

FILED AND RECORDED

92 SEP 24 PM 12:00

Jay C. Johnson
COBB SUPERIOR COURT CLERK

CROSS REFERENCE: DEED BOOK 6574,
PAGE 244; DEED BOOK 6685, PAGE 330,
COBB COUNTY, GEORGIA

STATE OF GEORGIA

COUNTY OF COBB

**FIRST AMENDMENT AND RE-STATEMENT OF
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR AUSTIN LAKE SUBDIVISION**

THIS AMENDMENT, made and entered into as of the 25th day of September, 1992, by AUSTIN LAKE DEVELOPMENT COMPANY, a joint venture composed of AUSTIN VENTURES, INC., a Georgia corporation and REDDEN VENTURES, INC., a Georgia corporation (hereinafter referred to as "Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Austin Lake Subdivision dated March 26, 1992, filed April 8, 1992, in Deed Book 6574, Page 244 and re-recorded in Deed Book 6685, Page 330, Cobb County, Georgia Records (hereinafter referred to as the "Declaration"); and

WHEREAS, the Declaration provides a common development plan to provide for the efficient administration of the residential community in order to protect the value of the homes in that certain real property located in Land Lots 338, 382, 383, 17th District, 2nd Section, Cobb County, being more particularly described as the "Property" in the Declaration.

WHEREAS, the Declaration provides in Section 10.10 (e) thereof that the rights of this Declaration may be extended to other real property by Declarant's submission of additional real property to the rights, privileges and obligations contained in the Declaration; and

WHEREAS, Declarant is desirous of adding additional real property to this Declaration which shall serve as the "Phase II" of the Austin Lake Subdivision;

for 2nd Amendment See DEED BOOK 7237 pg. 321

BK 6872 PG 0083

CHESTNUT LIVINGSTON, P.C.
6485 PEACHTREE INDUSTRIAL BOULEVARD
DORAVILLE, GA 30360

5921721 Austin Lake

NOW THEREFORE, Declarant hereby amends the Declaration under and pursuant to the authority set forth in the Declaration as follows:

1. Phase II Property. The real property located in Land Lots 383, 410, 411, 17th District, 2nd Section, Cobb County, Georgia, more particularly described in Exhibit "A" attached hereto (the "Phase II Property") is hereby subjected to the covenants, conditions, limitations, restrictions, reservations, easements, liens, charges, rights and privileges hereby declared to insure the use of the real property as a high-quality, low-density residential development all as contained in the Declaration. Upon this submission, the Phase II Property shall be subject to and governed by the Declaration as if included herein ab initio.


2. Annual Contributions. In accordance with Section 6.03 of the Declaration, neither Declarant, Construction lenders, the joint venture partners nor any construction companies who take title to the Lots for construction purposes only, shall have any obligation to pay the Association's annual fees. Association fees shall only be instituted and paid to the Association at the closing of the permanent mortgage loan closings to the homeowner/permanent residents of the Property and the Phase II Property in accordance with Section 6.03.

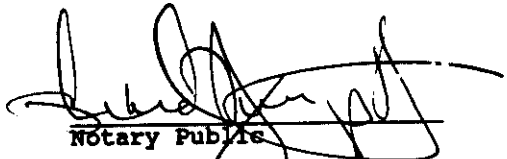
3. Effect of this Amendment. Except as specifically modified by this Amendment, all the terms and conditions of the Declaration are hereby restated in their entirety as originally written and shall remain in full force and effect to bind the Property and the Phase II Property.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be duly executed and sealed as of the day and year first above written.

AUSTIN LAKE DEVELOPMENT COMPANY,
a joint venture

Signed, sealed and delivered in the presence of:



Unofficial Witness


Notary Public

My Commission Expires:



BY: Austin Ventures, Inc., a Georgia corporation

By: 
Chester A. Austin,
President

[CORPORATE SEAL]

BY: Redden Ventures, Inc., a Georgia corporation

By: 
Raymond Redden, President



[CORPORATE SEAL]



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EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Smyrna in Land Lots 383, 410 and 411 of the 17th District, 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a one inch pipe found at the corner common to Land Lots 382, 383, 410 and 411, said District and Section; running thence north 01 degree 17 minutes 26 seconds west along the westerly line of Land Lot 411, a distance of 690.08 feet to a #5 rebar found; thence leaving said Land Lot line and running north 89 degrees 39 minutes 35 seconds east, a distance of 286.70 feet to a point; running thence south 16 degrees 14 minutes 34 seconds east, a distance of 195.31 feet to a #4 rebar set; running thence south 20 degrees 34 minutes 58 seconds east, a distance of 140.40 feet to a #4 rebar set; running thence south 29 degrees 22 minutes 02 seconds east, a distance of 52.37 feet to a #4 rebar set at the edge of a lake; running thence in a generally southerly direction along the edge of said lake, and following the meanderings thereof, a distance of 292.2 feet, more or less, to a point; running thence south 88 degrees 42 minutes 34 seconds west, a distance of 50.00 feet to a point in said lake; running thence south 04 degrees 27 minutes 34 seconds west, a distance of 400.00 feet to a point in said lake; running thence south 08 degrees 02 minutes 26 seconds east, a distance of 375.00 feet to a point in said lake; running thence south 86 degrees 45 minutes 00 seconds west, a distance of 205.00 feet to a point; running thence south 16 degrees 15 minutes 00 seconds east, a distance of 30.00 feet to a point; running thence north 86 degrees 45 minutes 00 seconds east, a distance of 135.00 feet to a point; running thence south 32 degrees 59 minutes 55 seconds east, a distance of 56.31 feet to a point; running thence south 01 degree 49 minutes 00 seconds east, a distance of 505.00 feet to a point located on the southerly line of Land Lot 410; running thence south 88 degrees 04 minutes 07 seconds west, along the southerly line of Land Lot 410, a distance of 165.00 feet to a point; thence leaving said Land Lot line and running north 37 degrees 21 minutes 00 seconds west, a distance of 370.28 feet to a #4 rebar located on the westerly line of Land Lot 410; running thence north 01 degree 49 minutes 00 seconds west along the westerly line of Land Lot 410, a distance of 352.75 feet to a #4 rebar set; running thence south 88 degrees 00 minutes 51 seconds west, a distance of 348.52 feet to a point; running thence north 03 degrees 40 minutes 00 seconds west, a distance of 470.19 feet to a point; running thence north 22 degrees 34 minutes 01 second west, a distance of 52.94 feet to a point; running thence north 03 degrees 39 minutes 56 seconds west, a distance of 148.03 feet to a point located on the northerly line of Land Lot 383; running thence north 88 degrees 00 minutes 57 seconds east along the northerly line of Land Lot 383, a distance of 387.07 feet to the one inch pipe found which marks the POINT OF BEGINNING; and being a tract or parcel of land containing 22.34 acres, more or less, according to a plat of survey entitled "Survey for Chester A. Austin", prepared Gaskins Surveying Co., bearing the seal of John C. Gaskins, Georgia Registered Land Surveyor No. 2060, and Darrell D. Raines, Georgia Registered Land Surveyor No. 2403, dated March 11, 1991 and last revised June 5, 1991.