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Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK **8938** PG **139-141**

**AMENDMENT TO DECLARATION
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR THE SUBDIVISION KNOWN AS
THE WOODLANDS OF HOUSTON
PHASE "1," POD "D"
(ADDING POD "D," PHASE "2," SECTION "2")**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS made and published this the 28th day of December, 2020, by ASIL GROUP, LLC, a Georgia limited liability company, hereinafter referred to as the "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located in Land Lots 233 and 234 of the 10th Land District of Houston County, Georgia, which has been subdivided into individual lots, tracts or parcels which, together with the streets and other improvements have been designated as **The Woodlands of Houston, POD "D," Phase "2," Section "2"** (the "Subdivision"), and is delineated on that certain map or plat of survey of said Subdivision prepared by McLeod Surveying, certified by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated October 29, 2020, a copy of which is of record in Map Book 82, Page 87, Clerk's Office, Houston Superior Court;

WHEREAS, it is to the interest, benefit and advantage of the Declarant and to each and every person who shall hereafter purchase any lot in the Subdivision that covenants, conditions and restrictions governing and regulating the use and occupancy of the same be established, set forth and declared to be covenants running with the land;

WHEREAS, that certain Declaration of Covenants, Conditions, Restrictions and Easements has heretofore been published and declared with respect to The Woodlands of Houston, Phase "1," Pod "D," dated February 25, 2019, of record in Deed Book 8100, Pages 266-292, Clerk's Office, Houston Superior Court, which has been previously amended by instrument of record in Deed Book 8621, Pages 230-231, said Clerk's Office (hereinafter referred to as the "Declaration" and/or "Covenants"); and

WHEREAS, the Declarant is desirous of amending the aforesaid Covenants to extend the applicability thereof to include, in addition to the property described therein, the property

developed for single-family residential purposes to be known and designated as The Woodlands of Houston, Pod "D," Phase "2," Section "2," and to amend Article VI to add Section 6.3(g).

NOW, THEREFORE, for and in consideration of the premises and of the benefits to be derived by Declarant and its successors in title, and to each and every subsequent owner of any of the lots, tracts or parcels hereinafter described, Declarant does hereby modify and amend the said Declaration of Covenants, Conditions, Restrictions and Easements, dated February 25, 2019, and recorded in Deed Book 8100, Pages 266-292, Clerk's Office, Houston Superior Court, in the following particulars, to-wit:

1. **Additional Property Subject to Declaration of Covenants, Conditions Restrictions and Easements.** The following described lots, tracts or parcels of land shall be, and the same hereby are made, subject to the terms, provisions and conditions set forth in said Covenants, and said Covenants are hereby modified and amended so as to include the following described lots, tracts or parcels of land as "Additional Property", to-wit:

All those lots or parcels of land situate, lying and being in Land Lots 233 and 234 of the Tenth Land District of Houston County, Georgia, known and designated as Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79 and 80 of a Subdivision known as THE WOODLANDS OF HOUSTON, POD "D," PHASE "2," SECTION "2," according to a map or plat of survey of said Subdivision prepared by McLeod Surveying, certified by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated October 29, 2020, a copy of which is of record in Map Book 82, Page 87, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are by this reference thereto incorporated herein and made a part hereof for all purposes.

2. **Amendment of Protective Covenants.** The Protective Covenants set forth in the Declaration of Covenants, Conditions, Restrictions and Easements are hereby modified and amended with respect to the lots or parcels comprising the Subdivision (as defined herein) by amending Article VI to add Section 6.3(g) as follows:

(g) **In-Home Business.** No lot shall be used except for residential purposes. Any homeowner desiring to operate a business or conduct business activities on a lot or within a dwelling shall first submit a request to the Architectural Control Committee and provide all documentation requested by the Architectural Control Committee. If the Architectural Control Committee fails to approve or to disapprove such request within thirty (30) days after submittal thereof, it shall be conclusively presumed that such committee has not approved the request. No signs, displays or other advertising medium shall be permitted on any lot which indicates that the property is being used for a business activity. All business activities shall be conducted in such a manner that the business activities are not visible from other dwellings or streets of the subdivision. The Architectural Control Committee will consider the impact on the subdivision and other homeowners in the subdivision. The Architectural Control Committee reserves the right to revoke any previous approval of an in-home business should the nature of the business change. In rendering a decision on such a request, the criteria to be considered by the Architectural Control Committee includes, but is not limited to, the following:

- (i) The type of business to be conducted on the property;
- (ii) Whether the business activity is to be conducted by the owner of the property or a family member residing on the property;

(iii) Whether the business activity unreasonably increases the flow of traffic through the subdivision;

(iv) Whether the business activity will create a nuisance or trespass as to other dwellings in the subdivision or any common areas;

(v) Whether the business activity is legal and conforms to standards established by local zoning ordinances;

(vi) Whether the business activity requires the use of machinery or equipment that creates dangerous conditions or nuisances to other dwellings;


(vii) Whether the business activity requires the storing or use of hazardous materials on the property; and

(viii) Whether the business activity impacts the residential character of the subdivision.

3. **Binding Effect; Effective Date.** Said Covenants, as amended, shall become effective immediately and shall run with the land, and shall be binding on all persons claiming under and through Declarant under the terms, conditions, stipulations and provisions contained therein as amended by this instrument. Said Covenants, as amended, shall remain in full force and effect unless and until same are extended or terminated in accordance with the provisions thereof.

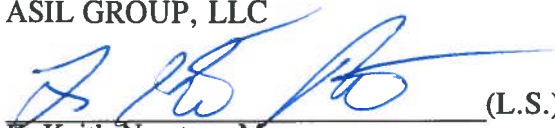
IN WITNESS WHEREOF, the undersigned has set its hand and seal to this instrument, or have caused same to be executed by its duly authorized representatives, as of the day and year first above written.

Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public

ASIL GROUP, LLC

By:  (L.S.)
F. Keith Newton, Manager

MICHELLE CHAPMAN
NOTARY PUBLIC
Houston County
State of Georgia
My Commission Expires May 18, 2021