

Richard T. Alexander, Jr., Clerk of Superior Court
Gwinnett County, GA

ERECORDED
eFile Participant IDs: 0437264025,

After recording, please return to:
Rachel E. Conrad
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CROSS REFERENCE: Deed Book: 57283
Page: 265

**FIRST AMENDMENT TO THE BYLAWS OF
ASPEN GROVE HOMEOWNERS ASSOCIATION, INC.**

THIS FIRST AMENDMENT TO THE BYLAWS OF ASPEN GROVE HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as "First Amendment") is made this 6th day of March, 2020 by LENNAR GEORGIA, INC., a Georgia corporation (hereinafter referred to as "Declarant") and ASPEN GROVE HOMEOWNERS ASSOCIATION, INC., a Georgia nonprofit corporation (hereinafter the "Association").

WITNESSETH

WHEREAS, Declarant executed that certain Declaration of Protective Covenants, Conditions, Restrictions and Easements for Aspen Grove, which was recorded February 28, 2020 at Deed Book 57283, Page 265, *et seq.*, Gwinnett County, Georgia land records (hereinafter as supplemented and/or amended from time to time, referred to as the "Declaration"), together with the Bylaws of Aspen Grove Homeowners Association, Inc., which are attached to the Declaration as Exhibit "C" thereto and recorded therewith (hereinafter, as amended the "Bylaws"); and

WHEREAS, Article 6, Section 6.5(c) of the Bylaws provides that the Bylaws may be amended upon the affirmative vote, written consent or any combination of affirmative vote and written consent of at least two-thirds (2/3) of the Total Association Vote; and

WHEREAS, Declarant is the owner of all of the Lots in the Community and is the holder of all of the votes in the Association; and

WHEREAS, Declarant and the Association desire to amend the Bylaws as provided herein, as evidenced by the signatures attached hereto and by this reference incorporated herein;

NOW THEREFORE, the undersigned hereby adopt this First Amendment to the Bylaws of Aspen Grove Homeowners Association, Inc., hereby declaring that all of the property now or hereafter subject to the Declaration and Bylaws shall be held, conveyed, encumbered, used, occupied and improved subject of the Declaration and Bylaws, amended as follows:

1.

The Bylaws are hereby amended by deleting Article 3, Section 3.6, entitled "Removal of Directors," in its entirety and replacing it with a new Section 3.6 to read as follows:

3.6 Removal of Directors. At any annual, regular or special meeting of the Association, any one (1) or more of the members of the Board of Directors elected by the members may be removed, with or without cause, by a majority of the Total Association Vote and a successor may then and there be elected to fill the vacancy thus created. The notice of the meeting shall state that the purpose or one of the purposes, of the meeting is removal of a director. A director whose removal by the members has been proposed shall be given an opportunity to be heard at the meeting. Additionally, any director who has three (3) consecutive unexcused absences from Board meetings or who is delinquent in the payment of an assessment for more than thirty (30) days may be removed by a majority vote of the remaining directors. This Section shall not apply to directors appointed by the Declarant.

2.

The Bylaws are further amended by deleting Article 3, Section 3.7, entitled "Vacancies," in its entirety and replacing it with a new Section 3.7 to read as follows:

3.7 Vacancies. Vacancies in the Board of Directors caused by any reason, excluding the removal of a director by vote of the Association, shall be filled by a vote of the majority of the remaining. Each Person so selected shall serve the unexpired portion of the term.

3.

Unless otherwise defined herein, the capitalized words used in this First Amendment shall have the same meaning as set forth in the Declaration.

4.

This First Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Gwinnett County, Georgia and shall be enforceable against current Owners of a Lot subject to the Declaration.

5.

Except as herein modified, the Declaration shall remain in full force and effect.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Declarant has caused this First Amendment to be executed under seal the day and year first above written.

DECLARANT: **LENNAR GEORGIA, INC.**, a Georgia corporation

By: *Andrew C. Hill*
Print Name: Andrew C Hill
Title: Vice President

Signed, sealed, and delivered in the presence of

[Signature]
WITNESS

Maria Fernus
NOTARY PUBLIC



My Commission Expires:



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Association consents to and acknowledges this First Amendment under seal as of the day and year first above written.

ASSOCIATION: **ASPEN GROVE HOMEOWNERS ASSOCIATION, INC.**, a Georgia nonprofit corporation

By: *Holly Jaeger*
Holly Jaeger, President

Attest: *Ekaterina Schwallie*
Ekaterina Schwallie, Secretary

Signed, sealed, and delivered in the presence of:
[Signature]

WITNESS
Maria Fernino
NOTARY PUBLIC

My Commission Expires
MAY 28 2022
[NOTAR SEAL] 2022
NOTARY PUBLIC
WILSON CO., GEORGIA

[CORPORATE SEAL]

