



Deed Book 15595 Pg 4685
Filed and Recorded Dec-27-2018 10:07am
2018-0159662
Real Estate Transfer Tax \$0.00
Georgia Intangible Tax Paid \$0.00

Rebecca Keaton
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

[Handwritten signature]

[SPACE ABOVE RESERVED FOR RECORDING DATA]

Return to: NowackHoward LLC
Resurgens Plaza, Suite 1250
945 East Paces Ferry Rd, NE
Atlanta, Georgia 30326
Attn: Rebecca F. Drube, Esq.

STATE OF GEORGIA

CROSS REFERENCE: Deed Book 13312
Page 3328

COUNTY OF COBB

**AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR CHIMNEY OAKS**

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

WITNESSETH:

WHEREAS, Civitania Partners, LLC, a Georgia limited liability company (hereafter referred to as "Declarant"), recorded that certain Declaration of Covenants, Conditions, Restrictions and Easements for Chimney Oaks on December 4, 2000 in Deed Book 13312, Page 3328 of the Cobb County, Georgia property records (hereafter referred to as "Declaration");

WHEREAS, the Chimney Oaks HOA, Inc. (hereafter referred to as "Association") is the homeowners association identified and defined within the Declaration;

WHEREAS, Article 11, Section 11.6 of the Declaration provides that the Board of Directors, with the written consent of the Declarant, and without a vote of the members, may amend this Declaration for the sole purpose of submitting the Community to the provisions of the Georgia Property Owners Association Act, O.C.G.A. Section 44-3-220 et seq.; and

THIS AMENDMENT SUBMITS THE PROPERTY TO THE PROVISIONS OF THE GEORGIA PROPERTY OWNERS' ASSOCIATION ACT, O.C.G.A. SECTION 44-3-220, ET SEQ.

CLOSING ATTORNEYS SHOULD CONTACT THE ASSOCIATION FOR ESTOPPEL CERTIFICATES REGARDING ASSESSMENTS DUE ON LOTS.

WHEREAS, the Board of Directors pursuant to Article 11, Section 11.6 of the Declaration desires to amend the documents to comply with the provisions of the Georgia Property Owners Association Act, O.C.G.A. Section 44-3-220 et seq. and did duly pass a resolution adopting same; and

WHEREAS, consent from the Declarant is not required as Declarant no longer owns any of property in the Community and a certificate of occupancy has been issued for a dwelling on each Lot in the Community; and

WHEREAS, attached hereto as Exhibit "A" and incorporated herein by reference is the sworn statement and certification of the President of the Association, which sworn statement certifies that the required majority of the members of the Board voted in favor of adoption of this Amendment and that any notices required by the Declaration, the Bylaws, the Articles of Incorporation and Georgia law were duly given;

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

1.

Article I of the Declaration, "Definitions", is hereby amended by adding the following to the end thereto:

1.18 "Act" shall mean the Georgia Property Owners' Association Act, O.C.G.A. Section 44-3-220, et seq. (Michie 1982), as such Act may be amended from time to time.

2.

Article 2, Section 2.1 of the Declaration is hereby amended by adding the following language to the end thereto:

The property subject to this Declaration constitutes a residential property owners development which hereby submits to the Georgia Property Owners' Association Act, O.C.G.A. Section 44-3-220, et seq. (Michie, 1982), as such Act may be amended from time to time.

3.

Article 4, Section 4.2 is hereby amended by deleting therefrom the phrase "*interest (at a rate set by the Board of Directors from time to time, but not to exceed the lesser of the maximum rate permitted by law or eighteen percent (18%) per annum on the principal amount due)*" and substituting therefore the following: "*interest at the rate of ten percent (10%) per annum, or such higher interest rate as may be permitted by the Act.*"

4.

Article 4, Section 4.7 is hereby amended by adding to the end of the fourth sentence thereof, which begins with the phrase "*Any assessment or installment thereof delinquent...*", the following phrase: "*provided that no such late fee shall exceed the greater of \$10.00 or 10 percent of the amount of each assessment or installment thereof not paid when due, or such higher amount as may be authorized by the Act.*"

5.

