



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.

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
Deed Book 2075, Page 142, Gilmer County, Georgia Records
Deed Book 2243, Page 168, 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 14th day of April, 2020, 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 (2/3) 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 Three (3), Item Sixteen (16) of entitled "**DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR BIG CREEK HIGHLANDS SUBDIVISION**" is proposed to be amended, by modifying the same as follows:

16. All Lots shall be used for residential purposes only and no business or business activity shall be carried on upon any Lot at any time, with the exception that rentals of homes in the submitted property shall be allowed pursuant to the rules and regulations as adopted by the Homeowners' Association. The Homeowners' Association shall be authorized to adopt such rules and regulations for rentals herein consistent with the terms and conditions of this Declaration.

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

16. All Lots shall be used for residential purposes only and no business or business activity shall be carried on upon any Lot at any time, which includes, but is not limited to, any rental of homes in the submitted property. This rental exclusion is a prohibition on both "long" and "short-term" rentals.

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-one (31) Lot Owners are required to amend with two-thirds (2/3) vote of the present Lot Owners, with this particular Amendment thirty-six (36) Lot Owners voted in favor of the Amendment (See Exhibit "B" attached hereto).

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

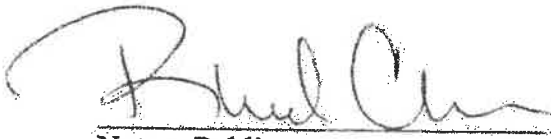
IN WITNESS WHEREOF, the Declarant has signed and sealed this Declaration, the day and year first above written.


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

By: 
Dean Brown/CEO

By: 
Roger Ponn/Secretary

Sworn and Subscribed before me this 2nd day of July, 2021.


Notary Public


Witness



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