right-of-way of Hopi Way; thence leaving the line of Lot 27 and with the right-of-way of Hopi Way, South 55 deg. 35 min. \_\_\_\_\_ sec. East 174.54 ft. to point; thence with a curve to the right through the intersection of Hopi Way and Kiowa Way and a curve to the right with a radius of 25.00 ft., a tangent of 21.52 ft., an arc length of 35.54 ft., a chord length of 32.68 ft., a delta angle of 82 deg. 27 min. 22 sec. to a point; thence continuing with the right-of-way of Kiowa Way, South 25 deg. 52 min. 10 sec. 150.63 ft. to a point; thence with a curve to the right with a radius of 75.00 ft., a tangent of 43.32 ft., an arc length of 78.56 ft., a chord length of 75.02 ft., and a delta angle of 60 deg. 01 min. 06 sec. to a point; thence South 85 deg. 53 min. 16 sec. West 52.16 ft. to a point; thence with a curve to the right with a radius of 75 ft., a tangent of 13.92 ft., an arc length of 27.53 ft., a chord length of 27.36 ft., and a delta angle of 21 deg. 01 min. 58 sec. to a point; thence North 73 deg. 04 min. 46 sec. West 53.55 ft. to the point of **BEGINNING**. Containing 1.16 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's

association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**LOT 27**

**SITUATE** in the Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 27 of ROCKY TOP ESTATES** and being more particularly described as follows:

**BEGINNING** at a set 5/8" iron rod in the Northwestern right-of-way of Kiowa Way, a common corner to Lot 28 (Cogar – Book 1088, Page 384); **THENCE FROM SAID POINT OF BEGINNING** and with the line of Lot 28, North 31 deg. 00 min. 48 sec. East 183.37 ft. to a 5/8" iron rod set in the Southern right-of-way of Hopi Way; thence leaving the line of Lot 28 and with the right-of-way of Hopi Way and a curve to the left with a radius of 125 ft., a tangent of 127.92 ft., an arc length of 199.24 ft., a chord length of 178.81 ft., delta angle of 91 deg. 19 min. 25 sec. to a point; thence North 33 deg. 19 min. 45 sec. East 84.00 ft. to a point; thence with a curve to the right with a radius of 20 ft., a tangent of 20.38 ft., an arc length of 39.79 ft., a chord length of 28.55 ft., delta angle 91 deg. 05 min. 02 sec. to a point; thence South 55 deg. 35 min. 12 sec. East 120.09 ft. to a 5/8" iron rod set, a common corner to Lot 26; thence leaving the right-of-way of Hopi Way and with the line of Lot 26, South 20 deg. 06 min. 42 sec. West 325.61 ft. to the point of **BEGINNING**. Containing 1.71 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**LOT 30**

**SITUATE** in the First (1<sup>st</sup>) and Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 30 of ROCKY TOP ESTATES** and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** start at a set 5/8" iron rod in the North right-of-way of Kiowa Way, said iron rod being a common corner to Lot 28 (Cogar – Book 1088, Page 384) and Lot 29; thence with the right-of-way of Kiowa Way and a curve to the right and a radius of 75 ft., a tangent of 24.11, an arc length of 46.65 ft., a chord length of 45.90 ft., and a delta angle of 35 deg. 38 min. 26 sec. to a point; thence North 70 deg. 36 min. 09 sec. West 173.74 ft. to a 5/8" iron rod set, being the point of **BEGINNING**; **THENCE FROM SAID POINT OF** and continuing with the right-of-way of Kiowa Way and a curve to the left with a radius of 125.00 ft., tangent 13.43 ft., an arc length of 26.75 ft., a chord length of 26.70 ft., and a delta angle of 12 deg. 15 min. 41 sec. to a point; thence continuing with the right-of-way of Kiowa way and crossing into the First (1<sup>st</sup>) Civil District, North 82 deg. 51 min. 50 sec. West 92.89 ft. to a point; thence with a curve to the right with a radius of 75 ft., a tangent of 15.85 ft., an arc length of 31.23 ft., a chord length of 31.01 ft., delta angle of 23 deg. 51 min. 31 sec. to a point; thence North 59 deg. 00 min. 19 sec. West 34.42 ft. to a point; thence with a curve to the right with a radius of 125.00 ft., a tangent of 16.08 ft., an arc length of 31.98 ft., a chord length of 31.98 ft., and a delta angle of 14 deg. 39 min. 24 sec. to a point, being a common corner to Lot 31; thence leaving the right-of-way of Kiowa Way, and with the line of Lot 31, North 44 deg. 44 min. 24 sec. East 146.68 ft. to a point in the approximate centerline of a drainage easement; thence

