
[SPACE ABOVE RESERVED FOR RECORDING DATA]

Return to: Weissman, Nowack, Curry & Wilco, P.C.
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30326
Attn: Daniel J. Prieto

STATE OF GEORGIA

CROSS REFERENCE: Deed Book 14049

Page 3518

COUNTY OF COBB

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, &
RESTRICTIONS FOR STONEBRIDGE AT MUD CREEK SUBDIVISION**

WHEREAS, West Sandtown Development, LLC, a Georgia Limited Liability Company, ("Declarant") recorded a Declaration of Covenants, Conditions, and Restrictions for Stonebridge at Mud Creek Subdivision on September 30, 2004, in Deed Book 14049, Page 3518, et. seq., Cobb County, Georgia, records (hereafter the "Declaration"); and

WHEREAS, Article XV, Section 15.2(b) of the Declaration provides that except where a higher vote is required for action under any other provision of the Declaration, in which case such higher vote shall be necessary to amend such provision, the Declaration may be amended upon the affirmative vote, written consent, or any combination of affirmative vote and written consent, or any combination thereof, of the Owners representing at least two-thirds (2/3) of the Units such amendment by the Owners shall not be effective unless also consented to by the Declarant, if Declarant is the owner of any real property subject to the Declaration; and

WHEREAS, Article V, Section 5.1(b) of the Declaration provides that the Association shall maintain the facilities and improvements within the Area of Common Responsibility in continuous operation and to perform required maintenance or repairs, and that Area of Common Responsibility shall not be reduced by amendment of the Declaration unless Members representing 75% of the Class "A" votes in the Association, the Class "B" Member, if any, and the Declarant (so long as Declarant owns any of the property described in Exhibit "A" or "B") agree in writing to discontinue such operation; and

WHEREAS, the Declarant/Class "B" Member recorded a Notice of Termination of Class "B" Membership of the Stonebridge of Mud Creek Homeowners Association on October 15, 2007 in Book 14049, page 3518 the records of Cobb County, Georgia; and

WHEREAS, the Owners representing at least two-thirds (2/3) of the Units voted in favor of the below amendments to the Declaration; and

WHEREAS, at least 75% of the Class "A" votes in the Association have voted in favor of reducing the Area of Common Responsibility by means of the within amendments to the Declaration; and

WHEREAS, the Declarant no longer owns any real property described in Exhibit "A" or Exhibit "B", and, therefore, the consent of the Declarant is not required; and

NOW, THEREFORE, the Declaration is amended as follows:

1.

Article V, Section 5.1(a)(iv) is hereby amended by deleting and replacing it in its entirety with the following:

(iv) any fencing installed by or on behalf of Declarant which is designated as perimeter fencing for the Community whether located on Units or the Common Areas, but it shall not be the Association's responsibility to maintain and keep in good repair that perimeter fencing installed by or on behalf of Declarant which is located upon Units 19, 20, 21, 22, 23, 24, 25, 26, and 27 of the Community as the perimeter fencing on these Units shall not be included in the Area of Common Responsibility;

2.

Article V, Section 5.2 is hereby amended by deleting and replacing the second paragraph thereto with the following:

Any Unit upon which a portion of any perimeter fencing surrounding or otherwise serving to mark the boundary of the Community is located shall be maintained by the Owner up to the fence in a manner consistent with the Community-Wide standard. The fence shall be maintained by the Association as set forth in Section 5.1 with the exception of the fence located on Units 19, 20, 21, 22, 23, 24, 25, 26, and 27 of the Community, which shall be maintained by the Owners of said Units. All fencing modifications shall only be accomplished after the Owner seeks and receives the prior written consent of the Association as provided for in Article IX of the Declaration.

3.

Article XI, Section 11.6 is hereby amended by adding the following to the end thereof:

upon the Board of Directors' sole determination that any Owner has failed or refused to discharge properly his or her maintenance, repair, or replacement obligations under Article V to the Declaration.

IN WITNESS WHEREOF, the undersigned officers of the Stonebridge at Mud Creek Homeowners Association, Inc., hereby certify that the above Amendment to the Declaration and change to the reduction of the Area of Common Responsibility was duly adopted by the required percentage of the Association and its membership, with all required notices duly given.

This ____ day of _____, 20 ____.

STONEBRIDGE AT MUD CREEK HOMEOWNERS ASSOCIATION, INC.

By: _____ [SEAL]
President

Attest: _____ [SEAL]
Secretary
[CORPORATE SEAL]

Sworn to and subscribed to before me
this ____ day of _____, 2008.

Witness

Notary Public [NOTARY SEAL]