

Return to:

Rhett Burruss, LLC
1551 Jennings Mill Road, Suite 1100B
Bogart, GA 30622

Recorded 529-532
Book 222 Page
Date 06/13/2013
Kelli Paradise Smith, Clerk
Oglethorpe County, Georgia

FILED IN OFFICE
2013 Jun 13 10:25 AM
KELLI PARADISE SMITH
CLERK OF COURT

529

FOURTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE HIGHLANDS

001411

This Fourth Supplementary Declaration of Covenants, Conditions and Restrictions for the Highlands (hereinafter called the "Amendment") is made this 30 day of May, 2013, by GARSHA, L.L.C., a Florida limited liability company, as Declarant, for the purposes of amending the Declaration of Covenants, Conditions and Restrictions for the Highlands.

WITNESSETH:

THAT WHEREAS, Declarant as successor by assignment from SHAWSHANK, LTD., and HAMILTON STATE BANK, has heretofore executed that certain Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Declaration"), dated May 1, 2006, and recorded in Deed Book 17-W, Pages 340 - 411, in the Office of the Clerk of Superior Court for Oglethorpe County, Georgia (hereinafter called the "Records"); as amended by that First Supplementary Declaration of Covenants, Conditions and Restrictions for the Highlands, dated September 1, 2006, as recorded in Deed Book 18-G, Page 91, the Records; as further amended by that Second Supplementary Declaration of Covenants, Conditions and Restrictions for the Highlands, dated June 7, 2007, as recorded in Deed Book 19-B, Page 75, in the Records; as further amended by that Third Supplementary Declaration of Covenants, Conditions and Restrictions for the Highlands, dated October 30, 2007, as recorded in Deed Book 19-I, Page 227, in the Records; and

WHEREAS, The Highlands Subdivision Community Association, Inc., is a homeowners' association administered by Declarant pursuant to the Bylaws, and Declarant is the sole Class "B" member pursuant to Article 3.3 of the Bylaws of The Highlands Subdivision Community Association, Inc.; and

WHEREAS, pursuant to Article X of the Declaration, the Board of Directors for The Highlands Subdivision Community Association, Inc., may adopt rules which modify, cancel, limit, create exceptions to, or expand the initial Use Restrictions and Rules. Furthermore, pursuant to Article XV of the Declaration, during the Class "B" Control Period, Declarant may unilaterally amend the Declaration for any purpose; and

WHEREAS, Declarant, now desires to amend the Declaration.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1.

Article 1.3 of the Declaration is amended to read as follows:

1.3 "Association": The Highlands Subdivision Community Association, Inc., a Georgia Non-Profit Corporation, its successors and/or assigns.

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2.

Article 3.3(b)(i)(b) of the Declaration is amended to read as follows:

(b) December 31, 2021; or . . .

3.

Article 4.7 of the Declaration is amended to read as follows:

4.7 Dedication of Common Areas

The Association may dedicate portions of the Common Areas to Oglethorpe County, Georgia, or to any local, state or federal governmental or quasi-governmental entity.

4.

Article 5.1(a)(iii) of the Declaration is amended to read as follows:

(iii) any lakes, ponds, streams and/or wetlands located within the Community and all detention ponds (including the pond easement and landscape easement), drainage systems, storm water retention or detention systems for the Community, including any retaining walls, bulkheads, or dams (earthen or otherwise) as more particularly shown on the final plat for The Highlands recorded or to be recorded.

5.

Article 5.2 of the Declaration is amended to read as follows:

5.2 Owner's Responsibility

Each Owner shall maintain his or her Unit and all structures, parking areas, and other improvements comprising the Unit in a manner consistent with the Community-Wide Standard. Units upon which a portion of the detention basin lies, as shown on the Land Plan or any final plat for The Highlands recorded or to be recorded, shall be maintained by the Owner up to the detention basin water's edge. The water and land beneath the surface of the detention basin water shall be the maintenance responsibility of the Association as set forth in this Declaration.

In addition to any other enforcement rights, if an Owner fails properly to perform his or her maintenance responsibility, the Association may perform such maintenance responsibilities and levy a Specific Assessment of all costs incurred by the Association against the Unit and the Owner. The Association shall afford the Owner reasonable notice and an opportunity to cure the problem prior to entry, except when entry is required due to an emergency situation.

