

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION, INC.
REGARDING ALLOWABLE FENCE TYPE STYLES**

WITNESSETH:

WHEREAS, pursuant to the authority contained in section 14-3-821 of the Official Code of Georgia annotated, as well as the governing documents of the Association's Bylaws (Article III, Board of Directors; Section B, 3.15 (Action Without A Formal Meeting) and Section, C, 3.16 (Powers), the undersigned being all of the directors of the Association do hereby take and adopt the following action in writing without a meeting. This resolution shall be delivered to the secretary of the Association for inclusion in the minutes of the corporate records for the Association.

WHEREAS, on April 16, 2019, the Board of Directors adopted a resolution establishing rules and regulations regarding ornamental fences (**see 2019 resolution enclosed**); and

WHEREAS, pursuant to Article IV, Section 5 of the Declaration of Protective Covenants, Conditions and Restrictions for Magnolia Walk Subdivision ("Declaration"), the Board of Directors shall have the sole right to grant reasonable variances from the provision of the Declaration, or any portion thereof, in order to overcome practical difficulties and to prevent unnecessary hardship in the application of the provisions contained herein, provided that in the sole opinion of the Board of Directors, the variance shall not materially injure any of the property or improvements of the adjacent property; and

WHEREAS, pursuant to Article VI, Section 12 (Fence Size and Material) of the Declaration, all fences must be of a wood, brick, stucco or stone material. No chain link fences shall be allowed (except enclosing a retention pond area). All fences shall be a minimum of five feet (5') in height and shall not exceed six feet (6') in height; and

WHEREAS, although the Ordinances of Fayette County may make a distinction between non-ornamental and ornamental fencing, there is nothing in the Declaration that makes any mention of non-ornamental vs. ornamental fencing; and

WHEREAS, there are more contemporary fence type styles in existence at the present time than there were when the Declaration for Magnolia Ridge Subdivision came into existence; and

WHEREAS, these contemporary fence type styles include composite, black wrought iron and black aluminum-coated metal; and

WHEREAS, the Board of Directors, pursuant to Article IV, Section 5 of the Declaration, now wishes to allow other fence type styles, including composite, black wrought iron and black aluminum-coated metal in order to overcome practical difficulties and to prevent unnecessary hardship in the application of the provisions contained therein, provided that in the sole opinion of the Board, the variance shall not materially injure any of the property or improvements of adjacent property.

NOW THEREFORE BE IT RESOLVED that in addition to the current fence type styles of wood, brick, stucco, and stone material, the fence type styles of composite, black wrought iron and black aluminum-coated metal will now also be deemed acceptable fence type styles; and

BE IT FURTHER RESOLVED that the Board of Directors for the Association shall retain the right to rescind, amend or replace this Resolution concerning allowable fence type styles; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be posted on the Magnolia Ridge Homeowners Association, Inc. community website as well as mailed to all residents at their last known address.

This Resolution shall be effective as of the 19 day of March, 2023.

IN WITNESS WHEREOF, the undersigned has executed this Resolution on March 19, 2023.

MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION, INC. BOARD OF DIRECTORS:

NAME: Wendy Binfield, President

SIGNATURE: Wendy Binfield

NAME: ~~Andrew Spangler~~, Vice-President

SIGNATURE: Doug Bellar

NAME: Julie Francissen, Secretary

SIGNATURE: Julie Francissen

NAME: Sheila Huddleston, Treasurer

SIGNATURE: Sheila Huddleston

NAME: Mandi ~~Kinko~~, Chapman

Corresponding Sec

SIGNATURE: Mandi Chapman