continuing with the line of Lot 31 and entering the Seventh (7<sup>th</sup>) Civil District, North 44 deg. 44 min. 24 sec. East 313.98 ft. to a 5/8" iron rod set in the Southern right-of-way of Hopi Way; thence leaving the line of Lot 31 and with the right-of-way of Hopi Way, South 51 deg. 20 min. 53 sec. East 121.72 ft. to a 5/8" iron rod set, a common corner to Lot 29; thence leaving the right-of-way of Hopi Way and with the line of Lot 29, South 25 deg. 31 min. 38 sec. West 220.48 ft. to a point, being the approximate centerline of a drainage easement; thence South 25 deg. 31 min. 38 sec. East 164.47 ft. to the point of **BEGINNING**. Containing 1.93 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to a drainage easement, detention pond area being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** start at a set 5/8" iron rod in the North right-of-way of Kiowa Way, said iron rod being a common corner to Lot 28 (Cogar – Book 1088, Page 384) and Lot 29; thence with the right-of-way of Kiowa Way and a curve to the right and a radius of 75 ft., a tangent of 24.11, an arc length of 46.65 ft., a chord length of 45.90 ft., and a delta angle of 35 deg. 38 min. 26 sec. to a point; thence North 70 deg. 36 min. 09 sec. West 173.74 ft. to a 5/8" iron rod set, being the point of **BEGINNING**; **THENCE FROM SAID POINT OF** and continuing with the right-of-way of Kiowa Way and a curve to the left with a radius of 125.00 ft., tangent 13.43 ft., an arc length of 26.75 ft., a chord length of 26.70 ft., and a delta angle of 12 deg. 15 min. 41 sec. to a point; thence continuing with the right-of-way of Kiowa way and crossing into the First (1<sup>st</sup>) Civil District, North 82 deg. 51 min. 50 sec. West 92.89 ft. to a point; thence with a curve to the right with a radius of 75 ft., a tangent of 15.85 ft., an arc length of 31.23 ft., a chord length of 31.01 ft., delta angle of 23 deg. 51 min. 31 sec. to a point; thence North 59 deg. 00 min. 19 sec. West 34.42 ft. to a point; thence with a curve to the right with a radius of 125.00 ft., a tangent of 16.08 ft., an arc length of 31.98 ft., a chord length of 31.98 ft., and a delta angle of 14 deg. 39 min. 24 sec. to a point, being a common corner to Lot 31; thence leaving the right-of-way of Kiowa Way, and with the line of Lot 31, North 44 deg. 44 min. 24 sec. East 146.68 ft. to a point in the approximate centerline of a drainage easement; thence leaving the line of Lot 31 and with the drainage easement centerline and entering the Seventh (7<sup>th</sup>) Civil District, South 76 deg. 46 min. 19 sec. East 227.07 ft. to a point in the line of Lot 29; thence with the line of Lot 29, South 25 deg. 31 min. 38 sec. West 164.47 ft. to the point of **BEGINNING**.

