



## 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.

After Recording Return to:  
Janna Davenport Akins, P.C.  
P.O. Box 923  
Blairsville, GA 30512

Cross Reference: Deed Book 580, Pages 346-352  
Pinehurst Subdivision

STATE OF GEORGIA  
COUNTY OF UNION

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS

This First Amendment to Declaration of Covenants, Conditions and Restrictions is made this ~~14<sup>th</sup>~~ day of June, 2011, by **Kindred Properties, LLC** (the owner of Lots 1, 4, 7, 14, 21, 22, 23, 24, 25, 26, 27, 28, 31, 36, 37, 38, 40, 44, 45, 46 and 48); **Emilio J. Perez**, (the owner of Lot 2); **Community & Southern Bank as successor in interest to Appalachian Community Bank** (the owner of Lot 3); **Stanley W. and Susan P. Szprychel** (the owners of Lot 5); **Jennifer R. Elmore and Kimberle A. Warren** (the owners of Lot 6); **United Community Bank** (the owner of Lot 7); **South Paw Chocolate Lovers, LLC** (the owner of Lot 9); **Robert C. And Chong H. Murphy** (the owner of Lots 10 and 11); **Gary Davenport** (owner of Lots 12, 13 and 15); **Michael and Sandra Levine** (the owners of Lot 16); **J.C.J. Investments & Properties** (the owner of Lots 17 and 53); **Daniel Davenport** (the owner of Lots 18 and 19); **Dann P. and Cristi M. Hennells** (the owner of Lot 20); **Gary L. Davis and Dail Ann Mengelkoch** (the owners of Lot 29); **Roderick Company, LLC** (the owner of Lot 30); **Michael A. and De Ann Cook** (the owners of Lot 32); **Paula Davenport** (the owner of Lot 33); **Jamie L. Smith** (the owner of Lot 34); **Mike Hemphill** (the owner of Lot 35); **Frances J. and William K. McNesby** (the owners of Lot 39); **Jon D. and April D. Krieger** (the owners of Lot 41); **Michael A. and Thelma Seitz** (the owners of Lot 43); **Catherine Carraro** (the owner of Lot 50); **Johnny W. and Nicole Duncan** (the owners of Lot 51); **Ruben and Debra Aleman** (the owners of Lot 54); and **Ronald Lee and Maryrose Josephine Borr** (the owners of Lot 55).

This amendment is made pursuant to the terms of Article IV, Section 6 of the Declaration of Covenants, Conditions and Restrictions, dated May 13, 2005 and filed of record May 13, 2005 in Deed Book 580, Pages 346-352 in the Office of the Clerk of Superior Court, Union County, Georgia, in which at least sixty percent (50%) of the above named lot owners agreed to amend said Covenants. Of the fifty-one (51) lots in Pinehurst Subdivision, the consent of more than thirty (30) lot owners is evidenced by their signature attached hereto. The Owners of the property by their presence hereby make, declare and impose upon the referenced parts of the property described the following First Amendment to Declaration of Covenants, Conditions and Restrictions, by their signatures below, which shall be and constitute running with the land and shall be binding under it, and each and all subsequent purchasers, their heirs, personal representatives, successors and assigns of said property or any part, parcel or portion thereof, lying and being in Land Lots 205 and 206, 9<sup>th</sup> District and 1<sup>st</sup> Section of Union County, Georgia, being more commonly known as Pinehurst Subdivision, as shown on a final plat of survey for Kindred Properties, LLC, dated December 8, 2004 and filed of record in Plat Book 55, Pages 297-298 in

the Office of the Clerk of Superior Court, Union County, Georgia.

The undersigned parties agree to amend the Declaration of Covenants, Conditions and Restrictions portion as follows:

(1) The provisions of Article III, Section 14 of the Declaration of Covenants, Conditions and Restrictions, recorded in Deed Book 580, Pages 346-352 of Union County, Georgia provides the following:

**Section 14.** At a minimum, twenty-five percent (25%) of the front side of the dwelling shall consist of stone or brick. The front side of the dwelling is defined as the side of the home that contains the formal doorway entrance. Log siding may not be used. Logs shall not be used as primary exterior building material, but are acceptable for structural purposes. All building exteriors, including foundations, shall be covered with stone, brick or siding. All colors for siding, trip roofing, and other building materials must be confined to earth tones, which are compatible with the natural environment.

