

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

- A. **Purpose:** Dockage is available to Foothills Point Owners' Association (FPOA) members for their licensed and insured personal vessels. The following rules define the terms, owner responsibilities, and process for securing and using slips at the FPOA Docks.
- B. **Applicable CC&R:**
1. Article VI, Section C. Rules for Common Areas. (page 12): "The Association is authorized to adopt rules governing the use of the Common Areas and to provide penalties for violation of the same."
 2. Article II, Section A 4 (page 7): "The right of the Association (acting by and through the Board) to charge reasonable fees for the use of the parts of the Common Elements."
- C. **Dockage:** Dockage is available to Foothills Pointe Owners' Association (FPOA) members for their vessels on the following basis:
1. Boat Slip, Personal Watercraft (PWC) Docking Platform Slip and Kayak Dock Slip Ownership: All docks, boat slips, and kayak slips are owned by the FPOA and assigned by the Dock Committee. Individual FPOA members do not own dock slips and may not sell or transfer their assigned boat slip, PWC slip, or kayak slip to another member.
 2. Boat Lift/ PWC HydroHoist Docking Platform Ownership: Boat lifts and PWC HydroHoist docking platforms are owned by individual members of the FPOA and can be installed only in lift-capable boat slips, and only with the approval and assignment of the Dock Chair. It is the responsibility of the owning FPOA member to have boat lifts and PWC HydroHoist docking platforms removed from the FPOA docks. Owners may sell their boat lifts or PWC platforms to other members and options for doing so include:
 - a) Remove and take the lift/platform.
 - b) Sell to an outside party; remove within 30 days from FPOA docks.
 - c) Sell to a member using the Dock Waiting List. See Dock Chairman for current list.
 - d) Coordinate with the Dock Chairman for other possible remedies.
 3. Registration and Insurance: To use the FPOA dock and ramp facilities, members must complete the FPOA Boat/PWC Registration form (Attachment 2) for all boats and PWCs to be docked at FPOA docks. The registration and insurance information are to be completed and submitted annually (or upon placement of a boat and or jet ski in the docks). An annual slip reservation payment will not be accepted by the FPOA treasurer unless a completed registration form accompanies the payment. The insurance policy must include at least three hundred thousand dollars (\$300,000) in liability coverage. The registered owner of the vessel must be a FPOA member.
 4. Guest Boat Slips: "Guest Boat Slips" are available for use by any FPOA member with prior Dock Chairman approval. Use of these guest boat slips is limited to fourteen (14) consecutive days.

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

5. Reserved Boat Slips and Costs: Boat slips may be reserved on a first-come, first-served basis only by FPOA members who are current on their FPOA fees and on the following basis:
 - a. Boat slip reservations are made for a twelve (12) month term beginning February 1 and ending January 31. Boat slip reservation fees must be paid by the last day of February for the ensuing year. The annual fee for each of the first four (4) consecutive years ("Initial Reservation Fee") is \$400 with a subsequent annual reservation fee set at \$100. If the boat slip reservation fee has not been paid by the last day of February, the boat slip will be deemed vacated by the FPOA and available for reservation by another FPOA member.
 - b. The Dock Committee will ensure the list of assigned boat slips is posted on the FPOA website by March 1. Any subsequent reservation by a member whose reservation has expired for more than a year will require starting the payment schedule anew.
 - c. PWCs will not be docked in docks designated as boat slips.
 - d. If a member changes a boat slip reservation, i.e., moves or is moved from one boat slip to another, during the first four (4) years, the member shall only be required to complete payment of the Initial Reservation Fee as if no boat slip change had occurred.
 - e. Should a member on the boat slip waiting list elect not to take the first available boat slip, the next person on the waiting list shall be entitled to the boat slip and the waiting list sequence will remain as it was prior to the boat slip being accepted by the alternate member, i.e., by electing not to take the next available boat slip, the member will not lose his/her place on the waiting list.
 - f. One boat slip is allowed per lot owned, not to exceed a total of two boat slips per FPOA household, consistent with voting rights defined in FPOA CC&R Section C. 2. Each boat slip requires a separate Reservation Fee, Insurance, State Registration and FPOA Registration Form.
 - g. Members are assigned to specific boat slips by the Dock Committee through its Chair (DCC) and, except for those reserving lift-capable boat slips, may be assigned to a new location at any time to accommodate compliance with rules, vessel size, safety concerns, or special needs as determined by the Dock Committee. If the DCC determines the need to reassign any current member, the DCC will notify the member in writing, stating the reason(s).
 - h. If a member is assigned to a boat slip and subsequently asked to relocate to a different boat slip, he/she will have thirty (30) days to comply or to file a written appeal with the FPOA Board, stating the reason(s) for objection. The Board will review the member's appeal and provide its final ruling, in writing, to the member. Following a final ruling, if the need to relocate is affirmed, the member shall move the vessel within thirty (30) days of receiving the final written ruling.
6. Personal Watercraft (PWC) Docking Platform Slip Reservations: Any FPOA member can reserve a vacant PWC slip under the following guidelines:
 - a. Temporary PWC Dockage (Guest PWC slips):

