

BK 14615 PG 0164

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

STATE OF GEORGIA
COUNTY OF FULTON

1997 AUG 20 PM 2:00

TOM LAWLER, CLERK

Return to: Charlene Bystedt
Cobb & Hyra
6085 Lake Forrest Drive
Suite 200
Atlanta, Georgia 30328

BK 14798 PG 0077

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.
1997 SEP 26 AM 9:00
TOM LAWLER, CLERK

SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
CHATTAHOOCHEE COVE HOMEOWNERS ASSOCIATION

WHEREAS, HOMELAND COMMUNITIES INC., a Georgia corporation, and FALLING WATER INVESTMENT, LTD., a Georgia limited partnership (hereinafter collectively referred to as "Developer"), recorded a Declaration of Covenants, Conditions and Restrictions for Chattahoochee Cove Homeowner's Association ("Declaration") on October 17, 1996 in Deed Book 13336, Page 0091, et seq., of the Gwinnett County, Georgia land records, as modified by First Amendment to Declaration of Covenants, Conditions and Restrictions for Chattahoochee Cove Homeowners Association, dated December 27, 1996, filed for record on December 27, 1997 and being recorded in Deed Book 13605, Page 34, Gwinnett County, Georgia Records; and

WHEREAS, Article XIV, Section 9, of the Declaration provides for the amendment thereof by Developer; and

WHEREAS, Developer wishes to amend said Declaration.

NOW, THEREFORE, the Declaration is amended as follows:

1. Exhibit "B" attached to the Declaration shall be deleted in its entirety and shall be replaced with Exhibit "B" attached hereto and by this reference made a part hereof.
2. All other terms and conditions of the Declaration shall remain in full force and effect and is hereby re-ratified.

[SIGNATURE BEGINS ON NEXT PAGE]

NOTE: THIS INSTRUMENT IS BEING RE-RECORDED TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION.

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0517802

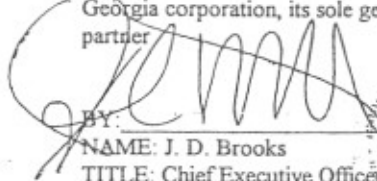
16

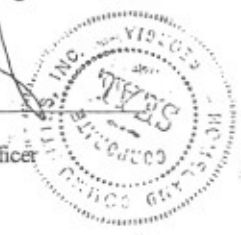
IN WITNESS WHEREOF, the parties hereto have affixed their respective hands and seals this 14 day of August 1997.

DEVELOPER:

FALLING WATER INVESTMENT, LTD., a Georgia limited partnership

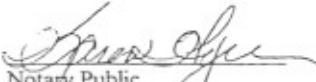
BY: HOMELAND COMMUNITIES, INC., a Georgia corporation, its sole general partner

BY: 
NAME: J. D. Brooks
TITLE: Chief Executive Officer



Signed, sealed and delivered in the presence of:


Unofficial Witness

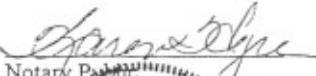

Notary Public

My Commission Expires



Signed, sealed and delivered in the presence of:

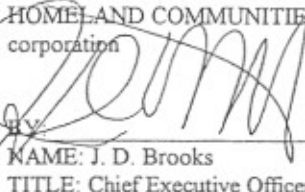

Unofficial Witness


Notary Public

My Commission Expires



HOMELAND COMMUNITIES, INC., a Georgia corporation

BY: 
NAME: J. D. Brooks
TITLE: Chief Executive Officer



BK 14615 PG0166

BK 14798 PG0079

BK 13336 PG0123

EXHIBIT "B"

