
UPON RECORDING RETURN TO:

Lazega & Johanson LLC
PO Box 250800
Atlanta, Georgia 30325
Attn: JRB

Cross Reference: Deed Book 13549
Page 2061

**STATE OF GEORGIA
COUNTY OF COBB**

**THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND
EASEMENTS FOR ALLATOONA SPRINGS**

THIS THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR ALLATOONA SPRINGS (hereinafter referred to as the "Third Amendment") is made on the date set forth below by Allatoona Springs Homeowners Association, Inc., a Georgia nonprofit corporation (the "Association").

WITNESSETH

WHEREAS, Venture Homes, Inc. a Georgia corporation, as "Declarant", executed that certain Declaration of Covenants, Restrictions and Easements for Allatoona Springs, recorded on June 14, 2002 at Deed Book 13549, Page 2061 *et seq.*, Cobb County, Georgia records (hereinafter, as amended from time to time, the "Declaration");

WHEREAS, pursuant to Article 9, Section 9.3.2 of the Declaration, amendments must be approved by Members holding at least two-thirds (2/3) of the total votes in the association provided, however, (i) that any amendment which materially and adversely affects the security title and interest of any mortgagee must be approved by such mortgagee and (ii) during any period in which Declarant has the right to appoint and remove officers and directors of the Association, such amendment must be approved by Declarant;

WHEREAS, Article 12, Section 12.6 of the Declaration provides that as long as the Declarant has the option to unilaterally subject property to this Declaration, any material amendments to the Declaration shall require the approval of the Department of Housing and Urban Development and/or the Veterans Administration;

WHEREAS, pursuant to Section 14-3-704 of the Georgia Nonprofit Corporation Code, any action to be approved by members may be approved without a meeting of members if the action is approved by members holding at least a majority of the voting power, and the action is evidenced by one or more consents in writing or by electronic transmission describing the action taken, signed by those members representing at least a majority of the voting power, and delivered to the corporation for inclusion in the minutes or filing with the corporate records;

WHEREAS, Members holding at least two-thirds (2/3) of the total votes in the Association agreed by written consent to amend the Declaration as hereinafter provided, which written consents are incorporated herein by reference;

WHEREAS, attached hereto as Exhibit "A" and incorporated herein by reference is the sworn statement of the President of the Association, which sworn statement states unequivocally that the vote of Members holding at least two-thirds (2/3) of the total votes in the Association was lawfully obtained and that all notices required by the Declaration, By-Laws, Articles of Incorporation and Georgia law were given;

WHEREAS, attached hereto as Exhibit "B" and incorporated herein by reference is the sworn statement of the Secretary of the Association, which sworn statement states unequivocally that the vote of Members holding at least two-thirds (2/3) of the total votes in the Association was lawfully obtained and that all notices required by the Declaration, By-Laws, Articles of Incorporation and Georgia law were given;

WHEREAS, this Third Amendment does not materially and adversely affect the security title and interest of any mortgagee; provided, however, in the event a court of competent jurisdiction determines that this Third Amendment does materially and adversely affect the security title and interest of any mortgagee without such mortgagee's consent in writing to this Third Amendment, then this Third Amendment shall not be binding on the mortgagee so involved, unless such mortgagee consents to this Third Amendment; and if such consent is not forthcoming, then the provisions of the Declaration prior to this Third Amendment shall control with respect to the affected mortgagee;

WHEREAS, Declarant no longer has the right to appoint and remove the officers and directors of the Association and no longer has the right to unilaterally annex additional property to the provisions of the Declaration;

WHEREAS, the Association and the Members thereof desire to amend the Declaration as set forth herein;

NOW, THEREFORE, the undersigned hereby amends the Declaration of Covenants, Restrictions and Easements for Allatoona Springs as follows:

1.

Article 9, Section 9.1 of the Declaration is hereby amended by deleting this provision in its entirety and replacing with the following:

9.1 Duration. The Declaration and Restrictions contained herein shall run with and bind the Property perpetually to the extent provided in the Georgia Property Owners' Association Act, O.C.G.A. 44-3-220 *et seq.*

2.

Unless otherwise defined herein, the words used in this Third Amendment shall have the same meaning as set forth in the Declaration.

3.

This Third Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Cobb County, Georgia and shall be enforceable against all Owners of Lots in the community.

4.

Except as herein modified, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Third Amendment to be executed under seal on this 23 day of JUNE, 2021

ASSOCIATION: ALLATOONA SPRINGS HOMEOWNERS ASSOCIATION, INC., a Georgia nonprofit corporation

By: Caleb J. Baitz

Print Name: Caleb J. Baitz
President

Attest: Patricia Conroy

Print Name: Patricia Conroy
Secretary

Signed, sealed and delivered in the presence of

[Signature] Bradley Culbreth
Witness

[Signature]
Notary Public

[AFFIX NOTARY SEAL]

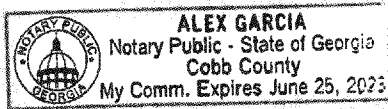


EXHIBIT "A"

Sworn Statement of President of
Allatoona Springs Homeowners Association, Inc.

STATE OF GEORGIA

COUNTY OF COBB

Re: Allatoona Springs Homeowners Association, Inc.

Personally appeared before me, the undersigned deponent who, being duly sworn, deposed and said on oath that:

1. Deponent is the President of Allatoona Springs Homeowners Association, Inc.
2. Deponent is duly qualified and authorized to make this Affidavit and knows the facts contained herein are of his or her own personal knowledge.
3. The foregoing Third Amendment to the Declaration of Covenants, Restrictions and Easements for Allatoona Springs was approved by Members holding at least two-thirds (2/3) of the total votes in the Association.
4. All noticed required by the Declaration, By-Laws, Articles of Incorporation and Georgia law were given.
5. Deponent makes this Affidavit pursuant to the Official Code of Georgia Annotated Section 44-3-226 and Article 9, Section 9.3 of the Declaration.

This the 23 day of JUNE, 2021.

By: Caleb J. Baitz

Name: Caleb J. Baitz, President

Sworn to and subscribed before me
this 23 day of JUNE, 2021

Alex Garcia
Notary Public

[AFFIX NOTARY SEAL]

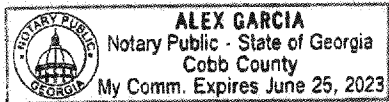


EXHIBIT "B"

Sworn Statement of the Secretary of
Allatoona Springs Homeowners Association, Inc.

STATE OF GEORGIA

COUNTY OF COBB

Re: Allatoona Springs Homeowners Association, Inc.

Personally appeared before me, the undersigned deponent who, being duly sworn, deposed and said on oath that:

- 6. Deponent is the Secretary of Allatoona Springs Homeowners Association, Inc.
- 7. Deponent is duly qualified and authorized to make this Affidavit and knows the facts contained herein are of his or her own personal knowledge.
- 8. The foregoing Third Amendment to the Declaration of Covenants, Restrictions and Easements for Allatoona Springs was approved by Members holding at least two-thirds (2/3) of the total votes in the Association.
- 9. All noticed required by the Declaration, By-Laws, Articles of Incorporation and Georgia law were given.
- 10. Deponent makes this Affidavit pursuant to the Official Code of Georgia Annotated Section 44-3-226 and Article 9, Section 9.3 of the Declaration.

This the 23 day of JUNE, 2021.

By: Patricia A. Conary
 Name: PATRICIA CONARY

Sworn to and subscribed before me
this 23 day of JUNE, 2021

Alex Garcia
 Notary Public

[AFFIX NOTARY SEAL]

