

AFTER RECORDING, RETURN TO:
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THIRD AMENDMENT TO THE
DECLARATION OF PROTECTIVE
COVENANTS AND EASEMENTS
FOR
BRIERFIELD

GEORGIA, FULTON COUNTY
95 FEB -3 AM 8:30
CLERK SUPERIOR COURT

THIS THIRD AMENDMENT to Declaration of Protective Covenants and Easements for Brierfield is made this 26th day of January, 1995 by CRABAPPLE PROPERTIES, LTD., a corporation authorized to do business in the State of Georgia, hereinafter represented by John H. Ferzer, III, its President, duly authorized, hereinafter referred to interchangeably as "Declarant" and/or "Developer".

WITNESSETH:

WHEREAS, the "Declaration of Protective Covenants and Easements for Brierfield" dated July 27, 1992, is recorded at Deed Book 15529, Page 320, Fulton County, Georgia records (hereinafter referred to as "Declaration").

WHEREAS, the "First Amendment to the Declaration of Protective Covenants and Easements for Brierfield" dated September 7, 1993 is recorded at Deed Book 17217, Page 104, Fulton County, Georgia records (hereinafter referred to as "First Amendment");

WHEREAS, by virtue of the provisions contained in the First Amendment, Lots 11 and 75, Brierfield, Phase One and Brierfield, Phase Two were subjected to the provisions of the Declaration;

WHEREAS, the "Second Amendment to the Declaration of Protective Covenants and Easements for Brierfield" dated May 30, 1994 is recorded at Deed Book 18392, Page 342, Fulton County, Georgia records (hereinafter referred to as "Second Amendment");

WHEREAS, Developer wishes to subject certain additional real property to the provisions contained in the Declaration by amendment pursuant to Article I, Section 12;

THEREFORE, Developer does hereby amend and supplement the Declaration by adding to the provisions of the Declaration the following paragraphs:

1.

The Preamble of the Declaration is hereby amended by adding the following paragraphs:

"WHEREAS, Developer is the owner of a certain tract or parcel of land lying and being in Land Lots 1175, 1176, 1201 and 1202 of the Second District, Second Section, Fulton County, Georgia, being more particularly described in Exhibit "A" attached hereto and by reference incorporated herein ("additional property");

"WHEREAS, that portion of the additional property as shown on the Plat as hereinafter defined shall also be and hereby is subjected to the covenants, restrictions, easements, assessments and liens hereafter set forth and which, by virtue of the recording of this Amendment, shall be held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to this Declaration."

CROSS
REFERENCE

2.

Article I, Section 11 of the Declaration is hereby amended and supplemented so that same shall henceforth read as follows:

"11.

"Plat" shall mean and refer 1) to that certain Final Subdivision Plat for Brierfield prepared by Brumbelow-Reese and Associates, Inc. dated July 14, 1992 and recorded in Plat Book 174, Page 88; 2) the "Final Plat for Brierfield, Phase One" dated August 17, 1993, recorded in Plat Book 178 at Page 81 on August 31, 1993; 3) the "Final Plat for Brierfield, Phase Two" dated November 1, 1993 recorded in Plat Book 179, Page 29 on November 12, 1993 and any other subsequent Final Plat of the additional property ("Brierfield, Phase Three A") recorded in the office of the Clerk of Superior Court of Fulton County, Georgia."

3.

Article I, Section 12 of the Declaration is hereby amended and supplemented so that same shall henceforth read as follows:

"12.

"Property" shall mean and refer to the real properties described in the Declaration (Brierfield, Phase One), in the First Amendment (Lots 11 and 75, Brierfield, Phase One and Brierfield, Phase Two), and the additional property ("Brierfield, Phase Three A") which is more particularly described in Exhibit "A" attached to and incorporated into this Third Amendment to the Declaration of Protective Covenants and Easements for Brierfield (Brierfield, Phase Three) together with such additional real property as may by subsequent amendment be added to and subjected to this Declaration. For example, Developer contemplates the development of Brierfield, Phase Three B which will be subject to this Declaration by amendment created and recorded by Declarant."

4.

Except as specifically set forth herein, the original Declaration as amended hereinbefore referred to shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused its hand and seal to be affixed as of the day and year first above written.

Signed, sealed and delivered in the presence of the following unofficial witnesses:

Ma Vincent
Anna R. Stecker



DECLARANT:

CRABAPPLE PROPERTIES, LTD.

