

Chad Knott

2007 OCT 12 AM 9:36

BOOK 1219 PAGE 499-503
BENA M. ADAMS, CLERK
WHITE COUNTY, GA

STATE OF GEORGIA
COUNTY OF WHITE

**SECOND AMENDMENT TO PROTECTIVE AND RESTRICTIVE COVENANTS FOR
SPRING CREST SUBDIVISION PHASE ONE**

This Second Amendment to the Protective and Restrictive Covenants for Spring Crest Subdivision Phase One is hereby made and published this 7th day of August, 2007. This Amendment is made and entered into in compliance with the DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS FOR SPRING CREST SUBDIVISION PHASE ONE recorded November 14, 1997 in the deed records of White County, Georgia in Deed Book 515, at pages 38-42, and re-recorded in Deed Book 577, Page 1-7.

WHEREAS, pursuant to Article Three of the DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS FOR SPRING CREST SUBDIVISION PHASE ONE, a property owner's association was to be formed so that the said property owner's association would have the power and responsibility to maintain, enforce, and amend the covenants and restrictions.

WHEREAS, On August 17, 2004, the Secretary of State for the State of Georgia recognized SPRING CREST SUBDIVISION, PHASE ONE, PROPERTY OWNERS ASSOCIATION, INC. as a duly organized domestic Non-Profit Corporation.

WHEREAS, SPRING CREST SUBDIVISION, PHASE ONE, PROPERTY OWNERS ASSOCIATION, INC. is now amending the covenants and restrictions by virtue of the power vested in the association and pursuant to the rules for amending the covenants as described in the DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS FOR SPRING CREST SUBDIVISION PHASE ONE.

WHEREAS, SPRING CREST SUBDIVISION, PHASE ONE, PROPERTY OWNERS ASSOCIATION, INC. held a meeting on May 21, 2007 and pursuant to Article three, paragraph 19 of the covenants and restrictions, a three-fourths majority voted to approve the merger of Spring Crest, Phase I and Spring Crest, Phase II such that Phase II would be made subject to the covenants of Phase I. A copy of the minutes are attached hereto as Exhibit "A".

Exhibit "A"

2007 Spring Crest Property Owner's Association Annual Meeting

May 21, 2007

These are the minutes taken for the Spring Crest POA annual meeting held on May 20, 2007, at the Unicoi State Park Lodge, White County, Georgia.

Bob Pearch, Pres. Phase I, called the meeting to order.

The officers for both Phase I and Phase II were introduced.

Phase I – Butch Bethel, Secretary and Don Streever, Treasury

Phase II – Janet Lewis, Pres. and Alta Kittle, Treasury (Larry Litton, Secretary was absent)

All homeowners were asked to stand and introduce themselves by name and lot number.

Chad Hooper representing D's Designs was introduced and welcomed to our meeting.

Quorum was established.

Doug Kittle and 2nd by Gary D'Abate made motion to waive the reading of the Minutes from the last homeowners meeting held in Hiawassee, GA. Motion carried.

Phase I's Secretaries report was read by Butch Bethel. Motion to accept the reading of the Secretary's report for Phase I was made by Gary D'Abate and 2nd by Doug Batten. Motion carried.

There was discussion on the changing of the square footage requirement in Phase II from 1200 to 1800 square feet.

Janet Lewis read Phase II's Secretaries report. Motion to approve was made by Ed Oakle and 2nd by Chuck Sanders. Motion carried.

Don Streever read the Treasurer's report for Phase I. Motion to approve was made by Steve Redditt and 2nd by Doug Batten. Motion carried.

Alta Kittle read the Treasurer's report for Phase II. Motion to approve was made by Chuck Sanders and 2nd by Doug Kittle. Motion carried.

Bob Pearch, Pres. Phase I, reported on the upgrades of Spring Crest, Meadow Crest and Ridge Crest Roads. D's Designs paid approximately \$21,700 for these upgrades to meet White County requirements. Bob Pearch, Pres. Phase I and Janet Lewis, Pres. Phase II, met with Harry Barton, White County Road Commission and presented all the paper work required by White County. They received approval to request that White County take over these roads. Homeowners will have to maintain our roads for a period of two

years. This issue will be presented to the White County Planning Commission on June 4, 2007, at 6:00 p.m. in the Grand Jury room.