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6.

The section of the Declaration entitled Covenants - The Highlands, found on page two of the original Declaration (found at Deed Book 17-W, Page 341, the Records) is hereby deleted.

7.

Article 9.1 of the Declaration is amended to read as follows:

9.1 General.

No structure or thing shall be placed, erected or installed upon any Unit, and no improvements (including staking, clearing, other site work, exterior alteration of existing improvements, painting or modifying fences, and planting or removal of landscaping materials) shall take place except in compliance with this Article. Any Owner may remodel, paint or redecorate the interior of structures on his or her Unit without approval. However, modifications to the interior of screened porches, patios, and similar portions of a Unit visible from outside the structures on the Unit shall be subject to approval. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications. This Article shall not apply to the activities of Declarant or of the Association.

The following standards shall apply to all Units:

(A) Dwellings and outbuildings constructed on lots shall be four sides masonry, brick or stucco. Exterior block or concrete exposed will be veneered with masonry, stucco or brick veneer. If hardiplank is used in the exterior design of any buildings, a brick, stucco or masonry skirt is required extending a minimum of 24 inches above the ground under the application.

(B) Driveways and sidewalks must be poured of ready-mix concrete. Brick, Tile, Stains or other upgrades over a concrete base are permissible.

(C) Windows shall be of southern building code conforming to insulated glass construction at a minimum.

(D) All garages shall be a minimum of two (2) car garages.

(E) Asphalt shingle roofs shall be a color other than white. Upgraded roofs of copper, slate, tile or equivalent are encouraged.

(F) Builders shall plant at least four (4) hardwood trees in front of structures on lots that have no trees fronting the property. Plans submitted for approval shall be included with a landscaping plan depicting shrubbery, foliage and/or sod extending at least to rear of house.

(G) Homes shall be site built construction. No pre-fabricated homes allowed.

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(H) No mobile homes of a permanent nature shall be placed on any lot. Mobile structures placed on a lot temporarily, such as a sales or construction office, are allowed.

(I) Building plans must be approved by the Architectural Control Committee, consisting of Developer(s)/Declarant and later turned over to the Association.

(J) Square Footage of homes must include at least a minimum of 2,200 square feet of heated/cooled area (Living Space).

WHEREAS, except for the matters specifically set forth herein, the Declaration remains unamended and the Declaration as amended hereby is in full force and effect.

IN WITNESS WHEREOF, Declarant has signed and sealed this Amendment as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Vivian L. Ruchel
Unofficial Witness

GARSHA, L.L.C.

By: *[Signature]*
G.E. Thiry, Managing Member

Jayne M. Ingram
Notary Public



227

RECORDED
BOOK 19-1 PAGE 227-228
DATE 10/31/07
GENEVA G. STAMEY, CLERK
OGLETHORPE COUNTY, GEORGIA

FILED
OCT 31 AM 11:28
Karen Doughty

After recording return to:
Jacquelyn E. Jones
Shawshank, Ltd.
750 Towergate Place
Atlanta, Georgia 30350

003581

Cross reference: Deed Book 17-W
Pages 340-411

State of Georgia
County of Fulton

THIRD SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR THE HIGHLANDS

This Third Supplementary Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Amendment") is made this 30th day of October, 2007, by Shawshank, Ltd., a Georgia Corporation, as Declarant, for the purposes of amending the Declaration of Covenants, Conditions, and Restrictions for the Highlands.

WITNESSETH:

THAT WHEREAS, Declarant has heretofore executed that certain Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Declaration"), dated May 1, 2006, and recorded in Deed Book 17-W, Pages 340-411, in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia; and

WHEREAS, The Highlands Homeowners Association, Inc. is a homeowner's association administered by certain property owners in The Highlands Subdivision and Declarant is the majority Class "A" member and the sole Class "B" member pursuant to Article 3.3 of the Bylaws of the Highlands Homeowners Association, Inc.

WHEREAS, pursuant to Article X of the Declaration, the Board of Directors for the Highlands Homeowners Association, Inc. may adopt rules which modify, cancel, limit, create exceptions to, or expand the initial Use Restrictions and Rules. Furthermore, pursuant to Article XV of the Declaration, during the Class "B" Control Period, Declarant may unilaterally amend the Declaration for any purpose.

