

This Document amends the description of the property subject to the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Common Subdivision omitting the possible commercial property within the original description to the subject property.

STATE OF GEORGIA

COUNTY OF CHEROKEE

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HOLLY COMMONS SUBDIVISION

THIS AMENDMENT is made this 30th day of June, 2006, by HOLLY COMMONS, LLC, a Georgia Limited Liability Company, J & K BUILDER GROUP, INC., a Georgia Corporation, JERGUSON CONSTRUCTION, INC., a Georgia Corporation, and DENNIS TOMANEK d/b/a BRIDGEGATE CONSTRUCTION, (hereinafter referred to as "Declarants").

WITNESSETH

WHEREAS, the Declarants having previously filed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision in the Cherokee County Deed Records on January 11, 2006 at Deed Book 8504, Pages 74-86; and having previously filed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision, recorded on January 17, 2006 at Deed Book 8512, Pages 49-61; and having previously filed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision, recorded on January 17, 2006 at Deed Book 8512, Pages 77-89; and having filed of record that certain Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision recorded on January 30, 2006, at Deed Book 8541, Pages 285-298, said Declaration (hereinafter referred to as "Declaration") recorded on January 30, 2006 rescinding, repealing, and/or deleting the previously filed Declarations in the Deed Records of Cherokee County; and

WHEREAS, the real property originally submitted to the previously recorded Declaration is described on Exhibit "A" attached to the Declaration (hereinafter referred to as the "Original Submitted Property" and on Exhibit "A" attached hereto, which property is described by reference to the Plat of Survey for Holly Commons dated January 28, 2005, prepared by Wikle Land Surveying, P.C. filed of record July 13, 2005, and being recorded in Plat Book 86, Pages 3-4, in the Office of the Clerk of Superior Court, Cherokee County, and re-recorded on April 4, 2006, in Plat Book 90, Page 4, (hereinafter referred to as "Survey"; and

WHEREAS, it was the intent that Tracts 3, 4, 5, 6, 7, and 8 shown on the Survey should be commercial property and should not have been included in the Original Submitted Property; and

WHEREAS, several of the existing lots contained in the Original Submitted Property have been conveyed to individuals other than the original Declarants since the recording of the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision, said new lot owners (hereinafter referred to as "New Lot Owners") now being:

Kathryn H. Myers	(Lot 3)	Heather M. Swafford	(Lot 31)
Kathy L. Smith	(Lot 5)	Allen H. Smallwood and J. Brian Roberts	(Lot 34)
David E. Robinson	(Lot 33)	Samuel J. Marko and Kathy N. Marko	(Lot 40)
Richard J. Hubert	(Lot 28)		

WHEREAS, Declarants, with the consent of New Lot Owners, desire to confirm the prior submittal to the Declaration, LESS AND EXCEPT, those Tracts intended for commercial use.;

NOW, THEREFORE, pursuant to Section VI of the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision, Declarants, with the consent of New Lot Owners, who comprise all of the current owners of the subject property, hereby confirm the previous submittal to the Declaration of the Original Submitted Property LESS AND EXCEPT Tracts 3, 4, 5, 6, 7 and 8 shown on the Survey.

By execution of this Amendment as set forth below, New Lot Owners, in addition to Declarants, hereby consent to this First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision which removes the commercial tracts of property from the Original Submitted Property as set forth herein.

By execution of this Amendment as set forth below, New Lot Owners, in addition to Declarants also confirm that certain property shown as Phase II on the Survey may in the future be submitted to the Declaration.

The correct description of the property subject to the Declaration is shown on Exhibit AB@ attached hereto and made a part hereof.

IN WITNESS WHEREOF, the Declarants have caused this Amendment to be executed, and lot owners have consented, as provided herein, as the day and year first above written.

Holly Commons, LLC, a Georgia limited liability company

By: *Barry Straus*
Barry Straus, President & Manager
Notary: _____

Witness: *A. Giles Jago*
Deborah Miller Chapman
My Commission Expires:
10-11-18

SEAL

By: *Arlene Cartledge*
Arlene Cartledge, V.P./Secretary & Manager

Witness: *Tracy Dower*
Notary: *Deborah Miller Chapman*
My Commission Expires:
10-11-18

SEAL

By: *Denise Straus*
Denise Straus, Treasurer & Manager

Witness: *Kim Kucymaul*
Notary: *Deborah Miller Chapman*
My Commission Expires:
10-11-18

SEAL

{SIGNATURES CONTINUE ON THE FOLLOWING PAGE}

SEAL

J & K Builder Group, Inc., a Georgia corporation

By: Kenneth J. Down
Kenneth J. Down, President

By: Jeffrey A. Naman
Jeffrey A. Naman, Secretary

Witness: Jacqueline Abbott

Notary: Tara Grizzle TARA GRIZZLE
My Commission Expires: Feb. 23, 2009
Notary Public, Cobb County, Georgia

Witness: Roger Bares

Notary: Tara Grizzle TARA GRIZZLE
My Commission Expires: Feb. 23, 2009
Notary Public, Cobb County, Georgia

SEAL

Jerguson Construction, Inc., a Georgia corporation

By: Sean M. Jerguson
Sean M. Jerguson, President

Witness: _____

Notary: Tara Grizzle TARA GRIZZLE
My Commission Expires: Feb. 23, 2009
Notary Public, Cobb County, Georgia

By: Sean M. Jerguson
Sean M. Jerguson, Secretary

Witness: _____

Notary: Tara Grizzle TARA GRIZZLE
My Commission Expires: Feb. 23, 2009
Notary Public, Cobb County, Georgia

