

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**

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

THIS AMENDMENT is made this 10th day of July, 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 (hereinafter referred to as "Commercial Tracts") 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 were 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") 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, filed a First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision removing the Commercial Tracts from the Original Submitted Property; and

WHEREAS, Tracts 3 and 4 of the Commercial Tracts were sold by Declarant, Holly Commons, LLC, prior to the filing of the Declaration. The current owner of said tracts is Olde Cherokee Properties, LLC.

NOW, THEREFORE, pursuant to Section VI of the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision, Declarants, with the consent of the owner of Tracts 3 and 4 of the Commercial Tracts, who, together with New Lot Owners (who consented to the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Holly Commons Subdivision) 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, Olde Cherokee Properties, LLC, in addition to Declarants, hereby consent to this Second 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, Olde Cherokee Properties, LLC, in addition to Declarants also confirms 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 "B" 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, MD, JD
Barry Straus, President & Manager

Witness: D. Giles Jago SEAL

Notary: Deborah Miller Chapman
My Commission Expires: 10/11/08

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

Witness: D. Giles Jago

Notary: Deborah Miller Chapman SEAL
My Commission Expires: 10/11/08

By: Denise Straus
Denise Straus, Treasurer & Manager

Witness: D. Giles Jago

Notary: Deborah Miller Chapman
My Commission Expires: 10/11/08

{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. Nathan
Jeffrey A. Nathan, Secretary

Jerguson Construction, Inc., a Georgia corporation

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

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

Dennis Tomanek
d/b/a Bridgegate Construction

COMMERCIAL TRACTS 3 AND 4 OWNER :

CONSENTED TO:

Olde Cherokee Properties, LLC, a Georgia limited liability company

By: Ron R. Wikle, Jr.
Ron R. Wikle, Jr., Manager

Witness: Jeani West

Notary: Cynthia E. Hurst
My Commission Expires: DECEMBER 13, 2008

Witness: Jeani West

Notary: Beth Ann Harrison
My Commission Expires: MARCH 21, 2008

Witness: Kathy Lynn Hogan

Notary: Kathy Lynn Hogan
My Commission Expires: OCT. 2, 2009

Witness: Cynthia E. Hurst

Notary: Kathy Lynn Hogan
My Commission Expires: OCT. 2, 2009

Witness: Jeani West

Notary: Cynthia E. Hurst
My Commission Expires: DECEMBER 13, 2008

Witness: Jeani West

Notary: Kathy Lynn Hogan
My Commission Expires: 10/2/09



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.