The provisions of Article III, Section 14, recorded in Deed Book 580, Pages 346-352, Union County, Georgia records is hereby **deleted in its entirety** and in lieu thereof, said Article III, Section 14 shall read as follows:

**Section 14.** At a minimum, twenty-five percent (25%) of the front side of the dwelling shall consist of stone or brick. The front side of the dwelling is defined as the side of the home that contains the formal doorway entrance. Log siding may not be used. Logs can be used a primary exterior building material, and are acceptable for structural purposes. All building exteriors, including foundations, shall be covered with logs, stone, brick, stucco or siding. All colors for siding, trip roofing, and other building materials must be confined to earth tones, which are compatible with the natural environment. Deviations from this Section shall not be made with the prior written consent of the ACC.

(2) The provisions of Article III, Section 36 of the Declaration of Covenants, Conditions and Restrictions, recorded in Deed Book 580, Pages 346-352 of Union County, Georgia provides the following:

**Section 36.** All houses must contain a garage capable of storing at least two vehicles. All garages must be completely enclosed, with a garage door for entry and exit. No car- porches are allowed.

The provisions of Article III, Section 36 of the Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 580, Pages 346-352, Union County, Georgia records is hereby **deleted in its entirety** and in lieu thereof, said Article III, Section 36 shall read as follows:

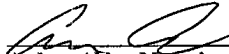
**Section 36.** All houses must contain a garage capable of storing at least two vehicles. All garages must be completely enclosed, with a garage door for

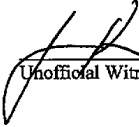
**entry and exit. No car- porches are allowed. If the topography of any lot requires the need for a deviation or variation to this section, said lot owner shall submit a written request for deviation or variation to the ACC.**

Except as amended herein the provisions of Article I through Article IV inclusive as set out in the aforementioned restrictions, are hereby incorporated by reference as if the same were set out in full.

IN WITNESS WHEREOF, the undersigned hereby affix their hands and seals this 14<sup>th</sup> day of June, 2011.

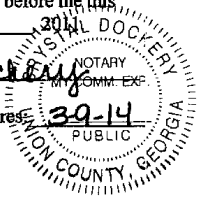
Kindred Properties, LLC


BY:   
Andrew Akins, Managing Member  
Owner of Lots 1, 4, 7, 14, 21, 22, 23,  
24, 25, 26, 27, 28, 31, 36, 37, 38, 40,  
44, 45, 46 and 48


  
Unofficial Witness

Sworn and subscribed before me this  
14<sup>th</sup> day of June, 2014

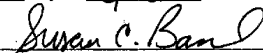
  
Notary Public  
My Commission Expires

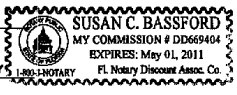


  
\_\_\_\_\_  
**Emilio J. Perez**  
**Owner of Lot 2**

  
\_\_\_\_\_  
Unofficial Witness

Sworn and subscribed before me this  
10<sup>th</sup> day of June, 2011.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 10-1-11



**Community & Southern Bank as successor  
in interest to Appalachian Community  
Bank**

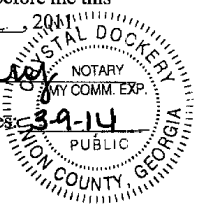
BY: [Signature]  
TITLE: Group Vice President  
ATTEST: [Signature]

**Owner of Lot 3**

Odell J. Phillips  
Unofficial Witness

Sworn and subscribed before me this  
16<sup>th</sup> day of June, 2011

Crystal Dockery  
Notary Public  
My Commission Expires 3-9-14



Cynthia Davenport  
Unofficial Witness

Gary Davenport  
Gary Davenport  
Owner of Lots 12, 13 and 15

Sworn and subscribed before me this  
14<sup>th</sup> day of June, 2011.

Jennifer M. Jarrard  
Notary Public  
My Commission Expires: 01/05/2012





*Daniel Davenport*  
Daniel Davenport  
Owner of Lots 18 and 19

*Cynthia Davenport*  
Unofficial Witness

Sworn and subscribed before me this  
14<sup>th</sup> day of June, 2011.