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WHEREAS, Declarant now desires to amend the Declaration with respect to Lots 1 and 2, Block B, Phase One, of Section Two of the Highlands.

NOW THEREFORE, Declarant hereby amends the Declaration as follows:

1.

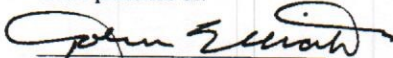
The Declaration of Covenants, Conditions, and Restrictions for The Highlands is amended to exclude Lots 1 and 2, Block B, Phase One, of Section Two of the Highlands from the entire Declaration of Covenants, Conditions, and Restrictions for The Highlands. These two lots shall no longer be under the control of the Declaration of Covenants, Conditions, and Restrictions for The Highlands, provided the owner of such property removes all signage in regards to Agricultural Farming Odors.

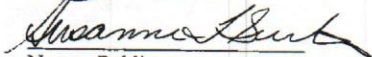
2.

WHEREAS, except for the matters specifically set forth herein, the Declaration remains unamended and the Declaration as amended hereby is in full force and effect.


IN WITNESS WHEREOF, Declarant has signed and sealed this Amendment as of the day and year first above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public 0/11/07

SHAWSHANK, LTD.

BY: 
CARL E. JONES, President

[Corporate Seal]

74

FILED
Karen Doughty

RUSSELL T. QUARTERMAN, P.C.
1671 Meriweather Drive, Suite 103
Bogart, GA 30022

2107

After recording return to:
Jacquelyn E. Jones
Shawshank, Ltd.
750 Towergate Place
Atlanta, Georgia 30350
State of Georgia
County of Fulton

RECORDED
BOOK 198 PAGE 74-75 Cross reference: Deed Book 17-W
DATE 7/6/07 Pages 340-411
GENEVA G. STAMEY, CLERK
OGLETHORPE COUNTY, GEORGIA

SECOND SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR THE HIGHLANDS

This Second Supplementary Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Amendment") is made this 7th day of June, 2007, by Shawshank, Ltd., a Georgia Corporation, as Declarant, for the purposes of amending the Declaration of Covenants, Conditions, and Restrictions for the Highlands.

WITNESSETH:

THAT WHEREAS, Declarant has heretofore executed that certain Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Declaration"), dated May 1, 2006, and recorded in Deed Book 17-W, Pages 340-411, in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia; and

WHEREAS, The Highlands Homeowners Association, Inc. is a homeowner's association administered by certain property owners in The Highlands Subdivision and Declarant is the majority Class "A" member and the sole Class "B" member pursuant to Article 3.3 of the Bylaws of the Highlands Homeowners Association, Inc.

WHEREAS, pursuant to Article X of the Declaration, the Board of Directors for the Highlands Homeowners Association, Inc. may adopt rules which modify, cancel, limit, create exceptions to, or expand the initial Use Restrictions and Rules. Furthermore, pursuant to Article XV of the Declaration, during the Class "B" Control Period, Declarant may unilaterally amend the Declaration for any purpose.

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WHEREAS, Declarant now desires to amend the Declaration with respect to all lots of the Highlands.

NOW THEREFORE, Declarant hereby amends the Declaration as follows:

1.

Deed Book 17-W, Page 341, entitled Covenants-The Highlands is amended to modify Item Number (1) 2,200 square foot minimum of heated area. The minimum square foot requirement shall be amended to now be 1,700 square feet of heated area.

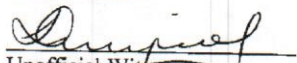
2.

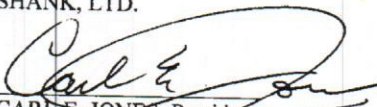
WHEREAS, except for the matters specifically set forth herein, the Declaration remains unamended and the Declaration as amended hereby is in full force and effect.

IN WITNESS WHEREOF, Declarant has signed and sealed this Amendment as of the day and year first above written.