**SUBJECT** to a drainage easement crossing Lot 30 and serving as the Northern boundary line of the above referenced drainage easement, detention pond area and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** start at a set 5/8" iron rod in the North right-of-way of Kiowa Way, said iron rod being a common corner to Lot 28 (Cogar – Book 1088, Page 384) and Lot 29; thence with the right-of-way of Kiowa Way and a curve to the right and a radius of 75 ft., a tangent of 24.11, an arc length of 46.65 ft., a chord length of 45.90 ft., and a delta angle of 35 deg. 38 min. 26 sec. to a point; thence North 70 deg. 36 min. 09 sec. West 173.74 ft. to a 5/8" iron rod set, thence continuing with the right-of-way of Kiowa Way and a curve to the left with a radius of 125.00 ft., tangent 13.43 ft., an arc length of 26.75 ft., a chord length of 26.70 ft., and a delta angle of 12 deg. 15 min. 41 sec. to a point; thence continuing with the right-of-way of Kiowa way and crossing into the First (1<sup>st</sup>) Civil District, North 82 deg. 51 min. 50 sec. West 92.89 ft. to a point; thence with a curve to the right with a radius of 75 ft., a tangent of 15.85 ft., an arc length of 31.23 ft., a chord length of 31.01 ft., delta angle of 23 deg. 51 min. 31 sec. to a point; thence North 59 deg. 00 min. 19 sec. West 34.42 ft. to a point; thence with a curve to the right with a radius of 125.00 ft., a tangent of 16.08 ft., an arc length of 31.98 ft., a chord length of 31.98 ft., and a delta angle of 14 deg. 39 min. 24 sec. to a point, being a common corner to Lot 31; thence leaving the right-of-way of Kiowa Way, and with the line of Lot 31, North 44 deg. 44 min. 24 sec. East 146.68 ft. to a point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING**, South 76 deg. 46 min. 19 sec. East 227.07 ft. to a point in the line of Lot 29.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County



Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**LOT 31**

**SITUATE** in the First (1<sup>st</sup>) and Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 31 of ROCKY TOP ESTATES** and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** start at a set 5/8" iron rod in the North right-of-way of Kiowa Way, said iron rod being a common corner to Lot 28 (Cogar – Book 1088, Page 384) and Lot 29; thence with the right-of-way of Kiowa Way and a curve to the right and a radius of 75 ft., a tangent of 24.11, an arc length of 46.65 ft., a chord length of 45.90 ft., and a delta angle of 35 deg. 38 min. 26 sec. to a point; thence North 70 deg. 36 min. 09 sec. West 173.74 ft. to a 5/8" iron rod set, thence with the right-of-way of Kiowa Way and a curve to the left with a radius of 125.00 ft., tangent 13.43 ft., an arc length of 26.75 ft., a chord length of 26.70 ft., and a delta angle of 12 deg. 15 min. 41 sec. to a point; thence continuing with the right-of-way of Kiowa way and crossing into the First (1<sup>st</sup>) Civil District, North 82 deg. 51 min. 50 sec. West 92.89 ft. to a point; thence with a curve to the right with a radius of 75 ft., a tangent of 15.85 ft., an arc length of 31.23 ft., a chord length of 31.01 ft., delta angle of 23 deg. 51 min. 31 sec. to a point; thence North 59 deg. 00 min. 19 sec. West 34.42 ft. to a point; thence with a curve to the right with a radius of 125.00 ft., a tangent of 16.08 ft., an arc length of 31.98 ft., a chord length of 31.98 ft., and a delta angle of 14 deg. 39 min. 24 sec. to a point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING** and with the right-of-way of Kiowa Way, North 44 deg. 20 min. 55 sec. West 291.69 ft. to a 5/8" iron rod set, a common corner to Lot 32; thence leaving the right-of-way of Kiowa Way and with the line of Lot 32, North 59 deg. 33 min. 26 sec. East 431.26 ft. to a 5/8" iron rod set in a cul-de-sac for Hopi Way; thence leaving the line of Lot 32, and with the right-of-way of Hopi Way and a curve to the left with a radius of 50 deg., a tangent of 30.29 ft., an arc length of 54.47 ft., a chord length of 51.81 ft., and a delta angle of 62 deg. 24 min. 53 sec. to a point; thence with a curve to the right having a radius of 25 deg., a tangent of 11.18 ft., an arc length of 21.03 ft., a chord length of 20.41 ft., and a delta angle of 48 deg. 11 min. 23 sec. to a point; thence South 51 deg. 20 min. 53 sec. East 85.17 ft. to a 5/8" iron rod set, a common corner to Lot 30; thence leaving the right-of-way of Hopi Way and with the line of Lot 30, South 44 deg. 44 min. 24 sec. West 313.98 ft. to a point; thence South 44 deg. 44 min. 24 sec. West 146.68 ft. to the point of **BEGINNING**. Containing 2.06 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**LOT 47**

