
Return to: Weissman, Nowack, Curry & Wilco, P.C.
1349 West Peachtree, Suite 1500
Atlanta, GA 30309

STATE OF GEORGIA

COUNTY OF FULTON

Cross Reference: Deed Book 10905
Page 336

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR SOMERSET AT HENDERSON VILLAGE**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Somerset at Henderson Village was recorded on June 29, 1987, in Deed Book 10905, Page 336, *et seq.*, Fulton County, Georgia, records (“Declaration”); and

WHEREAS, the Declaration has been previously amended by those amendments recorded in the Fulton County, Georgia, land records as follows:

<u>Recording Date</u>	<u>Deed Book/Page</u>
June 30, 1987	10911/377, <i>et seq.</i> :
June 30, 1987	10911/371, <i>et seq.</i> ;
June 30, 1987	10911/374, <i>et seq.</i> ;
October 9, 1987	11113/001, <i>et seq.</i> ;
October 9, 1987	11113/003, <i>et seq.</i> ;
October 9, 1987	11113/005, <i>et seq.</i> ;
November 14, 1988	12046/008, <i>et seq.</i> ;
December 14, 1988	12118/138, <i>et seq.</i> ;
November 18, 1994	18967/113, <i>et seq.</i> ; and

WHEREAS, Article VIII, Section 4, of the Declaration, as amended, provides for amendment of the Declaration by an agreement signed by at least sixty-six and two-thirds percent (66 2/3%) of the Owners of record of Lots at Somerset at Henderson Village; and

WHEREAS, at least sixty-six and two-thirds percent (66 2/3%) of the Owners of Lots at Somerset at Henderson Village have approved and executed this amendment; and

WHEREAS, this amendment does not alter, modify, change or rescind any right, title, interest or privilege held by the holder of any mortgage on a Lot; provided, however, in the event a court of competent jurisdiction determines that this amendment does alter, modify, change or rescind any right, title, interest or privilege held by any such mortgage holder without such mortgage holder's consent in writing to this amendment, then this amendment shall not be binding on the mortgage holder so involved, unless such mortgage holder consents to this amendment; and if such consent is not forthcoming, then the provisions of the Declaration prior to this amendment shall control with respect to the affected mortgage holder;

NOW THEREFORE, the Declaration of Covenants, Conditions and Restrictions for Somerset at Henderson Village is hereby amended as follows:

1.

Article V, Section 1, of the Declaration is hereby amended by removing the word "structure" therefrom and replacing therewith the words "dwelling or building" therefor.

2.

Article V, Section 3 of the Declaration is hereby amended by adding to the end thereof the following sentences:

The Board of Directors shall have the authority to adopt and publish written architectural standards (hereinafter "Standards") for exterior modifications, alterations, additions and structures. Such Standards may stipulate preferred colors, materials, finishes, types, styles, appearance, locations, conditions of use, or any other element of a proposed fence, building, wall or other structure. The Standards may also designate certain colors, materials, finishes, types, styles, appearance, locations, conditions of use, or any other element as undesirable. The Standards may set out particular types of structures which are permitted and/or particular types of structures which are not permitted. Any modification request which substantially complies with the Standards shall be approved. The Board and/or the architectural committee appointed by the Board shall be the sole arbiter to determine whether a request substantially complies with the Standards.

3.

Article V, Section 5, of the Declaration is hereby amended by adding to the end thereof the following sentence:

Structures such as sport equipment, play equipment, recreational equipment, decks, gazebos, swings, playsets, sport courts, or other structures of any nature whatsoever shall not be installed, maintained or permitted on any Lot, except in compliance with the Standards, if any, and with prior, written approval of the Board of Directors or an architectural control committee appointed by the Board.

IN WITNESS WHEREOF, the undersigned officers of Somerset at Henderson Village Homeowners Association, Inc. hereby certify that the above amendment to the Declaration was duly adopted by the required majority of the Association members.

This _____ day of _____, 2001.

SOMERSET AT HENDERSON VILLAGE
HOMEOWNERS ASSOCIATION, INC.

By: _____
President

Attest: _____
Secretary

Sworn to and subscribed to
before me this ____ day of
_____, 2001.

Witness

Notary

[NOTARY]