

STATE OF GEORGIA
COUNTY OF COBB

Return To:
Michael Rome, Esq.
Rome & Associates, P.C.
30 Whitlock Place, Ste 101
Marietta, GA 30064
(770) 428-6002

Cross Reference: Deed Book 8670, Page 408

AMENDMENT TO THE DECLARATION OF COVENANTS
FOR WILMINGTON SUBDIVISION

This AMENDMENT is made on the date hereinafter set forth by the Owners of Lots in WILMINGTON SUBDIVISION (hereinafter referred to as "Owners").

W I T N E S S E T H :

WHEREAS, that certain DECLARATION OF COVENANTS FOR THE WILMINGTON HOMEOWNERS SUBDIVISION, COBB COUNTY, GEORGIA, were recorded in Deed Book 8670, Page 408, Superior Court Records, Cobb County, Georgia (hereinafter referred to as "Declaration"); and

WHEREAS, Owners desire to amend the Declaration;

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

WHEREAS, Article VIII of the Declaration states that the Declaration may be amended by agreement of 75% of the owners; and

WHEREAS, on the 31st day of October, 2005, at least 75% of the Lot Owners affirmatively voted in favor of this Amendment, as affirmed to by the attached signature of the Association President, and attested to by the Association Secretary.

NOW, THEREFORE, for and in consideration of the premises, said Declaration is hereby amended by adding a new Section 11 to Article V as follows:

Each time a Lot is sold, or title is otherwise transferred to a third party (other than to the Owner's spouse), the Association may charge a one-time initiation fee in an amount to be set by the Board not to exceed the amount of the then current annual assessment. This fee shall be charged to any purchaser or transferee of a Lot, in addition to the annual assessment, and shall not be considered an advance upon the payment of the annual assessment. A delinquent initiation fee may be collected in the same manner other assessments, including the filing of a lien.

ALL OTHER PROVISIONS OF SAID DECLARATION SHALL REMAIN UNCHANGED.

IN WITNESS WHEREOF, the foregoing Amendment is executed by the undersigned duly authorized representative of the Association on this 31 day of October, 2005, and said representatives attest that the Amendment was passed by 75% or greater of the lot owners.

WILMINGTON HOMEOWNERS ASSOCIATION, INC.

Lisa A. Daly
BY: LISA A. DALY
TITLE: President.

ATTEST:

[Signature]
SECRETARY

Signed, sealed and delivered in the
presence of

[Signature]
NOTARY PUBLIC



Prepared By:

Michael Rome, Esq.
GA Bar #: 613945