

Prepared by and when recorded return to:  
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**CROSS REFERENCE:**

(1) DEED BOOK 517, PAGE 86, OFFICE OF THE CLERK OF THE SUPERIOR COURT FOR DADE COUNTY, GEORGIA

(2) DEED BOOK 1953, PAGE 701, OFFICE OF THE CLERK OF THE SUPERIOR COURT FOR WALKER COUNTY, GEORGIA

**FIFTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**THIS FIFTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS** (this “Amendment”) is made to be effective as of the 31st day of December, 2021, by **MCLEMORE HOLDINGS, LLC**, a Georgia limited liability company (“Declarant”).

**WITNESSETH:**

**WHEREAS**, Declarant is the declarant under that certain Amended and Restated Declaration of Covenants, Conditions, and Restrictions, dated October 2, 2017, of record in Deed Book 517, Page 86 in the Clerk of the Superior Court of Dade County, Georgia (the “Dade Clerk’s Office”) and in Deed Book 1953, Page 701 in the Clerk of the Superior Court of Walker County, Georgia (the “Walker Clerk’s Office”), as amended by that certain First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions of record in Book 2017, Page 704 in the Walker Clerk’s Office, and in Book 534, Page 644 in the Dade Clerk’s Office, as further amended by that certain Second Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions of record in Book 2069, Page 225 in the Walker Clerk’s Office, and in Book 567, Page 543 in the Dade Clerk’s Office, as further amended by that certain Third Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions of record in Book 2069, Page 229 in the Walker Clerk’s Office, and in Book 567, Page 547 in the Dade Clerk’s Office, as further amended by that certain Fourth Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions of record in Book 2172, Page 385 in the Walker Clerk’s Office, and in Book \_\_\_\_, Page \_\_\_\_ in the Dade Clerk’s Office, and as affected by that certain Assignment and Assumption of Rights under Declaration of Covenants, Conditions and Restrictions of record in Book 517, Page 172 in the Dade Clerk’s Office, and in Book 1953, Page 787 in the Walker Clerk’s Office, as further affected by that certain Assignment and Assumption of Rights under Declaration of Covenants, Conditions and Restrictions of record in Book 517, Page 175 in the Dade Clerk’s Office, and in Book 1953, Page 790 in the Walker Clerk’s Office, as affected by that certain Assignment and Assumption of Rights under Declaration

of Covenants, Conditions and Restrictions of record in Book 525, Page 63 in the Dade Clerk's Office, and in Book 1982, Page 724 in the Walker Clerk's Office, and as further affected by that certain Assignment and Assumption of Rights under Declaration of Covenants, Conditions and Restrictions of record in Book 525, Page 66 in the Dade Clerk's Office, and in Book 1982, Page 727 in the Walker Clerk's (collectively, the "Declaration"); and

**WHEREAS**, Declarant desires to amend the Declaration to make certain changes to the terms, conditions, and restrictions of the Declaration; and

**WHEREAS**, at a duly called meeting of the Members of the Association, Declarant has caused this Amendment to be approved by the requisite number of Members in accordance with the requirements of Section 18.2 of the Declaration; and

**NOW, THEREFORE**, in consideration of the foregoing and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declaration is amended as follows:

1. **Declarant Control Period.** The termination date of the Declarant Control Period, which was previously defined in Section 3.2 of the Declaration as "January 1, 2022", is hereby revised to instead be December 31, 2022. Accordingly, all of the rights, obligations, conditions, privileges, and requirements in the Declaration that are subject to the Declarant Control Period shall continue in full force and effect until December 31, 2022.

2. **Association Meeting.** Declarant hereby affirms that at a duly-called meeting held for such purpose on the \_\_\_ day of December, 2021, in accordance with the terms and conditions of the Declaration and the Bylaws of the Association, the Members have approved this Fifth Amendment and all its terms, in accordance with the requirements of the Declaration.

3. **Full Force and Effect.** All other provisions contained in the Declaration remain unchanged and the Declaration, as modified herein, remains in full force and effect. All capitalized terms used in this instrument that are not otherwise defined shall have the meanings ascribed thereto under the Declaration.

**[SIGNATURES CONTINUED ON FOLLOWING PAGES]**

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the day and date set forth above.

**DECLARANT:**

Signed, sealed and delivered  
in the presence of:

**MCLEMORE HOLDINGS, LLC,**  
a Georgia limited liability company

*Bl Reed*  
Unofficial Witness

By: *[Signature]*  
Name: WILLIAM DUANE HORTON  
Title: PRESIDENT

*Peggy V Burns*  
Notary Public

[NOTARIAL SEAL]

[CORPORATE SEAL]

My Commission Expires: 11/10/2022

