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GEORGIA, HOUSTON COUNTY
SUPERIOR COURT

BOOK 2153 PAGE 253

JUL 09 2002

STATE OF GEORGIA
COUNTY OF HOUSTON

Recorded in Book 2153 Page 253-255
George V. Sullivan, Clerk

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AMENDMENT TO RESTRICTIVE COVENANTS
EAGLE HARBOR A SUBDIVISION OF EAGLE SPRINGS
(ADDING PHASE NO. 3)

THIS AMENDMENT TO RESTRICTIVE COVENANTS, made and published this the 3RD day of JULY, 2002, by EAGLE SPRINGS, LLC, of the State of Georgia and County of Houston, hereinafter referred to as the Declarant.

WITNESSETH: THAT;

WHEREAS, Declarant is the owner of certain real property located in Land Lot 86 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. 3, (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 June 7, 2002, recorded in Map Book 59, Page 37, Clerk's Office, Houston Superior Court;

WHEREAS, the Subdivision is adjacent and/or contiguous to EAGLE HARBOR, a residential subdivision developed by EAGLE SPRINGS, LLC, which is delineated on that certain maps or plats of survey of said Subdivision prepared by Waddle & Company, Surveyors, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, February 8, 2000, recorded in Map Book 55, Page 116, Clerk's Office, Houston Superior Court, and Eagle Harbor, Phase No. 2, as delineated on that certain plat of survey prepared by Waddle & Company, dated March 28, 2002, recorded in Map Book 49, Page 142, 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 restrictive covenants governing and regulating the use and occupancy of the same be established, set forth and declared to be covenants running with the land;

WHEREAS, certain restrictive covenants have heretofore been published and declared with respect to EAGLE HARBOR, said restrictive covenants and easements being dated February 14,

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2000, and recorded in Deed Book 1511, Page 501 et seq., Clerk's Office, Houston Superior Court, as amended to include Eagle Harbor, Phase No. 2, by amendment dated April 5, 2002, recorded in Deed Book 2067, Page 248 et seq., Clerk's Office, Houston Superior Court;

WHEREAS, the Declarant is desirous of amending the aforesaid Restrictive Covenants in certain particulars and to extend the applicability of said Restrictive Covenants to include, in addition to the property described therein, the Subdivision developed for residential purposes to be known and designated as EAGLE HARBOR, PHASE NO. 3; and

WHEREAS, the propped 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 Restrictive Covenants, dated February 14, 2000, and recorded in Deed Book 1511, Page 501 et seq., Clerk's Office, Houston Superior Court, as amended to include Eagle Harbor, Phase No. 2, by amendment dated April 5, 2002, recorded in Deed Book 2067, Page 248 et seq., Clerk's Office, Houston Superior Court in the following particulars, to-wit:

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

All that tract or parcel of land situate, lying and being in Land Lot 86, 5th Land District, Houston County, Georgia, being known and designated as Lots 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, Phase No. 3, EAGLE HARBOR Subdivision, according to a plat of survey prepared by Waddle & Company, Surveyors, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, June 7, 2002, recorded in Plat Book 59, Page 37, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference for all purposes.

2. **Amendment Applicable to Phase No. 3.** Section 6.3.1(ii) of the Covenants is hereby amended in its application to those lots in EAGLE HARBOR, Phase No. 3, 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 brick, stucco, staked stone, concrete or vinyl siding. The exterior of all foundations shall be stucco.

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

3. **Binding Effect; Effective Date.** Said Restrictive 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 Restrictive Covenants shall remain in full force and effect unless and until same are extended or terminated in accordance with provisions thereof.

IN WITNESS WHEREOF, the undersigned has set his hand and seal to this instrument as of the day and year first above written.

EAGLE SPRINGS, LLC

By: Charlie N. McGlamry (Seal)
Charlie N. McGlamry, Manager

Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Notary Public
NOTARY PUBLIC
WILCOX COUNTY, GEORGIA
My Commission Expires March 10, 2008

RECORDED
Carolyn V. Sullivan, Clerk

JUL 09 2002