

CROSS-REFERENCE:

Deed Book 6574, Page 244;
Deed Book 6685, Page 330;
Deed Book 6872, Page 83; Superior Court Cobb Cty, Ga.
Deed Book 7737, Page 0321;
Deed Book 10720, Page 201;
Cobb County, Georgia Records

STATE OF GEORGIA
COUNTY OF COBB

[ADDING AUSTIN GROVE TO ALHQA]

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

THIS FOURTH AMENDMENT, made and entered into as of the ____ day of April, 2005, by PORTICO SMYRNA, LLC, a Georgia limited liability company ("Developer"), AUSTIN LAKE HOMEOWNERS ASSOCIATION, INC., a Georgia not-for-profit corporation, as successor-in-interest to the rights of Declarant under the below-described Declaration (hereinafter referred to as "Declarant"), and the undersigned members of Declarant, representing greater than seventy-five percent (75%) of the owners of individual residential lots within the Austin Lake Subdivision encumbered by the Declaration (the "Members").

WITNESSETH:

WHEREAS, Declarant is the successor 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, which was amended by First Amendment and Restatement of Declaration of Covenants, Conditions and Restrictions for Austin Lake Subdivision, dated September 25, 1992, filed September 28, 1992, recorded in Deed Book 6872, Page 83, aforesaid records; Second Amendment and Restatement of Declaration of Covenants, Conditions and Restrictions for Austin Lake Subdivision, dated October 27, 1992, filed November 3, 1993, recorded in Deed Book 7737, Page 321, aforesaid records; and Third Amendment and Restatement of Declaration of Covenants, Conditions and Restrictions for Austin Lake Subdivision, dated July 22, 1997, filed October 14, 1997, recorded in Deed Book 10720, Page 201, aforesaid records;

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 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, Developer and the Members are desirous of adding additional real property owned by Developer to this Declaration;

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

1. Developer Property. The real property located in Land Lots 338 and 383, 17th District, 2nd Section, Cobb County, Georgia, as more particularly described in Exhibit "A" attached hereto (the "Developer Property") is hereby subjected to the covenants, conditions, limitations, restrictions, reservations, easements, liens, charges, rights and privileges hereby declared to inure the use of the real property as a high quality, low-density residential development all as contained in the Declaration. Upon this submission, the Developer Property shall be subject and governed by the Declaration as if included herein ab initio.

2. 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 Developer Property.

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

Signed, sealed and delivered as to the foregoing date in the presence of the following witness:

W. Gary P.
Unofficial Witness

Stacie P. Kennedy
Notary Public
Commission Expiration Date
[NOTARY SEAL GEORGIA FEB. 23, 2009 COBB COUNTY]

Signed, sealed and delivered as to the foregoing date in the presence of the following witness:

Andrew King
Unofficial Witness

Stacie P. Kennedy
Notary Public
Commission Expiration Date
[NOTARY SEAL GEORGIA FEB. 23, 2009 COBB COUNTY]

DEVELOPER:

PORTICO SMYRNA, LLC, a Georgia limited liability company

By: Terence Lewis
TERENCE LEWIS, PRESIDENT

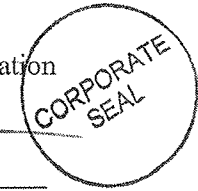


[CORPORATE SEAL]

DECLARANT:

AUSTIN LAKE HOMEOWNERS ASSOCIATION, INC., a Georgia corporation

By: Matthew Roberts
Matthew Roberts, President



[CORPORATE SEAL]

EXHIBIT "A", CONTAINING
A LAND DESCRIPTION OF ALL THE LOTS
FRONTING ON AUSTIN LAKE DRIVE AND
ALL LOTS FORMERLY IN THE
DEVELOPMENT KNOWN AS "AUSTIN GROVE"
IS OMITTED, BUT IS ON THE DEED
RECORDS AT THE LOBB COUNTY
COURTHOUSE