

Deed Book 13372 Pg 497
Filed 06/30/2015 03:20 PM
28-2015-021076
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

Record and Return to:
Constance Haywood, Esq.
DLA Piper LLP (US)
1201 West Peachtree Street
Suite 2800
Atlanta, Georgia 30309

Cross-Reference to:
Deed Book 3628, Page 165,
Deed Book 4012, Page 215,
Deed Book 4604, Page 167,
Deed Book 5121, Page 122,
Deed Book 5611, Page 230
Deed Book 12841, Page 181
Cherokee County, Georgia records

STATE OF GEORGIA

COUNTY OF CHEROKEE

FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HAWKS RIDGE

This FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HAWKS RIDGE is made this 18 day of June, 2015, by GREY HAWK RIDGE DEVELOPMENT CO., LLC, a Delaware limited liability company, d/b/a HAWKS RIDGE DEVELOPMENT COMPANY (hereinafter referred to as "**Declarant**").

W I T N E S S E T H:

WHEREAS, Declarant prepared and filed of record that certain Declaration of Covenants, Conditions, and Restrictions for Hawks Ridge in Deed Book 3628, Page 165, as supplemented in Deed Book 4012, Page 215, and further supplemented in Deed Book 4604, Page 167, as amended in Deed Book 5121, Page 122, as further amended in Deed Book 5611, Page 230, and as further amended in Deed Book 12841, Page 181 in the Office of the Clerk of Superior Court of Cherokee County, Georgia (as amended and supplemented, herein referred to as the "**Declaration**");

WHEREAS, as a result of the economic downturn, development of the Units has taken significantly longer than anticipated and the timetable for development of the remainder of the Units has been extended;

WHEREAS, Declarant believes that the interests of the existing and future Owners will be better served by extending certain of the special rights granted to the Declarant in order to facilitate the future development of the Properties;

WHEREAS, pursuant to Article 15, Section 15.2(a) of the Declaration, the Declarant may unilaterally amend the Declaration, at any time and from time to time, for any purpose until the termination of the Class “B” membership;

WHEREAS, the Class “B” membership is still in existence as of the date of this Amendment; and

WHEREAS, Declarant deems it appropriate to amend the Declaration for the purposes set forth herein;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby amends the Declaration as follows:

ARTICLE I
DEFINITIONS

The definitions set forth in Article 1 of the Declaration are incorporated herein by reference.

ARTICLE II
CLASS “B” CONTROL PERIOD

Article 3, Section 3.2(b)(ii) of the Declaration is hereby amended by deleting the date “December 31, 2015” therefrom and substituting the date “December 31, 2023” therefor.

ARTICLE III
ANNEXATION

Article 7, Section 7.1 of the Declaration is hereby amended by deleting the first paragraph thereof and substituting therefor the following:

Until twenty-five (28) years after the recording of this Declaration in the Public Records, the Declarant may from time to time unilaterally subject to the provisions of this Declaration all or any portion of the Additional Property. The Declarant may transfer or assign this right to annex property, provided that the transferee or assignee is the developer of at least a portion of the real property described in Exhibits “A” and “B” and that such transfer is memorialized in a written, recorded instrument executed by the Declarant.

ARTICLE IV
DECLARATION

Except as specifically amended hereby, the Declaration and all terms thereof shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed on the day and year first written above.

Signed, sealed and delivered in the presence of:

Patricia G. Bedo

Witness

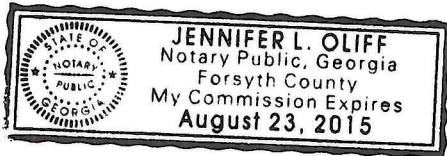
Jennifer L. Oliff

Notary Public

My Commission Expires:

August 23, 2015

[Notary Stamp]



DECLARANT:

Grey Hawk Ridge Development Co., LLC, a Delaware limited liability company, d/b/a Hawks Ridge Development Company

By: J. Michael Nixon (SEAL)

Name: J. Michael Nixon

Title: President/owner