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GEORGIA, HOUSTON COUNTY
SUPERIOR COURT

JAN 17 2001

Recorded in Book 1662 Page 41-47 BOOK **1662** PAGE **41**
Constance V. Sullivan, Clerk

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Record & return to: H. DAVID MOORE, Post Office Drawer 8269, Warner Robins, Georgia 31095 (912-328-3200)

STATE OF GEORGIA
COUNTY OF HOUSTON

Amendment to

**DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS**

of the Subdivision known as

AUTUMN TRACE, PHASE 1,

a Subdivision of Eagle Springs

FILED
HOUSTON COUNTY
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CLERK SUPERIOR COURT

THIS AMENDMENT TO PROTECTIVE COVENANTS, made and published this the 28th day of February, 2000, by EAGLE SPRINGS, LLC, a limited liability company organized and existing under the laws of the State of Georgia, hereinafter referred to as the "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located in Land Lots 96 and 97 of the Fifth Land District of Houston County, Georgia, which has been subdivided into individual lots, tracts or parcels which, together with the streets and other improvements have been designated as AUTUMN TRACE, PHASE 1 (the "Subdivision"), a Subdivision of EAGLE SPRINGS, and is delineated on that certain map or plat of survey of said Subdivision prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated February 28, 1997, a copy of which is of record in Map Book 50, Pages 184-185, Clerk's Office, Houston Superior Court;

WHEREAS, it is to the interest, benefit and advantage of the Declarant and to each and every person who shall hereafter purchase any lot in the Subdivision that covenants governing

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and regulating the use and occupancy of the same be established, set forth and declared to be covenants running with the land;

WHEREAS, certain covenants, conditions, restrictions and easements have heretofore been published and declared with respect to Autumn Trace, said covenants, conditions, restrictions and easements being dated April 30, 1997, of record in Deed Book 1279, Page 249 *et seq.*, Clerk's Office, Houston Superior Court (hereinafter referred to as the "Covenants"); and,

WHEREAS, the Declarant is desirous of amending the aforesaid Covenants by deleting certain lots or parcels from the applicability of said Covenants so that such lots or parcels are intentionally omitted from the Subdivision and Covenants.

NOW, THEREFORE, for and in consideration of the premises and of the benefits to be derived by Declarant and his successors in title, and to each and every subsequent owner of any of the lots, tracts or parcels hereinafter described, Declarant does hereby modify and amend the said Covenants, dated April 30, 1997, of record in Deed Book 1297, Page 249 *et seq.*, Clerk's Office, Houston Superior Court, in the following particulars, to-wit:

1. **Property Subject to Covenants.** The description of the real property to which the Covenants are is applicable, as set forth in Section 1.2.1 thereof and particularly described in Exhibit "A" attached thereto, is deleted in its entirety, and the following description is inserted in lieu thereof, so that the tracts or parcels of land hereinafter described shall be, and the same hereby are made, subject to the terms, provisions and conditions set forth in said Covenants and said Covenants are hereby modified and amended so as to include only the following described lots, tracts or parcels of land, to-wit:

All those lots or parcels land situate, lying and being in Land Lots 96 and 97 of the Fifth (5th) Land District of Houston County, Georgia, known and designated as Lots 1 through 23 (both inclusive) of the Subdivision known as AUTUMN TRACE, PHASE 1, a Subdivision of Eagle Springs, according to a map or plat of survey of said Subdivision prepared by Waddle & Company, Surveyors, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated February 28, 1997, a copy of which is of record in Map Book 50, Pages 184-185, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are by this reference thereto incorporated herein and made a part hereof for all purposes.