**SITUATE** in the Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 47 of**

**ROCKY TOP ESTATES** and being more particularly described as follows:

**BEGINNING** at a set 5/8" iron rod in the Northern right-of-way of Zuni Way, said iron rod being a common corner to Lot 46 (Green – Book 1225, Page 360) **THENCE FROM SAID POINT OF BEGINNING** and with the line of Lot 46, North 36 deg. 39 min. 22 sec. East 316.37 ft. to a 5/8" iron rod set in the line of Gilliam (Book 306, Page 169); thence leaving the line of Lot 46 and with the line of Gilliam, South 81 deg. 54 min. 03 sec. East 139.54 ft. to a 24" poplar at an old fence; thence South 85 deg. 07 min. 59 ft. East 147.53 ft. to a wood stake at a metal fence post; thence South 85 deg. 07 min. 59 sec. East 8.71 ft. to a 5/8" iron rod set in the Western right-of-way of Highway 340; thence leaving the line of Gilliam and with the right-of-way of Highway 340 and a curve to the left with a radius of 3,849.71 ft., a tangent of 67.90 ft., an arc length of 135.75 ft., a chord bearing of South 19 deg. 56 min. 37 sec. West, a chord length of 135.77 ft. to a point; thence North 68 deg. 01 min. 24 sec. West 20.03 ft. to a point; thence with a curve to the left having a radius of 3,869.71 ft., a tangent of 103.47 ft., an arc length of 206.89 ft., a chord bearing of South 17 deg. 25 min. 02 sec. West, a chord length of 206.87 ft. to a point; thence North 76 deg. 01 min. 24 sec. West 10.01 ft. to a 5/8" iron rod set, being a common corner to Lot 48; thence leaving the right-of-way of Highway 340 and with the line of Lot 48, North 86 deg. 47 min. 53 sec. West 215.78 ft. to a 5/8" iron rod set in the Northeastern right-of-way of Zuni Way; thence leaving the line of Lot 48 and with the right-of-way of Zuni Way and a curve to the left having a radius of 125.00 ft., a tangent of 47.54 ft., an arc length of 90.86 ft., a chord length of 88.87 ft., and a delta angle of 41 deg. 38 min. 52 sec. to a point; thence North 69 deg. 39 min. 42 sec. West 68.09 ft. to the point of **BEGINNING**. Containing 2.47 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**LOT 48**

**SITUATE** in the Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 48 of ROCKY TOP ESTATES** and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 5/8" iron rod set in the Northern right-of-way of Zuni Way, said iron rod being a common corner to Lot 46 (Green – Book 1225, page 360) and Lot 47; thence with the right-of-way of Zuni Way, South 69 deg. 39 min. 42 sec. East 68.09 ft. to a point; thence with a curve to the right having a radius of 125.00 ft., a tangent of 47.54 ft., an arc length of 90.86 ft., a chord length of 88.87 ft., and a delta angle of 41 deg. 38 min. 52 sec. to the point of **BEGINNING** at a set 5/8" iron rod set; **THENCE FROM SAID POINT OF BEGINNING** and with the line of Lot 47, South 86 deg. 47 min. 53 sec. East 215.78 ft. to a 5/8" iron rod set in the Western right-of-way of Highway 340; thence leaving the line of Lot 47 and with the Western right-of-way of Highway 340 and a curve to the left having a radius of 3879.71 ft., a tangent of 64.47 ft., an arc length of 128.192 ft., a chord bearing of South 14 deg. 55 min. 43 sec. West, a chord length of 128.92 ft. to a point being the centerline of a drainage easement; thence continuing with the right-of-way of Highway 340, South 13 deg. 58 min. 36 sec. West 21.10 ft. to a point; thence South 76 deg. 01 min. 24 sec. East 25.00 ft. to a point; thence South 13 deg. 58 min. 36 sec. West 200 ft. to a point; thence South 76 deg. 01 min. 24 sec. East 5.00 ft. to a point; thence South 13 deg. 58 min. 36 sec. West 124.50 ft. to a point; thence with a curve to the right through the intersection of Highway 340 and Kiowa Way having a radius of 20.00 ft., a tangent of 20.42 ft., an arc length of 31.83 ft., a chord length of 28.57 ft.,

