

DEED B: 57274 P: 00882  
02/26/2020 10:57:45 AM Pgs: 3 Fees: \$ 25.00  
Richard T. Alexander, Jr., Clerk of Superior Court  
Gwinnett County, Georgia

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

Cross Reference:  
Deed Book 37345, Page 43

STATE OF GEORGIA

COUNTY OF GWINNETT

**FOURTH AMENDMENT TO THE MASTER DECLARATION OF PROTECTIVE  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR VILLAGE GROVE**

This Fourth Amendment to the Master Declaration of Protective Covenants, Conditions, Restrictions and Easements for Village Grove (hereafter referred to as "Amendment") is made on the date set below.

WITNESSETH:

WHEREAS, Suwanee Junction, LLC, a Delaware limited liability company (hereafter referred to as "Original Declarant"), recorded that certain Master Declaration of Protective Covenants, Conditions, Restrictions and Easements for Village Grove on March 9, 2004, in Deed Book 37345, Page 43 of the Gwinnett County, Georgia deed records (hereafter referred to as "Declaration");

WHEREAS, Village Grove Owners Association, Inc. (hereinafter referred to as the "Association") is the homeowners association identified in the Declaration;

WHEREAS, pursuant to Article 14, Section 14.6 of the Declaration, the Board of Directors of the Association, with the 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 the provisions of the Georgia Property Owners' Association Act, O.C.G.A. § 44-3-220, *et seq.*;

WHEREAS, pursuant to Article 14, Section 14.5 of the Declaration, the rights of the Declarant to take, approve or consent to actions under the Declaration shall cease and be of no further force and effect upon the earlier of: (a) the date the Declarant no longer owns any property in the Community and the Declarant no longer has the right to unilaterally annex

additional property to the Community as provided in the Declaration and a certificate of occupancy has been issued for a structure on each Unit in the Community; or (b) the date of recording by Declarant in the real estate records of the county where the Community is located of a written instrument terminating all of Declarant's rights under the Declaration;

WHEREAS, the Original Declarant assigned its rights to Vanderbilt Homes, LLC, a Georgia limited liability company (hereafter referred to as "Declarant") by a written instrument recorded on December 4, 2015 at Deed Book 53972, Page 0791 *et seq.*, of the Gwinnett County, Georgia land records;

WHEREAS, on January 2, 2020, the Declarant executed a written instrument terminating all of Declarant's rights under the Declaration and that such instrument was recorded on January 31, 2020 at Deed Book 57216, Pages 00417-00418 of the Gwinnett County, Georgia land records;

WHEREAS, the Declarant's consent to this Amendment is no longer required;

WHEREAS, the Board of Directors of the Association desires to 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

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

1.

**Article 1 of the Declaration is amended by adding thereto the following as Section 1.18:**

1.23 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. Village Grove 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.

2.

**Article 2 of the Declaration is hereby amended by adding the following thereto as Section 2.6:**

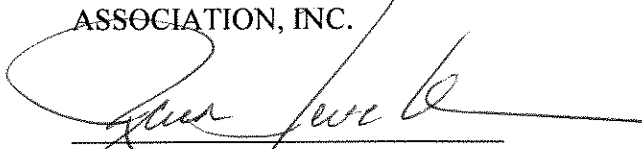
Section 2.6 Georgia Property Owners' Association Act. Village Grove is a residential property owners' development which has submitted to the Georgia Property Owners' Association Act, O.C.G.A. § 44-3-220, *et seq.*, as may be amended or supplemented. The Declaration and all property subject to the Declaration are accordingly submitted to the Act, and any provision in the Declaration to the contrary shall be null and void.

Any action to challenge the validity of this Amendment must be brought within one (1) year of the recording of same in the Gwinnett County, Georgia land records. No action to challenge this Amendment may be brought after such time.

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

Dated this 6<sup>TH</sup> day of February, 2020.

VILLAGE GROVE OWNERS  
ASSOCIATION, INC.



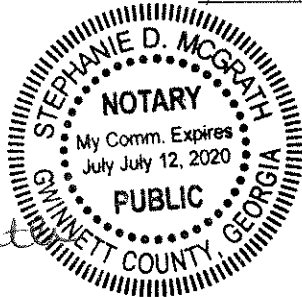
Signature of President

Print Name: RAND JEWELL

Sworn to and subscribed before me  
this 6<sup>th</sup> day of February, 2020.

Witness: 

Stephanie D. McGrath  
Notary Public







Signature of Secretary

Print Name: Michielle Henderson

Sworn to and subscribed before me  
this 6<sup>th</sup> day of February, 2020.

Witness: 

Stephanie D. McGrath  
Notary Public

