

AFter RECORDING, RETURN TO:  
Rolader & Rolader  
P.O. Box 1357  
Roswell, GA 30077  
(404) 442-0330

FOURTH AMENDMENT TO THE  
DECLARATION OF PROTECTIVE  
COVENANTS AND EASEMENTS  
FOR  
BRIERFIELD

GEORGIA, FULTON COUNTY  
FILED AND RECORDED

95 JUN -9 PM 8:30

JUANITA HICKS  
CLERK, SUPERIOR COURT

THIS FOURTH AMENDMENT to Declaration of Protective Covenants and Easements for Brierfield is made this 31st day of May, 1995 by:

CRABAPPLE PROPERTIES, LTD., a corporation authorized to do business in the State of Georgia, herein represented by John H. Fetzer, III, its President, duly authorized, hereinafter referred to interchangeably as "Declarant" and/or "Developer";

FETZER PROPERTIES, LTD., a corporation authorized to do business in the State of Georgia, herein represented by John H. Fetzer, III, its Secretary, duly authorized;

RBD PROPERTIES, INC., a corporation authorized to do business in the State of Georgia, herein represented by Dick Darnell, its President, duly authorized;

ED LAWTON AND ANNE LAWTON, residents of Fulton County, State of Georgia;

KENNETH AND HOLLY ANDERSON, residents of Fulton County, State of Georgia;

JOE AND MARY BETH DAVIS, residents of Fulton County, State of Georgia;

MIKE AND PEGGY MARSHALL, residents of Fulton County, State of Georgia;

BRAD AND VICKI MILLER, residents of Fulton County, State of Georgia;

collectively referred to "Lot Owners";

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;

CROSS REFERENCE

WHEREAS, the "Third Amendment to the Declaration of Protective Covenants and Easements for Brierfield" dated January 26, 1995 is recorded at Deed Book 19255, Page 97, Fulton County, Georgia records, (hereinafter referred to as "Third Amendment");

WHEREAS, Lot Owners wish to subject certain additional real property to the provisions contained in the Declaration by Amendment pursuant to Article I, Section 12;

THEREFORE, Lot Owners do 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 Lot 1176 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, the additional property 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."

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 to 1) 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" which includes and shows the additional property dated November 1, 1993, recorded in Plat Book 179 at Page 29 on November 12, 1993 (Brierfield, Phase Two) and any subsequent Final Plat of any additional properties ("Brierfield, Phase Three, Parts "A" and "B") all 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), which includes and shows the additional property which is more particularly described in Exhibit "A" attached to and incorporated into this Fourth Amendment to the Declaration of Protective Covenants and Easements for Brierfield 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, Parts "A" and "B" which will be subjected 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  
Donna Rakuh

DECLARANT:

CRABAPPLE PROPERTIES, LTD.

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



FETZER PROPERTIES, LTD.

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



[Signature]  
NOTARY PUBLIC

My commission expires: At Death



IN WITNESS WHEREOF, the undersigned has caused its hand and seal to be affixed as of the 30 day of May, 1995.

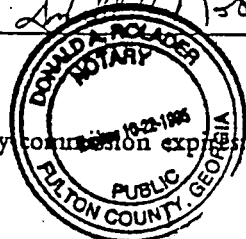
Signed, sealed and delivered in the presence of the following unofficial witnesses:

[Signature]  
[Signature]

DECLARANT:

RBD PROPERTIES, INC. .

BY: [Signature]  
DICK DARNELL  
President



NOTARY PUBLIC

196467059

IN WITNESS WHEREOF, the undersigned has caused its hand and seal to be affixed as of the 27 day of May, 1995.

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

DECLARANT:

[Signature]

\_\_\_\_\_

[Signature]  
ED LAWTON

[Signature]  
ANNE LAWTON

[Signature]  
KENNETH ANDERSON

[Signature]  
HOLLY ANDERSON

[Signature]  
JOE DAVIS

[Signature]  
MARY BETH DAVIS

[Signature]  
MIKE MARSHALL

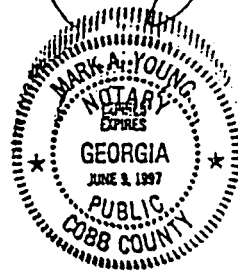
[Signature]  
PEGGY MARSHALL

[Signature]  
BRAD MILLER

[Signature]  
VICKI MILLER

[Signature]  
NOTARY PUBLIC

My commission expires:



196460060

EXHIBIT "A"

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

TO FIND THE TRUE POINT OF BEGINNING, commence at the Southwest corner of Land Lot 1176 (corner common to Land Lots 1175, 1176, 1201 and 1202) and run thence South 87 degrees 19 minutes 10 seconds East along the South line of Land Lot 1176, 406.43 feet to an iron pin found (5/8 inch rebar); run thence North 02 degrees 25 minutes 14 seconds East 649.20 feet to the TRUE POINT OF BEGINNING; from the true point of beginning thus established, running thence North 02 degrees 25 minutes 14 seconds East 690.00 feet to an iron pin found (5/8 inch rebar) on the North line of Land Lot 1176; running thence South 86 degrees 52 minutes 41 seconds East along the North line of Land Lot 1176, 260.09 feet to an iron pin found (2 inch pipe with cap); running thence South 02 degrees 24 minutes 19 seconds West 523.37 feet to a point; running thence South 60 degrees 17 minutes 13 seconds West 307.29 feet to the true point of beginning, being a tract of 3.6233 acres designated as Tract B on Survey by Samuel G. Evans, Jr., dated December 1, 1992, and revised July 7, 1993.

snak 196460061