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**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
AND ROAD MAINTENANCE AGREEMENT**

**THIS DECLARATION**, made on the date hereinafter set forth by **793 WAYSIDE, LLC** and **LAND BIZ, LLC** (“Declarants”).

**WITNESSETH:**

**WHEREAS**, Declarants are the owners of certain property located in the City of Cornelia, Habersham County, Georgia, which is more particularly described as follows:

**SEE EXHIBIT “A” ATTACHED HERETO  
AND MADE A PART HEREOF.**

**NOW THEREFORE**, Declarants hereby declare that all of the properties described above shall be held, sold, and conveyed subject to the following easements and conditions, and which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

**ARTICLE I  
DEFINITIONS**

**Section 1.1.** “**Declarants**” shall mean and refer to 793 Wayside, LLC, its successors and assigns, and Land Biz, LLC, its successors and assigns.

**Section 1.2.** “**Lots**” shall mean individual parcels of land, currently and in the future, that comprise the Wayside Street Subdivision.

**Section 1.3.** “**Outbuilding**” shall mean detached garages, storage sheds, and gazebos.

**Section 1.4.** “**Owner**” shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is part of the properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

**Section 1.5. "Property"** shall mean and refer to that certain real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Subdivision.

**Section 1.6. "Wayside"** shall mean the existing gravel road easement running from Wayside Street in a northwesterly direction and terminating and concluding at a cul-de-sac as shown on plat of survey prepared by J. Scott Stroud, G.R.L.S., dated September 26, 2018, revised May 1, 2020, and recorded among Habersham County, Georgia Record in Plat Book 72, Page 58.

## ARTICLE II RESTRICTIVE COVENANTS

**Section 2.1. Residential Purpose.** All lots shall be for residential purposes only and no commercial business establishment of any nature is to be built, nor shall any commercial operation be conducted on any Lot nor shall any commercial signs be erected or maintained on any lot.

**Section 2.2. Building Restrictions.** Only one dwelling or residential structure can be erected per Lot. Each dwelling or residential structure is hereby required to contain a minimum of Fifteen Hundred (1,500) completed square feet heated space, exclusive of carport and/or unfinished basement. The exterior of any dwelling or residential structure must be completed within six (6) months after the commencing of construction.

**Section 2.3. Siding for Dwellings.** The siding for all dwellings shall be Hardiplank-style fiber cement siding, or a similar exterior material to be approved by the Declarant. The Declarant reserves the right to grant exceptions to this restriction under special architectural design using its sole and absolute discretion.

**Section 2.4. Garage Restrictions.** Garages must be a minimum of two-car and must be architecturally compatible with the primary dwelling. The Declarant reserves the right to grant exceptions to this restriction under special architectural design using its sole and absolute discretion.

**Section 2.5. Noxious Activity.** There shall not be maintained upon any lot any noxious or offensive activity, including, but not limited to, the keeping or maintaining of swine and/or poultry, and livestock.

**Section 2.6. Owner Parking.** Owners shall provide space for parking at least two (2) automobiles off the road prior to occupancy of any dwelling on any of said lots. These spaces as well as all driveways are to be paved.

**Section 2.7. Outbuildings Restrictions.** Any Outbuilding must be architecturally compatible with the primary dwelling. Outbuildings restricted to one (1) per Lot.

**Section 2.8. Campers, Trailers, Mobile Homes, Motor Homes, Etc.** All campers, trailers, boats, motor homes, mobile homes, commercial type trucks, and vehicles of a similar nature shall be concealed from view from the subdivision road(s) and the Owner's neighbor(s) and may not be used for residential purposes. All structures used to conceal all campers, trailers, boats, motor homes, mobile homes, commercial type trucks, and vehicles of a similar nature from view of the subdivision road(s) and the Owner's neighbor(s) must be architecturally compatible with the primary dwelling.

**Section 2.9. Garbage Disposal.** The Owner shall provide receptacle for garbage, in a screened area, etc., from the road, or provide underground garbage receptacles.

**Section 2.10. Temporary Structures.** Structures of a temporary character shall not be placed upon any tract at any time, except for shelters used by a contractor during the time of construction.

**Section 2.11. Subdividing Lots.** No lot or tract shall be further subdivided without the written consent of Declarants.

**Section 2.12. Fences.** Any fence constructed on a Lot shall be a wooden fence.

**Section 2.13. Animals (Other than Domestic Pets).** No animals, no livestock, and only up to five (5) chickens (no roosters) per Owner shall be raised, bred, or kept on the Lots, except that dogs, cats or other domestic pets may be kept by Owners if they are, when outside the enclosed portion of each Owner's building, fully under the control and supervision of such Owner by means of a leash or other similar devise. No Owner shall operate a commercial poultry farm on any Lots within the subdivision.

**Section 2.14. Road Restrictions.** Existing roads and cul-de-sacs can be used only to serve the subject property; no adjoining Properties can be served by or connected with any roads, cul-de-sacs, or driveways, on the subject property.

