

After recording, please return to:
Erin Murray O'Connell
Dorough & Dorough, LLC
Attorneys at Law
160 Clairemont Avenue, Suite 650
Decatur, Georgia 30030
(404) 687-9977

CROSS REFERENCE: Deed Book: 6303
Page: 313

AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS FOR THE WOODLANDS

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR THE WOODLANDS ("Amendment") is made this 11 day of April, 2023 by **THE WOODLANDS ASSOCIATION, INC.**, a Georgia nonprofit corporation (hereinafter called the "Association").

WITNESSETH:

WHEREAS, Dunwoody Development Co., Inc., recorded that certain Declaration of Covenants, Conditions, Easements and Restrictions for The Woodlands, which was recorded on January 2, 1979 in Deed Book 3960, Page 451, *et seq.*, DeKalb County, Georgia records, which was compiled and restated by that certain Codification of Declaration of Covenants, Conditions, Easements and Restrictions for The Woodlands, recorded on December 1, 1988 in Deed Book 6303, Page 313, *et seq.*, aforesaid records (hereinafter as further supplemented and/or amended from time to time, hereinafter collectively referred to as the "Declaration"); and

WHEREAS, the Association is a nonprofit 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

WHEREAS, pursuant to Article X, Section 2 of the Declaration, the Declaration may be amended at any time and from time to time by an agreement signed by the Association and by at least two-thirds (2/3) of the Owners of record whose Lots are then subject to the Declaration; and

WHEREAS, at least two-thirds (2/3) of the Owners of Lots subject to the Declaration have agreed by affirmative vote or written consent, or any combination thereof, to amend the Declaration as provided herein; and

WHEREAS, attached hereto as Exhibit "A" and incorporated herein by reference is the sworn statement of the Secretary of the Association, which sworn statement states unequivocally that: (a) at least two-thirds (2/3) of the Owners of Lots agreed to the foregoing Amendment; (b) the consent of at least two-thirds (2/3) of the Owners of Lots was lawfully obtained; and (c) that any notices required under the Declaration, By-Laws and the Georgia Property Owners' Association Act, O.C.G.A. Section 44-3-220, *et seq.* (as amended, the "Act") were given;

NOW THEREFORE, the Association hereby adopts this Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions for The Woodlands, hereby declaring that all of 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 a new Article VI, Section 12, entitled "Initiation Fee," to read as follows:

Section 12. Initiation Fee. Upon each and every conveyance of title of a Lot, an initiation fee in an amount equal to one-half (1/2) of the annual assessment applicable to the Lot for the year of such conveyance, or such other amount as may be determined by the Board of Directors from time to time in its sole discretion, but not to exceed the amount of the annual assessment applicable to the Lot for the year of such conveyance, shall be collected from the new Owner at the closing of such transaction and disbursed to the Association; or if not collected at closing, shall be paid immediately upon demand to the Association. The initiation fee shall constitute a specific assessment against the Lot, shall be in addition to, not in lieu of, the annual assessment and shall not be considered an advance payment of such assessment. As of the date this Amendment is recorded in the DeKalb County, Georgia land records, it is the Board of Directors' intent for the initiation fee to be used exclusively for the maintenance and repair of the roads located on the Common Elements; provided however the Board of Directors may decide, by resolution, that the initiation fee may be used by the Association for any purpose which provides a direct benefit to The Woodlands, including, without limitation, for the payment of operating expenses of the Association and other expenses incurred by the Association pursuant to the provisions of this Declaration.

Notwithstanding anything to the contrary herein, this specific assessment shall not apply to the holder of any first mortgage on a Lot who becomes the Owner of a Lot through foreclosure or any other means pursuant to the satisfaction of the

indebtedness secured by such mortgage, but shall apply to the Owner acquiring the Lot from the foreclosing mortgagee.

2.

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

3.

This Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of DeKalb County, Georgia and shall be binding on all Lots subject to the Declaration.

4.

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

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed under seal the day and year first above written.

ASSOCIATION: THE WOODLANDS ASSOCIATION, INC., a Georgia nonprofit corporation

By: *Cheyl H. Reese*
Print Name: Cheryl H. Reese
President

Attest: *Philip A. Harrell*
Print Name: PHILIP A. HARRELL
Secretary

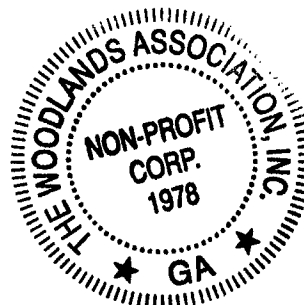
[CORPORATE SEAL]

Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Notary Public

My Commission Expires: 12-10-2025



[AFFIX NOTARY SEAL]

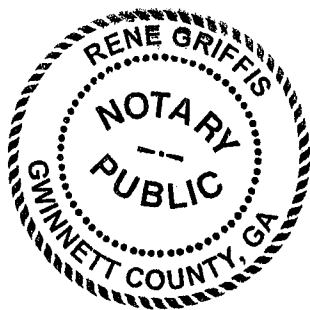


EXHIBIT "A"

Sworn Statement of Secretary of
The Woodlands Association, Inc.

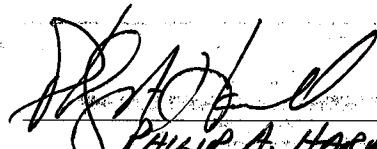
STATE OF GEORGIA
COUNTY OF DEKALB

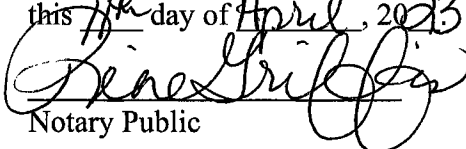
Re: The Woodlands Association, Inc.

Personally appeared before me, the undersigned deponent who, being duly sworn, deposed and said on oath that:

1. Deponent is the Secretary of The Woodlands Association, Inc.
2. Deponent is duly qualified and authorized to make this Affidavit and knows the facts contained herein are of his/her own personal knowledge.
3. The foregoing Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions for The Woodlands was approved upon the affirmative vote or written consent of at least two-thirds (2/3) of the Owners of Lots as provided by law and Article X, Section 2 of the Declaration, which approval was lawfully obtained.
4. Any notices required by the Declaration, By-Laws and the Act were properly given.
5. Deponent makes this Affidavit pursuant to Official Code of Georgia Annotated Section 44-3-226.

This 11 day of April, 2023.

By: 
Print Name: PHILIP A. HARRELL

Sworn to and subscribed before me
this 11th day of April, 2023

Notary Public

My Commission Expires: 12-10-2025

[AFFIX NOTARY SEAL]

