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GEORGIA, HOUSTON COUNTY
SUPERIOR COURT

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

H. DAVID MOORE, ESQ.
Post Office Drawer 8269
Warner Robins, Georgia 31095
(478) 328-3200

APR 08 2002

2067 248-250

Recorded to Book _____ Page _____
Cambridge U. Anderson, Clerk

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STATE OF GEORGIA
COUNTY OF HOUSTON

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

EAGLE HARBOR,

a Subdivision of Eagle Springs

FILED
HOUSTON COUNTY
02 APR -8 AM 9:25
CLERK SUPERIOR COURT

THIS AMENDMENT TO PROTECTIVE COVENANTS, made and published this the 5th day of April, 2002, 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: THAT;

WHEREAS, Declarant is the owner of certain real property located in Land Lots 86 and 87 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 EAGLE HARBOR, 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 March 28, 2002, recorded in Map Book 49, Page 142, Clerk's Office Houston Superior Court; and

WHEREAS, the Subdivision is adjacent and/or contiguous to EAGLE HARBOR, a single-family residential subdivision developed by EAGLE SPRINGS, LLC, which is delineated on that certain map or plat of survey of said subdivision prepared by prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated February 8, 2000, a copy of which is of record in Map Book 55, Page 116, Clerk's Office, Houston Superior Court; and

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

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

WHEREAS, certain covenants, conditions, restrictions and easements have heretofore been published and declared with respect to Eagle Harbor, said covenants, conditions, restrictions and easements being dated February 14, 2000, of record in Deed Book 1511, Page 501 *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 in certain particulars and to extend the applicability of said Covenants to include, in addition to the property described therein, the Subdivision developed for single-family residential purposes to be known and designated as Eagle Harbor, Phase No. 2; and

WHEREAS, the proposed amendments are authorized by the 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 February 14, 2000, of record in Deed Book 1511, Page 501 *et seq.*, Clerk's Office, Houston Superior Court, in the following particulars, to-wit:

1. **Additional Property Subject to Covenants.** 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 Covenants and said Covenants are hereby modified and amended so as to include the following described lots, tracts or parcels of land, to-wit:

All those lots, tracts or parcels of land situate, lying and being in Land Lots 86 and 87 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 16 through 37, both inclusive, Eagle Harbor, 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 March 28, 2002, a copy of which is of record in Map Book 49, Page 142, 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. **Amendment Applicable to Phase No. 2.** Section 6.3.1(ii) of the Covenants is hereby amended in its application to those lots in Eagle Harbor, Phase No. 2, and to those lots in any future addition to the Subdivision, by deleting and replacing the provisions thereof with the following:

(ii) **Exterior Siding.** The exterior of front side of all dwellings shall be constructed or faced entirely with brick, stucco or stacked stone or other masonry approved by the Architectural Control Committee. The exterior of the remainder of all dwellings and outbuildings shall be constructed or faced with

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brick, stucco, stacked stone, concrete or vinyl siding. The exterior of all foundations shall be brick or brick veneer.

The amendment set forth in this Section 2 shall not be applicable to, or binding and enforceable upon, the lots in Eagle Harbor, Phase No. 1, unless and until the Covenants are further amended in accordance with the provisions of Article VIII thereof.

3. **Binding Effect; Effective Date.** Said Covenants shall become effective immediately and shall run with the land, and 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* (L.S.)
CHARLIE N. McGLAMRY, Manager

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

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

RECORDED
Carolyn V. Sullivan, Clerk

APR 08 2002