



## NOTICE REGARDING COVENANTS AND/OR RESTRICTIONS

The following Covenants and/or Restrictions are added as a courtesy only and are NOT WARRANTED by the property owner, their broker or agent as to completeness, accuracy, currency, or enforceability. Any interested buyer prospect is urged as part of their due diligence to contact the relevant Community Association or developer to determine for themselves what covenants and/or restrictions currently apply, how long they may remain in force, and if any changes or amendments may be currently under consideration. Additionally, or alternatively, one may wish to consider hiring an attorney to conduct this search for them and provide advice as needed.

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GLENDA SUE JOHNSON  
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GILMER COUNTY

After recording please return to:  
Chatham & Rea  
Attorneys at Law  
98 River Street  
Ellijay, GA 30540

Please cross-reference the following:  
Deed Book 840, Page 191, Gilmer County, Georgia Records  
Deed Book 843, Page 227, Gilmer County, Georgia Records  
Deed Book 872, Page 403, Gilmer County, Georgia Records

STATE OF GEORGIA

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COUNTY OF GILMER

**AMENDMENT TO THE  
DECLARATION  
OF  
COVENANTS, RESTRICTIONS AND EASEMENTS  
FOR  
BIG CREEK HIGHLANDS SUBDIVISION**

THIS AMENDMENT TO THE DECLARATION is made this 14<sup>th</sup> day of December, 2017, by **BIG CREEK HIGHLANDS/HIDDEN VALLEY HOMEOWNERS ASSOCIATION, INC.**, hereinafter referred to as "HOA".

WHEREAS, the above HOA is the legal entity entrusted to enforce that Declaration of Covenants Restrictions and Easements for Big Creek Highlands, as recorded in Deed Book 840, Page 191, Gilmer County, Georgia Records, on 02/26/2002, refiled in Deed Book 843, Page 227, Gilmer County, Georgia Records, and amended in Deed Book 872, Page 403, Gilmer County, Georgia Records, all hereinafter collectively referred to as the "Declaration".

WHEREAS, pursuant to page twelve (12), entitled "Duration and Amendment", the Declaration states as follows:

**"This declaration and the restrictions contained herein may be terminated by an instrument executed by 2/3 of the lot owners and recorded in the Office of the Clerk of the Superior Court of Gilmer County, Georgia, or in such other place of recording as may be appropriate at the time of the execution of such instrument."**

WHEREAS, O.C.G.A. § 44-3-226, of the Georgia Property Owners' Association Act requires a minimum of two-thirds (2/3rds) of the votes of the Association for any Declaration to be amended;

WHEREAS, the HOA had proposed one (1) amendment, hereinafter referred to as the "Amendment", to the Declaration to all Lot Owners, as follows:

**PROPOSED AMENDMENT # 1**

(1) Page Eleven (11), entitled "ROAD EASEMENT AND UTILITY EASEMENT FOR BIG CREEK HIGHLANDS SUBDIVISION" is proposed to be amended, by modifying the same as follows:

**"ROAD EASEMENT AND UTILITY EASEMENT FOR BIG CREEK HIGHLANDS**

**It is the express intent of Declarant to grant an easement for ingress and egress to each Purchaser, their heirs, and assigns, of lots or property within Big Creek Highlands Subdivision, over and across the road system serving said subdivision. It is the express intent of Declarant to reserve for Declarant, Declarant's heirs, and Declarant's assigns, the same easement for ingress and egress.**

**Declarant reserves for itself, it's heirs, and assigns an easement over all the property in Big Creek Highlands Subdivision for installation of utilities.**

**Declarant has specifically recorded the above referenced subdivision plat of survey, showing a defined road system developed for the mutual use and benefit of all homeowners, so that all may rely on the use of said road system and so that all may purchase in reliance on said survey."**

The proposed Amendment would add to the above another final paragraph that would now read as follows:

**"ROAD EASEMENT AND UTILITY EASEMENT FOR BIG CREEK HIGHLANDS**

**It is the express intent of Declarant to grant an easement for ingress and egress to each Purchaser, their heirs, and assigns, of lots or property within Big Creek Highlands Subdivision, over and across the road system serving said subdivision. It is the express intent of Declarant to reserve for Declarant, Declarant's heirs, and Declarant's assigns, the same easement for ingress and egress.**

**Declarant reserves for itself, it's heirs, and assigns an easement over all the property in Big Creek Highlands Subdivision for installation of utilities.**

**Declarant has specifically recorded the above referenced subdivision plat of survey, showing a defined road system developed for the mutual use and benefit of all homeowners, so that all may rely on the use of said road system and so that all may purchase in reliance on said survey."**

**No lot shall be used to access any property outside of the subdivision, nor shall any lot in the subdivision be accessed by any real property that is not located within the subdivision.”  
Hereinafter referred to as the “Amendment”**

WHEREAS, the proposed Amendment was delivered to all present Lot Owners of the Property (Exhibit “A” attached hereto);

WHEREAS, there are forty-six (46) Lots in the Subdivision;

WHEREAS, the Amendment that was proposed was accepted by greater than two-thirds (2/3) of the present Lot Owners of the Property, to-wit: thirty-six (36) Lot Owners voted in favor of the Amendment, ten (10) abstained from voting (See Exhibit “B” attached hereto).

NOW THEREFORE, in consideration of the above premises, the above Amendment to the Declaration is hereby adopted into effect.

IN WITNESS WHEREOF, the Declarant has signed and sealed this Declaration, the day and year first above written.

**BIG CREEK HIGHLANDS/HIDDEN VALLEY ESTATES HOMEOWNERS ASSOCIATION, INC.**

By: *Dean Brown*  
Dean Brown/CEO

By: *Nancy C. Spanager*  
Nancy C. Spanager/Treasurer

Sworn and Subscribed before me this 14<sup>th</sup> day of December, 2017.

*[Signature]*  
Notary Public

*[Signature]*  
Witness



***Amendment to the Declaration of Covenants, Restrictions and Easements for Big Creek Highlands***