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CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

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Return to: Whisper Creek HOA, Inc.
PO Box 932
Senoia, Georgia 30276

STATE OF GEORGIA
COUNTY OF COWETA

Cross Reference: Deed Book 3604
Page 403-04

AMENDMENT TO THE DECLARATION OF PROTECTIVE RESTRICTIONS & COVENANTS FOR THE WHISPER CREEK HOMEOWNERS ASSOCIATION, INC.

✓ WHEREAS, the Declaration of Protective Restrictions & Covenants for the Whisper Creek Homeowners Association, Inc. was last amended and recorded on June 6, 2006, in Deed Book 2979, Pages 721-726, ✓
✓ Coweta County, Georgia Records ("Declaration"); and ✓

WHEREAS, the Whisper Creek Homeowners Association, Inc. having adopted in its entirety the Georgia Property Owners Association Act that contains within it Article 44-3-226 which provides for amendment of the Declaration upon the affirmative vote, written consent, or any combination thereof, of Owners of at least two-thirds (2/3) of the Lots and the consent of Declarant so long as the Declarant owns any property for development and/or sale in Whisper Creek or has the right to unilaterally annex additional property to the provisions of the Declaration; and

WHEREAS, the Declarant does not own any property for development and/or sale in Whisper Creek and Declarant no longer has the right to unilaterally annex additional property to the provisions of the Declaration; and

WHEREAS, at least two-thirds (2/3) of the Owners of Lots at Whisper Creek have approved this amendment to the Declaration;

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

1. Article XIII of the Declaration is hereby amended as follows:

Addition of a word (shown underlined) to section (i), in its 3rd sentence.

The ACC shall not have authority to approve requests for waiver, variance, or deviation from these Covenants; any such requests require approval by the Board of Directors.

Removing from section (ii) its present entire 1st sentence, and moving it to a new section (iii).

The ACC must approve or disapprove, in writing, all plans and specifications within thirty (30) days following their submission.

Inserting at section (ii) the following new text:

The Board of Directors shall have the authority to grant waivers, variances, and deviations from the covenants AND the Board of Directors shall have the authority to place specific conditions of approval on each waiver request. The waiver applicant must agree in signature and witness that these conditions are applicable to the current state of the property and any future considerations for the property as well. The agreed upon conditions shall be in perpetuity and shall be transferable to

any future property owner. The Board of Directors shall consider what precedence each waiver request would be setting for the future of the Association and the covenants.

Adding to newly-created section (iii), in addition to the text moved there from section (ii) and placed in its 1st sentence, so that the section reads in its entirety as follows:

The ACC must approve or disapprove, in writing, all plans and specifications submitted within thirty (30) days following their submission. If any request does NOT receive the unanimous approval of the ACC and thus becomes a waiver request that is THEN forwarded to the Board of Directors, the waiver request shall NOT be subject to any time period for decision.

{The purpose of these amendments is to grant the Board authority to place certain conditions on any Waiver/Deviation/Variance approval, and be able to have these upheld in the event of noncompliance. Further, all waiver/deviation/variance matters which must be moved from the ACC to the Board for consideration, are relieved of the usual 30-day calendar that is in place for simple ACC requests to be reviewed and determined, due to their oftentimes more complicated nature.}

IN WITNESS WHEREOF, the undersigned officers of Whisper Creek Homeowners Association, Inc., hereby certify that these amendments to the Declaration were duly adopted by the requisite majority of the Association membership with any required notices properly given.

This 29th day of September, 2010.

✓ WHISPER CREEK HOMEOWNERS ASSOCIATION, INC.

Sworn to and subscribed to before
me this 29th day of September, 2010

Christopher R. Bailey
President

Julie Nestor
Witness

Sabrina Goff
Secretary

Marsha S. McCranie
Notary Public

[Corporate Seal]

[Notary Seal]