*Jennifer M. Jarrod*  
Notary Public  
My Commission Expires: 01/05/2012



Revd 6/11/11

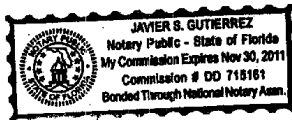
*Dann P. Hennells*

Dann P. Hennells  
Owner of Lot 20

*R. Rodriguez*  
Official Witness

Sworn and subscribed before me this  
13 day of JUNE, 2011.

*Javier S. Gutierrez*  
Notary Public  
My Commission Expires: Nov 30, 2011



*Cristi M. Hennell*  
Cristi M. Hennell  
Owner of Lot 20

*Carla Y. Cline*  
Unofficial Witness *Carla Y. Cline*

Sworn and subscribed before me this  
13 day of JUNE, 2011.

*Javier S. Gutierrez*  
Notary Public  
My Commission Expires: Nov 30, 2011



Roderick Company, LLC

BY: Paula Dauenport  
Managing Member

Owner of Lot 30

Christa Dauenport  
Unofficial Witness

Sworn and subscribed before me this  
14 day of June, 2011.

Jennifer M. Jarrard  
Notary Public  
My Commission Expires: 01/05/2012



Paula Davenport  
Paula Davenport  
Owner of Lot 33

Crystal Davenport  
Unofficial Witness

Sworn and subscribed before me this  
14 day of June, 2011.

Jennifer M. Jarard  
Notary Public  
My Commission Expires: 01/05/2012



Mike Hemphill  
Mike Hemphill  
Owner of Lot 35

Cynthia K. [Signature]  
Unofficial Witness

Sworn and subscribed before me this  
14 day of June, 2011

Jennifer M. Jarrard  
Notary Public  
My Commission Expires: 01/05/2012



Jon D. Krieger  
Jon D. Krieger  
Owner of Lot 41

Crystal Dargatz  
Unofficial Witness

Sworn and subscribed before me this  
14 day of June, 2011.  
Jennifer M. Jarrard  
Notary Public  
My Commission Expires: 01/05/2012  
JENNIFER M. JARRARD  
TERM EXPIRES JAN. 5TH 2012  
NOTARY PUBLIC

April D. Krieger  
April D. Krieger  
Owner of Lot 41

Crystal Dargatz  
Unofficial Witness

Sworn and subscribed before me this  
14 day of June, 2011.

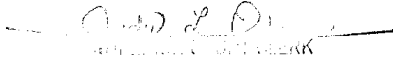
Jennifer M. Jarrard  
Notary Public  
My Commission Expires: 01/05/2012

JENNIFER M. JARRARD  
TERM EXPIRES JAN. 5TH 2012  
NOTARY PUBLIC

STATE OF GEORGIA  
COUNTY OF UNION

UNION COUNTY, GEORGIA  
FILED & RECORDED June 16  
2011 AT 4:25 P.M.  
RECORDED IN BOOK 870 PAGE 678-691

AFFIDAVIT

  
ANDREW AKINS, MANAGING MEMBER

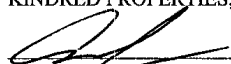
Personally appeared, ANDREW AKINS, MANAGING MEMBER OF KINDRED PROPERTIES, LLC, before the undersigned officer duly qualified to administer oaths, who upon being duly sworn does state the following:

1. That I, ANDREW AKINS, am over the age of 21 and otherwise sui juris, and am the Managing Member of Kindred Properties, LLC.
2. On or about June 14, 2011, I received a FedEx courier shipment containing the signature page of Dann P. Hennells and Cristi M. Hennells, owner of Lot 20 of Pinehurst Subdivision.
3. The signature page had been damaged in shipment, and the page is in the condition it was in upon my receipt.
4. This Affidavit is made with the knowledge that it may be relied upon by successors in interest to the subject property.

This 16<sup>th</sup> day of June, 2011.

KINDRED PROPERTIES, LLC

By:

  
ANDREW AKINS, MANAGING MEMBER

Sworn to and subscribed before me  
this 16 day of June, 2011.

  
NOTARY PUBLIC

My Commission Expires: 01/05/2012

