

After Recording Return To:
Lueder, Larkin & Hunter, LLC
5900 Windward Parkway, Suite 390
Alpharetta, Georgia 30005
Attention: Joseph C. Larkin

Cross Reference:
Deed Book 8515, Page 125

STATE OF GEORGIA

COUNTY OF GWINNETT

**AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS
FOR HIGHLAND OAKS**

This Amendment to the Declaration of Protective Covenants for Highland Oaks (hereafter referred to as "Amendment") is made on the date set below.

W I T N E S S E T H:

WHEREAS, BCL Properties II, a Georgia limited partnership (hereafter referred to as the "Declarant"), recorded that certain Declaration of Protective Covenants for Highland Oaks on March 19, 1993, in Deed Book 8515, Page 125, *et. seq.*, of the Gwinnett County, Georgia land records (hereafter referred to as the "Declaration");

WHEREAS, Highland Oaks Homeowners Association, Inc. is the Association defined and identified in the Declaration;

WHEREAS, pursuant to Article XII, Section 4 of the Declaration, the Declaration may be amended upon the affirmative vote or written consent, or any combination thereof, of the owners of at least two-thirds (2/3) of the Lots (other than Lots of Declarant so long as the consent of Declarant is required) and the consent of Declarant (so long as the Declarant owns any property for development and/or sale in the Community or has the right unilaterally to annex additional property to the Community;

WHEREAS, as of the date of this Amendment, one hundred percent (100%) of the Lots shown on the final recorded plat or plats for the Community have been conveyed from Declarant to another person for residential use, and in accordance with Article XI of the Declaration, the Declarant's right to unilaterally annex additional property to the community expired on March 19, 1998, as such, Declarant approval is no longer required to amend the Declaration;

WHEREAS, this Amendment has been properly approved by the affirmative vote or written consent of the owners of at least two-thirds (2/3) of the Lots; and

NOW, THEREFORE, the Declaration is hereby amended as follows:

1.

The First Page of the Declaration (Deed Book 8515, Page 129) is amended by striking the following language:

THIS DECLARATION DOES NOT AND IS NOT INTENDED TO CREATE A CONDOMINIUM REGIME SUBJECT TO THE GEORGIA CONDOMINIUM ACT, O.C.G.A. SECTION 44-3-70, ET SEQ.

And substituting therefor the following:

THIS INSTRUMENT ESTABLISHES A MANDATORY MEMBERSHIP HOMEOWNERS ASSOCIATION AND SUBMITS THIS DEVELOPMENT TO THE PROVISIONS OF THE GEORGIA PROPERTY OWNERS' ASSOCIATION ACT, O.C.G.A. § 44-3-220, ET SEQ.

2.

Exhibit "A" of the Declaration is amended by adding thereto the following as Paragraph (q).

(q) "Georgia Property Owners' Association Act" or "Act" shall mean the Georgia Property Owners' Association Act, O.C.G.A. § 44-3-220, et seq., as the same may be supplemented, amended or modified. Highland Oaks is a residential property owners development which is hereby submitted to the Act. The Declaration and all property subject to the Declaration are accordingly submitted to the Act.

3.

Article XII, Section 3 is amended by striking same in its entirety and substituting therefor the following.

Section 3. Duration. The covenants, agreements, easements, charges and liens within the Declaration shall run with and bind all property subject to the Declaration perpetually to the extent provided in the Act and Georgia law.

IN WITNESS WHEREOF, the undersigned hereby certify that this Amendment was properly approved.

Dated this ____ day of _____, 20____.

HIGHLAND OAKS HOMEOWNERS ASSOCIATION,
INC.

Signature of President

Print Name: _____

Sworn to and subscribed before me
this ____ day of _____, 20__.

Witness: _____

Notary Public

Signature of Secretary

Print Name: _____

Sworn to and subscribed before me
this ____ day of _____, 20__.

Witness: _____

Notary Public