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

- i. PWC tie-up slips are reserved for use by any FPOA member.
 - ii. The use of these guest PWC tie-up slips is limited to seven (7) consecutive days with prior approval of the Dock Chairman.
 - b. Reserved PWC Dockage:
 - i. All reserved slips for PWCs must use a HydroHoist PWC Docking Platform.
 - ii. Two PWC Platform slips allowed per FPOA membership.
 - iii. PWC platforms must be purchased by the slip renter and attached in assigned slips.
 - iv. PWC slip occupants must adhere to all dock rules, i.e. FPOA Registration Form, PWC State Registration and proof of liability coverage.
 - c. PWC Platform Slip Reservations:
 - i. Platform slip reservations are made for a twelve (12) month term, beginning February 1, and ending January 31.
 - ii. Platform slip reservation fees must be paid by the last day of February for the ensuing year.
 - iii. The annual fee for each of the first four (4) consecutive years (the "Initial Reservation Fee") is \$100.00, with a subsequent annual reservation fee of \$50.00.
 - iv. If the Platform slip reservation fee has not been paid by the last day of February, the slip will be deemed vacated and available for reservation by another FPOA member.
7. Kayak Dockage:
 - a. A maximum of two (2) kayak slips will be allowed per FPOA membership.
 - b. Any FPOA member can reserve a vacant kayak slip under the following guidelines:
 - i. Kayak slip reservations are made for a twelve (12) month term, beginning February 1, and ending January 31.
 - ii. Kayak slip reservation fees must be paid by the last day of February for the ensuing year.
 - iii. The annual fee for each of the first four (4) consecutive years (the "Initial Reservation Fee") is \$100.00, with a subsequent annual reservation fee of \$50.00.
 - iv. If the Platform slip reservation fee has not been paid by the last day of February, the slip will be deemed vacated and available for reservation by another FPOA member.
8. General Restrictions:
 - a. Vessels are limited to specific maximum width and length standards as established by the Dock Committee (See Attachment 1). Vessel width and length will be measured by overall length including motors and platforms. Registered vessels with existing reservations as of July 1, 2007 are grandfathered regarding vessel length. If members replace their grandfathered vessels, the new vessel must comply with the length requirements in effect on the date of replacement.
 - b. No vessel may be cross-tied in any boat slip.

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

- c. All vessels must have at least the minimum safety equipment as required by the State of Tennessee and must possess a current State registration.
- d. FPOA members and their guests shall always be responsible for the safe operation of their vessels while within the dockage area. They shall be responsible for all damage caused to the docks, other vessels, or any other property. Damage to the facility will be repaired by the FPOA and billed to the responsible member. A NO WAKE restriction is in effect within 200 feet of the dockage and ramp area.
- e. The fueling of a FPOA member owned water vessel while the vessel is docked in the assigned slip or on a HydraHoist lift is allowed. Each member is requested to familiarize themselves with safe refueling practices. Further the following precautions are advised:
 - i. Clear the area of anyone not directly involved with fueling the vessel.
 - ii. Put out all smoking materials, turn off electronics and ensure the vessel is secured to the dock.
 - iii. Maintain awareness of how much fuel the tank holds to avoid overflow.
 - iv. Immediately clean up all fuel spills.
- f. Vessel owners are responsible for maintaining free access to the docks or fingers. Encumbrances, such as inflatable vessels/mattresses, trash/garbage, grills, or dock boxes/storage lockers, are not permitted. Also, owners must remove and properly dispose of all garbage, oil, batteries, trash, and other such material.
- g. The docks shall be posted "VESSEL OWNERS & GUESTS ONLY." The docks are not to be used for picnics, swimming, diving, or horseplay of any kind.
- h. Electricity is supplied to the docks primarily for raising and lowering boats and other short- term use. Extended use of heaters or battery chargers or other electrical devices is highly discouraged.
- i. Major overhauls, or the use of outside labor for that purpose, are not allowed at the dockage facility. Routine vessel maintenance is permitted provided it is completed on the day commenced.
- j. Vessel trailers may be parked on a "DAY USE ONLY" basis in the Clubhouse area except for the four parking spaces adjacent to the pool, which are reserved for vehicles of pool users.
- k. The marked areas on the road leading to the launch ramp may be used for parking member or guest vehicles with attached trailer, but the vehicle and trailer must not be separated at any time. Parking is to be parallel to the side of the launch ramp road. Additional temporary (twelve-hour maximum) parking is available in front of the Clubhouse in the marked areas on the upper level of the parking lot. If additional parking is necessary, the trailer and tow vehicle may be detached and parked as feasible, occupying two regular parking spaces. Vessel trailers are never to be left unaccompanied by the owner's vehicle unless the vehicle or trailer is experiencing mechanical troubles, or the towing vehicle is the only means of transportation.

