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Forsyth County, GA
Douglas Sorrells Clerk Superior Ct
BK 4049 PG 350-358

After Recording Return To:
Caney Creek Homeowners Association, Inc.
c/o Today Management, Inc.
10904 Crabapple Road
Roswell, Georgia 30075

Cross Reference:
Deed Book 2530, Page 68

STATE OF GEORGIA

COUNTY OF FORSYTH

**AMENDMENT TO EXHIBIT "C" OF THE DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CANEY CREEK**

This Amendment to Exhibit "C" of the Declaration of Covenants, Conditions, and Restrictions for Caney Creek is made on the date first set below.

WITNESSETH:

WHEREAS, on November 21, 2002, D.R. Horton, Inc., a Delaware corporation (hereafter referred to as "Declarant"), recorded that certain Declaration of Covenants, Conditions, and Restrictions for Caney Creek in Deed Book 2530, Page 68 of the Forsyth County, Georgia land records (hereafter referred to as "Declaration");

WHEREAS, Caney Creek Homeowners Association, Inc. (hereafter referred to as "Association") is the homeowners association identified and defined in the Declaration;

WHEREAS, pursuant to Article X, Section 10.1 of the Declaration, the Use Restrictions and Rules for Caney Creek are set forth in Exhibit "C" of the Declaration;

WHEREAS, pursuant to Article X, Section 10.2(a) of the Declaration, the Board of Directors for the Association may modify, cancel, limit, create exceptions to, or expand the Use Restrictions and Rules;

WHEREAS, on NOVEMBER 8, 2005, the Board of Directors for the Association, upon proper notice to the Association membership, voted to modify and expand various provisions of the Use Restrictions and Rules; and

NOW THEREFORE, the Use Restrictions and Rules set forth in Exhibit "C" to the Declaration are hereby modified and expanded as follows:

1.

Paragraph 2(f) of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by striking same in its entirety and substituting the following therefor:

(f) Fences.

(1) General. No chain link fence, vinyl fence, white colored fence, fence applied with creosote, or cyclone fence may be placed in the Community. All fences must first be approved by the ARC before the commencement of any installation of the fence. Any fence that is installed without ARC approval, regardless of the design, shall be in violation of this provision, and the Owner of the Lot shall be subject to a fine.

(2) Fence Designs. The following fence designs are the only fences that may be approved in the Community.

(i) Open picket fences with one inch spaces between slats up to five (5) feet in height that are natural or a wood colored stain. See the following attached examples: "A-1," "A-2," "A-3," and "A-4." Wood colored stain to be approved on a case by case basis with the owner first submitting a stain chip to the ARC to show the proposed color.

(ii) Ranch rail fences up to five (5) feet in height that are natural, black, or a wood colored stain. See the following attached examples: "B-1," "B-2," and "B-3." Wood colored stain to be approved on a case by case basis with the owner first submitting a stain chip to the ARC to show the proposed color. Wire mesh inside of ranch rail fences with openings of at least two inches by two inches for the confinement of pets shall be permitted.

(iii) Black metal/aluminum fences (no chain link) up to five (5) feet in height. See attached Example "C."

(iv) Electric fences or "invisible fences" for the confinement of dogs.

(3) Location. Any fence on a Lot, including any electric fence or "invisible fence" for the confinements of dogs, shall be placed along the rear property line of the Lot or within six inches into the Lot parallel to the rear property line and shall be placed along each side property line or within six inches into the Lot parallel to each side property line; provided, however, in the event of an obstruction, including, but not limited to, a creek, hill, swale, drainage opening, or drainage easement, the ARC in its discretion may approve an alternative location for the fence

on the Lot; but no fence may be placed closer to the street than the rear one-third of the residence located on the Lot unless otherwise approved in writing by the ARC. Notwithstanding the above, no fence may be closer than six feet to any sidewalk or curb. Additional restrictions may apply to corner lots.

(4) Uniform Appearance. Fences shall be uniform to the extent possible. To that end, any fence to be installed on an Owner's Lot shall be the same design as an existing fence on an adjacent Lot (other than fences installed by the Declarant or on its behalf); provided, however, in the event there are different fence designs on adjacent Lots at the time an Owner requests approval for a fence, the ARC shall on a case by case basis approve the fence design that would in the ARC's opinion be the most uniform.

