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FIRST AMENDMENT TO  
DECLARATION OF COVENANTS  
AND RESTRICTIONS

FOR WESTCHESTER COMMONS TOWNHOME ASSOCIATION

THIS FIRST AMENDMENT to the Declaration of Covenants and Restrictions for Westchester Commons Townhome Association, is made this 22nd day of May, 2000, by WESTCHESTER COMMONS TOWNHOME ASSOCIATION, INC., a Georgia non-profit corporation (the "Association").

WITNESSETH:

WHEREAS, the Association has been organized pursuant to that certain Declaration of Covenants and Restrictions for Westchester Commons (the "Declaration"), dated May 29, 2000 and recorded in the deed records of Cobb County, Georgia in Deed Book 13266, Page 254 and 2588

WHEREAS, the Association wishes to amend the Declaration;

NOW, THEREFORE, the undersigned hereby declare that the Declaration is hereby amended as follows:

- The first paragraph of Section 3 of Article VIII is deleted in its entirety and replaced with following:

Privacy Fences. The owner of every Townhome shall have the right to extend the original privacy fencing to enclose the remainder of the Easement Area that is annexed to his Townhome. Any such extension of such privacy fencing that shall be so erected shall contain a gate providing access into said Easement Area. In the event that the owner of any Townhome shall install a lock on such gate, such owner shall make arrangements for all persons who shall properly require access to such Easement Area (such as, but not limited to, utility companies requiring access to any utility meters located within such Easement Area) to have access through such gate when such access shall be so required. No such privacy fence may be erected outside the Easement Area that is annexed to such Townhome. It shall be the duty of the Board of Directors to maintain in effect a standardized design for the privacy fence that may be so erected upon the Association Property.

*changed sentence*

- Except as amended hereby, the Declaration shall remain in full force and effect pursuant to its terms.

Deed Book 13266 Pg 2593  
Filed and Recorded Jun-01-2000 02:45pm  
2000-0071133

*J.C. Stephenson*

Jay C. Stephenson  
Clerk of Superior Court Cobb Cty. Ga.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed as on the day and year first above written.

Signed, sealed and delivered in the presence of:

WESTCHESTER COMMONS  
TOWNHOME ASSOCIATION, INC.

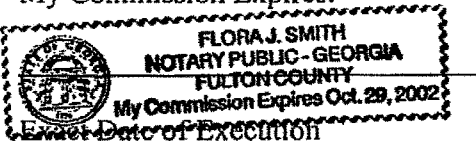
Kaura Rodney  
Unofficial Witness

By: J. C. Leiferman  
James C. Leiferman  
President

Flora J. Smith  
Notary Public

My Commission Expires:

Deed Book 13266 Pg 2594



Jay C. Stephenson

by Notary Public:

Jay C. Stephenson  
Clerk of Superior Court Cobb Cty. Ga.  
I HEREBY SET FORTH THAT THE ABOVE AND WITTS ARE TRUE AND CORRECT AND THAT THE SIGNED IS VALID & LEGAL

May 29, 2000  
[AFFIX NOTARIAL SEAL]