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

- l. The FPOA does not assume any responsibility or liability to members and guests for loss or damage by fire, water, lake level, obstruction (above or below water), wind, acts of third parties, theft, vandalism, or acts of God; nor does the FPOA assume any responsibility or liability for personal injury to the member or anyone the member may invite upon the premises. To ensure protection for all members, each member reserving a boat slip shall carry liability insurance as referenced in paragraph 3 above. The FPOA does not assume any responsibility for loss or damage to the personal property of the member, and the member waives all rights and claims for personal injury damages or loss in respect to the matters referred to in this section.
 - m. The FPOA docks may not be modified or enhanced by any member without the express written permission of the Dock Committee. This includes attaching fenders, cleats, edging, etc.
 - n. The FPOA docks are not to be used as a storage facility. Vessels must have a current State Registration, meet Coast Guard safety requirements, and have engines in working order. The vessel must be in safe, seaworthy operating condition. A member who fails to appropriately maintain his/her vessel will receive written notice of the problems and have thirty (30) days to take corrective action to repair the vessel, remove it from the docks or appeal the need for corrective action by providing his/her reasons, in writing, to the FPOA Board. The Board will review the member's reasons and provide its final ruling, in writing, to the member. If it becomes necessary to revoke the privileges, no funds will be returned to the member. Following a final ruling, if the FPOA revokes docking privileges, the member shall remove the vessel within thirty (30) days of receiving the final written ruling. If the vessel owner fails to remove the vessel within the said thirty (30) day period, the FPOA will arrange to have the vessel removed and stored at the owner's expense.
9. Provisions For Fixed Lift Devices:
- a. To maintain a consistent visual image for all lift-capable boat slips, **ONLY HydroHoist Ultralift Series 4400UL, 6600UL, or HydroHoist Front Mount Series 4400FM or 6600FM lift devices are approved for installation in any lift-capable boat slips.**
 - b. Members who desire to add a lift to any lift-capable boat slip must advise and get the approval of the Dock Committee in advance of the planned installation. (See Attachment 1).
 - c. The member owning a lift unit shall be responsible for maintaining his/her installed system. The system must remain in a safe and properly operating condition. A member who fails to appropriately maintain his/her lift unit will receive written notice of the problems and have thirty (30) days to take corrective action to repair the unit, remove it from the docks, or appeal the need for corrective action by providing his/her reasons, in writing, to the FPOA Board. The Board will review the member's appeal and provide its final ruling, in writing, to the member. If it becomes necessary to revoke the privileges, no funds will be returned to the member. Following a final ruling, if the FPOA revokes docking privileges, the member shall remove the unit within thirty (30) days of receiving the final written ruling. If the member fails to remove the unit within

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

the said thirty (30) day period, the FPOA will arrange to have the unit removed and stored at the owner's expense.

