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Houston, Ga, Clerk Superior Court
Carolyn V. Sullivan Clerk

BK **2640** PG **344-346**

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Warner Robins, GA 31099

CKH17217

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

**TIVOLI GATES
PHASE NO. 2, ADDITION NO. 4 and
PHASE NO. 2, ADDITION NO. 5**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, made and published this 23 day of June, 2003, by **EAGLE SPRINGS, LLC**, a limited liability company organized and existing in accordance with the laws of the State of Georgia, hereinafter referred to as "Declarant".

WITNESSETH

WHEREAS, Declarant is the owner of certain real property located in Land Lot 96 of the Fifth Land District, 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 No. 2, Addition No. 4 and Phase No. 2, Addition No. 5, EAGLE SPRINGS, (the "Subdivision"), and are delineated on those certain maps or plats or survey of said subdivision prepared by Waddle & Company, certified by Theodore W. Waddle, Jr., Georgia Registered Land Surveyor No. 2139, dated June 24, 2002 and May 20, 2003 recorded in Map Book 59, Page 84, and Map Book 61, Page 1, Clerk's Office, Houston Superior Court; and

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, Addition No. 3, 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 January 5, 2001, a copy of which is of record in Map Book 57, Page 46, Clerk's Office, Houston Superior Court and to TIVOLI GATES, Phase 3, 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 October 18, 2002, a copy of which is of record in Map Book 59, Page 183, 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 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 easement 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 easement of the Subdivision known as Tivoli Gates (Adding Phase No. 2, Addition No. 1), being dated February 23, 2000, of record in Deed Book 1512, Pages 889-891; amended by Amendment to covenants, conditions, restrictions and easement of the Subdivision known as Tivoli Gates (Adding Phase No. 2, Addition 2), being dated November 21, 2000, of record in Deed Book 1633, Pages 273-275; Clerk's Office, Houston Superior Court; amended by Amendment to covenants, conditions, restrictions and easement of the Subdivision known as Tivoli Gates (Adding Phase No. 2, Addition No. 3), being dated February 2001, of record in Deed Book 1683, Pages 210-212, Clerk's Office, Houston Superior Court; and amended by Amendment to covenants, conditions, restrictions and easement of the Subdivision known as Tivoli Gates (Adding Phase No. 3), being dated November 14, 2002, of record in Deed Book 2299, Pages 231-233, Clerk's Office, Houston Superior Court; 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 No. 2, Addition No. 4 and TIVOLI GATES, Phase No. 2, Addition No. 5.

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; being further amended by Amendment dated February 23, 2000 of record in Deed Book 1512, Pages 889-891; and further amended by Amendment dated November 21, 2000 of record in Deed Book 1633, Pages 273-275, further amended by Amendment dated February 2001 of record in Deed Book 1683, Pages 210-212, and further amended by Amendment dated November 14, 2002 of record in Deed Book 2299, Pages 231-233, 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

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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 Lot 96 of the Fifth Land District, Houston County, Georgia, being known and designated as Lots 41, 42, and 43, Phase 2, Addition No. 4, of a subdivision known as TIVOLI GATES, 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 June 24, 2002, a copy of which is of record in Plat Book 59, Page 84, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference thereto for all purposes.

ALSO: All those tracts or parcels of land situate, lying and being in Land Lot 96 of the Fifth Land District, Houston County, Georgia, being known and designated as Lots 44, 45, and 46, Phase 2, Addition No. 5, of a subdivision known as TIVOLI GATES, 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 May 20, 2003, a copy of which is of record in Plat Book 61, Page 1, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated herein by reference thereto for all purposes.

2. Architectural Control Committee. The date of December 31, 1999 referred to in Article VI, Section 6.1, sub-section 6.1.1 Designation of Committee of the Restrictive Covenants shall be extended to December 31, 2003.

3. Binding Effect; Effective Date. Said Covenants shall become effective immediately and shall run with the land, and shall be binding upon all persons claiming under the 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.

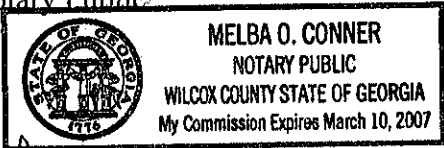
IN WITNESS WHEREOF, the undersigned have set their hands and seals to this instrument, or have caused same to be executed by their duly authorized corporate officers, as of the day and year first above written.

Sworn to and subscribed before me, this 1 day of July, 2003

EAGLE SPRINGS, LLC

Melba Conner
Notary Public

By Charlie N. McGlamry
Charlie N. McGlamry, Manager



Julia A. Watson
Unofficial Witness