

After Recording Return To:
Lueder, Larkin & Hunter, LLC
Attn: David C. Boy, IV
5900 Windward Parkway, Suite 390
Alpharetta, Georgia 30005

Cross Reference:
Deed Book 35479, Page 201

STATE OF GEORGIA

COUNTY OF FULTON

**SECOND AMENDMENT TO THE DECLARATION
OF PROTECTIVE COVENANTS AND PERMANENT
MEMBERSHIP FOR SADDLE CREEK**

This Second Amendment to the Declaration of Protective Covenants and Permanent Membership for Saddle Creek (hereafter referred to as "Amendment") is made on the date first set below.

W I T N E S S E T H:

WHEREAS, on July 23, 2003, the Declaration of Protective Covenants and Permanent Membership for Saddle Creek was recorded in Deed Book 35479, Page 201 of the Fulton County, Georgia land records (hereafter referred to as the "Declaration");

WHEREAS, various lot owners have submitted their lots to the Declaration and have become Permanent Members of the Saddle Creek Homeowners Association, Inc. (the "Association") along with the obligation to pay assessments and charges to the Association for, among other things, the upkeep, maintenance and repair of the Common Property and recreation amenities in the Saddle Creek Subdivision;

WHEREAS, pursuant to Paragraph 15 of the Declaration, the Declaration may be amended with the affirmative vote, written consent, or any combination of affirmative vote and written consent of the Members of the Association holding two-thirds (2/3) of the total vote thereof;

WHEREAS, Members of the Association holding at least two-thirds (2/3) of the total vote thereof have approved this Amendment, which are evidenced by consent forms which are on file with the Secretary of the Association and are incorporated into this Amendment by this reference; and

NOW, THEREFORE, the Declaration is hereby amended as follows:

1.

The Declaration is hereby amended by striking Paragraph 4(d) in its entirety and substituting the following therefor:

(d) Initiation Fee Upon Submission of Property to Declaration. The owner of a Lot shall be required to pay an initiation fee to the Association as a condition to submitting the Owner's Lot to the Declaration. The amount of the initiation fee shall be up to twice the amount of the full annual assessment in effect for the fiscal year in which the Owner's Lot is submitted to the Declaration. Each calendar year the Board of Directors shall determine the amount of the initiation fee (up to twice the amount of the full annual assessment in effect) that will be charged during such calendar year.

2.

The Declaration is hereby amended by adding the following thereto as Paragraph 7(i):

(i) Initiation Fee Upon Transfer of Property. Upon the conveyance of ownership of a Lot, including all resales, an initiation fee shall become due and payable to the Association by each new Owner. The amount of the initiation fee shall be one and one half (1½) times the amount of the full annual assessment in effect for the fiscal year in which the conveyance of ownership occurs. The initiation fee shall not be deemed to be an advance payment of any assessment and may not be paid in lieu of any assessment. The initiation fee shall be the personal obligation of the new Owner and shall constitute a lien against the Lot. Notwithstanding anything to the contrary herein, no initiation fee shall be due as a result of a conveyance of a Lot to an Owner's spouse, child, or a corporation, partnership, company, or legal entity in which the Owner is a principal; no initiation fee shall be due from any Person who takes title through foreclosure upon the lien of any first priority Mortgage covering the Lot or the lien of any secondary purchase money Mortgage covering the Lot; and no initiation fee shall be due from any Owner who has owned a Lot in the community and who obtains title to a different Lot in the community.

IN WITNESS WHEREOF, the undersigned hereby certify that this Amendment was properly approved.

[SIGNATURES ON FOLLOWING PAGE]

SADDLE CREEK CONSENT/REJECTION FORM
FOR AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS AND
PERMANENT MEMBERSHIP FOR SADDLE CREEK

This form is being provided to you because you are an owner in the Saddle Creek community. The Board of Directors of the Saddle Creek Homeowners Association has proposed an Amendment to the Declaration of Protective Covenants and Permanent Membership for Saddle Creek (the "Declaration"). A copy of the proposed Amendment is enclosed for your review. The proposed Amendment is in final form but may only become effective if approved by owners to which two-thirds (2/3) of the votes in the Association pertain. In order for an Owner's consent to be counted, that owner must be the owner of a Lot subject to the Declaration, and that owner must not be more than thirty (30) days delinquent in the payment of any assessment or charge to the Association. Please indicate below whether you approve or reject the proposed Amendment. We request that all forms be returned to the address below within two weeks from the date you receive this form. After that time, the Board and other volunteers may go door to door to obtain completed forms. The Amendment approval process will continue until there are enough approvals to pass the Amendment or there are enough rejections to make passage of the Amendment impossible. Please return this form within two weeks following your receipt of same.

Saddle Creek Homeowners Association, Inc.
Attn: Lance Ledbetter, President
495 Saddle Creek Circle
Roswell, Georgia 30076

Please check the appropriate box below.

- Yes, I/We consent to and approve the Amendment.
- No, I/We reject the Amendment.

Date

Signature of Owner

Print Full Name of Owner

Date

Signature of Co-Owner (not required)

Print Full Name of Co-Owner (not required)

Address

NOTE: ALL COMPLETED FORMS APPROVING THE PROPOSED AMENDMENT WILL BE ATTACHED TOGETHER TO CREATE ONE AGREEMENT.