

AMENDATORY AND SUPPLEMENTAL DECLARATION
OF
DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS AND
CONVEYANCE AND RESERVATION OF RIGHTS FOR NACOOCHEE HILLS

STATE OF GEORGIA

COUNTY OF WHITE

KNOW ALL MEN BY THESE PRESENTS:

This Declaration made this 30th day of October, 1981, by the Owner of 80% or more of the building sites in Nacoochee Hills, herein after called "Declarant";

WHEREAS, CHARLES W. SMITH has previously on August 1, 1980, established covenants, conditions and restrictions covering certain portions of property then belonging to him, a portion of which is known as Nacoochee Hills, and which property is more fully shown on Plats of Survey recorded in Plat Book 14, pages 59, 60, 61, 62 and 63, Office of Clerk, Superior Court, White County, Georgia, and covering any other building site, parcels or tracts of land that may have been conveyed by Charles W. Smith subject to said Declaration of Protective and Restrictive Covenants. Said declaration pages of Protective and Restrictive Covenants are recorded in deed book 5N 382-393, Office of Clerk, Superior Court, White County, Georgia.

WHEREAS, Article VII, paragraph 2 of said original Declaration prescribed a procedure whereby said Declaration may be amended from time to time, and

WHEREAS, Declarant has determined that it is necessary and desirable to amend said original Declarations; and

WHEREAS, the Declarant represents the owner of 80 per cent or more of the building sites in the property affected by said Declarations.

NOW, THEREFORE, in compliance with said amendatory procedures and in recognition of the need for such amendment, said original Declarations are hereby amended as follows:

-1-

Article I, paragraph 19 is hereby amended by deleting the existing language and substituting in lieu thereof the following:

"19. Nacoochee Hills will provide overhead power lines and telephone lines to the property line of each building site at no expense to the property owner. The property owner shall be responsible for running such lines underground to his building site at his expense."

-2-

This amendatory and supplemental declaration shall not be construed as revoking, modifying or amending the original declarations of covenants in any other respect.

-3-

This amendment shall be effective as of October 30, 1981.

IN WITNESS WHEREOF, Declarant, James Shelby Smith, Trustee in Bankruptcy and Debtor in possession, has executed these presents the day and year first above written.

James Shelby Smith,
Trustee in Bankruptcy and
Debtor in Possession

(Seal)

Signed, sealed and delivered
in the presence of:

Georgia, White County
filed 30th day of Oct 1981
Recorded in book 5U
Pages 704-705 10-30-81

-1-

Article I, paragraph 19 is hereby amended by deleting the existing language and substituting in lieu thereof the following:

"19. Maconochie Mills will provide overhead power lines and telephone lines to the property line of each building site at no expense to the property owner. The property owner shall be responsible for running such lines underground to his building site at his expense."

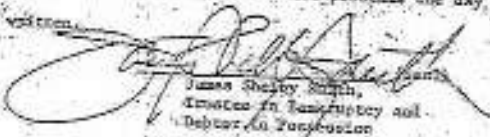
-2-

This amendatory and supplemental declaration shall not be construed as revoking, modifying or amending the original declarations of covenants in any other respect.

-3-

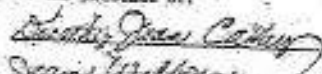
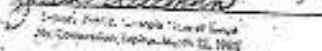
This amendment shall be effective as of October 30, 1981.

IN WITNESS WHEREOF, Debra Ann Smith, Trustee in Bankruptcy and Debtor in possession, has executed these presents the day and year first above written.


Debra Ann Smith,
Trustee in Bankruptcy and
Debtor in Possession

Signed, sealed and delivered

in the presence of:



James Earl Carter
Notary Public, Georgia
My Commission Expires March 12, 1983

-Page 2-

GEORGIA, White County
Filed _____ by _____
_____ of _____
Received in book _____
Page _____ date _____
_____ Clerk

ARTICLE III To be amended by changing the period of the last sentence to a comma and adding therein the following, to-wit: "The above said Treasurer having become Lene S and S of said that recorded in Plat Book 15, page 126, said Clerk's Office, hereby represent hereby through the Secretary portion of property shown on said Plat recorded in Plat Book 15, page 127, said Clerk's Office, and any other subdivisions shown on Plat of Recorder Hills."

This Amendment and Supplemental Declaration shall not be construed as amending, modifying or amending the original Declaration of Owners in any other respect.