**Section 2.15. Personal Property.** No recreational vehicles, trailers, buses, boats, jet skis or similar vehicles shall be parked in driveways, yards, or roadways.

**Section 2.16. Dilapidated Vehicles.** No junk, damaged, inoperable, or broken cars or vehicles in a state of disrepair shall be on any lot. No service work or repairs to be made on a vehicle on any lot. All cars and vehicles must be parked in driveways or garages and not in yards or roadways. No commercial vehicles, trucks, or buses, cars with graffiti or odd or bright colors to be parked in the subdivision.

### ARTICLE III PROPERTY RIGHTS

#### INGRESS AND EGRESS EASEMENTS AND EASEMENT TO REPAIR SEWER LINE

**Section 3.1. Easements for Ingress and Egress.** Every Owner shall have the right of passage across Wayside in Cornelia, Georgia, which right shall be appurtenant to and shall pass with the title to every lot, subject to the following provision: The right, but not the obligation, of the Declarants to dedicate or transfer Wayside to the City of Cornelia, Georgia, and Owners purchasing land hereunder authorize Declarants to execute any and all deeds and/or easements to Cornelia, Georgia, for the transfer of Wayside.

**Section 3.2. Easement to Sewer Lines.** All Owners shall be subject to the rights of the Declarant to use and access a perpetual 10-foot easement for the purposes of repair and replacement access to existing sewer lines crossing lots 797 and 761 and the residual triangle lot (Parcel Id #087D-005D at the north of 761 and 797).

### ARTICLE III ROAD MAINTENANCE

**Section 4.1. Application.** This section shall apply to the Lots, which are all that real property described in Exhibit "A" attached hereto and incorporated herein by reference in this Agreement, and that is held by the Declarants and the Owners adjoining the subdivision roads in the City of Cornelia, Habersham County, Georgia, their heirs and assigns.

**Section 4.2. Purpose.** The purpose of this section is to provide for the maintenance and upkeep of the subdivision road which service the Lots for the use and benefit of all Owners and shall be binding upon all Owners, their heirs and assigns.

**Section 4.3. Road Expenses.** Each Owner shall have an obligation to pay the expenses of road maintenance and upkeep which shall be limited to that required to repair and prevent erosion and to repair ordinary wear to the surface of the Road.

## ARTICLE V GENERAL PROVISIONS

**Section 5.1. Enforcement.** The Declarants or any Owner shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration.

**Section 5.2. Waiver.** Failure by the Declarants or by an Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

**Section 5.3. Severability.** Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

**Section 5.4. Duration.** The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than sixty (60%) percent of the Lot Owners, and thereafter by an instrument signed by not less than fifty (50%) percent of the Lot Owners. Any amendment must be recorded.

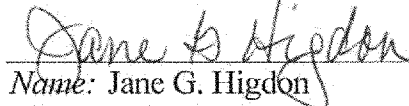
**Section 5.5. Amendments.** Any amendment of these covenants must be recorded with the Office of the Clerk of Superior Court for Habersham County, Georgia.


*[SIGNATURES ON FOLLOWING PAGE]*

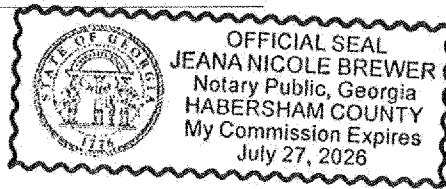
IN WITNESS WHEREOF, the undersigned being the Declarants herein, have hereunto caused the appropriate official to set their hand(s) and seal(s) this 27th day of September, 2023.

793 WAYSIDE, LLC

  
Unofficial Witness

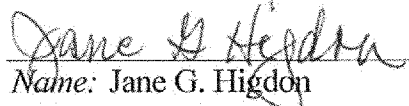
By:   
Name: Jane G. Higdon  
Title: Sole Member


  
Notary Public  
Commission Expires:  
[SEAL:]

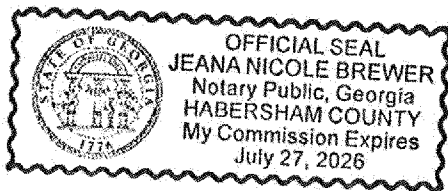


LAND BIZ, LLC

  
Unofficial Witness

By:   
Name: Jane G. Higdon  
Title: Sole Member

  
Notary Public  
Commission Expires:  
[SEAL:]



**EXHIBIT "A"**  
LEGAL DESCRIPTION FOR  
ROAD MAINTENANCE AGREEMENT OF  
793 WAYSIDE, LLC & LAND BIZ, LLC

**TRACT ONE:**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 149 of the 10th Land District of Habersham County, Georgia, containing 0.42 acres, more or less, as shown on plat of survey prepared by J. Scott Stroud, Lovell, Stroud, and Associates, LLC, R.L.S., dated September 26, 2018, and revised on May 1, 2020 and recorded among Habersham County, Georgia Records in Plat Book 72, page 58, said plat being incorporated herein by reference for a more complete description.

