

Deed Book 34707 Pg 176
Filed and Recorded Apr-18-2003 10:59am
2003-0134952
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
I HEREBY CERTIFY THAT THIS DEED IS CORRECTLY FILED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FULTON COUNTY CLERK OF SUPERIOR COURT.

After recording, please return to:

Churchill Downs Homeowners Association
Attn: Secretary
P.O. Box 2551
Alpharetta, GA 30023

STATE OF GEORGIA

COUNTY OF FULTON

AMENDMENTS TO THE CHURCHILL DOWNS COVENANTS AND BYLAWS

The Churchill Downs Declaration of Protective Covenants and Bylaws as recorded in the Fulton County Deed Book 18189 Page 288 have been changed as a result of a vote of the General Membership of the Churchill Downs Homeowners Association on October 26, 1997 as follows:

Article VI, Section 3, Page 298 now reads:

Section 3. Signs.

No sign of any kind shall be erected by an Owner or Occupant within the Community without the written consent of the Board. The homeowners association shall provide the only signs for "garage sale", "home for sale" and/or "home for lease" at the front of subdivision or any common property area. Homeowners may place only (a) such signs as may be required by legal proceedings; and (b) not more than one (1) "For Sale", "For Lease" or Garage Sale sign consistent with the Community-Wide Standard on their lot

Article VI, Section 4, Page 298 now reads:

Section 4. Parking of Homeowner Automobiles, Recreational Vehicles and Trailers.

Regular parking on the street of homeowner automobiles is prohibited with the only exception being temporary extenuating circumstances. Other exceptions must be approved by the Board of Directors. Owners and occupants are encouraged to park their vehicles inside their garages. Parking of commercial vehicles must be approved by the Board of Directors.

The Architectural Control Committee, in reviewing the plans and specifications for any proposed structure, may require that special parking areas be made available for recreational vehicles. No trailer, trailer house, boat, or recreational vehicle shall be parked on any Lot, except on such parking areas as specified; by the Architectural Control Committee pursuant to this Section or within enclosures or behind screening erected in accordance with plans and specifications submitted to and approved by the Architectural Control Committee.

Article VI, Section 5, Page 298 now reads:

Section 5. Occupants Bound

Owners who lease their property must include a copy of the subdivision restrictive covenants with their lease. Tenants must sign an agreement to abide by the terms of the restrictive covenants. This agreement must be submitted to the Board of Directors.

All absentee homeowners must provide their current and permanent address and phone number to the Secretary of the Board of Directors.

All provisions of the Declaration and of any rules and regulations or use restrictions promulgated pursuant thereto which govern the conduct of Owners and which provide sanctions against Owners shall also apply to all Occupants of any Lot even though Occupants are not specifically mentioned. Fines may be levied against Owners or Occupants. If a fine is first levied against an Occupant and is not paid timely, the fine may then be levied against the Owner.

Article VI, Section 6, Page 298 now reads:

Section 6. Animals and Pets.

No animals, livestock, or poultry of any kind may be raised, bred, kept, or permitted on any Lot, with the exception of dogs, cats, or other usual and common household pets in reasonable number, as determined by the Board; provided, however, those pets which are permitted to roam free, or, in the sole discretion of the Board, endanger the health, make objectionable noise, or constitute a nuisance or inconvenience to the Owners of other Lots or the owner of any property located adjacent to the Community may be removed by the Board. No pets shall be kept, bred or maintained for any commercial purpose. Dogs which are household pets shall at all times whenever they are outside a Lot be confined on a leash. Without prejudice to the Board's right to remove any such household pets, no household pet that has caused damage or injury may be walked in the Community.

All animals should be kept at a reasonable number without infringing upon the rights and property values of others. Animals kept outdoors must be kept within a fenced yard. Owners are responsible for cleaning up after their pets when walking their pets in common areas. Pets shall be kept off other lots at all times. Owners are encouraged to walk their pets outside of the subdivision.

Article VI, Section 9, Pages 298 and 299 now read:

Section 9. Architectural Standards and Architectural Control Committee.

No exterior construction, alteration, addition, or erection of any nature whatsoever, including any change in landscaping shall be commenced or placed upon any part of the Community, except such as is installed by the Declarant, or as is approved in accordance with this Section, or as is otherwise expressly permitted herein. No exterior construction, addition, erection, or alteration shall be made unless and until plans and specifications showing at least the nature, kind, shape, height, materials, and location shall have been submitted in writing to and approved by an Architectural Control Committee consisting of three (3) members elected by the Board as provided for in the Bylaws. The Board may divide the Architectural Control Committee into two (2) subcommittees, with one (1) subcommittee having jurisdiction over modifications and the other having jurisdiction over new construction. The Board may employ for the Architectural Control Committee architects, engineers, or other Persons necessary to enable the Committee to perform its review. The Architectural Control Committee may, from time to time delegate any of its rights or responsibilities hereunder to one (1) or more duly licensed architects or other qualified Persons which shall have full authority to act on behalf of the committee or all matters delegated. Written design guidelines and procedures shall be promulgated for the exercise of this review, which guidelines may provide for a review fee in an amount not less than twenty-five (\$25.00) Dollars.

The Architectural Committee shall make a decision on all plans within thirty (30) days. In the event of dispute, The Board of Directors shall be the sole arbiter of such plans and may withhold approval for any reason, including purely aesthetic considerations, and it shall be entitled to stop any construction in violation of these restrictions. Any member of the Board or its designee or the representatives thereof shall have the right, during reasonable hours, to enter upon any Lot to inspect any Lot and any improvements thereon for the purpose of ascertaining whether or not these restrictive covenants have been or are being complied with. Such Person or Persons shall not be deemed guilty of trespass by reason of such entry. In the event the Architectural Committee fails to approve or to disapprove such design and location within thirty (30) days after the plans and specifications have been submitted to it, approval will not be required, and this Section will be deemed to have been fully complied with.

BYLAWS

Article III, Board of Directors: Number, Powers, Meetings

Article III, Section 3 now reads:

A. Composition and selection.

Section 3. Number of Directors.

The Board shall consist of seven (7) members.

Article III, Section 5 now reads:

Section 5. Election and Term of Office.

(b) At annual meetings of the membership thereafter, directors shall be elected. All eligible members of the Association shall vote on all directors to be elected, and the candidate(s) receiving the most votes shall be elected; provided, however, the initially elected directors shall serve the remainder of their terms.

The term of all directors and officers shall be no more than one (1) year, or the election of new officers and directors at the next annual meeting of the membership, whichever comes first. The members of the Board of Directors shall hold office until their respective successors shall have been elected by the Association.

Article IV, Officers

Article IV, Section 1 now reads:

Section 1. Officers.

The offices of the Association shall be a President, Vice President, Secretary, and Treasurer. Any two (2) or more offices may be held by the same Person, excepting the offices of President and Secretary. All officers shall be selected only from among the members of the Board of Directors. The voting members of the Board of Directors shall then consist of four (4) officers and three (3) non-officers. Whenever possible, Board members should be geographically represented among the homeowners.

Article VI, Architectural Control Committee

Article VI, Section 1 now reads:

Section 1. Election and Term of Office.

The Board shall establish an Architectural Control Committee consisting of three (3) members elected annually by the Board at the first meeting of the Board, following each annual meeting of the members. Each member of the Committee shall serve a one year term and may be re-elected for subsequent one (1) year terms.

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**AMENDMENTS TO THE CHURCHILL DOWNS
COVENANTS AND BYLAWS**

The Churchill Downs Covenants and Bylaws as recorded in the Fulton County Deed Book 18189 Page 288 have been changed as a result of a vote of the General Membership of the Churchill Downs Homeowners Association on December 14, 2002 as follows:

Article VI, Section 17, Page 300 now reads:

Section 17. Fences.

No fence or fencing type barrier kind shall be placed, erected, allowed, or maintained any portion of the Community, including any Lot, without the written consent of the Architectural Committee. No chain link fences will be permitted except as follows:

- (a) The chain link fence plan is both pre and post approved by the Board of Directors.
- (b) The chain link fence location is maintained inside an approved wooden perimeter fence.
- (c) The chain link fence is painted a dark green color.
- (d) The chain link fence has wood woven lattice work board attached in a manner that it completely hides the chain link fence from neighbor or street view.

Under no circumstances shall any fence be placed, erected, allowed or maintained closer to any street than the front corners of the residence constructed on such Lot. The Architectural Committee may issue guidelines detailing acceptable fence styles or specifications.

Article VI, Section 18, Page 300 now reads:

Section 18. Detached Structures.