and a delta angle of 91 deg. 11 min. 55 sec. to a point being a common corner to Lot 49; thence leaving the right-of-way of Kiowa Way and with the line of Lot 49, North 26 deg. 03 min. 46 sec. West 359.60 ft. to a 5/8" iron rod set in the Eastern right-of-way of Zuni Way; thence leaving the line of Lot 49 and with the right-of-way of Zuni Way and a curve to the left having a radius of 125.00 ft., a tangent of 55.23 ft., an arc length of 104.01 ft., a chord length of 101.03 ft., and a delta angle of 47 deg. 40 min. 23 sec. to a point, being the centerline of a drainage easement; thence continuing with the right-of-way of Zuni Way and a curve to the left having a radius of 125 ft., a tangent of 50.42 ft., an arc length of 95.86 ft., a chord length of 93.52 ft., and a delta angle of 43 deg. 56 min. 13 sec. to the point of **BEGINNING**. Containing 1.76 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to a drainage easement, detention pond area being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 5/8" iron rod set in the Northern right-of-way of Zuni Way, said iron rod being a common corner to Lot 46 (Green – Book 1225, page 360) and Lot 47; thence with the right-of-way of Zuni Way, South 69 deg. 39 min. 42 sec. East 68.09 ft. to a point; thence with a curve to the right having a radius of 125.00 ft., a tangent of 47.54 ft., an arc length of 90.86 ft., a chord length of 88.87 ft., and a delta angle of 41 deg. 38 min. 52 sec. to the point of **BEGINNING** at a set 5/8" iron rod set; **THENCE FROM SAID POINT OF BEGINNING** and with the line of Lot 47, South 86 deg. 47 min. 53 sec. East 215.78 ft. to a 5/8" iron rod set in the Western right-of-way of Highway 340; thence leaving the line of Lot 47 and with the Western right-of-way of Highway 340 and a curve to the left having a radius of 3879.71 ft., a tangent of 64.47 ft., an arc length of 128.192 ft., a chord bearing of South 14 deg. 55 min. 43 sec. West, a chord length of 128.92 ft. to a point being the centerline of a drainage easement; thence leaving the right-of-way of Highway 340 and with the centerline of a drainage easement, North 75 deg. 48 min. 04 sec. West 177.81 ft. to a point in the Eastern right-of-way of Zuni Way; thence with the right-of-way of Zuni Way and a curve to the left having a radius of 125 ft., a tangent of 50.42 ft., an arc length of 95.86 ft., a chord length of 93.52 ft., and a delta angle of 43 deg. 56 min. 13 sec. to the point of **BEGINNING**.

**SUBJECT** to a drainage line easement serving as the Southern boundary line of the above described drainage easement, detention pond area, more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 5/8" iron rod set in the Northern right-of-way of Zuni Way, said iron rod being a common corner to Lot 46 (Green – Book 1225, page 360) and Lot 47; thence with the right-of-way of Zuni Way, South 69 deg. 39 min. 42 sec. East 68.09 ft. to a point; thence with a curve to the right having a radius of 125.00 ft., a tangent of 47.54 ft., an arc length of 90.86 ft., a chord length of 88.87 ft., and a delta angle of 41 deg. 38 min. 52 sec. to a set 5/8" iron rod set; thence with the line of Lot 47, South 86 deg. 47 min. 53 sec. East 215.78 ft. to a 5/8" iron rod set in the Western right-of-way of Highway 340; thence leaving the line of Lot 47 and with the Western right-of-way of Highway 340 and a curve to the left having a radius of 3879.71 ft., a tangent of 64.47 ft., an arc length of 128.192 ft., a chord bearing of South 14 deg. 55 min. 43 sec. West, a chord length of 128.92 ft. to a point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING** and with the centerline of a drainage easement, North 75 deg. 48 min. 04 sec. West 177.81 ft. to a point in the Eastern right-of-way of Zuni Way.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above

referenced survey.