ALSO CONVEYED are perpetual non-exclusive rights of ingress, egress, and utility installation over and across a proposed 25-foot easement running from Wayside Street to the above-described property as shown on the plat.

The above-described property is subject to the rights of others to use the 25-foot proposed easement as shown on the plat.

*Owner:* Land Biz, LLC  
*Address:* 797 NW Wayside St.  
Cornelia, GA 30531  
*Parcel ID #:* 087D-005A

**TRACT TWO:**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 149 of the 10th Land District of Habersham County, Georgia, containing 0.41 acres, more or less, as shown on plat of survey prepared by J. Scott Stroud, Lovell, Stroud, and Associates, LLC, R.L.S., dated September 26, 2018, and revised on May 1, 2020 and recorded among Habersham County, Georgia Records in Plat Book 72, page 57, said plat being incorporated herein by reference for a more complete description.

ALSO CONVEYED are perpetual non-exclusive rights of ingress, egress, and utility installation over and across a proposed 25-foot easement running from Wayside Street to the above-described property as shown on the plat.

The above-described property is subject to the rights of others to use the 25-foot proposed easement as shown on the plat.

*Owner:* Land Biz, LLC  
*Address:* 759 NW Wayside St.  
Cornelia, GA 30531  
*Parcel ID #:* 087D-005C

**TRACT THREE:**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 149 of the 10th Land District of Habersham County, Georgia, containing 0.42 acres, more or less, as shown on plat of survey prepared by J. Scott Stroud, Lovell, Stroud, and Associates, LLC, R.L.S., dated September 26, 2018, and revised on May 1, 2020 and recorded among Habersham County, Georgia Records in Plat Book 72, page 59, said plat being incorporated

herein by reference for a more complete description.

ALSO CONVEYED are perpetual non-exclusive rights of ingress, egress, and utility installation over and across a proposed 25-foot easement running from Wayside Street to the above-described property as shown on the plat.

The above-described property is subject to the rights of others to use the 25-foot proposed easement as shown on the plat.

*Owner:* Land Biz, LLC  
*Address:* 761 NW Wayside St.  
Cornelia, GA 30531  
*Parcel ID #:* 087D-005B

**TRACT FOUR:**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 149 of the 10th Land District of Habersham County, Georgia, containing 0.40 acres, more or less, as shown on plat of survey prepared by J. Scott Stroud, Lovell, Stroud, and Associates, LLC, R.L.S., dated September 26, 2018, and revised on May 1, 2020 and recorded among Habersham County, Georgia Records in Plat Book 74, page 66, said plat being incorporated herein by reference for a more complete description.

ALSO CONVEYED are perpetual non-exclusive rights of ingress, egress, and utility installation over and across a proposed 25-foot easement running from Wayside Street to the above-described property as shown on the plat.

The above-described property is subject to the rights of others to use the 25-foot proposed easement as shown on the plat.

*Owner:* 793 Wayside, LLC  
*Address:* 757 NW Wayside St.  
Cornelia, GA 30531  
*Parcel ID #:* Part of 087D-005

**TRACT FIVE:**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 149 of the 10th Land District of Habersham County, Georgia, containing 0.47 acres, more or less, as shown on plat of survey prepared by J. Scott Stroud, Lovell, Stroud, and Associates, LLC, R.L.S., dated February 28, 2018, and revised on September 26, 2018 and recorded among Habersham County, Georgia Records in Plat Book 73, page 101, said plat being incorporated herein by reference for a more complete description.

ALSO CONVEYED are perpetual non-exclusive rights of ingress, egress, and utility installation over and across a proposed 25-foot easement running from Wayside Street to the above-described property as shown on the plat.

The above-described property is subject to the rights of others to use the 25-foot proposed easement as shown on the plat.

*Owner:* 793 Wayside, LLC  
*Address:* 793 NW Wayside St.

Cornelia, GA 30531

*Parcel ID #:* Part of 087D-005

**TRACT SIX:**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 149 of the 10th Land District of Habersham County, Georgia, containing 0.41 acres, more or less, as shown on plat of survey prepared by J. Scott Stroud, Lovell, Stroud, and Associates, LLC, R.L.S., dated September 26, 2018 and being revised on May 1, 2020 and recorded among Habersham County, Georgia Records in Plat Book 73, page 100, said plat being incorporated herein by reference for a more complete description.

ALSO CONVEYED are perpetual non-exclusive rights of ingress, egress, and utility installation over and across a proposed 25-foot easement running from Wayside Street to the above-described property as shown on the plat.

The above-described property is subject to the rights of others to use the 25-foot proposed easement as shown on the plat.

*Owner:* 793 Wayside, LLC  
*Address:* 795 NW Wayside St.  
Cornelia, GA 30531  
*Parcel ID #:* Part of 087D-005