

BK 43643 PG 0206

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GWINNETT COUNTY, GA.

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TOM LAWLER, CLERK

[SPACE ABOVE RESERVED FOR RECORDING DATA]

Return to: Weissman, Nowack, Curry & Wilco, P.C.
One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Attn: Mindy C. Waitsman

STATE OF GEORGIA

Cross Reference:

Deed Book 2939

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COUNTY OF GWINNETT

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR MCCLURE PLACE**

WHEREAS, Heritage Construction Corporation and Fortune Production, Inc., each Georgia corporations, recorded a Declaration of Covenants, Conditions, Restrictions and Easements for McClure Place in Deed Book 2939, Page 84, et seq., Gwinnett County, Georgia records on December 19, 1984 ("Declaration"), as may be amended; and

WHEREAS, Article XII, Section 4 of the Declaration provides that the Declaration may be amended upon the affirmative vote, written consent, or any combination of affirmative vote and written consent of the members of the McClure Place Homeowners' Association, Inc. ("Association"), holding at least sixty-six and two-thirds (66-2/3 %) percent of the total eligible vote thereof; and

WHEREAS, this Amendment was properly presented to the membership and was approved by at least sixty-six and two-thirds (66-2/3%) percent of the total eligible votes of the Association;

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

1.

Article VI, Section 5 is amended by deleting the second sentence. The amended Section 5 now provides as follows:

Section 5. Computation of Operating Budget and Assessment. Prior to the beginning of each fiscal year, the Board shall prepare a budget covering the estimated costs of operating the Property during the coming year, and the Board shall establish the annual assessment or installments for the coming year. The Board shall cause the budget and notice of the assessment(s) to be delivered to each member at least thirty (30) days prior to the due date for such assessment, or the first installment thereof. The budget and the assessment shall become effective unless disapproved at a duly called Association meeting by a vote

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of a majority of the total Association membership; provided, however, if a quorum is not obtained at the annual meeting, the budget shall become effective even though a vote to disapprove the budget could not be called at this meeting.

If the membership disapproves the proposed budget or the Board fails for any reason to determine the budget for the succeeding year, then, until a budget is determined as provided herein, the budget in effect for the current year shall continue for the succeeding year. However, the Board may propose a new or adjusted budget at any time during the year by causing the proposed budget and assessment to be delivered to the members at least thirty (30) days prior to the proposed effective date thereof. Unless a special meeting is requested by the members, as provided in the Bylaws for special meetings, the new or adjusted budget and assessment shall take effect without a meeting of the members.

The budget shall not operate as a limitation on expenditures by the Board, but, rather, the budget is merely an estimate of common expenses on which the Board may base the annual assessments.

IN WITNESS WHEREOF, the undersigned officers of McClure Place Homeowners' Association, Inc., hereby certify that this Amendment to Declaration was duly adopted by the requisite majority of the Association membership, with proper notices given.

This 16 day of July, 2005.

MCCLURE PLACE HOMEOWNERS'
ASSOCIATION, INC.

Sworn to and subscribed to before me
this 16 day of July, 2005.

[Signature]
Witness

[Signature]
Notary Public

By: [Signature]
President EDITH PATTON

Attest: [Signature]
Secretary JUDY L SLATER

[NOTARY SEAL]

[CORPORATE SEAL]

K. JACKSON FORTÉ
Notary Public - Gwinnett County, Georgia
My Commission Expires September 28, 2008



MCW 42273-1(7371)