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JUANITA WICKS
CLERK, SUPERIOR COURT

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

CROSS REFERENCE

THIS FIRST AMENDMENT to Declaration of Protective Covenants and Easements for Brierfield is made this 7th day of September, 1993 by CRABAPPLE PROPERTIES, LTD., a corporation authorized to do business in the State of Georgia, hereinafter represented by John H. Fetzer, III, its President, duly authorized, hereinafter referred to interchangeably as "Declarant" and/or "Developer".

W I T N E S S E T H:

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, Developer wishes to subject certain additional lots and 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 Lots 11 and 75, Brierfield, Phase One as shown on a revision to the Final Plat for Brierfield, Phase One, dated August 17, 1993, which incorporates Lots 11 and 75 into Brierfield, Phase One and removes storm retention from Lot 91, Brierfield, Phase One and removes temporary drainage easements from Lots 92 and 101, Brierfield, Phase One and corrects the G.I.S. tie, which revision to the Final Plat was entered into Plat Book 178 at Page 81 on August 31, 1993, which revised plat of survey by reference hereto is incorporated herein ("additional lots");

"WHEREAS, Developer is the owner of a certain tract or parcel of land lying and being in Land Lots 1175 and 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 lots and additional property shall also be and hereby are subject 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 8 is hereby amended and supplemented so that same shall henceforth read as follows:

"8.

"Lot" shall mean and refer to any parcel of land shown upon any recorded subdivision plat of the property, additional lots and/or the additional property, upon which a single-family residence may be constructed."

3.

Article I, Section 9 is hereby amended and supplemented so that same shall henceforth read as follows:

"9.

"Owner" shall mean and refer to the record owner(s), whether one or more persons of the fee simple title to any lot which is a part of the property, the additional lots and/or the additional property."

4.

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

"11.

"Plat" shall mean and refer 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, the "Final Plat for Brierfield, Phase One" dated August 17, 1993 recorded in Plat Book 178 at Page 81 on August 31, 1993 and any subsequent Final Plat of the additional property ("Brierfield, Phase Two") recorded in the office of the Clerk of Superior Court of Fulton County, Georgia."

5.

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

"12.

"Property" shall mean and refer to that certain real property described in Exhibit "A" attached to the Declaration, the additional property ("Brierfield, Phase Two") which is more particularly described in Exhibit "A-1" attached to and incorporated into this First Amendment to the Declaration of Protective Covenants and Easements for Brierfield and the additional lots being Lots 11 and 75, Brierfield, Phase One, 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 which will be subject to this Declaration by amendment created and recorded by Declarant."

Except as specifically set forth herein, the original ~~document~~ ~~is~~ ~~not~~ ~~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:

[Signature]
Sueann P. Williams

DECLARANT:

CRABAPPLE PROPERTIES, LTD.

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

Randy P. [Signature]
NOTARY PUBLIC



My commission expires: at death



EXHIBIT "A -1"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1175 AND 1176 OF THE 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT AN IRON PIN LOCATED AT THE COMMON CORNERS OF LAND LOTS 1131, 1130, 1174 AND 1175 (AFORESAID DISTRICT AND SECTION); RUNNING THENCE SOUTH 86 DEGREES 51 MINUTES 27 SECONDS EAST ALONG THE NORTH LAND LOT LINE OF LAND LOT 1175 A DISTANCE OF 60.82 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; RUNNING THENCE SOUTH 03 DEGREES 48 MINUTES 16 SECONDS EAST ALONG THE EAST BOUNDARY LINE OF PROPERTY NOW OR FORMERLY KNOWN AS BRIERFIELD SUBDIVISION, PHASE ONE, A DISTANCE OF 1030.59 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 85 DEGREES 53 MINUTES 19 SECONDS EAST 422.00 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 85 DEGREES 58 MINUTES 59 SECONDS EAST 158.00 FEET TO AN IRON PIN; RUNNING THENCE NORTH 77 DEGREES 35 MINUTES 08 SECONDS EAST 875.23 FEET TO AN IRON PIN; RUNNING THENCE NORTH 60 DEGREES 17 MINUTES 13 SECONDS EAST 200.00 FEET TO AN IRON PIN; RUNNING THENCE NORTH 02 DEGREES 25 MINUTES 14 SECONDS EAST 690.00 FEET TO AN IRON PIN LOCATED ON THE NORTH LAND LOT LINE OF LAND LOT 1176; RUNNING THENCE NORTH 86 DEGREES 52 MINUTES 41 SECONDS WEST ALONG THE NORTH LAND LOT LINE OF LAND LOT 1176 AND THE NORTH LAND LOT LINE OF LAND LOT 1175 A DISTANCE OF 1707.05 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY IS SHOWN ON AND DELINEATED ACCORDING TO THAT CERTAIN PLAT OF SURVEY BY SAMUEL G. EVANS, JR., GEORGIA REGISTERED LAND SURVEYOR NO. 1159, DATED DECEMBER 1, 1992, WHICH PLAT IS HEREBY ADOPTED AND MADE A PART OF THIS DESCRIPTION BY REFERENCE THERETO, IN ORDER TO MORE FULLY SHOW THE COURSES AND DISTANCES, METES AND BOUNDS OF THE LANDS DESCRIBED HEREIN.