

6. No above ground swimming pools may be constructed on any numbered lot of Map 1, Section 2 of Sugar Creek or Map 3, Section 2 of Sugar Creek.

### III/ APPROVAL OF PLANS CHANGES

1. The Architectural Committee shall be composed of John C. Cothran, Ellis L. Darby, Jr. and M. Graham Proffitt, III. In the event of the failure or inability, for any reason, of a member to act, the vacancy created shall be filled temporarily or permanently, as necessary, by the remaining member(s) of the Committee.

All members shall constitute a quorum and a unanimous vote shall be required for the transaction of any business of the Committee.

2. No improvements or buildings shall be erected, placed or altered on any lot or lots until and unless the building plans, specifications and plot plan showing the proposed type of construction, exterior design and location of such residence have been approved in writing as to conformity and harmony of external design and consistence with plans of existing residences or other buildings and as to the location of the structure with respect to topography and finished ground elevation, by the Architectural Committee.

3. In order to prevent duplication of buildings or improvements to be constructed in this section or adjacent section, the Committee is vested with full authority to approve or disapprove plans for the construction of any building or improvements with its major features so similar to an existing building or improvement as to be construed as a practical duplication thereof in the discretion of the Committee.

4. In the event said Committee fails to approve or disapprove such designs and plans within 30 days after said plans have been submitted to it, or in any event, if no suit to enjoin the erection or alteration of such building or improvement has been commenced before such erection or alteration is substantially completed, such prior approval will not be required and this covenant will be deemed to have been fully complied with and no suit or claim will be available to said Committee, nor to any lot owner or other person. The term "building or improvement" shall be deemed to include the erection, placement, or alteration of any outbuilding, wall or fence to be made in any lot.

5. The Committee is authorized by unanimous vote of all its members to approve or ratify in the construction or alteration of any building minor violations of the requirements herein set forth under Section II, "Setbacks, Location and Size of Improvements and Lots", if in the opinion of all the members of the Committee the same shall be necessary to prevent undue hardship because of topography, the shape of any platted lot or the setback lines as shown on the recorded plat, and if in the opinion of the members of the Committee such violation will cause no substantial injury to any other lot owner. In no event may the Committee approve or ratify a violation of the front setback line of more than five feet or of the main building side line restriction of more than four feet or of the restrictions as to building size imposed by Section II hereof. The approval or ratification by the Committee in accordance with this paragraph shall be binding on all persons.

### IV/ EASEMENTS

1. An easement is reserved over the rear and side lot lines five feet in width on each lot for the installation, operation and maintenance of utilities and for drainage purposes. Such easement across the lots as are shown on the recorded Plat are also reserved.

The right is further reserved within the five foot easement for grade changes and tree removal, if necessary, for the purpose of proper landscaping and drainage, all subject to the approval of the Architectural Committee.