2.

Paragraph 2(g) of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by striking "garbage cans" therefrom.

3.

Paragraph 2 of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by adding the following prohibition thereto as subparagraph (h):

(h) Flags. Flags shall be attached to a flagpole attached to the residence on a Lot, and any flagpole attached to a residence shall not extend more than six (6) feet. Freestanding flagpoles shall not be permitted in the Community, unless installed by the Declarant. Approval by the ARC to display a national flag in compliance with this provision shall not be required, and decorative flags, including university and college flags, displayed for less than three consecutive days shall not require ARC approval. Decorative flags, including university and college flags, displayed for three or more consecutive days shall require ARC approval.

4.

Paragraph 2 of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by adding the following prohibition thereto as subparagraph (i):

(i) Garbage Cans. Other than for routine collection and pickup, the placement or storage of garbage cans, garbage bins, trash bags, lawn debris bags, and the like (collectively referred to herein as "garbage cans") is prohibited in driveways and all portions of the front yard of a Lot, which is hereby defined as that portion of the Lot located between the street and the front building line of the residence located on the Lot which shall be extended from the residence to the side property lines of the Lot. Owners should use reasonable efforts to place and store garbage cans in the

garage, the rear of the residence, or along the side of a residence. Owners should use reasonable efforts to screen garbage cans (e.g. with shrubbery). Any structure constructed or placed for the screening of garbage cans must be approved by the ARC.

5.

Paragraph 2 of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by adding the following prohibition thereto as subparagraph (j):

(j) Holiday Decorations and Lights. Holiday decorations and lights may be displayed no more than thirty (30) days prior to the holiday for which they are intended and shall be removed within fifteen (15) days after the date of such holiday; provided, however, holiday decorations and lights may be displayed during the period beginning one week prior to Thanksgiving and ending on January 15 of the next calendar year.

6.

Paragraph 3 of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by adding the following prohibition thereto as subparagraph (o):

(o) Yard Art. Yard art, statues, plastic animals, gnomes, gargoyles, bird baths, sculptures of any kind, and the like are prohibited in the front yard of a Lot, which is defined as that portion of the Lot located between the street and the front building line of the residence located on the Lot which shall be extended from the residence to the side property lines of the Lot. Notwithstanding the above, benches shall be permitted in the front yard but must first be approved by the ARC.

7.

Paragraph 3 of the Use Restrictions and Rules, which are included in Exhibit "C" of the Declaration, is amended by adding the following prohibition thereto as subparagraph (p):

(p) Planters. Planters which were manufactured or constructed as planters, including planter pots, hanging planters, and urns, do not require ARC approval. Any items not specifically intended as planters, such as bird baths, must first be approved by the ARC before being placed or maintained in the front yard, which is defined as that portion of the Lot located between the street and the front building line of the residence located on the Lot which shall be extended from the residence to the side property lines of the Lot.

IN WITNESS WHEREOF, the President and Secretary of Caney Creek Homeowners Association, Inc. have executed this instrument evidencing that the Use Restriction and Rules have been properly modified and expanded.

Dated this 8 day of NOVEMBER, 2005.

Kristin B. Morrissey
Signature of President
Print Name: KRISTIN MORRISSEY

Sworn to and subscribed before me
this 8 day of NOVEMBER, 2005.

Witness: [Signature]

[Signature]
Notary Public

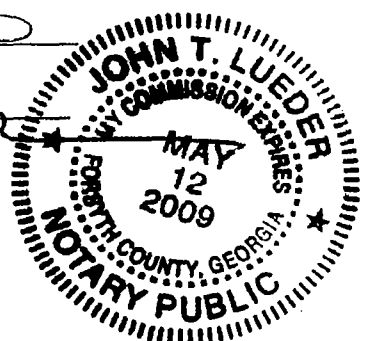


[Signature]
Signature of Secretary
Print Name: JONATHAN DOTSON

Sworn to and subscribed before me
this 8 day of NOVEMBER, 2005.

