

Preston
Phase 3

Recorded February 17, 2009

BOOK 418 PAGE 479

Control File

This instrument prepared by and after recordation is to be returned to:

MOORE LAW FIRM, LLC.
Post Office Drawer 8269
Warner Robins, GA 31095
(478) 328-3200

GEORGIA-Peach County

Clerk's Office Superior Court

Filed this 17th day of February, 2009

At 9:00 o'clock A. M. Recorded in Deed

Book 418 Page No. 479-480 This 17th

day of February, 2009

Phillip L. Ballou Clerk
Deputy
(This Space for Official Use Only)

SECOND AMENDMENT

TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR THE SUBDIVISION KNOWN AS THE PRESTON

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 5th day of February, 2009, by NEWTON DEVELOPMENT, LLC, a Georgia Limited Liability Company, which maintains its principal office and place of business in Houston County, Georgia, hereinafter referred to as the "Declarant."

WITNESSETH: THAT;

WHEREAS, Declarant is the owner of certain real property located in Land Lot 60 of the Fifth Land District of Peach County, Georgia, which has been subdivided into individual lots, tracts or parcels which, together with the streets and other improvements have been designated as **The Preston, Phase "3"** (the "Subdivision"), and is delineated on that certain map or plat of survey of said Subdivision prepared by Collins & Company, certified by Jesse Collins, Jr., Georgia Registered Land Surveyor No. 2085, dated June 4, 2007, recorded in Plat Book 26, Page 130, Clerk's Office, Peach Superior Court;

WHEREAS, the Subdivision is adjacent and/or contiguous to The Preston, Phase "2," a single-family residential subdivision developed by Preston Development, LLC, which is delineated on that certain map or plat of survey prepared by Adams & Heald, certified by Ronald J. Heald, Jr., Georgia Registered Land Surveyor No. 2732, dated November 28, 2005, a copy of which is of record in Plat Book 25, Pages 107-108, Clerk's Office, Peach Superior Court;

WHEREAS, it is to the interest, benefit and advantage of the Declarant and to each and every person who shall hereafter purchase any lot in the Subdivision that covenants governing and regulating the use and occupancy of the same be established, set forth and declared to be covenants running with the land;

WHEREAS, a certain Declaration of Covenants, Conditions and Restrictions, dated January 7, 2005, has been published and declared with respect to The Preston, a copy of which is recorded in Deed Book 317, Pages 236-252; and amended by that certain First Amendment, a copy of which is recorded in Deed Book 345, Page 558-559, Clerk's Office, Peach Superior Court (the "Declaration"); and,

WHEREAS, pursuant to specific authority reserved therein, the Declarant is desirous of amending the aforesaid Declaration for the purpose of extending the applicability of said Declaration so as to include the Subdivision to be designated as **The Preston, Phase "3."**

BOOK 418 PAGE 480

NOW, THEREFORE, for and in consideration of the premises and of the benefits to be derived by Declarant and his successors in title, and to each and every subsequent owner of any of the lots, tracts or parcels hereinafter described, Declarant does hereby modify and amend the said Declaration, dated January 7, 2005, recorded in Deed Book 317, Pages 236-252; and First Amendment dated February 7, 2006, recorded in Deed Book 345, Pages 558-559, Clerk's Office, Peach Superior Court; in the following particulars, to-wit:

1. **Additional Property Subject to Declaration.** The following described lots, tracts or parcels of land shall be, and the same hereby are made, subject to the terms, provisions and conditions set forth in said Declaration, and said Declaration is hereby modified and amended so as to include the following described lots, tracts or parcels of land, to-wit:

All those lots, tracts or parcels of land situate, lying and being in Land Lot 60 of the Fifth Land District of Peach County, Georgia, and in the City of Byron, known and designated as Lots 54 through 64 (both inclusive), Block "A," Lots 3 through 13 (both inclusive), Block "I," of the Subdivision known as THE PRESTON, PHASE 3, according to a map or plat of survey of said Subdivision prepared by Collins & Company, certified by Jesse Collins, Jr., Georgia Registered Land Surveyor No. 2085, dated June 4, 2007, a copy of which is of record in Plat Book 26, Page 130, Clerk's Office, Peach Superior Court. Said plat and the recorded copy thereof are by this reference thereto incorporated herein and made a part of this description for all purposes.

2. **Binding Effect; Effective Date.** Said Declaration shall become effective immediately and shall run with the land, and shall be binding on all personal claiming under and through Declarant under the terms, conditions, stipulations and provisions contained therein. Except to the extent hereby amended and modified to include the above-described Subdivision, said Declaration shall remain in full force and effect unless and until extended or terminated in accordance with the provisions thereof.

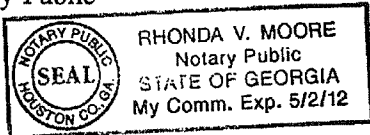
IN WITNESS WHEREOF, the undersigned have set their hands and seals to this instrument, or have caused same to be executed by their duly authorized corporate officers, as of the day and year first above written.

NEWTON DEVELOPMENT, LLC

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

Rhonda V. Moore
Notary Public



By: *[Signature]*
F. KEITH NEWTON, Manager

By: *[Signature]*
LISA M. NEWTON, Manager