If Spring Crest Property Owners Association were to maintain the roads beyond that, there would have to be an increase in the POA yearly dues and quite possibly assessments to cover the large expense of long term maintenance.

Chad Hooper, D's Designs, said that D's Designs would deed the property to either one association or two associations before June 4, 2007.

Chuck Sanders stated they did a good job on the road repair and asked about the possibility of seal coating the road so the surface would be all the same color. Bob Pearch said the board would get a cost estimate and send a letter to all homeowners to see if there was an interest in doing that.

An idea was brought up for the merging of Phase II into Phase I and all coming under the Covenants of Phase I. It was noted that there had been a lot of interest in doing that. Motion was made by Doug Batten and 2nd by Doug Kittle. Discussion would follow.

Chairman announced that voting on this issue would be done separately by each Phase.

The discussion involved the following: cost effective, one lawyer, one tax return, one Corporation, one Insurance Policy, Phase I has better covenants. Doug Batten said we would have a stronger voice with White County as one Property Owners Association.

A motion was made by Phase I to accept the merger of Phase II into Phase I and come under Phase I's Covenants by Steve Redditt and 2nd by Gary D'Abate. Motion carried by a show of hands. None opposed.

A motion was made by Phase II to merge Phase II into Phase I and come under Phase I's Covenants by Doug Kittle and 2nd by Chuck Sanders. A vote was taken by a show of hands and the motion for the merger was accepted. None opposed.

Chad Hooper, D's Designs, applauded the merger of Phase II into Phase I. He said they would title the roads and common areas as Spring Crest Phase One Property Owners Association, Inc.

The Chairman raised the question whether or not to elect new board members. Ruby Deal said both areas need to be represented on the board. The Chairman agreed. Doug Batten said there should be five members on the Board of Directors. Motion was made for five existing board members to serve by Doug Batten and 2nd by Doug Kittle. Motion carried. None opposed.

The five board members are: Bob Pearch, Butch Bethel and Don Streever from Phase II

Janet Lewis and Alta Kittle from Phase II. Larry Litton apparently has showed an interest in leaving the Board. The new officers will vote at the 1st Board Meeting for positions on the Board.

Ruby Deal requested copies of Phase I Covenants be provided to all Phase II homeowners. Chairman announced that it would be done. Steve Redditt suggested that Chad Knott, Attorney for our Association, study needs of Spring Crest requirements and work with the suggestions of our newly established Covenants Review Committee and amend Phase II into Phase I with revised Covenants. Chairman agreed that the Board would follow up on that.

The following committees were formed:

Covenant Review Committee:

Gary D'Abate, Steve Redditt and one board member to chair it

Architectural Control Committee:

Chuck Sanders, Doug Batten and Bob Pearch

Beautification Committee:

Nancy Batten, Barbara Scarboro and Billie Pearch

Minutes taken by Alta Kittle

Approved by Bob Pearch and Janet Lewis

NOW THEREFORE, the Said DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS FOR SPRING CREST SUBDIVISION PHASE ONE are hereby amended to comply with the vote which took place on May 21, 2007 and are being amended as follows:

Article One, Covered Property, shall be amended to read as follows:

All that tract or parcel of land lying and being in Land Lot 97 & 128, Land District 3, White County, Georgia, and being more particularly described on a Final Subdivision Plat for Spring Crest, Phase I, dated 29 September, 1997, recorded in Plat Book 39, Page 192, White County, Georgia Deed Records.

AND

All that tract or parcel of land lying and being in Land Lot 97 & 128, Land District 3, White County, Georgia, and being more particularly described on a Final Subdivision Plat for Spring Crest, Phase II, dated July ____, 1998, recorded in Plat Slide A, Page 59, White County, Georgia Deed Records.

This Second Amendment to the DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS FOR SPRING CREST SUBDIVISION PHASE ONE is hereby approved by SPRING CREST SUBDIVISION, PHASE ONE, PROPERTY OWNERS ASSOCIATION, INC. through the undersigned officers.

Signed, sealed and delivered in the presence of:



Nonna Hall

(Unofficial witness)

Robert B. Pearch Jr. (Seal)

By: Robert B. Pearch Jr.

Title: President

Keith S. Chambers

My Commission Expires May 11, 2011
(Notary Seal)



Walter M. Bethel (Seal)

Attest: Walter M. Bethel

Title: Secretary