Witness: [Signature]

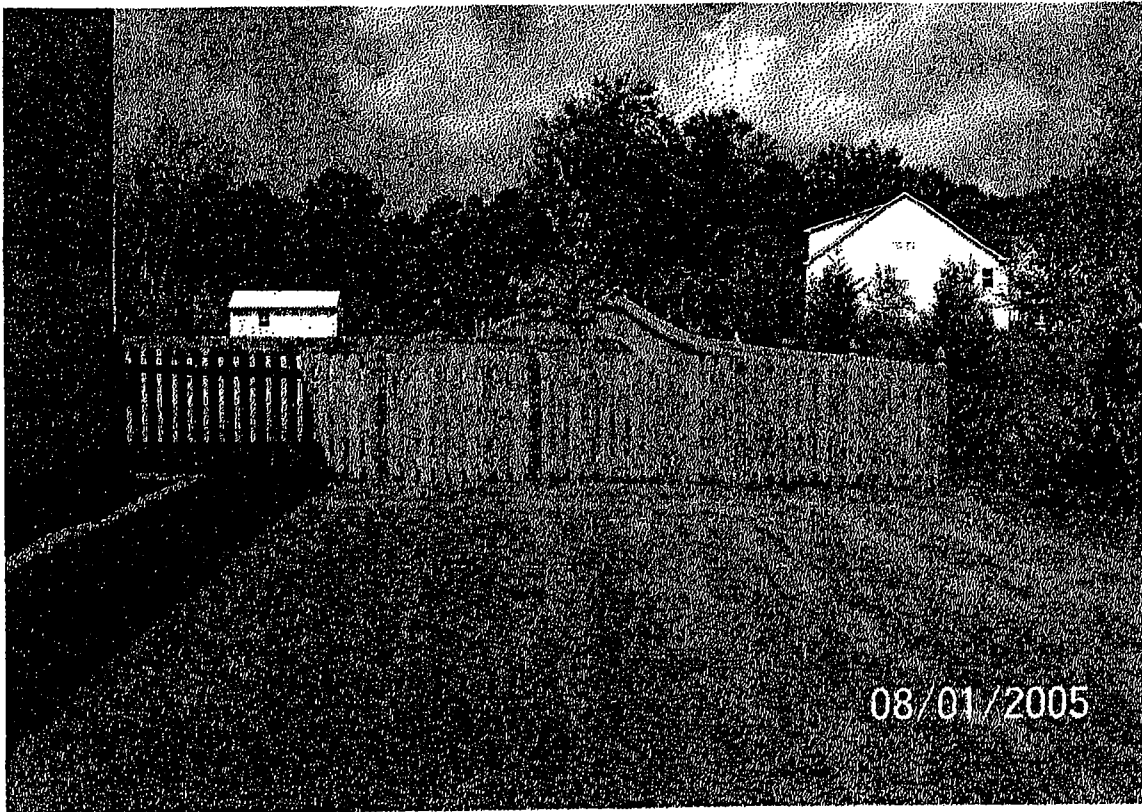
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Notary Public