This Amendment shall be effective the day and year first above written.

IN WITNESS WHEREOF, Declaration, James Philip Smith, Treasurer in Declaration and before us, Notary Public, the aforesaid year, placed the day and year first above written.

James Philip Smith
James Philip Smith
Treasurer in Declaration and
before us, Notary Public

Signed, sealed and delivered
in presence of:

James Philip Smith
James Philip Smith
Treasurer in Declaration and
before us, Notary Public

NOTARY PUBLIC
JAMES P. SMITH
NOTARY PUBLIC
JAMES P. SMITH

Page 2.

RECORDED, WHITE COUNTY
FILED IN BOOK 15, PAGE 126
RECORDED IN BOOK 15, PAGE 127
RECORDED IN BOOK 15, PAGE 127
RECORDED IN BOOK 15, PAGE 127

Amendatory and Supplemental Declaration
Of
Declaration of Protective and Restrictive Covenants and Conveyance and Reservation of Rights
for Nacoochee Hills
AND
Declaration of Protective and Restrictive Covenants and Conveyance and Reservation of Rights
for A Portion of Nacoochee Hills

STATE OF GEORGIA

COUNTY OF WHITE

KNOW AL MEN BY THESE PRESENTS:

This Declaration made this 26th day of March, 1985, by the Owner of 80% or more of the building sites in Nacoochee Hills, hereinafter call "Declarant";

WHEREAS, CHARLES W. SMITH has previously on 4 August 1980 established covenants, conditions and restrictions covering certain portions of property then belonging to him, a portion of which is known as Nacoochee Hills, and which property is more fully shown on Plats of Survey recorded in Plat Book 14, pages 59, 60, 61, and 62 and 63, Office of Clerk, Superior Court, White County, Georgia, and covering any other building site, parcels or tracts of land that may have been conveyed by Charles W. Smith subject to said Declarations of Protective and Restrictive Covenants. Said Declarations of Protective and Restrictive Covenants are recorded in Deed Book 5-N, pages 382-393, Office of Clerk, Superior Court, White County, Georgia.

WHEREAS, Article VII, paragraph 2 of said original Declaration prescribed a procedure whereby said Declaration may be amended from time to time, and

WHEREAS, Declarant has determined that it is necessary and desirable to amend said original Declaration; and

WHEREAS, the Declarant represents the owner of 80 per cent, or more of the building sites in the property affected by said Declarations,

NOW, THEREFORE, in compliance with said amendatory procedures and in recognition of the need for such amendment, said original Declarations are hereby amended as follows:

-1-

Article I, paragraph 1 is hereby amended by deleting the existing language and substituting in lieu thereof the following:

"1. All building sites within the development shall be owned and used exclusively for single family residential purposes."

-2-

Article VII, paragraph 5 is hereby amended by deleting the existing language.

-3-

This amendatory and supplemental declaration shall not be construed as revoking, modifying or amending the original declarations of covenants in any other respect.

-4-

This amendment shall be effective as of March 26, 1985.

IN WITNESS WHEREOF, Declarant, James Shelby Smith Trustee in Bankruptcy and Debtor in possession has executed these presents the day and year first above written.

(Seal)

James Shelby Smith,
Trustee in Bankruptcy and
Debtor in Possession

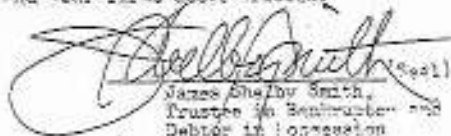
Signed, sealed and delivered

in the presence of:

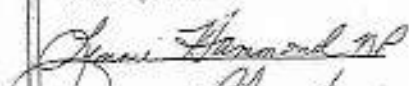
Georgia, White County
Filed 26th day of March 1985
9:25 o'clock AM
Recorded in book 7F
Pages 484-485 3-26-85

This amendment shall be effective as of March 26, 1935.

IN WITNESS WHEREOF, Declarant, James Shelby Smith, Trustee in Bankruptcy and Debtor in possession, has executed these presents the day and year first above written.


James Shelby Smith,
Trustee in Bankruptcy and
Debtor in possession

Signed, sealed and delivered
in the presence of:




-Page 2-

GEORGIA, White County
Notary Public, my commission expires
9-22-1935
Notary Public, my commission expires
9-22-1935
James Hammond
Notary Public

1935