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MAY 17 2007

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA

2007 MAY 23 PM 2:00

TOM LAWLER, CLERK

After recording, please return to:  
Rachel E. Conrad  
Dorough & Dorough, LLC  
Two Decatur TownCenter, Suite 520  
125 Clairemont Avenue  
Decatur, Georgia 30030

CROSS REFERENCE: Deed Book: 25150  
Page: 19

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HAWTHORN GLEN**

THIS AMENDMENT (hereinafter referred to as "First Amendment") is made this 15<sup>th</sup> day of May, 2007 by HAWTHORN GLEN HOMEOWNERS ASSOCIATION, INC., a Georgia nonprofit corporation (hereinafter referred to as "Association").

WITNESSETH

**WHEREAS**, Venture Partners, LLC, a Georgia limited liability company, as Declarant, executed that certain Declaration of Protective Covenants, Conditions, Restrictions, and Easements for Hawthorn Glen which was recorded November 14, 2001 in Deed Book 25150, Page 19, *et seq.*, Gwinnett County, Georgia records (hereinafter as supplemented and/or amended from time to time, the "Declaration"); and

**WHEREAS**, Venture Partners, LLC assigned the rights of Declarant under the Declaration to Colony Homes, L.L.C., a Georgia limited liability company pursuant to that certain Assignment of Rights of Declarant under the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Hawthorn Glen, recorded May 30, 2003 at Deed Book 32828, Page 66, *et seq.*, Gwinnett County, Georgia land records; and

**WHEREAS**, KB Home Atlanta, LLC, a Georgia limited liability company is the successor to Colony Homes, L.L.C.; and

**WHEREAS**, the Association is a non-profit corporation organized under the Georgia Nonprofit Corporation Code to be the Association named in the Declaration to have the power and authority set forth therein; and

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**WHEREAS**, the Association, acting through its Board of Directors desires to amend the Declaration to submit the Community to the provisions of the Georgia Property Owners' Association Act; and

**WHEREAS**, pursuant to Article 11, Section 11.6 of the Declaration, the Board of Directors, with the written consent of the Declarant, and without a vote of the members, may amend the Declaration for the sole purpose of electing to be governed by the provisions of the Georgia Property Owners' Association Act, O.C.G.A. § 44-3-220, *et seq.*, and

**WHEREAS**, KB Home Atlanta, LLC, as Declarant, consents to this First Amendment, as evidenced by the signature attached hereto and by this reference incorporated herein;

**NOW THEREFORE**, the undersigned hereby adopt this First Amendment to the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Hawthorn Glen, hereby declaring that all the property now or hereafter subject to the Declaration shall be held, conveyed, encumbered, used, occupied and improved subject to the Declaration, amended as follows:

1.

The Declaration is hereby amended by adding to Article 2, a new Section 2.4, entitled "Submission to Georgia Property Owners' Association Act: Conflict", to read as follows:

2.4 Submission to Georgia Property Owners' Association Act: Conflict. The property now or hereafter subject to the Declaration shall be held, conveyed, encumbered, used, occupied and improved subject to the Georgia Property Owners' Association Act, O.C.G.A. 44-3-220, *et seq.* (the "Act"). In the event of a conflict between the provisions of this Declaration and the provisions of the Act then to the extent that the provisions of the Act cannot be waived by agreement, the Act shall control.

2.

Unless otherwise defined herein, the words used in this First Amendment shall have the same meaning as set forth in the Declaration.

3.

This First Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Gwinnett County, Georgia.

4.

Except as herein modified, the Declaration shall remain in full force and effect.

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IN WITNESS WHEREOF, the Board of Directors have caused this First Amendment to be executed under seal the day and year first above written.

By: [Signature]  
 (Print Name)  
 Its: Kenya Vickers, President

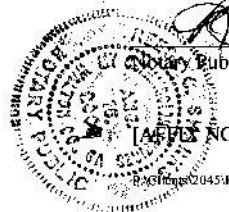
By: [Signature]  
 (Print Name)  
 Its: Sandra Snyder

By: [Signature]  
 (Print Name)  
 Its: Ashley Ferguson

Signed, sealed and delivered  
in the presence of

[Signature]  
 Witness

[Signature]  
 Notary Public



[AFIX NOTARY SEAL]

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[SIGNATURE CONTINUED ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, KB Home Atlanta, LLC, as Declarant, consents to this First Amendment under seal, this 15th day of May, 2007.

DECLARANT: **KB HOME ATLANTA, LLC**, a Georgia limited liability company

By: Michael Benoit (SEAL)  
Name: Michael Benoit  
Title: Director, Land Development

Signed, sealed and delivered in the presence of:

Christine Kirsch  
Witness

Shauna McDaniel  
Notary Public

My Commission Expires: 9-15-2010

[NOTARY SEAL]

