

SECOND AMENDMENT TO DECLARATION  
OF COVENANTS, RESTRICTIONS AND EASEMENTS  
FOR SPIVEY ORCHARD ESTATES

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR SPIVEY ORCHARD ESTATES is made this 22 day of December, 1993 by Spivey Orchard Estates, Ltd., a Georgia limited partnership by James E. Boyd as its general partner (hereinafter referred to as "Declarant").

WHEREAS, on September 26, 1989, Declarant executed that certain Declaration of Covenants, Restrictions and Easements for Spivey Orchard Estates (hereinafter referred to as the "Declarant"); and

WHEREAS, the Declaration was recorded in Deed Book 1590, Page 714, Clayton County Records; and

WHEREAS, Declarant desires to amend the Declaration in accordance with the terms of this First Amendment;

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1.

Article 4.01 on page 10 of the Declaration is hereby deleted in its entirety and the following inserted in lieu thereof:

4.01 Covenant for Assessments and Creation of Lien and Personal Obligation. Each Owner of a Residence or a Lot, jointly and separately, for himself, his heirs, distributes legal representatives, successors, and assigns, by acceptance of a deed for a Residence or a lot, whether or not the covenants contained herein shall be expressed in any such deed, hereby covenants to and agrees as follows:

2.

The first sentence of Article 4.06(b) of the Declaration is hereby deleted in its entirety and the following inserted in lieu thereof as the first sentence of Article 4.06(b):

All Members of the Association shall be given written notice by the Board not less than ten (10) nor more than sixty (60) days in advance of the any meeting of the Members of the Association at which the Board shall propose taking action pursuant to Section 4.04 (c) and Section 4.05 of this Article IV. Such written notice shall specify under which Section or Sections the Board will propose action.

3.

Declarant hereby certifies that this Second Amendment has been approved by Declarant.

IN WITNESS WHEREOF, DECLARANT HAS CAUSED THIS SECOND AMENDMENT TO BE DULY EXECUTED UNDER SEAL AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

SPIVEY ORCHARD ESTATES, LTD.  
a Georgia limited partnership

BY

James E. Boyd  
General Partner

Signed, Sealed and delivered  
In the presence of:

Witness

Notary Public

My commission expires:

(Notarial Seal)

(Original is signed, notarized and recorded in Book# 1981 Page# 625-626 on December 22, 1993)