By: Dennis Tomanek
Dennis Tomanek
d/b/a Bridgegate Construction

Witness: Rosa Hayes

Notary: Tara Grizzle TARA GRIZZLE
My Commission Expires: Feb. 23, 2009
Notary Public, Cobb County, Georgia

LOT OWNERS:

CONSENTED TO:

By: Kathryn H. Myers
Kathryn H. Myers

Witness: Kirk

Notary: Judy A. Hargrett JUDY A. HARGRETT
My Commission Expires: June 26, 2010
Notary Public, Cobb County, Georgia

By: Kathy L. Smith
Kathy L. Smith

Witness: Kirk

By: David E. Robinson
David E. Robinson

Notary: Judy A. Hargrett JUDY A. HARGRETT
My Commission Expires: June 26, 2010

Witness: _____

Notary: Judy A. Hargrett JUDY A. HARGRETT
My Commission Expires: June 26, 2010

{SIGNATURES CONTINUE ON THE FOLLOWING PAGE!}

SEAL

Jackson Hubert
Richard J. Hubert

Heather M. Swafford
Heather M. Swafford

Allen H. Smallwood
Allen H. Smallwood

J. Brian Roberts
J. Brian Roberts

Samuel J. Marko
Samuel J. Marko

Kathy N. Marko
Kathy N. Marko

Julie Shipp
Julie Shipp

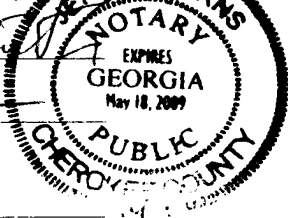
Robert McGeehen
Robert McGeehen

David Holmes
DAVID Holmes

Witness: Kristen Hubert

Notary: Jara Grizzle **SEAL**
My Commission Expires: June 23, 2009
Notary Public, Cobb County, Georgia

Witness: [Signature]
Notary: Judy A. Hargett
My Commission Expires: June 26, 2010

Witness: [Signature]
Notary: [Signature]
My Commission Expires: June 26, 2010


Witness: [Signature]
Notary: Judy A. Hargett **SEAL**
My Commission Expires: June 26, 2010

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Notary: Judy A. Hargett **SEAL**
My Commission Expires: June 26, 2010

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My Commission Expires: June 26, 2010

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My Commission Expires: June 26, 2010

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Notary: Judy A. Hargett **SEAL**
My Commission Expires: June 26, 2010

Witness: [Signature]
Notary: Judy A. Hargett **SEAL**
My Commission Expires: June 26, 2010

Witness: [Signature]
Notary: Judy A. Hargett **SEAL**
My Commission Expires: June 26, 2010

Notary Public, Bartow County, Georgia
My Commission Expires June 27, 2010

SEAL

DECLARANT:

Jerguson Construction, Inc., a Georgia corporation

By: [Signature]
Sean M. Jerguson, President

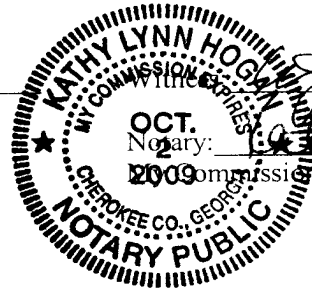
Witness: [Signature]

Notary: [Signature]
My Commission Expires:



By: [Signature]
Sean M. Jerguson, Secretary

[Signature]
Notary: [Signature]
My Commission Expires:



COPY

EXHIBIT "A"

All those lots, tracts, or parcels of land situate, lying and being in Land Lots 115 and 174 of the 15th District, 2nd Section, Cherokee County, Georgia, being shown upon that plat of survey for Holly Commons dated January 28, 2005, prepared by Wikle Land Surveying, P.C., filed of record on July 13, 2005, and being recorded in Plat Book 86, Pages 3- 4, in the Office of the Clerk of Superior Court of Cherokee County, Georgia, which reference is made for the more particular location and dimension of said lots.

In addition, all lots in Phase II located in Land Lots 115 and 174, District 15 Section 2, Cherokee County, City of Holly Springs.

COPY

EXHIBIT "B"

Phase I

All those lots, tracts, or parcels of land situate, lying and being in Land Lots 115 and 174 of the 15th District, 2nd Section, Cherokee County, Georgia, being shown upon that plat of survey for Holly Commons dated January 28, 2005, prepared by Wikle Land Surveying, P.C., filed of record on July 13, 2005, and being recorded in Plat Book 86, Pages 3- 4, in the Office of the Clerk of Superior Court of Cherokee County, Georgia, AS REVISED in Plat Book 90, Pages 3-4,aforesaid records; said plats of survey being incorporated herein by reference as to the particular location and dimension of said lots.

LESS AND EXCEPT:

All those lots, tracts, or parcels of land situate, lying and being in Land Lots 115 and 174 of the 15th District, 2nd Section, Cherokee County, Georgia, being designated as Tracts 3, 4, 5, 6, 7 and 8 on that plat of survey for Holly Commons dated January 28, 2005, prepared by Wikle Land Surveying, P.C., filed of record on July 13, 2005, and being recorded in Plat Book 86, Pages 3- 4, in the Office of the Clerk of Superior Court of Cherokee County, Georgia, AS REVISED in Plat Book 90, Pages 3-4,aforesaid records; said plats of survey being incorporated herein by reference as to the particular location and dimension of said Tracts.

Phase II

In addition, all lots in Phase II located in Land Lots 115 and 174, District 15 Section 2, Cherokee County, City of Holly Springs.