

Preston Phase 4 sec 3

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Recorded June 25, 2014  
BOOK 514 PAGE 632

GEORGIA-Peach County  
Clerk's Office Superior Court  
Filed this 25th day of June, 2014  
At 9:00 o'clock A. M. Recorded in Deed  
Book 514 Page No. 632-633 This 25th

day of June, 2014  
*Shirley L. Baller* Clerk  
(This Space for Official Use Only) Deputy

FIFTH 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 25<sup>th</sup> day of May, 2014, by CALEB PROPERTIES, 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 assignee of all rights and privileges, duties and obligations of Alexis Investments, LLC, under that certain Declaration of Covenants, Conditions and Restrictions for the Subdivision Known as The Preston, dated January 7, 2005, a copy of which is of record in Deed Book 317, Pages 236-252, Clerk's Office, Peach Superior Court (the "Declaration"), as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for the Subdivision Known as The Preston, dated February 7, 2006, a copy of which is of record in Deed Book 345, Pages 558-559, aforesaid Clerk's Office (the "First Amendment") and by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for the Subdivision Known as The Preston, dated February 5, 2009, a copy of which is of record in Deed Book 418, Pages 479-480, aforesaid Clerk's Office (the "Second Amendment"); and by that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions for the Subdivision Known as The Preston, dated December 10, 2012, a copy of which is of record in Deed Book 486, Pages 534-535, aforesaid Clerk's Office (the "Third Amendment"); and by that certain Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for the Subdivision Known as The Preston, dated March 12, 2013, a copy of which is of record in Deed Book 492, Pages 181-182, aforesaid Clerk's Office (the "Fourth Amendment").

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 "4," Section 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 August 27, 2013, a copy of which is of record in Plat Book 27, Page 176, Clerk's Office, Peach Superior Court;

WHEREAS, the Subdivision is adjacent and/or contiguous to The Preston, Phase "4, Section 2", a single-family residential subdivision which is delineated on that certain map or plat of survey prepared by Collins & Company, certified by Jesse Collins, Jr., Georgia Registered Land Surveyor No. 2085, dated January 30, 2013, a copy of which is of record in Plat Book 27, Page 127, Clerk's Office, Peach Superior Court;

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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; 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" 4", Section "3".

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, as the same has been amended by the First, Second, Third and Fourth Amendment; 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 73, 74 and 75, Block "A"; and Lots 52, 53, 54, 55, 56, and 57, Block "E," of the Subdivision known as THE PRESTON, PHASE 4, SECTION 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 August 27, 2013, a copy of which is of record in Plat Book 27, Page 176, 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 persons 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.

CALEB PROPERTIES, LLC

Signed, sealed and delivered in the presence of:

*Michelle Suchy*  
Unofficial Witness

By: *F. Keith Newton*  
F. KEITH NEWTON, Manager

*Ryann Turner*  
Notary Public  
