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Return to: Weissman, Nowack, Curry & Wilco, P.C.
1349 West Peachtree Street, Suite 1500
Atlanta, Georgia 30309
Attn: CDC

STATE OF GEORGIA

Cross reference: Deed Book 2939

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COUNTY OF GWINNETT

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTONS
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 ("Declaration"); and

WHEREAS, Article XII, Section 4 of the Declaration provides that the Declaration may be amended at any time by an agreement signed by at least ninety (90%) percent of the owners of record for lots within the community; and

WHEREAS, Owners of at least ninety (90%) percent of the lots have signed an instrument evidencing their consent to this amendment as shown on Exhibit "A";

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

1.

Article XII, Section 4 shall be amended by deleting that section in its entirety and substituting therefore the following:

Except where a higher vote is required for action under any other provisions in this Declaration, in which case such higher vote shall be necessary to amend such provision, this Declaration may be amended by the affirmative vote, written consent, or any combination or affirmative vote and written consent of the members of the Association holding at least sixty-six and two-thirds (66 & 2/3 %) percent of the total eligible vote thereof. Notice of a meeting, if any, at which a proposed amendment will be considered shall state the fact of consideration and the subject matter of the proposed amendment. No amendment shall be effective until certified by the

president and secretary of the Association and recorded in the Gwinnett County, Georgia records.

Notwithstanding the foregoing, the Board of Directors, without necessity of a vote from the owners may amend this Declaration to comply with any applicable state, city or federal laws, including, but not limited to, compliance with applicable guidelines of the Federal Housing Mortgage Association ("Fannie Mae"), the Department of Housing and Urban Development ("HUD") and the Veterans Administration ("VA")

Any actions to challenge the validity of an amendment adopted under this section must be brought within one (1) year of the effective date of such amendment. No action to challenge such amendment may be brought after such time.

IN WITNESS WHEREOF, the undersigned officers of McClure Place Homeowners' Association, Inc. hereby certified that the above amendment to the Declaration is duly adopted by the required majority of the Association and its membership as evidence by the signatures on Exhibit "A" attached hereto and incorporated herein by this reference.

This 17th day of July, 2001.

MCCLURE PLACE HOMEOWNERS' ASSOCIATION, INC.

By: J C Suboo
President

Attest: George L. Slater
Secretary

Sworn to and subscribed to
before me this 17th day of
July, 2001.

M E Hadden
Notary Public

[NOTARY SEAL]

Notary Public, Gwinnett County, Georgia
My Commission Expires April 11, 2004