

SUPPLEMENTAL DECLARATION

THIS SUPPLEMENTAL DECLARATION is made this 24th day of July, 1989 by APPALACHIAN HERITAGE COMMUNITIES, INC., a Georgia corporation, successor by merger to Talking Rock Creek Properties, Inc. (the "Developer").

WHEREAS, on November 27, 1984, Talking Rock Creek Properties, Inc., recorded the Declaration of Covenants, Conditions and Restrictions for Talking Rock Creek Properties, Inc. (the "Declaration"), which is recorded at Deed Book 224, page 258, Gordon County Records, Deed Book 178, page 600, Gilmer County Records, and Deed Book 153, page 138, Murray County Records as supplemented; and,

WHEREAS, the Developer desires to amend the Declaration so as to add certain further use restrictions to a portion of the land originally affected by the Declaration in order to further enhance the enjoyment of the property; and,

NOW, THEREFORE, the property described below is hereby made subject to the Declaration, as modified below.

PROPERTY DESCRIPTION

The property made subject hereto is all that parcel of land lying and being in Land Lots 100, 117, and 136, 24th District, 2nd Section, Gordon County, Georgia, and more fully described on a plat of Talking Rock Creek subdivision, Unit 40, prepared for Appalachian heritage Communities, Inc., by Burns L. Jeffries, RLS #2036, dated July 17, 1989 and recorded in Plat Book 21, pages 293-297, Gordon County Records, and that parcel of land lying and being in Land Lots 30 & 31, 24th District, 2nd Section, Gordon County, Georgia, and more fully described on a plat of Talking Rock Creek subdivision, Unit 41, prepared for Appalachian Heritage Communities, Inc., by Burns L. Jeffries, RLS #2036, dated July 19, 1989, and recorded in Plat Book 21, pages 298-299, to which reference is made for a complete and accurate legal description.

MODIFICATION TO DECLARATION

The Declaration, in respect to the property described above, is hereby modified as follows:

1. No mobile homes, trailers, or like structures shall be permitted on any lot. Prefabricated or modular housing shall be permitted only at the discretion of the Architectural Review Board, consistent with the aesthetic values of the subdivision and its surrounds. Recreational vehicles are permitted on a temporary basis and shall be promptly removed upon notice of a complaint by the Developer, the POA, or another owner.
2. No dwelling shall consist of less than 1050 square feet of finished, heated living space, exclusive of porches, carports, garages, patios, etc. Each dwelling shall be built upon a permanent foundation. Construction of the exterior of a dwelling shall be completed within twelve (12) months from the commencement of construction. All homes must be landscaped within one (1) month after completion of exterior construction.
3. No hardwood trees of a size greater than six (6) inches shall be removed from the property without the written consent of the POA, except in connection with the reasonable requirements of construction, or where such trees are dead or damaged.

THIS SUPPLEMENTAL DECLARATION shall bind the above-described property and all owners thereof. Except where inconsistent with the foregoing, the Declaration shall attach and bind the above-described property as fully and completely as if set forth in its entirety herein. These covenants, conditions and restrictions shall be construed as covenants running with the land for the mutual benefit of all lot owners in the subdivision.

WITNESS the hand and seal of the Developer, the day and year first above written.

C. L. Wittman

Appalachian Heritage Communities, Inc.

WITNESS

Claudia D. Hall

W. FRED WITTMAN, Vice President

Notary Public

My commission expires on February 19, 1992. N.P. SEAL AFFIXED

(SEAL AFFIXED)