
Return to: Smith, Welch & Brittain
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AMENDMENT TO DECLARATION
OF PROTECTIVE COVENANTS AND RESTRICTIONS,
FOR
ST. MARGRIT VILLAGE

The Declaration of Protective Covenants and Restrictions for ST. MARGRIT VILLAGE, dated OCTOBER 20, 2005 , recorded in Deed Book 8754, Pages 33-53, HENRY County Records, is hereby amended to add the following Article:

ARTICLE XII
AGE RESTRICTION

12.1 Generally. It is intended that the character of St. Margrit Village be preserved as a congenial retirement community. Therefore, except where undue hardship would result to an existing occupant of the Community, one person fifty-five (55) years of age or above must occupy a home, except to the extent that no more than twenty (20%) percent of the homes can be 100% occupied by persons less than fifty-five (55) years of age.

12.2 Definition of "Occupancy". A person shall be an occupant of a home for purposes of this section 12.2 if such person holds title to said property and is fifty-five (55) years of age or above.

12.3 Undue Hardship. The Board shall be empowered to allow 100% occupancy of a home by a person under the age of fifty five (55) to avoid undue hardship to an existing occupant of the Community, including, without limitation, where an occupant is no longer able to care for himself/herself. Any Owner who believes that his/her home must be occupied by all persons less than fifty-five (55) years of age to avoid under hardship shall submit a written application to the Board setting forth the circumstances, names of the proposed occupants, ages of the proposed occupants, duration of the occupancy, and such other information as the Board may reasonably require. The Board may allow occupancy where reasonably necessary to prevent such undue hardship and the Board may, as a condition of the approval, require that the Board be allowed to make annual or more frequent reviews of the circumstances for the purpose of determining whether the undue hardship would result to the occupant if the approval is revoked prior to the expiration of the period of the occupancy originally approved.

Except as hereinabove set forth, said instrument shall remain otherwise in full force and effect.

WITNESS the hands and seals of the undersigned parties, this the 16th day of JANUARY, 2006.

Signed, sealed and delivered
in the presence of:

BRODER ENTERPRISES II, LLC

BY: *Hans M. Broder, Jr.* (SEAL)
HANS M. BRODER, JR., MANAGING MEMBER

Sherla Wright

unofficial witness

Vicki L. Smith

Notary Public

My Commission expires:

