

JEFFREY A. WATKINS
WHITE, CHOATE & WATKINS
200 WEST MAIN STREET
CARTERSVILLE, GEORGIA 30120

FILED FOR RECORD
2000 FEB 10 PM 12:14
LISA JOHNSON, C.L.U.
BARTOW COUNTY, GA.

STATE OF GEORGIA
COUNTY OF BARTOW

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE PLANTERS SUBDIVISION**

THIS AMENDMENT, made this 7th day of February, 2000, by BARTOW HOMEBUILDERS, INC., a Georgia Corporation (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, Declarant published that certain Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Superior Court Records, Bartow County, Georgia (hereinafter referred to as the "Declaration"); and

WHEREAS, Article XI of said Declaration provides that additional residential property may be annexed to the Property; and

WHEREAS, Declarant is the Owner and developer of certain additional real property lying and being in Land Lots 52 and 53, 5th District, 3rd Section, Bartow County, Georgia, and being more particularly described on Exhibit "A" and incorporated herein by reference (hereinafter referred to as "Additional Property"); and

WHEREAS, Declarant intends and desires to develop the Additional Property as Phase II of The Planters Subdivision; and

WHEREAS, the Declarant desires to subject the Additional Property to each of the covenants, conditions and restrictions set forth in the Declaration and to amend said Declaration pursuant to the authority granted therein in order to expand the Declaration to include said Additional Property; and

WHEREAS, it is the intent of the Declarant to insure that the Additional Property is specifically incorporated into the Declaration, as amended, and made subject to and a part of the Declaration, as the same is amended by the First Amendment; and

WHEREAS, Declarant desires that the Additional Property be subjected to the Declaration as if it has been subjected to the Declaration ab initio; and

WHEREAS, Declarant desires to provide for the preservation and enhancement of property values of the Property and Additional Property of The Planters Subdivision and to this end desires to establish certain other restrictions with regard to the Property and Additional Property.

EX 0012730186

NOW, THEREFORE, for and in consideration of the premises, said Declaration is hereby amended as follows:

1.

The Additional Property described above shall be and is hereby made subject to and a part of the Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision, dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Records of Bartow County, Georgia.

2.

The Additional Property described above shall be and is hereby made subject to each of the covenants, conditions and restrictions set forth in the Declaration, and as amended.

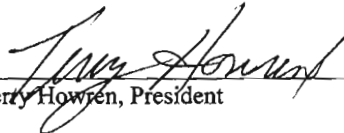
3.

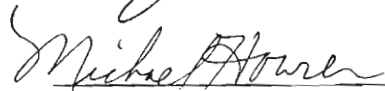
Except as otherwise specifically amended, said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Bartow Homebuilders, Inc. has caused this First Amendment to be executed in its name and by its duly authorized officer and its seal affixed, where applicable, on the day and year first above written.


“Declarant”

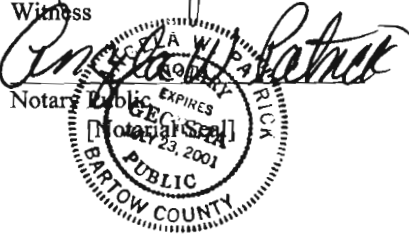
BARTOW HOMEBUILDERS, INC.


Terry Howren, President


Michael Howren, Vice President

Signed, sealed and delivered
this 7TH day of ~~December, 1999~~
in the presence of: February, 2000


Witness



BK 001273 0187

Exhibit "A"

All that tract or parcel of land lying and being in Land Lots 52 and 53, 5th District, 3rd Section, Bartow County, Georgia; being more particularly described by plats of survey dated December 23, 1999, prepared by William C. Smith, Georgia Registered Land Surveyor No. 1803, recorded in Plat Book 49, pages 165 and 166, Bartow County, Georgia Records, which plats by reference hereto are incorporated herein and made a part hereof.

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Rec'd 1-009005
FILED FOR RECORD
2001 APR 20 AM 9:44
GARY BELL, C.S.C.
BARTOW COUNTY, GA.

Return Recorded Document to:
White, Choate & Watkins, LLC
100 W. Cherokee Avenue
Cartersville, Georgia 30120

STATE OF GEORGIA
COUNTY OF BARTOW

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE PLANTERS SUBDIVISION**

THIS AMENDMENT, made this 28th day of February, 2001, by BARTOW HOMEBUILDERS, INC., a Georgia Corporation (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, Declarant published that certain Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Superior Court Records, Bartow County, Georgia (hereinafter referred to as the "Declaration"); and

WHEREAS, Article XI of said Declaration provides that additional residential property may be annexed to the Property; and

WHEREAS, Declarant amended said Declaration on February 7, 2000, recorded February 10, 2000, in Deed Book 1273, Page 186, Superior Court Records, Bartow County, Georgia annexing additional property; and

WHEREAS, Declarant is the Owner and developer of certain additional real property lying and being in Land Lots 52 and 53, 5th District, 3rd Section, Bartow County, Georgia, and being more particularly described on Exhibit "A" and incorporated herein by reference (hereinafter referred to as "Additional Property"); and

WHEREAS, Declarant intends and desires to develop the Additional Property as Phase II, Section Five and Section Six of The Planters Subdivision; and

WHEREAS, the Declarant desires to subject the Additional Property to each of the covenants, conditions and restrictions set forth in the Declaration and to amend said Declaration pursuant to the authority granted therein in order to expand the Declaration to include said Additional Property; and

WHEREAS, it is the intent of the Declarant to insure that the Additional Property is specifically incorporated into the Declaration, as amended, and made subject to and a part of the Declaration; and

WHEREAS, Declarant desires that the Additional Property be subjected to the Declaration as if it has been subjected to the Declaration ab initio; and

WHEREAS, Declarant desires to provide for the preservation and enhancement of property values of the Property and Additional Property of The Planters Subdivision and to this end desires to establish certain other restrictions with regard to the Property and Additional Property.

NOW, THEREFORE, for and in consideration of the premises, said Declaration is hereby amended as follows:

1.

The Additional Property described above shall be and is hereby made subject to and a part of the Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision, dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Records of Bartow County, Georgia.

2.

The Additional Property described above shall be and is hereby made subject to each of the covenants, conditions and restrictions set forth in the Declaration, and as amended.

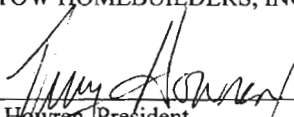
3.

Except as otherwise specifically amended, said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Bartow Homebuilders, Inc. has caused this Second Amendment to be executed in its name and by its duly authorized officer and its seal affixed, where applicable, on the day and year first above written.


“Declarant”

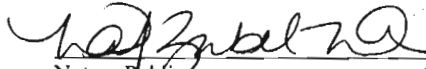
BARTOW HOMEBUILDERS, INC.


Terry Howren, President


Michael Howren, Vice President

Signed, sealed and delivered
this 28 day of February, 2001 in the presence of:


Witness


Notary Public
[Notarial Seal]



FILED FOR RECORD
2003 APR -7 AM 9: 52
GARY BELL, C.S.C.
BARTOW COUNTY, GA.

Return Recorded Document to:
White, Choate & Watkins, LLC
100 W. Cherokee Avenue
Cartersville, Georgia 30120

STATE OF GEORGIA
COUNTY OF BARTOW

**THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE PLANTERS SUBDIVISION**

THIS AMENDMENT, made this 26th day of March, 2003, by BARTOW HOMEBUILDERS, INC., a Georgia Corporation (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, Declarant published that certain Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Superior Court Records, Bartow County, Georgia (hereinafter referred to as the "Declaration"); and

WHEREAS, Article XI of said Declaration provides that additional residential property may be annexed to the Property; and

WHEREAS, Declarant amended said Declaration on February 7, 2000, recorded February 10, 2000, in Deed Book 1273, Page 186, Superior Court Records, Bartow County, Georgia annexing additional property, and later amended said Declaration on February 28, 2001, recorded April 20, 2001, in Deed Book 1386, Pages 261 and 262, Superior Court Records, Bartow County, Georgia annexing additional property; and

WHEREAS, Declarant is the Owner and developer of certain additional real property lying and being in Land Lot 51, 5th District, 3rd Section, Bartow County, Georgia, and being more particularly described on Exhibit "A" and incorporated herein by reference (hereinafter referred to as "Additional Property"); and

WHEREAS, Declarant intends and desires to develop the Additional Property as Phase IV, Section Seven of The Planters Subdivision; and

WHEREAS, the Declarant desires to subject the Additional Property to each of the covenants, conditions and restrictions set forth in the Declaration and to amend said Declaration

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pursuant to the authority granted therein in order to expand the Declaration to include said Additional Property; and

WHEREAS, the Declarant desires to add certain lots from the Additional Property to Article VII, Section 8 of the Declaration; and

WHEREAS, it is the intent of the Declarant to insure that the Additional Property is specifically incorporated into the Declaration, as amended, and made subject to and a part of the Declaration; and

WHEREAS, Declarant desires that the Additional Property be subjected to the Declaration as if it has been subjected to the Declaration ab initio; and

WHEREAS, Declarant desires to provide for the preservation and enhancement of property values of the Property and Additional Property of The Planters Subdivision and to this end desires to establish certain other restrictions with regard to the Property and Additional Property.

NOW, THEREFORE, for and in consideration of the premises, said Declaration is hereby amended as follows:

1.

The Additional Property described above shall be and is hereby made subject to and a part of the Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision, dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Records of Bartow County, Georgia.

2.

The Additional Property described above shall be and is hereby made subject to each of the covenants, conditions and restrictions set forth in the Declaration, and as amended.

3.

Article VII, Section 8 shall be deleted therefrom in its entirety and as amended heretofore and substituting in lieu thereof a new Article VII, Section 8 to read as follows:

Section 8. Fences. All fences and walls shall compliment the design, texture and colors of all structures on the same lot. The maximum height of any fence or wall shall be six feet above grade. All fences and walls shall include planting as an integral component, and shall not attract attention as distinct architectural elements. All fence posts must be placed on the inside yard. No fence shall be located closer to the street than the rear corner of the house, except for lots 1, 5, 8, 10, 15, 25, 26, 38, 47, 170, 174, 226, 290, 294, 296, 297, 302, 303, 307, 317, 398, 402 and 403, where all fences must be approved by the ACC.

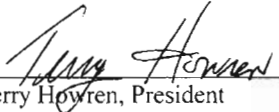
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Except as otherwise specifically amended, said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Bartow Homebuilders, Inc. has caused this Third Amendment to be executed in its name and by its duly authorized officer and its seal affixed, where applicable, on the day and year first above written.

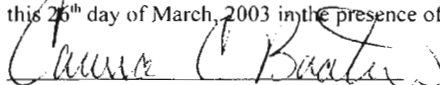
“Declarant”


BARTOW HOMEBUILDERS, INC.


Terry Howren, President


Michael Howren, Vice President

Signed, sealed and delivered
this 26th day of March, 2003 in the presence of:


Witness


Notary Public

[Notarial Seal]



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FILED FOR RECORD
2004 MAR 23 PM 4: 18
GARY BULLOCK, C.S.C.
BARTOW COUNTY, GA.

Return Recorded Document to:
White, Choate & Watkins, LLC
100 W. Cherokee Avenue
Cartersville, Georgia 30120

STATE OF GEORGIA
COUNTY OF BARTOW

**FOURTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE PLANTERS SUBDIVISION**

THIS AMENDMENT, made this 19th day of March, 2004, by BARTOW HOMEBUILDERS, INC., a Georgia Corporation (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, Declarant published that certain Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Superior Court Records, Bartow County, Georgia (hereinafter referred to as the "Declaration"); and

WHEREAS, Article XI of said Declaration provides that additional residential property may be annexed to the Property; and

WHEREAS, Declarant amended said Declaration on February 7, 2000, recorded February 10, 2000, in Deed Book 1273, Page 186, Superior Court Records, Bartow County, Georgia annexing additional property, and later amended said Declaration on February 28, 2001, recorded April 20, 2001, in Deed Book 1386, Pages 261 and 262, Superior Court Records, Bartow County, Georgia annexing additional property; and later amended said Declaration on March 26, 2003, recorded in Deed Book 1634, Page 585 - 587, Superior Court Records, Bartow County, Georgia annexing additional property; and

WHEREAS, Declarant is the Owner and developer of certain additional real property lying and being in Land Lot 21, 5th District, 3rd Section, Bartow County, Georgia, and being more particularly described on Exhibit "A" and incorporated herein by reference (hereinafter referred to as "Additional Property"); and

WHEREAS, Declarant intends and desires to develop the Additional Property as Phase IV, Section Eight of The Planters Subdivision; and

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WHEREAS, the Declarant desires to subject the Additional Property to each of the covenants, conditions and restrictions set forth in the Declaration and to amend said Declaration pursuant to the authority granted therein in order to expand the Declaration to include said Additional Property; and

WHEREAS, the Declarant desires to add certain lots from the Additional Property to Article VII, Section 8 of the Declaration; and

WHEREAS, it is the intent of the Declarant to insure that the Additional Property is specifically incorporated into the Declaration, as amended, and made subject to and a part of the Declaration; and

WHEREAS, Declarant desires that the Additional Property be subjected to the Declaration as if it has been subjected to the Declaration ab initio; and

WHEREAS, Declarant desires to provide for the preservation and enhancement of property values of the Property and Additional Property of The Planters Subdivision and to this end desires to establish certain other restrictions with regard to the Property and Additional Property.

NOW, THEREFORE, for and in consideration of the premises, said Declaration is hereby amended as follows:

1.

The Additional Property described above shall be and is hereby made subject to and a part of the Declaration of Covenants, Conditions and Restrictions for The Planters Subdivision, dated December 28, 1998, and recorded January 4, 1999, in Deed Book 1181, Page 498, Records of Bartow County, Georgia.

2.

The Additional Property described above shall be and is hereby made subject to each of the covenants, conditions and restrictions set forth in the Declaration, and as amended.

3.

Article VII, Section 8 shall be deleted therefrom in its entirety and as amended heretofore and substituting in lieu thereof a new Article VII, Section 8 to read as follows:

Section 8. Fences. All fences and walls shall compliment the design, texture and colors of all structures on the same lot. The maximum height of any fence or wall shall be six feet above grade. All fences and walls shall include planting as an integral component, and shall not attract attention as distinct architectural elements. All fence posts must be placed on the inside yard. No fence shall be located closer to the street than

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the rear corner of the house, except for lots 1, 5, 8, 10, 15, 25, 26, 38, 47, 170, 174, 226, 290, 294, 296, 297, 302, 303, 307, 317, 359, 363, 368, 367, 380, 383, 384, 394, 398, 402 and 403, where all fences must be approved by the ACC.

4.

Except as otherwise specifically amended, said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Bartow Homebuilders, Inc. has caused this Third Amendment to be executed in its name and by its duly authorized officer and its seal affixed, where applicable, on the day and year first above written.

“Declarant”

BARTOW HOMEBUILDERS, INC.

Terry Howren

Terry Howren, President

Michael Howren

Michael Howren, Vice President



Signed, sealed and delivered
this 19th day of March 2004 in the presence of:

[Signature]
Witness

[Signature]
Notary Public
[Notarial Seal]



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