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BOOK 1633 PAGE 273

GEORGIA, HOUSTON COUNTY
SUPERIOR COURT

NOV 27 2000

Recorded in Book 1633 Page 273-275
Conalyn V. Sullivan, Clerk

STATE OF GEORGIA
COUNTY OF HOUSTON

CLERK SUPERIOR COURT

NOV 27 AM 10:42

HOUSTON COUNTY

FILED

AMENDMENT TO

DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS

FOR THE SUBDIVISION KNOWN AS

TIVOLI GATES

(Adding Phase 2, Addition No. 2)

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, made and published this 21st day of November, 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".

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property located in Land Lot 96 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, ADDITION NO. 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 August 30, 2000, recorded in Map Book 56, Page 170, 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, a copy of which is of record in Map Book 50, Pages 151-153, Clerk's Office, Houston Superior Court and to TIVOLI GATES, PHASE 2, a single-family residential subdivision developed by EAGLE SPRINGS, LLC, which is delineated on that certain map or plat of survey prepared by Waddle

BOOK 1633 PAGE 274

& 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, Page 143, Clerk's Office, Houston Superior Court and to TIVOLI GATES, PHASE 2, ADDITION NO. 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 February 15, 2000, a copy of which is of record in Map Book 55, Page 119, 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, Phase 1, said covenants, conditions, restrictions and easements being dated April 30, 1997, of record in Deed Book 1279, Pages 317-344; amended by Amendment to covenants, conditions, restrictions and easements of the Subdivision known as Tivoli Gates (Adding Phase No. 2), being dated January 8, 1998, of record in Deed Book 1420, Pages 820-822; amended by Amendment to covenants, conditions, restrictions and easements of the Subdivision known as Tivoli Gates (Addition Phase 2, Addition No. 1), being dated February 23, 2000, of record in Deed Book 1512, Pages 889-891, 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, ADDITION NO. 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 317-344; amended by Amendment dated January 8, 1998, of record in Deed Book 1420, Pages 820-822; further amended by Amendment dated February 23, 2000, of record in Deed book 1512, Pages 889-891, 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 that tract or parcel of land situate, lying and being in Land Lot 96 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 56 and 57, of a Subdivision known as TIVOLI GATES, PHASE 2, ADDITION 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 August 30, 2000, a copy of which is of record in Map Book 56, Page 170, 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.

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
CHARLIE N. McGLAMRY, Manager

Signed, sealed and delivered in the presence of:

Kath Neuts
Witness

Melba Conner
Notary Public

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

RECORDED
Carolyn Y. Sullivan, Clerk
NOV 27 2000