Article 11 of the Declaration is amended by deleting Section 11.4 in its entirety and replacing it with the following new Section 11.4:

11.4 Duration.

The covenants and conditions of this Declaration shall run with and bind the Property perpetually to the extent provided in the Act.

6.

Article 11, Section 11.6 of the Declaration is amended by deleting therefrom the phrase "at least two-thirds (2/3) of the Owners" and substituting therefore the phrase "Owners to which at least two-thirds (2/3) of the votes in the Association pertain".

IN WITNESS WHEREOF, the undersigned officers of the Chimney Oaks HOA, Inc., hereby certify that the above Amendment to the Declaration was duly adopted by the Association's Board of Directors as provided for by the Declaration.

This 8th day of DECEMBER, 2018

CHIMNEY OAKS HOA, INC.

By: [Signature] [SEAL]
President

Attest: [Signature] [SEAL]
Treasurer
[CORPORATE SEAL]

SWORN TO AND SUBSCRIBED BEFORE ME
this 8 day of December, 2018.

[Signature]
Witness

[Signature]
Notary Public
[NOTARY SEAL]



Exhibit "A"Sworn Statement and Certification of President of Chimney Oaks HOA, Inc.

STATE OF GEORGIA

COUNTY OF COBB

Re: Chimney Oaks HOA, Inc.

Personally appeared before me, the undersigned deponent who, being duly sworn, deposed and said on oath that:

1. Deponent is the President of Chimney Oaks HOA, Inc.
2. Deponent is duly qualified and authorized to make this Affidavit and knows the facts contained herein of his or her own personal knowledge.
3. The foregoing Amendment to the Declaration of Protective Covenants, Conditions, Restrictions and Easements was duly consented to and approved by the required majority of the Association's Board of Directors.
4. Any notices required by the Declaration, the Bylaws, the Articles of Incorporation and Georgia law were properly given.
4. Deponent makes this Affidavit pursuant to Article 11, Section 11.6 of the Declaration.

This the 8th day of DEC, 2018.

Signed: _____

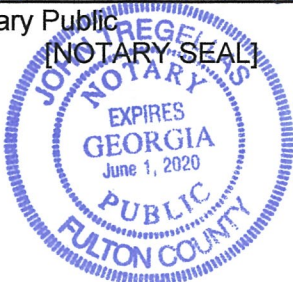

Print Name: WALTER G. HOWARD**SWORN TO AND SUBSCRIBED BEFORE ME**

this 8 day of Dec, 2018.

Witness _____

Notary Public _____

(NOTARY SEAL)



CERTIFICATE OF CORPORATE RESOLUTION

Resolution of the Board of Directors of
Chimney Oaks HOA, Inc.,
to Amend the Declaration of Protective Covenants, Conditions,
Restrictions and Easements for Chimney Oaks (the "Declaration")
to Submit to the Georgia Property Owners Association Act

I, Glenn Howard, President of Chimney Oaks HOA, Inc., hereby certify that I am the keeper of the records and minutes of meeting of the Board of Directors of the Association, a nonprofit corporation chartered under the laws of the State of Georgia, and that on 24 NOV 2018, 2018 at a meeting of the Board of Directors of the Association at which a quorum of Directors was present, or by unanimous written consent of all Board members pursuant to Article IV, Section 9 of the Bylaws, in accordance with Georgia law and the governing documents of the Association, the following resolutions were duly and legally passed and have not been revoked, altered or amended:

"RESOLVED": That pursuant Article XI, Section 11.6 of the Declaration, the Board of Directors amends the Declaration as stated in the Amendment attached as Exhibit "A" to this Declaration for the sole purpose of electing to be governed by and thereafter complying with the provisions of the Georgia Property Owners Association Act, O.C.G.A. Section 44-3-220 *et seq.*,

IN WITNESS WHEREOF, I have hereunto set my hand as **President** of Association, and have affixed hereto the official seal of the Association, this 8th day of DECEMBER, 2018.

ASSOCIATION:
Chimney Oaks HOA, Inc.,
a Georgia nonprofit corporation

By: [Signature] (SEAL)
Glenn Howard, **President**

Sworn to and subscribed before me
This 8 day of Dec, 2018

Notary

Witness

