

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 16th day of May, 1997 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 "Declaration"); and subsequently amended on February 25, 1993.

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

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

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

1.

The following two paragraphs "A & B" are added to the end of Article 5.07 of the Declaration;

- (B) No plans or specifications shall be approved without the approval of the Chairman of the A.C.C., James E. Boyd, as long as James E. Boyd is the Declarant or Declarant representative.
- (C) No Building Permits will be issued by the authority of Clayton County without a Letter of Compliance from the A.C.C. Chairman, James E. Boyd for as long as James E. Boyd is the Declarant or the Declarant representative. Said letter of Compliance need not require any other A.C.C. members approved or signature.

2.

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# 3051 Page# 080-081 on May 19, 1997)