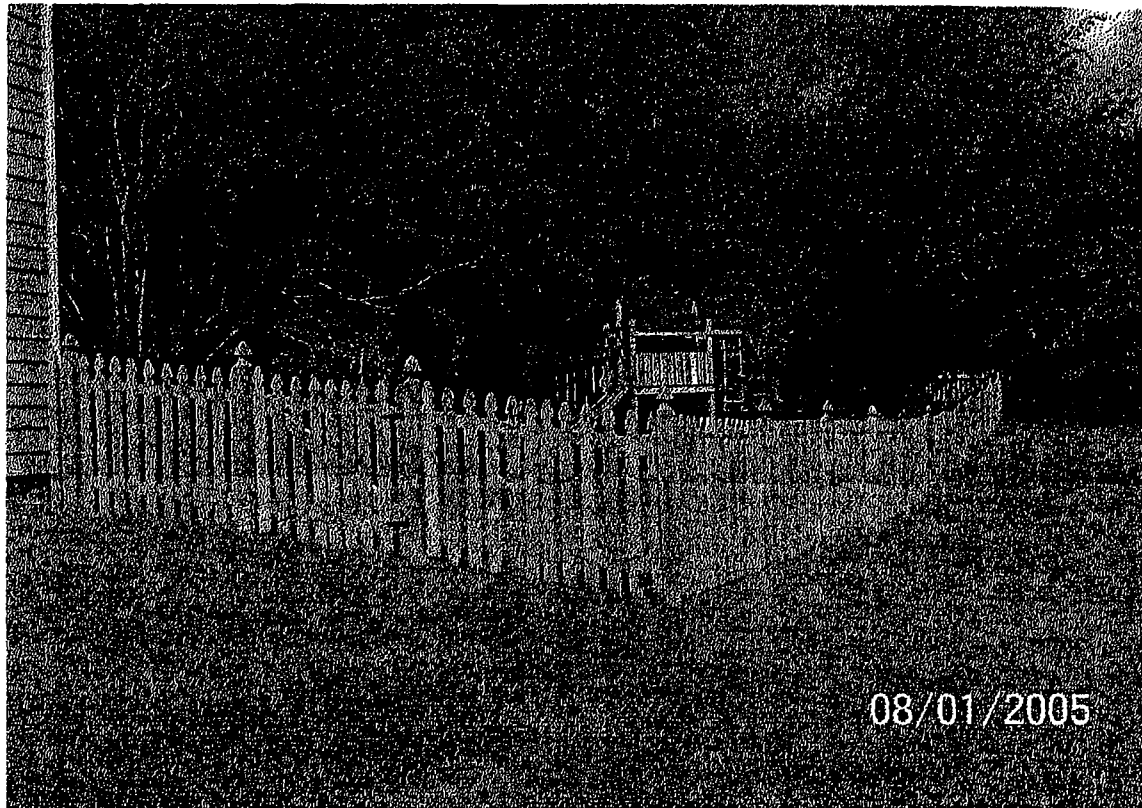
A-1 PICKET FENCE - ARCHED



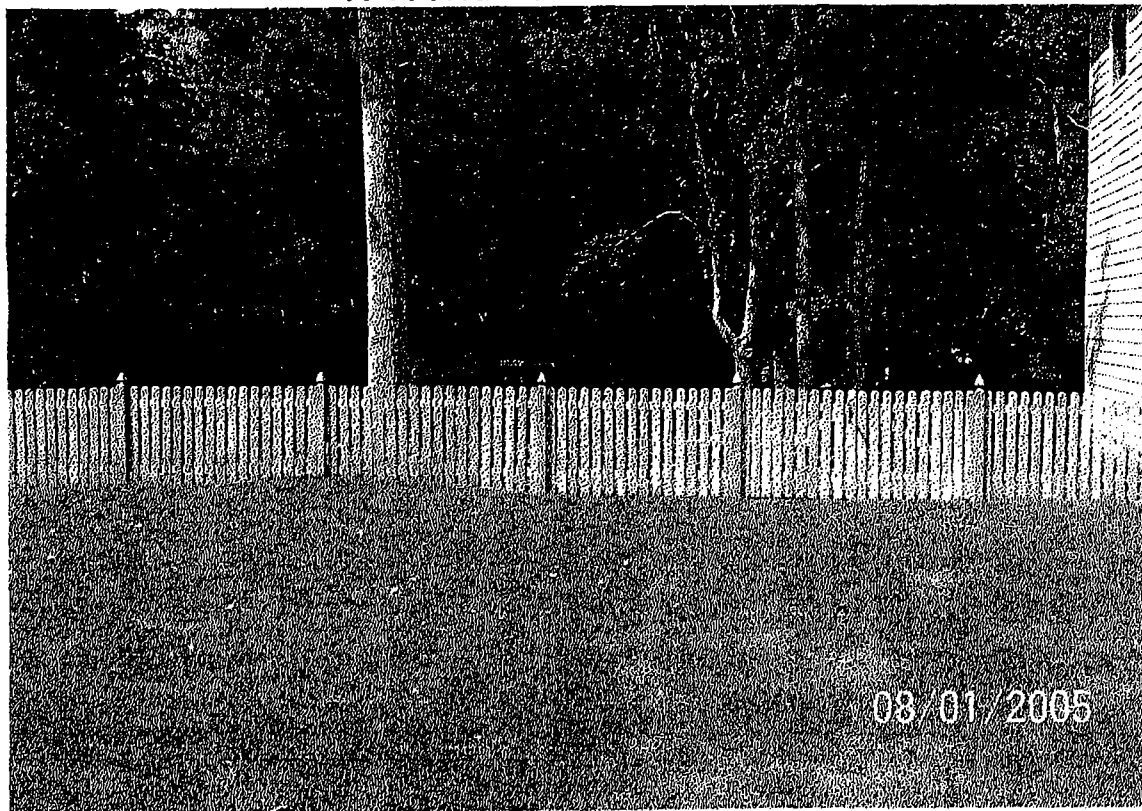
A-2 PICKET FENCE - DOG-EARRED