Detached structures may be placed, erected, allowed, or maintained upon any lot with the prior written consent of the Architectural Committee. The following restrictions shall apply to sheds:

- (a) Only one (1) outside shed will be allowed per lot with an existing approved wooden fence. If there is no wooden fence on the lot, a shed will not be allowed.
- (b) New sheds must be below the fence line. If an existing shed is higher than the fence line, it must be covered with shrubbery high and thick enough to hide the shed from street view.
- (c) Sheds must be adequately hidden from the street or neighbor view by fence and/or shrubbery. Architectural Committee approval must be obtained to meet the (adequately hidden) criteria.
- (d) The shed must be maintained in excellent visual and physical condition at all times. It must meet the same color code as the house residing on the same lot.

The shed may be no more than ten feet by ten feet and located in a place approved by the Board of Directors. The actual shed size approved will depend on how large the lot size permits the construction of a shed to be without it being considered an "eye sore."

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**AMENDMENTS TO THE CHURCHILL DOWNS
COVENANTS AND BYLAWS**

The Churchill Downs Covenants and Bylaws as recorded in the Fulton County Deed Book 18189 Page 288 have been changed as a result of a vote of the General Membership of the Churchill Downs Homeowners Association on March 30, 2003 as follows:

Article VI, Section 2, Page 988 now reads:

Section 2. Use of Lots.

All lots shall be used for single family residential purposes exclusively. No business or business activity shall be carried on or upon any Lot at any time except with the prior written approval of the board. The leasing of a Residence by the Owner thereof shall not be considered a trade or business within the meaning of this section. Number of Occupants in a dwelling on a Lot must comply with all Zoning, and Code Ordinances of Fulton County.

Article VI, Section 3, Page 298 now reads:

Section 3. Signs.

Except as may be required by legal proceedings, no signs, advertising posters or billboards of any kind shall be erected, placed, or permitted to remain on the property without prior written consent of the Board. One professional security sign not to exceed ten (10") inches by ten (10") inches in size may be displayed on a lot, and one (1) professionally lettered "For Rent" or "For Sale" sign not to exceed two (2') feet by two (2') feet in size may be displayed on a lot. The board shall have the right to erect reasonable and appropriate signs on behalf of the Association. The Board also shall have the authority to adopt regulations permitting temporary signs on Lots announcing births, birthdays, garage sales, political candidates, or other events for limited period of time.

Article VI, Section 4, Page 298 now reads:

Section 4. Parking of Homeowner Automobiles, Recreational Vehicles and Trailers.

Regular parking on the street of homeowner automobiles is prohibited with the only exception being temporary extenuating circumstances. Other exceptions must be approved by the Board of Directors. Vehicles shall be parked on the lot within the approved parking areas, those approved areas are the lots garage or driveway. Parking of commercial vehicles must be approved by the Board Directors. No trailer, trailer house, boat, or recreational vehicle shall be parked on any Lot, except on such parking areas as specified; by the Architectural Control Committee pursuant to this Section or within enclosures or behind screening erected in accordance with plans and specifications submitted to and approved by the Architectural Control Committee.

Article VI, Section 5, Page 298 now reads:

Section 5. Occupants Bound.

All provisions of the Declaration and of any rules and regulations or use restrictions promulgated pursuant thereto which govern the conduct of Owners and which provide sanctions against Owners shall also apply to all Occupants of any Lot even though Occupants are not specifically mentioned. Fines may be levied against Owners or Occupants. If a fine is first levied against an Occupant and is not paid timely, the fine may then be levied against the Owner. No more than eight (8) lots in Churchill Downs Subdivision may be leased at any time. All lot owners must provide written notice to the Board of his or her intention to Lease their lot, and provide the terms of the Lease. Owners who lease their property must include a copy of the subdivision restrictive covenants with their lease. Tenants must sign an agreement to abide by the terms of the restrictive covenants and the signed agreement should be forwarded to the Secretary of the Board. All absentee homeowners must provide the Name and Phone number of the new occupant of the property. Homeowners must also provide their current, permanent address, and phone number to the Secretary of the Board.

Article VI, Section 15, Page 300 now reads:

Section 15. Guns & Fireworks.

The use of firearms or fireworks in the Community is prohibited. The term "firearms" includes, "B-B" guns, pellet guns, paintball guns, and firearms and fireworks of all types.