

This instrument prepared by and after  
recording is to be returned to:

*Due/Ret*  
MOORE LAW FIRM, LLC  
Post Office Drawer 8269  
Warner Robins, GA 31095  
(478) 328-3200



Doc ID: 008889300004 Type: GLR  
Filed: 12/11/2006 at 10:31:27 AM  
Fee Amt: \$16.00 Page 1 of 4  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk

BK **4103** PG **160-163**

STATE OF GEORGIA  
COUNTY OF HOUSTON

**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS  
OF THE SUBDIVISION KNOWN AS**

**BRENTWOOD AT GROVE POINTE**

**(Adding Phase No. 2)**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, made and published this the 31st day of October, 2006, by **EAGLE SPRINGS, LLC**, a Georgia limited liability company, hereinafter referred to as the "Declarant," and ratified, approved and adopted by **HOUSTON-PLAINS DEVELOPMENT, LLC**, a Georgia limited liability company, hereafter referred to as "Developer," and **JARED HOMES, LLC**, a Georgia limited liability company, hereinafter referred to as the "Purchaser."

**WITNESSETH:**

WHEREAS, Developer has acquired from Declarant certain real property located in Land Lot 86 of the Fifth Land District of Houston County, Georgia, and has developed and subdivided such property into a single-family residential subdivision comprised of individual lots, tracts or parcels which, together with the streets and other improvements have been designated as **BRENTWOOD AT GROVE POINTE, PHASE NO. 2** (the "Subdivision"), 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 July 5, 2006, recorded in Map Book 67, Pages 94-95, Clerk's Office Houston Superior Court; and

WHEREAS, the Subdivision is adjacent and/or contiguous to Brentwood at Grove Pointe, a single-family residential subdivision developed by Declarant and upon which Declarant has imposed certain covenants, conditions, restrictions and easements under the terms and provisions of that certain Declaration of Covenants, Conditions, Restrictions and Easements for the Subdivision known as Brentwood at Grove Pointe, dated September 27, 2004, of record in Deed Book 3733, Pages 69-114, Clerk's Office, Houston Superior Court (hereinafter referred to as the "Declaration"); and

WHEREAS, the Developer has sold and conveyed certain lots in the Subdivision to the Purchaser pursuant to one or more warranty deed which appear of record in the Clerk's Office, Houston Superior Court; and

WHEREAS, the Developer has sold and conveyed certain lots in the Subdivision to the Purchaser pursuant to one or more warranty deed which appear of record in the Clerk's Office, Houston Superior Court; and

WHEREAS, it is to the interest, benefit and advantage of the Declarant, the Developer and the Purchaser and to each and every person who shall hereafter purchase any lot in the Subdivision, that covenants governing and regulating the use and occupancy of the same be established, set forth and declared to be covenants running with the land; and

WHEREAS, the Declarant and the Developer are desirous of amending the aforesaid Declaration in certain particulars and to extent the applicability of said Declaration to include, in addition to the property described therein, the Subdivision developed for single-family residential purposes to be known and designated as Brentwood at Grove Pointe, Phase No. 2, and the Purchaser is willing to join in such amendment to extend the applicability of said Declaration to those lots within the Subdivision currently owned by Purchaser and titled in Purchaser's name as a matter of record.

NOW, THEREFORE, for and in consideration of the premises and of the benefits to be derived by Declarant, the Developer, the Purchaser and their successors-in-title, and to each and every subsequent owner of any of the lots, tracts or parcels hereinafter described, Declarant, Developer and Purchaser do hereby modify and amend the said Declaration of Covenants, Conditions, Restrictions and Easements for the Subdivision known as Brentwood at Grove Pointe, dated September 27, 2004, of record in Deed Book 3733, Pages 69-114, Clerk's Office, Houston Superior Court, in the following particulars, to-wit:

1. **Additional Property Subject to Declaration.** The following described lots, tracts or parcels of land shall be, and the same hereby are made, subject to the terms, provisions and conditions set forth in said Declaration and said Declaration is hereby modified and amended so as to include the following described lots, tracts or parcels of land, to-wit:

All those tracts or parcels of land situate, lying and being in Land Lot 97 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, Block "D," Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block "F," Lots 9, 10, 11, 12 and 13, Block "G," and Lots 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38, Block "H," Brentwood at Grove Pointe, Phase No. 2, according to a plat of survey of said Subdivision prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated July 5, 2006, a copy of which is of record in Map Book 67, Pages 94-95, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

2. **Modification - Minimum Dwelling Size.** Section 6.4 of said Declaration is hereby deleted in its entirety and replaced by the following language:

6.4 **Minimum Dwelling Size.** No dwelling shall be permitted on any lot in the Subdivision, unless prior written approval of the same is received from

the Architectural Control Committee as herein otherwise provided and shall have not less than 1,800 square feet of Living Space for dwellings of not more than one (1) story, and 2,000 square feet of Living Space for dwellings of more than one (1) story, except Lots 28, 29, 30 and 31, Block "D," 30, 31, 32, 33, 34, 35, 36, 37 and 38, Block "H," for which the minimum square footage requirement shall be 2,000 square feet for one-story dwellings and 2,200 square feet of Living Space for dwellings of more than one (1) story. The ground floor area of a dwelling of more than one-story shall have not less than 1,500 square feet of Living Space, except Lots 28 through 31, Block "D," and Lots 30 through 38, Block "H," for which the ground floor area of a dwelling of more than one-story shall have not less than 6,500 square feet of Living Space.

3. **Binding Effect; Effective Date.** This Amendment to the Declaration shall become effective immediately and shall run with the land described herein, and shall be binding on all persons claiming under and through Declarant under the terms, conditions, stipulations and provisions contained therein. Except as amended hereby to include the above-described Subdivision and to modify the provisions of the Declaration relative to minimum dwelling size, said Declaration 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

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

By: [Signature] (S.)  
CHARLIE N. McGLAMRY, Manager

[Signature]  
Notary Public



HOUSTON-PLAINS DEVELOPMENT, LLC

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

By: [Signature] (L.S.)  
ROBERT F. THOMPSON, JR., Manager

[Signature]  
Notary Public

MY COMMISSION EXPIRES FEBRUARY 4, 2009

4103 PAGE 163

JARED HOMES, LLC

Signed, sealed and delivered in the presence of:

*Pete Hunt*  
Unofficial Witness

*Melba Conner*  
Notary Public

By: *James E. Bryant* (L.S.)  
JAMES EDWARD BRYANT, Manager

