



**A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING
MAILBOXES**

WHEREAS, pursuant to the *Georgia Property Owner's Association Act* and the *Magnolia Ridge Residential Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration")*, the Association, acting through its Board, has the right to adopt reasonable rules and regulations which are binding on all Owners, Lessees, Licensees and Occupants; as those terms and others herein are defined in the Declaration. The Board therefore may issue reasonable rules and regulations for the express purpose of curing any ambiguity in or any inconsistency between the provisions contained in the Declaration; and

WHEREAS, the Declaration at ARTICLE II., defines "mailboxes" as an "Improvement", which is subject to the development standards of ARTICLE VI., and the submission of plans to the Architectural Control Committee (the "Committee") for review and approval prior to commencing any construction or alteration. Section 11., of ARTICLE VI., establishes the development standard as: "*All mailboxes within the subdivision shall be identical in size and design as specified and required by the developer of Magnolia Ridge Subdivision.*" By definition the Developer was Dan V. Stinchcomb, and his successors and assigns; and

WHEREAS, the Declaration does not provide the cited specifications and it is not known to the Board if the Developer or his successors and assigns had a common and enforceable mailbox specification. However, it is evident that the majority of lots developed by the Developer or his successors and assigns abided by a common specification requiring a white post capped by a finial, with a standard metal or plastic mail box. It is also evident that neither the Developer nor the ensuing Association as the ultimate assignee strictly enforced this de-facto specification as multiple examples of other design standards exist in the neighborhood; and

WHEREAS, the lack of written specifications creates ambiguity in or inconsistency between the language of ARTICLE VI., Section 11., and the actual practice of the Developer and/or Association, it fails to meet the real and demonstrated needs of the Owners, Lessees, Licensees and Occupants to construct or reconstruct mailboxes. Furthermore, the strict application of these provisions creates practical difficulties and unnecessary hardship upon the Owners, Lessees, Licensees and Occupants; and

WHEREAS, based on the above findings, the Board deems it necessary to enact Rules and Regulations regarding the construction or reconstruction of mailboxes. The Board believes that this action meets both the letter and intent of the Declaration at ARTICLE IV., Section 5., as cause for the Board to grant reasonable variance from the provisions of the Declaration.

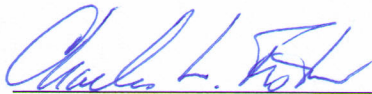
NOW, THEREFORE, be it resolved by the Board of Directors of the Magnolia Ridge Homeowners Association, Inc., that a permanent and blanket Variance is granted to all Owners, Lessees, Licensees and Occupants from the strict application of ARTICLE VI., Section 11., and the following Rules and Regulations are hereafter applicable to the construction or reconstruction of mailboxes, and shall have the same force and effect as if written into ARTICLE VI., DEVELOPMENT STANDARDS of the Declaration:

Mailboxes:

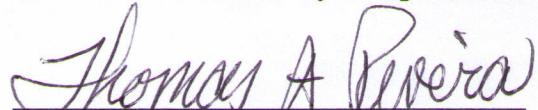
1. For purposes of the Declaration at ARTICLE VI., Section 11., any commercially available mailbox that is approved by the U.S. Post Office can be substituted for the mailbox required by the Developer.
2. The mailbox must not be materially offensive to any Owner or group of Owners, and must conform with and be in harmony with neighboring properties subject to the Declaration.

The above Variance and Rules and Regulations shall become effective on the date of this Resolution and shall remain in full force and effect until rescinded, amended or replaced.

Resolved by majority vote of the Board of Directors on the Sixteenth day of April, 2019



President of the Association



Vice President of the Association