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Forsyth County, GA  
Greg G. Allen Clerk Superior Ct

BK 8670 PG 322-325

RM

Return after recording to:  
Michael J. Zenner, Esq.  
Winter Capriola Zenner, LLC  
3490 Piedmont Road, N.E.  
Suite 800  
Atlanta, Georgia 30305

Cross Reference: Deed Book 3687  
Page 307

**AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS FOR RIVERBROOKE SUBDIVISION AND TO  
THE BY-LAWS OF RIVERBROOKE HOMEOWNERS ASSOCIATION, INC.**

This Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Riverbrooke Subdivision and to the By-Laws of Riverbrooke Homeowners Association, Inc. (the "Amendment") is made on this 7<sup>th</sup> day of September, 2018 by Riverbrooke Homeowners Association, Inc., a Georgia nonprofit corporation (hereinafter, the "Association"), in accordance with the provisions of the Declaration.

**WITNESSETH:**

**WHEREAS**, on June 7, 2004, Riverbrooke, LLC, a Georgia limited liability company (the "Declarant") recorded that certain Declaration of Covenants, Conditions, and Restrictions for Riverbrooke Subdivision, in Deed Book 3367, Page 240, *et seq.*, Forsyth County, Georgia records, which was thereafter amended and restated by that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Riverbrooke Subdivision, recorded on February 23, 2005, in Deed Book 3687, Page 307, *et seq.*, aforesaid records, as subsequently amended by that certain First Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Riverbrooke Subdivision, recorded on November 20, 2012, in Deed Book 6485, Page 144, *et seq.*, aforesaid records, and as subsequently amended by that certain Amendment to Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Riverbrooke Subdivision and to the By-Laws of Riverbrooke Homeowners Association, Inc., recorded on January 9, 2018 in Deed Book 8445, Page 29, *et seq.*, aforesaid records, which Amendment submitted Riverbrooke to the terms and provisions of the Georgia Property Owners Association Act, O.C.G.A. §44-3-220 *et seq.* (the "Act") (said Declaration, as amended, being hereinafter referred to as the "Declaration"); and

**WHEREAS**, Riverbrooke Homeowners Association, Inc., a Georgia nonprofit corporation, is the "Association" as said term is used and defined in the Declaration; and

**WHEREAS**, Bylaws of the Association are attached to the Declaration as Exhibit “D” (the “Bylaws”); and

**WHEREAS**, pursuant to Section 44-3-231(c) of the Act, the Board of Directors of the Association has the power to amend the Declaration and the Bylaws to conform to mandatory provisions of the Act without a vote of the Owners; and

**WHEREAS**, the Board of Directors of the Association wishes to amend Article VI, Section 6.6(b) of the Bylaws to conform to the requirements of Section 44-3-226(a) of the Act; and

**WHEREAS**, this Amendment has been duly adopted and approved by the unanimous vote of the Board of Directors of the Association as evidenced by the Certification of Approval attached hereto as Exhibit “A” and incorporated herein by this reference.

**NOW, THEREFORE**, the Declaration and Bylaws are hereby amended as follows:

1. Article VI, Section 6.6(b) of the Bylaws is hereby deleted and replaced by the following:

“(b) By Members. Except as provided above, these Bylaws may be amended only by the affirmative vote or written consent or any combination thereof, of Owners of Units to which two-thirds (2/3) of the votes in the Association pertain. Notwithstanding the above, the percentage of votes necessary to amend a specific clause shall be no less than the prescribed percentage of affirmative votes required for action to be taken under that clause.”

2. In the event of any conflict or inconsistency between the provisions of this Amendment and the terms of the Declaration and/or Bylaws of the Association, the terms of this Amendment shall control. Except as otherwise defined herein, capitalized terms, as used in this Amendment, shall have the meanings set forth in the Declaration. Except as herein modified and amended, the Declaration and Bylaws shall remain in full force and effect. This Amendment shall be effective upon recordation in the Forsyth County, Georgia records.

**[Signatures begin on the following page]**

IN WITNESS WHEREOF, the Association, by and through its authorized officers, has executed this Amendment on the date and year first above written.

**RIVERBROOKE HOMEOWNERS ASSOCIATION, INC., a Georgia nonprofit corporation**

Signed, sealed and delivered in the presence of:

*Paul Dugg*  
Unofficial Witness

*Emily Ames*  
Notary Public

My Commission Expires: 8/21/2021  
[Notary Seal]

By: *[Signature]*  
Purneshottam Mahindrat President

Attest: *[Signature]*  
Scott Robertson, Secretary



EXHIBIT "A"

CERTIFICATION OF APPROVAL

The undersigned officers of Riverbrooke Homeowners Association, Inc. (the "Association") hereby swear under oath that the above Amendment was duly adopted by the unanimous vote of the Board of Directors of the Association.

By: [Signature]  
Print Name: Roushottam Mahindran  
Print Title: President

By: [Signature]  
Print Name: Scott Robertson  
Print Title: Secretary

[Seal]

Sworn to and subscribed before me this  
4 day of September, 2018.

Emily Ames  
Notary Public  
My Commission Expires: 8/21/2021

[Notary Seal]