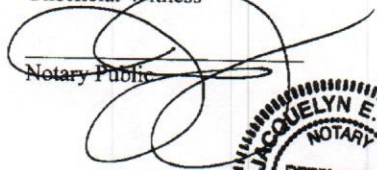
Signed, sealed and delivered in the presence of:

SHAWSHANK, LTD.

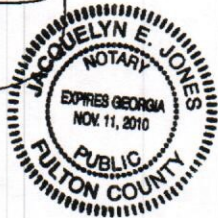

Unofficial Witness

BY: 

CARL E. JONES, President


Notary Public

[Corporate Seal]



91 (1)

002949

RECORDED
BOOK 17-W PAGE 91-12
DATE 9/7/06
GENERAL ATTORNEY CLERK
OCONEE COUNTY, GA

FILED IN OFFICE
2006 SEP -7 AM 9:17
Staney Arnold
CLERK OF SUPERIOR COURT

After recording return to:
M. Barton Rice, Jr., P.C.
1091 Founders Blvd. - Ste. A
Athens, GA 30606
060841

Cross reference: Deed Book 17-W
Pages 340-411

STATE OF GEORGIA
COUNTY OF OCONEE

FIRST SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE HIGHLANDS

This First Supplementary Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Amendment") is made this 1st day of September, 2006, by Shawshank, Ltd., a Georgia Corporation, as Declarant, for the purposes of amending the Declaration of Covenants, Conditions, and Restrictions for the Highlands.

WITNESSETH:

THAT WHEREAS, Declarant has heretofore executed that certain Declaration of Covenants, Conditions, and Restrictions for the Highlands (hereinafter called the "Declaration"), dated May 1, 2006, and recorded in Deed Book 17-W, Pages 340-411, in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia; and

WHEREAS, The Highlands Homeowners Association, Inc. is a homeowner's association administered by certain property owners in The Highlands Subdivision and Declarant is the sole Class "A" and Class "B" member pursuant to Article 3.3 of the Bylaws of the Highlands Homeowners Association, Inc.

WHEREAS, Pursuant to Article X of the Declaration, the Board of Directors for the Highlands Homeowners Association, Inc. may adopt rules which modify, cancel, limit, create exceptions to, or expand the initial Use Restrictions and Rules.

WHEREAS, Declarant now desires to amend the Declaration with respect to Lot 4, Block B, of Phase I of the Highlands.

NOW THEREFORE, Declarant hereby amends the Declaration as follows:

1.

Exhibit "C" entitled Initial Use Restrictions and Rules (2)(a) is amended to exclude Lot 4, Block B, of Phase I of the Highlands, as to the parking of commercial vehicles or equipment, recreational vehicles, boats and other watercraft provided the above mentioned are parked within the rear one-half (1/2) of Lot 4, Block B, of Phase I of the Highlands.

2.

Exhibit "C" entitled Initial Use Restrictions and Rules (2)(b) is amended to exclude Lot 4, Block B, of Phase I of the Highlands from the restrictions on the raising, breeding, or keeping of

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livestock, subject to the other restrictions found in the Initial Use and Rules (2)(b).

3.

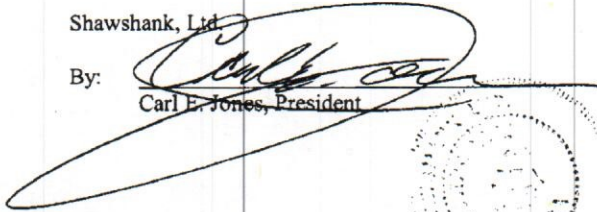
Except for the matters specifically set forth herein, the Declaration remains unamended and the Declaration as amended hereby is in full force and effect.

IN WITNESS WHEREOF, Declarant has signed and sealed this Amendment as of the day and year first above written.

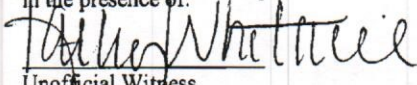
Shawshank, Ltd

By:

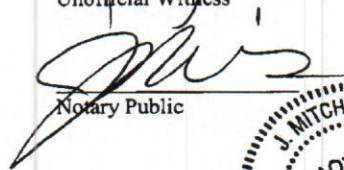
Carl E. Jones, President



Signed, sealed and delivered in the presence of:



Unofficial Witness



Notary Public

