

FILED AND RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

BK 47248 PG 0549

REC'D OCT 26 2006

06 NOV 13 PM 2:00

TOM LAWLER, CLERK

After recording, please return to:
Rachel E. Conrad
Dorough & Dorough, LLC
Two Decatur TownCenter, Suite 520
125 Clairemont Avenue
Decatur, Georgia 30030

CROSS REFERENCE: Deed Book: 22947
Page: 215

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR APALACHEE HERITAGE**

THIS FIRST AMENDMENT (hereinafter referred to as "First Amendment") is made this
29th day of October, 2006 by APALACHEE HERITAGE HOMEOWNERS
ASSOCIATION, INC., a Georgia nonprofit corporation (hereinafter referred to as "Association").

WITNESSETH

WHEREAS, The Ryland Group, Inc., a Maryland corporation (hereinafter referred to as "Declarant") executed that certain Declaration of Protective Covenants, Conditions, Restrictions, and Easements for Apalachee Heritage which was recorded April 26, 2001 in Deed Book 22947, Page 215, *et seq.*, Gwinnett County, Georgia records (hereinafter as supplemented and/or amended from time to time, the "Declaration"); and

WHEREAS, the Association is a non-profit corporation organized under the Georgia Nonprofit Corporation Code to be the Association named in the Declaration to have the power and authority set forth therein; and

WHEREAS, the Association, acting through its Board of Directors, desires to amend the Declaration to submit the Community to the provisions of the Georgia Property Owners' Association Act; and

WHEREAS, pursuant to Article XI, Section 11.6 of the Declaration, the Board of Directors, with the written consent of the Declarant, and without a vote of the members, may amend the Declaration for the sole purpose of electing to be governed by and complying with the provisions of the Georgia Property Owners' Association Act, O.C.G.A. § 44-3-220, *et seq.*, and

WHEREAS, the Declarant has consented to this First Amendment as evidenced by the consent attached hereto and by this reference incorporated herein;

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NOW THEREFORE, the undersigned hereby adopt this First Amendment to the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Apalachee Heritage, hereby declaring that all the property now or hereafter subject to the Declaration shall be held, conveyed, encumbered, used, occupied and improved subject to the Declaration, amended as follows:

1.

The Declaration is hereby amended by adding to Article II, a new Section 2.5, entitled "Submission to Georgia Property Owners' Association Act, Conflict", to read as follows:

2.5. Submission to Georgia Property Owners' Association Act, Conflict. The property now or hereafter subject to the Declaration shall be held, conveyed, encumbered, used, occupied and improved subject to the Georgia Property Owners' Association Act, O.C.G.A. 44-3-220, *et seq.* (the "Act"). In the event of a conflict between the provisions of this Declaration and the provisions of the Act then to the extent that the provisions of the Act cannot be waived by agreement, the Act shall control.

2.

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

3.

This First Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Gwinnett County, Georgia.

4.

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

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Board of Directors has caused this First Amendment to be executed under seal the day and year first above written.

By: Judson K. Vandy (SEAL)
Print Name: JUDSON K. VANDY
Director

By: [Signature] (SEAL)
Print Name: Richard A. Sautter
Director

By: K. McGraw (SEAL)
Print Name: Kristin McGraw
Director

Signed, sealed and delivered
in the presence of

[Signature]

Witness

[Signature]



[APPLIC NOTARY SEAL]

DEBBIE WILLS
NOTARY PUBLIC
Gwinnette County
State of Georgia
My Comm. Expires June 22, 2007

8K47248PG0552

IN WITNESS WHEREOF, the Declarant herein hereby consents to this First Amendment to the Declaration under seal this 8 day of Nov, 2006.

DECLARANT:

THE RYLAND GROUP, INC., a Maryland corporation

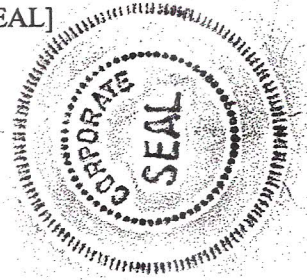
By:
Name:
Title:

[Signature]
CHARLES J. FURR
OPERATING VP

[AFFIX CORPORATE SEAL]

Signed, sealed and delivered in the presence of

[Signature]
Witness
[Signature]
Notary Public



[AFFIX NOTARY SEAL]

