

FILED
HOUSTON COUNTY

1999 JAN 12 AM 8:46

BOOK 1420 PAGE 820

CLERK SUPERIOR COURT

GEORGIA, HOUSTON COUNTY
SUPERIOR COURT

Due/Ret H. David Moore
P.O. Drawer 8269
Warner Robins, GA 31095-8269
(Control File)

JAN 12 1999

Recorded in Book 1420 Page 820-822

(This Space for Official Use Only)

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

TIVOLI GATES

(Adding Phase No. 2)

THIS AMENDMENT TO PROTECTIVE COVENANTS, made and published this the 8th day of January, 1998, 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 TIVOLI GATES, PHASE 2, EAGLE SPRINGS (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 December 10, 1998, recorded in Map Book 53, Page 143, Clerk's Office Houston Superior Court;

WHEREAS, the Subdivision is adjacent and/or contiguous to TIVOLI GATES, PHASE 1, a single-family residential subdivision developed by EAGLE SPRINGS, LLC, which is delineated on that certain map or plat of survey prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated March 17, 1997,

BOOK 1420 PAGE 821

a copy of which is of record in Map Book 50, Pages 151-153, 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 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 Tivoli Gates, said covenants, conditions, restrictions and easements being dated April 30, 1997, of record in Deed Book 1279, Pages 313-344, 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 TIVOLI GATES, PHASE 2.

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 1279, Pages 313-344, 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 tracts or parcels of land situate, lying and being in Land Lots 87 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 18 through 35, both inclusive, TIVOLI GATES, PHASE 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 December 10, 1998, a copy of which is of record in Map Book 53, Pages 143, 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.

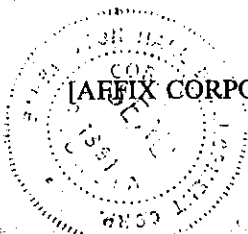
2. **Binding Effect; Effective Date.** Said Covenants shall become effective immediately and shall run with the land, and shall be binding on all persons claiming under and through Declarant under the terms, conditions, stipulations and provisions contained therein. Except to the extent hereby amended 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.

BOOK 1420 PAGE 822

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: BARRINGTON HALL DEVELOPMENT CORP., a Georgia corporation, as Manager



By: Lisa M. Newton
LISA M. NEWTON, Vice President

Attest: Melba Conner
MELBA CONNER, Secretary

Signed, sealed and delivered in the presence of

[Signature]
Unofficial Witness

Melissa Langston
Notary Public
Notary Public, Houston County, Georgia
My Commission Expires May 20, 2002

RECORDED
Carolyn V. Sullivan, Clerk

JAN 12 1999