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HOUSTON COUNTY

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CLERK SUPERIOR COURT

BOOK 1528 PAGE 675

GEORGIA, HOUSTON COUNTY
SUPERIOR COURT

MAY - 4 2000

Recorded in Book 1528 Page 675-677
Courtesy V. Sullivan, Clerk

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Contract File

DW/ Record & return to: H. DAVID MOORE, Post Office Drawer 8269, Warner Robins, Georgia 31095 (912-328-3200)

STATE OF GEORGIA
COUNTY OF HOUSTON

**Third Amendment to
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS**

of the Subdivision known as

THE VILLAGE,

a Subdivision of Eagle Springs

THIS AMENDMENT TO PROTECTIVE COVENANTS, made and published this the 3rd day of April, 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".

WITNESSETH:

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 THE VILLAGE, PHASE 1 (which, together with the additional properties annexed thereto are is hereinafter referred to as 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 February 4, 1999, recorded in Map Book 53, Page 141, Clerk's Office Houston Superior Court;

WHEREAS, certain covenants, conditions, restrictions and easements have heretofore been published and declared with respect to the Subdivision, said covenants, conditions, restrictions and easements being dated January 29, 1999, of record in Deed Book 1427, Page

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198 *et seq.*, Clerk's Office, Houston Superior Court (said covenants, conditions, restrictions and easements, as amended, being hereinafter referred to as the "Covenants");

WHEREAS, the aforesaid Covenants have been previously amended to annex additional properties with the Subdivision, including, but without limitation thereto, (i) by instrument dated March 1, 1999, of record in Deed Book 1434, Page 29 *et seq.*, re-recorded in Deed Book 1509, Page 672 *et seq.*, said Clerk's Office (deleting and adding certain lots in Phase 1), and (ii) by instrument dated February 8, 2000, of record in Deed Book 1509, Page 675 *et seq.*, said Deed Records (adding lots in Phase No. 2, Addition No. 1);

WHEREAS, the Subdivision is adjacent and/or contiguous to the following additional tracts, parcels or lots of land (the "Additional Properties"), to-wit:

All that tract, parcel or lot of land situate, lying and being in Land Lot 86 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 42A and 42B, Block "A," of the Subdivision known as THE VILLAGE, PHASE NO. 2, ADDITION NO. 1, according to 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 2, 2000, a copy of which is of record in Map Book 55, Page 163, Clerk's Office, Houston Superior Court; and,

ALSO, all those tracts, parcels or lots of land situate, lying and being in Land Lot 86 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 39 through 41 (both inclusive), Block "A," and Lots 43 through 45 (both inclusive), Block "B," of the Subdivision known as THE VILLAGE, PHASE NO. 2, ADDITION NO. 2, according to 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 3, 2000, a copy of which is of record in Map Book 55, Page 164, 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; 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 Additional Properties described herein.

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 Covenants 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, parcel or lot of land situate, lying and being in Land Lot 86 of the Fifth Land District of Houston County, Georgia, known and designated as Lot 42A and 42B, Block "A," of the Subdivision known as THE VILLAGE, PHASE NO. 2, ADDITION NO. 1, according to 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 2, 2000, a copy of which is of record in Map Book 55, Page 163, Clerk's Office, Houston Superior Court; and,

ALSO, all those tracts, parcels or lots of land situate, lying and being in Land Lot 86 of the Fifth Land District of Houston County, Georgia, known and designated as Lots 39 through 41 (both inclusive), Block "A," and Lots 43 through 45 (both inclusive), Block "B," of the Subdivision known as THE VILLAGE, PHASE NO. 2, ADDITION NO. 2, according to 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 3, 2000, a copy of which is of record in Map Book 55, Page 164, Clerk's Office, Houston Superior Court;

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.

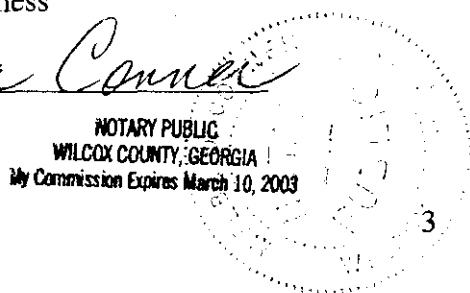
EAGLE SPRINGS, LLC, a Georgia Limited Liability Company

Signed, sealed and delivered in the presence of:

Kelli Kuter
Unofficial Witness

By: Charlie N. McGlamry
CHARLIE N. McGLAMRY, Manager

Melba Conner
Notary Public



RECORDED
Carolyn V. Sullivan, Clerk
MAY 04 2000