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Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK **3003** PG **214-216**

STATE OF GEORGIA
COUNTY OF HOUSTON

paid 116512 File# DO40464B AMENDMENT TO RESTRICTIVE COVENANTS
Return to: Thomas H. Calhoun *Leton* HATCHER ESTATES, SECTION NO. 1,
Kushinka, Calhoun & Godwin (ADDING PHASE NO. 2)
P.O. Box 8219
Warner Robins, GA 31095

THIS AMENDMENT TO RESTRICTIVE COVENANTS, made and published this the 6TH day of MAY, 2004, by THARPES MILL, LLC, of the State of Georgia and County of Houston, hereinafter referred to as the Declarant.

WITNESSETH: THAT;

WHEREAS, Declarant is the owner of certain real property located in Land Lots 129 AND 130, of the TENTH Land District of Houston County, Georgia, which has been subdivided into individual lots, tracts or parcels which, known as Lots 2, 3, 4, 5, 6, 7, 8, and 9, Block B and Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, Block C, and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, Block D, HATCHER ESTATES SUBDIVISION, SECTION NO. 1, PHASE NO. 2, (the **Subdivision**), and is delineated on that certain map or plat of survey of said Subdivision prepared by SCARBOROUGH LAND SURVEYS, INC., dated March 22, 2004, recorded in Map Book 62, Page 164, Clerk's Office, Houston Superior Court;

WHEREAS, the Subdivision is adjacent and/or contiguous to HATCHER ESTATES SUBDIVISION, a residential subdivision developed by THARPES MILL, LLC, which is delineated on that certain maps or plats of survey of said Subdivision prepared by SCARBOROUGH LAND SURVEYS, INC., dated SEPTEMBER 12, 2003 and revised February 16, 2004, recorded in Map Book 62, Page 134, Clerk's Office, Houston Superior Court.

WHEREAS, it is to the interest, benefit and advantage of the Declarant and to each and every person who shall hereafter purchase any lot in the Subdivision that restrictive covenants governing and regulating the use and occupancy of the same be established, set forth and declared to be covenants running with the land;

WHEREAS, certain restrictive covenants have heretofore been published and declared with respect to HATCHER ESTATES SUBDIVISION, SECTION NO. 1, PHASE NO. 1, said restrictive covenants and easements being dated SEPTEMBER 30, 2003, and

recorded in Deed Book 2774, Page 256 et seq., Clerk's Office, Houston Superior Court.

WHEREAS, the Declarant is desirous of amending the aforesaid Restrictive Covenants in certain particulars and to extend the applicability of said Restrictive Covenants to include, in addition to the property described therein, the addition of Hatcher Estates, Section No. 1, Phase No. 2; and

WHEREAS, the propped amendments are authorized by the Covenants.

NOW THEREFORE, for and in consideration of the premises and of the benefits to be derived by **Declarant** and his successors in title, and to each and every subsequent owner of any of the lots, tracts or parcels hereinafter described, **Declarant** does hereby modify and amend the said Restrictive Covenants, in the following particulars, to-wit:

1. Additional Property Subject to Restrictive Covenants.

The following described lots, tracts or parcels of land shall be, and the same hereby are made, subject to the terms provisions and conditions set forth in said Restrictive Covenants, and said Restrictive Covenants are hereby modified and amended so as to include the following described lots, tracts or parcels of land, to-wit:

ALL THAT TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN LAND LOTS 129 AND 130, 10TH LAND DISTRICT, HOUSTON COUNTY, GEORGIA, BEING KNOWN AND DESIGNATED AS LOTS 2,3,4,5,6,7,8 AND 9, BLOCK B, AND LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 AND 31, BLOCK C, AND LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21, BLOCK D, SECTION NO. 1, PHASE NO. 2, HATCHER ESTATES SUBDIVISION, ACCORDING TO A PLAT OF SURVEY PREPARED BY SCARBOROUGH LAND SURVEYOR, DATED MARCH 22, 2004, RECORDED IN PLAT BOOK 62, PAGE 164, CLERK'S OFFICE, HOUSTON SUPERIOR COURT. SAID PLAT AND THE RECORDED COPY THEREOF ARE INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES.

2. Binding Effect; Effective Date. Said Restrictive Covenants shall become effective immediately and shall run with the land, and shall be binding on all persons claiming under and through Declarant under the terms, conditions, stipulations and provisions contained therein. Except to the extent hereby amended and modified to include the above-described lots, said Restrictive Covenants shall remain in full force and effect

unless and until same are extended or terminated in accordance with provisions thereof.

IN WITNESS WHEREOF, the undersigned has set his hand and seal to this instrument as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

THARPES MILL, LLC

Stacy A. Rinker
Witness
Beth Davis
Notary Public

Ed Faircloth, Jr. (Seal)
ED FAIRCLOTH, JR., MEMBER