Accordingly, the following described lots, tracts or parcels of land are expressly deleted from the description and meaning of the term "The Properties" as used and defined under the terms and provisions of the Covenants, to-wit:

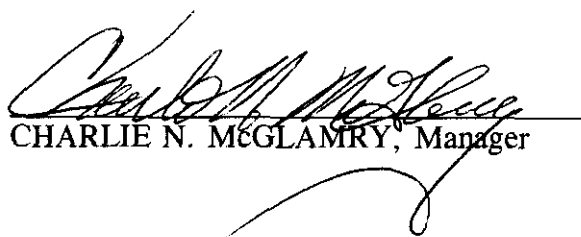
All those lots or parcels land situate, lying and being in Land Lots 96 and 97 of the Fifth (5th) Land District of Houston County, Georgia, known and designated as Lots 100 through 120 (both inclusive) of the aforesaid map or plat of survey prepared by Waddle & Company, Surveyors, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated February 28, 1997, a

copy of which is of record in Map Book 50, Pages 184-185, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are by this reference thereto incorporated herein and made a part hereof for all purposes.

2. **Binding Effect; Effective Date.** Said Covenants shall be applicable to The Properties as such term is modified and amended by the foregoing provisions of this instrument, shall be binding on all persons claiming under and through Declarant under the terms, conditions, stipulations and provisions contained therein. Except to the extent hereby amended and modified to include the above-described Subdivision, said Covenants shall remain in full force and effect unless and until same are extended or terminated in accordance with the provisions thereof.


IN WITNESS WHEREOF, the undersigned have set their hands and seals to this instrument, or have caused same to be executed by their duly authorized corporate officers, as of the day and year first above written.

EAGLE SPRINGS, LLC, a Georgia Limited Liability Company

By: 
CHARLIE N. McGLAMRY, Manager

Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

[ADDITIONAL SIGNATURES CONTINUED TO FOLLOWING ADDED PAGES]

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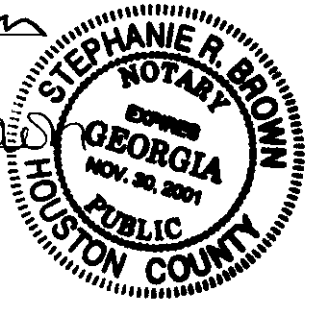
J. ROSS HOMES, INC.

By: [Signature]
JUDITH L. ROSS, President
Lots 1, 10, 11, 14, 15, 16 and 23

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public



JOHN ROWLAND HOMES, INC.

By: [Signature]
JOHN A. ROWLAND, President
Lots 3, 4, 5, 6, 8, 9, 18 and 21

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

Nathan A. Oliver

NATHAN A. OLIVER
Lot 7

Nichole E. Oliver

NICHOLE E. OLIVER
Lot 7

Signed, sealed and delivered in the presence of:

Natalie S. Williams

Unofficial Witness

Melba Conner

Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

Bryan J. Martin

BYAN J. MARTIN
Lot 12

Signed, sealed and delivered in the presence of:

Kelli Newton

Unofficial Witness

Melba Conner

Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

Clay H. Ellerbree

CLAY H. ELLERBEE
Lot 13

Signed, sealed and delivered in the presence of:

Kelli Newton

Unofficial Witness

Melba Conner

Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

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So Cha Smiddy
SO CHA SMIDDY
Lot 17

Signed, sealed and delivered in the presence of:

Keith Nutor
Unofficial Witness

Melba Conner
Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

David Williams
DAVID LEE WILLIAMS
Lot 19

Natalie S Williams
NATALIE SUZANNE WILLIAMS
Lot 19

Signed, sealed and delivered in the presence of:

Keith Nutor
Unofficial Witness

Melba Conner
Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

Rory M. Laney
RORY M. LANEY
Lot 20

Julie A. Laney
JULIE A. LANEY
Lot 20

Signed, sealed and delivered in the presence of:

Keith Nutor
Unofficial Witness

Melba Conner
Notary Public

NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

(Continued on next page)

Claude P. Hattaway

CLAUDE P. HATTAWAY

Lot 22

Kellie Hunt
Unofficial Witness

Melba Conner
Notary Public
NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2003

RECORDED
Carolyn V. Sullivan, Clerk

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JAN 17 2001