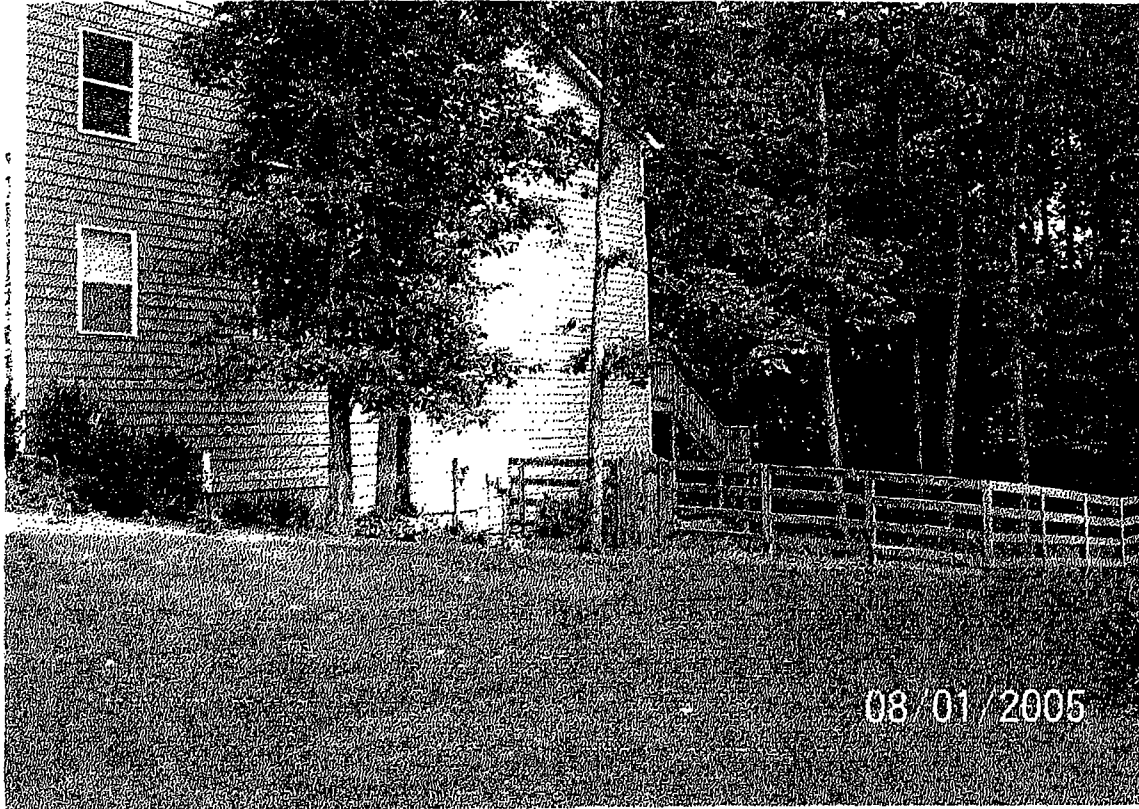
A-3 PICKET FENCE - GOTHIC



A-4 PICKET FENCE - STAINED



B-1 RANCH RAIL - NATURAL



B-2 RANCH RAIL - STAINED



C - BLACK METAL/ALUMINUM

