



Filed and Recorded:

7/30/2014 4:19:19 PM

Debra DeBerry

Clerk of Superior Court
DeKalb County, GeorgiaNOTE TO CLERK:

Please Cross Reference to
Deed Book 24189, page 127,
DeKalb County, Georgia Records

After Recording Return to:
Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Ste 125
Lawrenceville, GA 30043
Attn: Alissa L. Cummo, Esq.

COUNTY OF GWINNETT

STATE OF GEORGIA

**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FALKIRK**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FALKIRK ("Amendment") is made this 14th day of July, 2014, by Berkeley, LLC, a Georgia limited liability company ("Declarant").

W I T N E S S E T H

WHEREAS, Declarant caused to be executed and recorded that certain Declaration of Covenants, Conditions, and Restrictions for Falkirk, dated December 11, 2013, and recorded in Deed Book 24189, Page 127, *et seq.* of the records of the Clerk of the Superior Court of DeKalb County, Georgia (this document, along with the bylaws attached thereto, shall hereinafter be referred to as the "Declaration");

WHEREAS, all capitalized terms used herein but not defined herein shall have the meaning ascribed to such terms in the Declaration;

WHEREAS, pursuant to Section 19.2 of the Declaration, the Declaration may be amended unilaterally by the Declarant until such time as the first Unit is conveyed by Declarant to a Person other than a successor Declarant; and

WHEREAS, Declarant has not yet conveyed a Unit to a Person or a successor Declarant, and as such Declarant wishes to amend the Declaration as provided for herein.

NOW, THEREFORE, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the powers of the Declarant under the Declaration, Declarant hereby amends the Declaration as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated into this Amendment.

2. Initiation Fee. Section 8.2 of the Declaration is hereby amended to add a subsection (d), as follows:

8.2(d) Initiation Fee. The Association shall have the right to charge an initiation fee upon (i) the sale of a Unit to an Owner by Declarant or any approved builder or successor-in-title to Declarant, or (ii) the sale of a Unit from an Owner to a third party.

3. Definition of Association. The term "Association" is hereby amended to refer to "Falkirk Subdivision Homeowner's Association, Inc., a Georgia nonprofit corporation" and all references in the Declaration to the "Association" or "Falkirk Homeowners Associations, Inc." shall be replaced with the foregoing.

4. No Other Amendments. Except as modified herein, the Declaration shall remain unchanged and in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Declarant and Board have executed this Amendment on the date and year first written above.


DECLARANT:

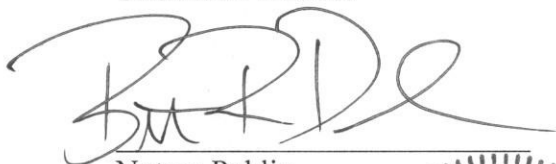
Signed, sealed, and delivered
In the presence of:

BERKELEY, LLC, a Georgia limited liability company

By: its Manager, Atlanta Capital, LLC


Unofficial Witness

By:  (SEAL)
Christopher L. Harris, Manager


Notary Public
My commission expires

