

RETURN TO:
NEEL & ROBINSON, LLC
5555 GLENRIDGE CONNECTOR
SUITE 400
ATLANTA, GA 30342
Gillen

Deed Book **11017** Pg **124**
Filed and Recorded 5/18/2010 10:05:32 AM
28-2010-012935

Patty Baker
Clerk of Superior Court Cherokee Cty, GA

After Recording Return To:
McBride & Son Homes Land Development, Inc.
#1 McBride & Son Center Drive
Chesterfield, MO 63005
Attn: Jeff Boland

Cross Reference:
Deed Book 9841, Page 389

STATE OF GEORGIA

COUNTY OF CHEROKEE

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS,
AND EASEMENTS FOR STONEY CREEK**

This Amendment to the Declaration of Covenants, Conditions, Restrictions, and Easements for Stoney Creek (hereafter referred to as "Amendment") is made on the date first set below.

WITNESSETH:

WHEREAS, McBride & Son Homes Land Development, Inc., a Missouri corporation (hereafter referred to as the "Declarant"), recorded that certain Declaration of Covenants, Conditions, Restrictions, and Easements for Stoney Creek on September 17, 2007, in Deed Book 9841, Page 389 of the Cherokee County, Georgia land records (hereafter referred to as the "Declaration");

WHEREAS, pursuant to Article XVII of the Declaration, Declarant shall have the unilateral right to amend the Declaration from time to time without the approval of the Association until the date on which one hundred percent (100%) of the Lots shown on the final recorded plat or plats for the Community have been conveyed from Declarant to any other Person for residential use;

WHEREAS, as of the date of this Amendment, Declarant retains the unilateral right to amend the Declaration;

WHEREAS, Declarant desires to amend the Declaration; and

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

1. The Declaration is hereby amended by striking Article VI, Section 6.7 in its entirety and substituting the following therefor:

6.7. Capital Contribution Assessments (Initiation Fee).

(a) Upon the conveyance of ownership of a Lot from the Declarant and from all Owners of the Lot thereafter, a capital contribution assessment (an initiation fee) shall become due and payable to the Association by each new Owner. The amount of the capital contribution assessment (initiation fee) shall be \$300.00 for the year in which this Amendment is recorded. Thereafter, prior to the beginning of each new fiscal year, the Board of Directors may determine the amount of the capital contribution assessment (initiation fee) for the upcoming new fiscal year; provided, however, such amount shall not be less than \$300.00 and not more than the amount of the annual assessment for such new fiscal year. In the event the Board does not determine the amount of the capital contribution assessment (initiation fee) prior to the beginning of the next fiscal year, then the capital contribution assessment (initiation fee) amount in effect at such time shall, by default, continue for the next fiscal year.

(b) The initiation fee shall not be deemed to be an advance payment of any assessment and may not be paid in lieu of any assessment. The initiation fee shall be the personal obligation of the new Owner and shall constitute a lien against the Lot. Notwithstanding anything to the contrary herein, no initiation fee shall be due as a result of a conveyance of a Lot to an Owner's spouse, a person cohabitating with the Owner, or a corporation, partnership, company, or legal entity in which the Owner is a principal, and no initiation fee shall be due from any Person who takes title through foreclosure upon the lien of any first priority Mortgage covering the Lot or the lien of any secondary purchase money Mortgage covering the Lot.

2. The Exhibit "A" that is attached to the Declaration shall be deleted in its entirety and the Exhibit "A" attached to this amendment is the new Exhibit "A" to the Declaration.

IN WITNESS WHEREOF, the undersigned has executed this Amendment this 27th day of APRIL, 2010.

DECLARANT:

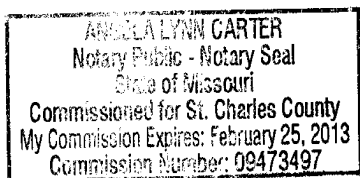
McBRIDE & SON HOMES ATLANTA, LLC
BY: McBride & Son Homes, Inc.,
Managing Member

By: [Signature]
Jeffrey M. Berger, Secretary

Attest: [Signature], Asst Secy

Sworn to and subscribed before me
this 27th day of APRIL, 2010.

