

Return to: Lazega & Johanson, LLC
3520 Piedmont Road, Suite 415
Atlanta, Georgia 30305
Attention: Jonathan Benator

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STATE OF GEORGIA
COUNTY OF FULTON

Reference: Deed Book 15529 Page 320
Deed Book 29716 Page 622

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

WHEREAS, the Declaration of Protective Covenants and Easements for Brierfield was recorded on July 27, 1992, in Deed Book 15529, Page 320, *et seq.*, Fulton County, Georgia Records ("Declaration"), as amended; and

WHEREAS, Article VI, Section 7 of the Declaration provides for amendment of the Declaration by an agreement signed by at least seventy-five (75%) percent of the Owners of Lots in Brierfield; and

WHEREAS, at least seventy-five (75%) percent of the Owners of Lots in Brierfield desire to amend the Declaration and have approved this amendment;

NOW, THEREFORE, the Declaration is hereby amended as follows:

1.

Article II, Section 4 of the Declaration is hereby amended by adding the following provision:

"(m) **Initiation Fee.** In addition to the other assessments set forth in Article II, Section 4, commencing immediately after the date this Amendment is recorded in the Fulton County land records, the purchaser or grantee of every Lot shall be assessed and subject to a non-refundable, non-prorated assessment ("Initiation Fee") upon any and each conveyance or transfer of a Lot, including conveyances and transfers that are a result of foreclosure. The Transfer Fee shall be in the amount of fifty (50%) percent of the then-current annual assessment and made by and on behalf of the purchaser or grantee of the Lot payable to the Association. The Association shall have a lien against a Lot in accordance with Article II, Section 4 for any unpaid Initiation Fee; provided, however, an Initiation Fee shall not be levied upon the transfer of title to any Lot: (i) to the Lot Owner's estate, surviving spouse, or heirs at law upon the death of the Lot Owner; or (ii) under circumstances which the Board of Directors, in its sole discretion, deems to warrant classification as an exempt transfer (e.g., a transfer made solely for estate planning purposes may be, but is not required to be, deemed exempt from payment of the Initiation Fee)."

IN WITNESS WHEREOF, the undersigned officers of Brierfield Homeowner's Association, Inc., hereby certify that this Amendment to the Declaration was duly adopted by the requisite majority of the Association membership, with any required notices properly given.

This 18th day of July, 2017.

Sworn to and subscribed to before me this 18th day of July, 2017.

**BRIERFIELD HOMEOWNER'S
ASSOCIATION, INC.**

Kimberly Esposito
Witness

By: Stephen A. T. [Signature] (Seal)
President

[Signature]
Notary Public

Attest: [Signature] (Seal)
Secretary

[Notary Seal]

[Corporate Seal]

