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GEORGIA, HABERSHAM COUNTY.

THIS DECLARATION OF PROTECTIVE COVENANTS made this 10th day of January, 1989, by TONY TIPTON and FRED LOVELL, hereinafter referred to as "Owners", of the State of Georgia, and County of Habersham,

W I T N E S S E T H:

THAT WHEREAS, the Owners above mentioned own a tract of land which is more fully described as follows, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 156 of the 2nd Land District of White County, Georgia, being known and designated as Lots 1 through 9 of BLUE CREEK HEIGHTS as shown on a plat of survey made by James A. Long, R. S., under date of December 14, 1988, a copy of said plat being of record in the office of the Clerk of Superior Court of White County, Georgia, in Plat Book 19, Page 167, to which said plat and the record thereof reference is hereby made for a more complete description.

WHEREAS, it is to the interest, benefit and advantage of the Owners and to each and every person who shall purchase any parcel from the above described tract of land from Owners that certain Protective Covenants governing and regulating the use and occupancy of the same be established, set forth, and declared to be Covenants running with the land.

NOW, THEREFORE, for and in consideration of the benefits to be derived by the Owners and by each and every subsequent purchaser of any parcel of the above described tract of land, the Owners do hereby set up, establish and declare the following Protective Covenants, said Covenants to apply to all parcels within the property above described. These Protective Covenants shall become effective immediately and shall read as follows:

1. All parcels within the boundaries of the above described land shall be used exclusively for residential purposes.
2. No residence shall be constructed on any parcel within the above described lands with less than 1,100 square feet of heated living space. All dwellings and accessory buildings must be completed within six (6) months from the date construction thereof begins unless the purchase of any parcel has written consent of Owners stating otherwise. No chain link fences, mobile homes, campers, tents, shacks, or similar structures shall be erected or placed upon any parcel of said land at any time except with written permission

upon a motorcycle upon any street or property in this Subdivision.

13. These restrictions shall be considered as covenants running with the land and shall bind the purchaser, heir heirs, executors, administrators and assigns, and any violation thereof may be restrained through injunction proceedings at the instance of the Owners or the subsequent purchaser of any parcel or portion of the above described property. The invalidation of any one of these covenants or restrictions shall in no way affect any of the other provisions hereof which shall remain in full force and effect. These restrictions and covenant shall continue until January 1, 2008, and for successive periods of ten years thereafter until revoked by the vote of a two-thirds majority of the owners of parcels comprising the above described land. These restrictions and covenants may be changed, amended or revoked by a two-thirds vote of the owners of parcels comprising the above described lands. Each lot constitutes one vote.

IN WITNESS WHEREOF, the Owners hereinabove named have hereunto set their hands and affixed their seals, the day and year first above written.

Tony Tipton (SEAL)
TONY TIPTON

Fred Lovell (SEAL)
FRED LOVELL

OWNERS

Signed, sealed and delivered
in the presence of:

Carol B. Strickling
Witness

Stenden W. Strickling
Notary Public
My Commission Expires: 4-30-89
PUBLIC

Georgia, White County
Filed 23 day of Jan 1989
9:15 o'clock AM
Recorded in book 187
Page 30-33 date 1-23-89
Carol Strickling
Clerk

of Owners.

3. No metal roofs shall be used on any structure constructed on said property.

4. Prior to commencement of construction of any dwelling, the owner of said parcel shall obtain all necessary building permits and shall obtain approval of the sanitary disposal facilities by the Habersham County Board of Health.

5. No trade or business shall be carried on, and no activities shall be permitted on any parcel or area of said property which would become an annoyance or nuisance to the neighborhood. No animals or fowl shall be kept or maintained on any lot except customary household pets.

6. All parcels of said land shall be kept in a clean and sanitary manner with proper garbage and trash disposal facilities.

7. No building shall be constructed on any of said property with concrete block, asbestos, shingle or tar paper exteriors.

8. Easements for installation and maintenance of utilities and drainage facilities are reserved.

9. No building shall be constructed within thirty (30) feet of the water's edge of river front lots nor fifteen (15) feet to side lot lines or rear lot lines.

10. A septic tank as prescribed by the State Health Department and approved by the Habersham County Health Department, together with a drain field shall be installed on each approved lot. Owner must request and receive permit before construction starts.

11. All property owners shall have a right of ingress and egress upon and over the roadways constructed which connect any parcel with the public road.

12. No motorcycle shall be allowed to travel along the streets of this Subdivision or any of the property included in this Subdivision unless it is at all times equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device

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AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS ~~BOOK 246 PAGE 340~~
AROLF JACKSON, CLERK

BLUE CREEK HEIGHTS

WHEREAS, HERETOFORE, under date of December 15, 1988, TONY TIPTON and FRED LOVELL executed a Declaration of Protective Covenants on a tract of land in Land Lot 156 of the 2nd Land District of White County, Georgia, which has been subdivided as "Blue Creek Heights", which said Declaration is recorded in the office of the Clerk of Superior Court of White County, Georgia, in Deed Book 187, Page 30; and

WHEREAS, the undersigned are the owners of more than two-thirds (2/3) of the total number of lots in said subdivision;

NOW, THEREFORE, the undersigned hereby amend said Protective Covenants as follows:

1. By striking therefrom Paragraph 4 of said Declaration and inserting in lieu thereof the following:

"Prior to commencement of construction of any dwelling, the owner of said parcel shall obtain all necessary building permits and shall obtain approval of the sanitary disposal facilities by the White County Board of Health."

EXCEPT AS AMENDED, the said Declaration of Protective Covenants of Blue Creek Heights shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed their seals, this 16th day of March, 1990.

Tony Tipton

 TONY TIPTON

Fred Lovell

 FRED LOVELL

Signed, sealed and delivered in the presence of:

Carol H. Strickling

 Witness

Stephen D. Franklin

 Notary Public
 My Commission Expires: 4-30-93