Witness: [Signature]
[Signature]
Notary Public



LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in land lots 666, 701, 702, and 703 of the 15th District, 2nd Section of Cherokee County, Georgia, the bearings of which are based on the state plane grid system (Georgia West Zone) and being more particularly described as follows:

BEGINNING at a pipe marking the southeasterly corner of said land lot 703 and proceeding SOUTH 89 DEGREES 53 MINUTES 52 SECONDS WEST for a distance of 34.57 feet to point at the intersection of said line with the easterly right of way line of Georgia Highway 5 (having a variable right of way); THENCE proceeding along said right of way line for the following courses and distances: NORTH 03 DEGREES 54 MINUTES 16 SECONDS WEST for a distance of 85.73 feet; NORTH 34 DEGREES 28 MINUTES 44 SECONDS WEST for a distance of 14.19 feet; NORTH 38 DEGREES 56 MINUTES 00 SECONDS EAST for a distance of 10.61 feet; NORTH 08 DEGREES 26 MINUTES 20 SECONDS WEST for a distance of 46.78 feet; NORTH 46 DEGREES 11 MINUTES 59 SECONDS WEST for a distance of 24.40 feet; NORTH 04 DEGREES 21 MINUTES 45 SECONDS WEST for a distance of 37.00 feet; NORTHWESTERLY 123.02 feet along the arc of a curve, concave to the southwest, having a central angle of 07 DEGREES 09 MINUTES 23 SECONDS, a radius of 984.93 feet, and a chord bearing of NORTH 07 DEGREES 56 MINUTES 26 SECONDS WEST and 122.94 feet; NORTHWESTERLY 606.52 feet along the arc of a curve, concave to the southwest, having a central angle of 35 DEGREES 16 MINUTES 58 SECONDS, a radius of 984.93 feet, and a chord bearing of NORTH 29 DEGREES 09 MINUTES 34 SECONDS WEST and 596.98 feet; NORTHWESTERLY 251.89 feet along the arc of a curve, concave to the southwest, having a central angle of 14 DEGREES 39 MINUTES 11 SECONDS, a radius of 984.93 feet, and a chord bearing of NORTH 54 DEGREES 07 MINUTES 41 SECONDS WEST and 251.21 feet; NORTH 61 DEGREES 27 MINUTES 17 SECONDS WEST for a distance of 246.77 feet; THENCE leaving said right of way line, SOUTH 75 DEGREES 22 MINUTES 45 SECONDS EAST for a distance of 41.72 feet; THENCE NORTH 66 DEGREES 04 MINUTES 09 SECONDS EAST for a distance of 54.74 feet; THENCE NORTH 27 DEGREES 31 MINUTES 04 SECONDS EAST for a distance of 74.95; THENCE NORTHEASTERLY 163.00 feet along the arc of a curve, concave to the southeast, having a central angle of 71 DEGREES 09 MINUTES 48 SECONDS, a radius of 131.25 feet, and a chord bearing of NORTH 63 DEGREES 05 MINUTES 48 SECONDS EAST and 152.73 feet; THENCE SOUTH 81 DEGREES 19 MINUTES 28 SECONDS EAST for a distance of 104.45 feet; THENCE NORTH 08 DEGREES 40 MINUTES 32 SECONDS EAST for a distance of 185.96 feet to a rebar at the intersection of said line with the northerly line of said land lot 703; THENCE SOUTH 88 DEGREES 53 MINUTES 10 SECONDS EAST along said line for a distance of 258.43 feet to a rebar set at the northeasterly corner thereof, said point also being on the westerly line of said land lot 702; THENCE NORTH 19 DEGREES 57 MINUTES 16 SECONDS WEST for a distance 67.59 feet along the westerly line of said land lot 702 to a rebar set at the northwesterly corner thereof; THENCE SOUTH 88 DEGREES 57