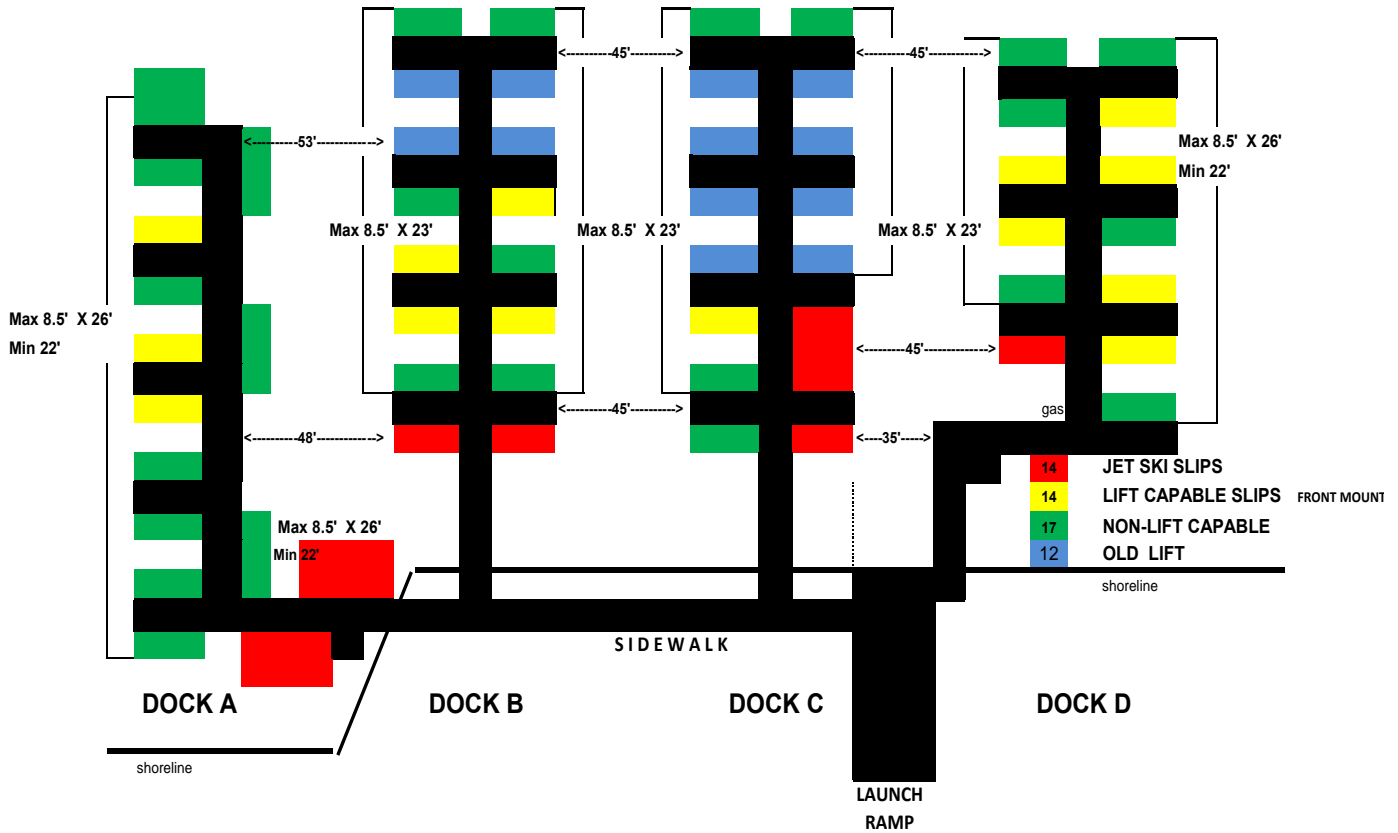
- d. If a member sells his/her lift, the owner of a lift cannot commit or convey to the new lift owner any right or priority to the boat slip where the lift is installed (see Boat Slip Ownership paragraph above). The Dock Committee will make every effort to work with the new owner to reserve the boat slip where the lift is currently installed.
- e. If a member sells his/her Foothills Pointe property and has a lift installed in a boat slip, the lift must be sold or removed by the sale closing date. If the original lift owner has not removed the lift from the boat slip thirty (30) days after closing, the lift will be deemed abandoned and become the property of the FPOA.

2 Attachments:

1. Dock Configuration Diagram
2. FPOA Boat/PWC Registration

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

FIGURE 1 Dock Configuration Diagram



FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION



DOCK RESERVATION (Complete this section when reserving a dock slip.)

(Please Print)

Owner Name: _____ Lot Number(s): _____

Owner's Address: _____ City: _____ State: _____ Zip: _____

Phone Number (Work): _____ E-Mail Address: _____

FPOA BOAT/PWC REGISTRATION (Complete the following for each watercraft):

Phone Number (Home): _____ Boat Make: _____ Model: _____ Year: _____

State of Registration: _____ State Registration Number: _____

Overall Length (Bow to Back of Motor): _____ Feet _____ Inches Beam: Width: _____ Feet _____ Inches

Insurance Carrier: _____ Phone Number: _____

Address of Carrier: _____

Policy Number: _____ Liability Limit: _____
(\$300,000 minimum required)

I have read, understand, and will abide by the Foothills Pointe Owners' Association (FPOA) ***Dockage Facility Rules and Regulations***. As an FPOA member reserving an FPOA slip, using a temporary slip or the launch ramp, I agree to indemnify and hold harmless the FPOA, its officers, directors and members from any and all loss or damages arising from or in any manner connected with acts or omissions on the part of myself, my guests or invitees in any manner connected with the use of the FPOA docks, slips and/or launch ramp. In further consideration for my use of the FPOA dock, slip and/or launch ramp, I hereby release and discharge the FPOA, its officers, directors and members from any and all claims for loss or damage, including personal injury or death, which I may incur, arising from or in any manner connected with my use of the dock, slip and/or launch ramp.

Please do not attach copies of the insurance and registration documents.

Owner Signature _____ Date _____

RETURN TO: FPOA, 350 Southshore Dr., Greenback, TN 37742.

Attachment 2

Board Approved – September 2021

Page 8 of 8