**LOT 49**

**SITUATE** in the Seventh (7<sup>th</sup>) Civil District of Cocke County, Tennessee and being all of **Lot 49 of ROCKY TOP ESTATES** and being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, start at a 5/8" iron rod set in the Northern right-of-way of Zuni Way, said iron rod being a common corner to Lot 46 (Green – Book 1225, page 360) and Lot 47; thence with the right-of-way of Zuni Way, South 69 deg. 39 min. 42 sec. East 68.09 ft. to a point; thence with a curve to the right having a radius of 125.00 ft., a tangent of 47.54 ft., an arc length of 90.86 ft., a chord length of 88.87 ft., and a delta angle of 41 deg. 38 min. 52 sec. to a set 5/8" iron rod set; thence with a curve to the right with a radius of 125 ft., a tangent of 50.42 ft., an arc length of 95.86 ft., a chord length of 93.52 ft., and a delta angle of 43 deg. 56 min. 13 sec. to a point; thence continuing with a curve to the right having a radius of 125 ft., a tangent of 55.23 ft., an arc length of 104.01 ft., a chord length of 101.03 ft., and a delta angle of 47 deg. 40 min. 23 sec. to a 5/8" iron rod set, being the point of **BEGINNING**; **THENCE FROM SAID POINT OF BEGINNING**, and with the line of Lot 48, South 26 deg. 03 min. 46 sec. East 359.60 ft. to a point in the Northern right-of-way of Kiowa Way; thence leaving the line of Lot 48 and with the right-of-way of Kiowa Way, North 74 deg. 49 min. 29 sec. West 51.13 ft. to a point; thence with a curve to the left having a radius of 125 ft., a tangent of 49.11 ft., an arc length of 93.59 ft., a chord length of 91.42 ft., and a delta angle of 42 deg. 54 min. 01 sec. to a point; thence South 62 deg. 16 min. 29 sec. West 10.04 ft. to a point; thence with a curve to the right through the intersection of Kiowa Way and Hope Way, having a radius of 20.00 ft., a tangent of 12.05 ft., an arc length of 21.69 ft., a chord length of 20.61 ft., and a delta angle of 62 deg. 08 min. 18 sec. to a point; thence North 55 deg. 35 min. 12 sec. West 339.27 ft. to a point; thence with a curve to the right through the intersection of Hopi Way and Zuni Way, having a radius of 20.00 ft., a tangent of 19.62 ft., an arc length of 31.04 ft., a chord length of 28.02 ft., and a delta angle of 88 deg. 54 min. 56 sec. to a point; thence continuing with the right-of-way of Zuni Way and a curve to the right having a radius of 75.00 ft., a tangent of 38.20 ft., an arc length of 70.66 ft., a chord length of 68.07 ft., and a delta angle of 53 deg. 58 min. 42 sec. to a point; thence North 87 deg. 18 min. 26 sec. East 80.71 ft. to a point; thence with a curve to the left having a radius of 125 ft., a tangent of 26.24 ft., an arc length of 51.73 ft., a chord length of 51.36 ft. and a delta angle of 23 deg. 42 min. 39 sec. to a point; thence North 63 deg. 35 min. 46 sec. East 119.99 ft. to the point of **BEGINNING**. Containing 1.74 acres, more or less, according to the survey of Michael A. Ivey, RLS #1834, dated January 15, 2000, revised February 23, 2000, 2935 Ducktown Road, Sevierville, TN 37876.

**SUBJECT** to restrictions of record in Book 1037, Page 28 in the Register's Office for Cocke County Tennessee.

**SUBJECT** to the rights of others in and to the use of the roads streets and rights-of-way of Rocky Top Estates which are private roads and may be subject to the rules and regulations of a homeowner's association.

**SUBJECT** to a 30 foot building setback line at the street line; utility easements of 5 feet to the side and rear lot lines; 10 feet inside of exterior lot lines and street lines, as shown on the above referenced survey.

**MAIN TRACT FOUR BEING** a portion of the same property conveyed to MJS Land Sales, LLC, by deed from, Gary Spann and wife, Elizabeth Spann, and Randy W. Spann and wife, Crissy Spann, dated April 23, 2002, and of record in Book 1095, Page 389, in the Register's Office for Cocke County Tennessee.

PREPARED BY:

JOHNSON, MURRELL & ASSOCIATES, P.C.  
150 COURT AVENUE  
SEVIERVILLE, TN 37862

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