MINUTES 07 SECONDS EAST along the northerly line of said land lots 702 and 701 for a distance of 1809.39 feet; THENCE leaving said land lot line, SOUTH 01 DEGREES 07 MINUTES 19 SECONDS WEST for a distance of 174.43 feet; THENCE SOUTH 18 DEGREES 12 MINUTES 06 SECONDS WEST for a distance of 88.92 feet; THENCE SOUTH 31 DEGREES 39 MINUTES 33 SECONDS WEST for a distance of 102.20 feet; THENCE SOUTH 36 DEGREES 48 MINUTES 04 SECONDS WEST for a distance of 71.06 feet; THENCE SOUTH 33 DEGREES 21 MINUTES 54 SECONDS WEST for a distance of 21.00 feet; THENCE SOUTH 02 DEGREES 03 MINUTES 58 SECONDS WEST for a distance of 40.48 feet; THENCE SOUTH 06 DEGREES 21 MINUTES 45 SECONDS WEST for a distance of 52.82 feet; THENCE SOUTH 41 DEGREES 12 MINUTES 01 SECONDS WEST for a distance of 51.46 feet; THENCE SOUTH 78 DEGREES 08 MINUTES 33 SECONDS WEST for a distance of 102.07 feet; THENCE SOUTH 74 DEGREES 41 MINUTES 43 SECONDS WEST for a distance of 58.73 feet; THENCE SOUTH 67 DEGREES 23 MINUTES 22 SECONDS WEST for a distance of 60.01 feet; THENCE SOUTH 58 DEGREES 18 MINUTES 28 SECONDS WEST for a distance of 46.63 feet; THENCE SOUTH 55 DEGREES 34 MINUTES 46 SECONDS WEST for a distance of 52.50 feet; THENCE SOUTH 52 DEGREES 47 MINUTES 25 SECONDS WEST for a distance of 55.02 feet; THENCE SOUTH 61 DEGREES 25 MINUTES 48 SECONDS WEST for a distance of 247.25 feet; THENCE SOUTH 61 DEGREES 07 MINUTES 50 SECONDS WEST for a distance of 55.36 feet; THENCE SOUTH 66 DEGREES 43 MINUTES 07 SECONDS WEST for a distance of 45.50 feet; THENCE SOUTH 35 DEGREES 31 MINUTES 25 SECONDS EAST for a distance of 5.05 feet; THENCE SOUTH 60 DEGREES 28 MINUTES 40 SECONDS WEST for a distance of 73.14 feet; THENCE SOUTH 36 DEGREES 01 MINUTES 16 SECONDS WEST for a distance of 27.82 feet; THENCE NORTH 48 DEGREES 31 MINUTES 59 SECONDS WEST for a distance of 104.99 feet; THENCE SOUTH 41 DEGREES 28 MINUTES 01 SECONDS WEST for a distance of 12.00 feet; THENCE SOUTH 48 DEGREES 31 MINUTES 59 SECONDS EAST for a distance of 106.13 feet; THENCE SOUTH 36 DEGREES 01 MINUTES 16 SECONDS WEST for a distance of 112.32 feet; THENCE SOUTH 45 DEGREES 57 MINUTES 47 SECONDS WEST for a distance of 147.82 feet; THENCE SOUTH 28 DEGREES 29 MINUTES 08 SECONDS WEST for a distance of 162.75 feet; THENCE NORTH 67 DEGREES 25 MINUTES 22 SECONDS WEST for a distance of 176.76 feet; THENCE SOUTH 86 DEGREES 20 MINUTES 27 SECONDS WEST for a distance of 114.14 feet; THENCE SOUTH 03 DEGREES 39 MINUTES 33 SECONDS EAST for a distance of 224.74 feet; THENCE SOUTH 64 DEGREES 45 MINUTES 57 SECONDS WEST for a distance of 45.98 feet; THENCE SOUTH 89 DEGREES 56 MINUTES 39 SECONDS WEST for a distance of 174.89 feet to the POINT OF BEGINNING.

Said parcel contains 45.14 acres.