BY: [Signature]
John H. Fetzer, III
President

Spina C. Rakakis
NOTARY PUBLIC

My commission expires: At Death

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 1175, 1176, 1201 and 1202 of the 2nd District, 2nd Section, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the Westerly line of Land Lot 1201 with the Northwesterly right-of-way of Mid Broadwell Road (50-foot right-of-way) at a 1 inch c.t. found and running thence North 03 degrees 42 minutes 29 seconds East along the West line of Land Lot 1201, 684.97 feet to an iron pin found at the Northwest corner of Land Lot 1201 (corner common to Land Lots 1175, 1176, 1201 and 1202); running thence North 86 degrees 04 minutes 21 seconds West along the South line of Land Lot 1175, 569.64 feet to a point; running thence South 03 degrees 15 minutes 57 seconds West 794.91 feet to an iron pin placed on the Northwesterly right-of-way of Mid Broadwell Road (60-foot right-of-way); running thence Southwesterly along the Northwesterly right-of-way of Mid Broadwell Road an arc distance of 139.83 feet, said arc being subtended by a chord of South 88 degrees 23 minutes 40 seconds West 139.78 feet; running thence North 89 degrees 03 minutes 41 seconds West along the Northwesterly right-of-way of Mid Broadwell Road 37.07 feet to a point; running thence Northwesterly along the Northeasterly right-of-way of Mid Broadwell Road an arc distance of 23.10 feet to a point, said arc being subtended by a chord of North 88 degrees 39 minutes 18 seconds West 23.10 feet; running thence South 03 degrees 08 minutes 04 seconds West along the Westerly right-of-way of Mid Broadwell Road 5.00 feet (this being the point where the right-of-way of Mid Broadwell Road changes from 60 feet in width to 50 feet in width); running thence Northwesterly along the Northeasterly right-of-way of Mid Broadwell Road (50-foot right-of-way) an arc distance of 150.03 feet, said arc being subtended by a chord of North 85 degrees 36 minutes 47 seconds West 149.98 feet; running thence Northwesterly along the Northeasterly 50-foot right-of-way of Mid Broadwell Road an arc distance of 232.00 feet, said arc being subtended by a chord of North 72 degrees 25 minutes 25 seconds West 230.69 feet; running thence North 61 degrees 51 minutes 57 seconds West along the 50-foot right-of-way of Mid Broadwell Road 20.97 feet to a point; running thence Northwesterly along the Northeasterly 50-foot right-of-way of Mid Broadwell Road an arc distance of 265.30 feet, said arc being subtended by a chord of North 49 degrees 42 minutes 54 seconds West 263.32 feet to a point where the Northeasterly right-of-way of Mid Broadwell Road is intersected by the centerline of a creek; running thence generally Northeasterly along the centerline of a creek and following the curvature and meanderings thereof 672 feet, more or less, to a point on the North line of Land Lot 1202 where said North line is intersected by the centerline of said creek (the last call being indicated on the referenced survey by two traverse calls as follows: North 51 degrees 49 minutes 19 seconds East 312.87 feet to a point; thence North 10 degrees 49 minutes 31 seconds East 389.82 feet to a point which is on the North line of Land Lot 1202 and is South 85 degrees 55 minutes 36 seconds East 24 feet, more or less, from the point of intersection of the North line of Land Lot 1202 with the centerline of said creek); running thence North 85 degrees 55 minutes 36 seconds West along the North line of Land Lot 1202, .46 feet, more or less, to an iron pin found at the Southeast corner of property now or formerly owned by Hardage; running thence North 03 degrees 47 minutes 42 seconds West 304.15 feet to an iron pin found; running thence South 85 degrees 53 minutes 19 seconds East 422.00 feet to an iron pin found; running thence South 85 degrees 58 minutes 59 seconds East 158.00 feet to an iron pin placed; running thence North 77 degrees 35 minutes 08 seconds East 875.23 feet to a point in a lake; running thence North 60 degrees 17 minutes 13 seconds East 507.29 feet to an iron pin placed; running thence South 02 degrees 24 minutes 19 seconds West 809.53 feet to an axle found; running thence South 63 degrees 29 minutes 21 seconds West 8.67 feet to a 1 inch c.t. found on the South line of Land Lot 1176; running thence North 87 degrees 20 minutes 10 seconds West along the South line of Land Lot 1176, 64.40 feet to an iron pin

placed; running thence South 08 degrees 53 minutes 20 seconds West 669.49 feet to a point on the Northeasterly right-of-way of Mid Broadwell Road (50-foot right-of-way); running thence Northwesterly along the Northeasterly 50-foot right-of-way of Mid Broadwell Road an arc distance of 321.66 feet to a point, said arc being subtended by a chord of North 83 degrees 40 minutes 05 seconds West 319.09 feet; running thence South 83 degrees 46 minutes 16 seconds West along the Northwesterly 50-foot right-of-way of Mid Broadwell Road 26.80 feet to a point; running thence Southwesterly along the Northwesterly 50-foot right-of-way of Mid Broadwell Road an arc distance of 49.59 feet, said arc being subtended by a chord of South 82 degrees 48 minutes 09 seconds West 49.59 feet; running thence South 81 degrees 50 minutes 02 seconds West along the Northwesterly 50-foot right-of-way of Mid Broadwell Road 143.55 feet to the West line of Land Lot 1201 and the point of beginning, said property being a tract of 39.3069 acres, more or less, as shown on Survey for Crabapple Properties, Ltd., by LCE Engineers, dated July 7, 1993, and consisting of six tracts, Tract 1 being in Land Lot 1202 and consisting of 8.3406 acres, more or less; Tract 2 being in Land Lot 1175 and consisting of 2.7906 acres; Tract 3 being in Land Lots 1175 and 1176 and consisting of 11.6420 acres; Tract 4 being in Land Lot 1201 and consisting of 8.4607 acres; Tract 5 being in Land Lot 1202 and consisting of 3.7017 acres; and Tract 6 being in Land Lot 1176 and consisting of 4.3713 acres.