ADDITIONAL PROPERTY

ALL THAT TRACT OR PARCEL OF LAND lying and being in land Lot 243 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin placed on the northeast right-of-way line of Rogers Bridge Road, also known as Rogers Ferry Road, (the original and present northeast right-of-way line of Rogers Bridge Road runs 40' from the centerline of the original Rogers Bridge Road, before same was rerouted with the construction of Peachtree Industrial Boulevard) which point is N42°55'52"W a distance of 38.78 feet from the intersection which would be formed by extending said right-of-way line in a southeasterly direction and in a straight line to the northeast right-of-way line of Peachtree Industrial Boulevard (which right-of-way line is 100 feet from the centerline of right-of-way), and go thence N42°55'52"W along the northeast right-of-way line of Rogers Bridge Road a distance of 206.32 feet to a point; thence continue in a northwesterly direction along the northeast right-of-way line of Rogers Bridge Road 255.03 feet along an arc (the chord of which is 253.53 feet with a chord bearing of N32°08'35"W and a radius distance of 677.25 feet); thence continue along the northeast right-of-way line of Rogers Bridge Road N21°21'19"W a distance of 314.07 feet to a point on the southeast side of a gravel drive and 20' Ingress/Egress Easement; thence leaving said right-of-way N51°43'56"E a distance of 580.87 feet to a point; thence N29°14'47"W a distance of 15.30 feet to a point; thence N60°59'23"E a distance of 944.27 feet to a point; thence S18°46'27"E a distance of 75.94 feet to a point; thence S07°48'00"E a distance of 49.84 feet to a point; thence S07°09'53"E a distance of 736.11 feet to a point; thence S82°50'07"W a distance of 639.10 feet to a point; thence S33°48'00"W 376.54 feet to a point; thence S80°07'59"W a distance of 340.49 feet to a point and the Point of Beginning.

Said tract or parcel of land being reflected on Plat of Chattahoochee Cove, Unit - I, prepared for Brooksland, Inc., prepared by Mansur Engineering, Inc., under seal of Ayyad M. Mansur, Registered Professional Engineer, Georgia Registration No. 21055, and under seal of Daniel A. Miller, Georgia Registered Surveyor, Georgia Registration No. 2557, dated September 15, 1996.

LESS AND EXCEPT THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT TRACT OR PARCEL OF LAND lying and being in land Lot 243 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin placed on the northeast right-of-way line of Rogers Bridge Road, also known as Rogers Ferry Road, (the original and present northeast right-of-way line of Rogers Bridge Road runs 40' from the centerline of the original Rogers Bridge Road, before same was rerouted with the construction of Peachtree Industrial Boulevard) which point is N42°55'52"W a distance of 38.78

EXHIBIT "A"

feet from the intersection which would be formed by extending said right-of-way line in a southeasterly direction and in a straight line to the northeast right-of-way line of Peachtree Industrial Boulevard (which right-of-way line is 100 feet from the centerline of right-of-way), and go thence N42°55'52"W along the northeast right-of-way line of Rogers Bridge Road a distance of 206.32 feet to a point; thence continue in a northwesterly direction along the northeast right-of-way line of Rogers Bridge Road 255.03 feet along an arc (the chord of which is 253.53 feet with a chord bearing of N32°08'35"W and a radius distance of 677.25 feet); thence continue along the northeast right-of-way line of Rogers Bridge Road N21°21'19"W a distance of 314.07 feet to a point on the southeast side of a gravel drive and 20' Ingress/Egress Easement; thence leaving said right-of-way N51°43'56"E a distance of 453.03 feet to a point; thence S42°48'58"E a distance of 124.28 feet to a point; thence run a distance of 27.99 feet along an arc (the chord of which is 27.97 feet with a chord bearing of N37°36'32"E and a radius distance of 205.00 feet); thence S48°28'47"E a distance of 50.00 feet to a point; thence run a distance of 40.05 feet along an arc (the chord of which is 40.00 feet with a chord bearing of North 48°17'24"E and a radius of 155.00 feet); thence South 64°26'54"E a distance of 67.12 feet to a point; thence run S89°37'46"E a distance of 110.90 feet to a point; run thence S15°26'12"E a distance of 160.00 feet to a point; thence run 13.35 feet along an arc (the chord of which is 13.35 feet with a chord bearing of S75°48'07"W and a radius distance of 225.00 feet); thence S17°40'39"E a distance of 124.05 feet to a point; thence S33°48'00"W a distance of 376.54 feet to a point; thence S80°07'59"W a distance of 340.49 feet to a point and the Point of Beginning.

Said tract containing 8.71 acres and being reflected on Plat of Chattahoochee Cove, Unit - I, prepared for Brooksland, Inc., prepared by Mansur Engineering, Inc., under seal of Ayyad M. Mansur, Registered Professional Engineer, Georgia Registration No. 21055, and under seal of Daniel A. Miller, Georgia Registered Surveyor, Georgia Registration No. 2557, dated September 15, 1996.