RETURN TO:

JAMLIS R. GARDNER, LEC P O. BOX 113 RICHMOND HILL, GA 31324

STATE OF GEORGIA

530 - 1173

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COUNTY OF BRYAN

DECLARATION OF PROTECTIVE COVENANTS
AND RESTRICTIONS FOR
BUCKHEAD SOUTH
TRANQUILLA HALL PHASE, PHASE 2

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration"), made on the date hereinafter set forth by ERNEST COMMUNITIES, LLC ("Declarant") and ERNEST HOMES, LLC ("Landowner").

WITNESSETH:

WHEREAS, Landowner and Declarant are the owners of certain property in Bryan County, Georgia, more particularly described in Exhibit "A" hereof (hereinafter defined as "Buckhead South, Tranquilla Hall Phase, Phase 2"or "the Property"); and

WHEREAS, Landowner and Declarant previously established and declared the Declaration of Protective Covenants And Restrictions for Buckhead South, Tranquilla Hall Phase, Phase 1, ("Phase 1 Declaration"), with respect to the property more particularly described in Exhibit "B"hereof and hereinafter defined as the "Existing Property", said Phase 1 Declaration being recorded in Deed Book 359, Page 0385, in the office of the Clerk of Superior Court of Bryan County, Georgia; and

WHEREAS, Declarant reserved the right in the Phase 1 Declaration to extend said declaration and restrictions to any property that Declarant might acquire title to which was adjacent to either the Existing Property or the Additional Property as therein defined (hereinalter "Future Existing Property"); and

WHEREAS, Buckhead South, Tranquilla Hall Phase, Phase 2, is adjacent to the Existing Property and is, therefore, a part of the Future Existing Property; and

WHEREAS, it is in the interest and to the advantage of Landowner and Declarant and to each person, corporation, partnership or other entity which shall hereafter acquire title to any Lot within Buckhead South, Tranquilla Hall Phase, Phase 2, that certain covenants, conditions and restrictions be imposed upon Buckhead South, Tranquilla Hall Phase, Phase 2; and

WHEREAS, the Landowner and Declarant wish to amend the Phase 1 Declaration as it applies to Buckhead South, Tranquilla Hall Phase, Phase 2, to decrease the minimum square footage requirements under Article VII, Section 3;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Londowner and Declarant do hereby declare that all of the property known as Buckhead South, Tranquilla Hall

Phase, Phase 2, more particularly shown and described in Exhibit "A" herelo, shall be held, transferred, sold, conveyed and occupied subject to the easements, restrictions, covenants, charges, liens and affirmative obligations and conditions set forth in that certain Declaration of Protective Covenants And Restrictions for Buckhead South, Tranquilla Hall Phase, Phase 1, ("Phase I Declaration") recorded in Deed Book 359, Page 0385, in the office of the Clerk of Superior Court of Bryan County, Georgia with the following amendment:

Article VII, Section 3, is hereby amended to read as follows:

<u>Section 3.</u> <u>Dwelling Size, Garages and Driveways.</u> No Dwelling shall be constructed upon any Lot within the Existing Property, unless:

- a. The minimum Living Area of a one story Dwelling shall not be less than Fourteen Hundred (1,400) square feet;
- The minimum First Floor Living Area of a one and one-half story Dwelling shall be not less than Sixteen Hundred (1,600) square feet.
- The minimum Living Area of a two story Dwelling shall be not less than Twenty Two Hundred (2,200) square feet;
- d. All Dwellings shall have a garage which contains at least Four Hundred (400) square feet and has either a double garage door or two (2) garage doors. The garage must either be a part of the Dwelling or attached to the Dwelling by a roof;
- All Dwellings must have a paved driveway with a paved parking area and the additional parking pad required by Section 12 helow.

All other terms and provisions of the Phase 1 Declaration shall remain in full force and effect as if set forth fully herein in their entirety.

This Declaration of Protective Covenants And Restrictions for Buckhead South, Tranquilla Hall Phase, Phase 2, all of which is for the purpose of protecting the value, desirability and attractiveness of the Property, shall run with the title to the Property and be binding on all persons having or hereafter acquiring any right, title or interest in Buckhead South, Tranquilla Hall Phase, Phase 2, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

IN WITNESS WHEREOF, the foregoing instrument has been executed under seal, by

Landowner and Declarant, on this!eth day of December, 2004 i
HARD HERT COMMUNITIES, LLC
By: (L.S.)
Sworn to and subscribed before me on this 16th day of 12.0 here bear 2004.
Ushley bellargua Witness
Notary Public
My Commission Expires: (Notarial Seal)
ERNEST HOMES, LI.C
By: (L.S.) Elizabeth K. Williams, Manager
Sworn to and subscribed before me on this 16th day of Delember. 2004.
Wingess Jamela Williams Notary Public
My Commission Expires:
(Notarial Seal)

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ALL THAT CERTAIN LOT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE 20TH G.M. DISTRICT OF BRYAN COUNTY, GEORGIA, CONTAINING 25.85 ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS "TRANQUILLA HALL, PHASE 2, BUCKHEAD, PHASE 9-B, BEING A PORTION OF "TRACT B" OF A 133.52 ACRES TRACT KNOWN AS "MURPHY'S TRACT" 20TH G.M.D., BRYAN COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED BY SOUTHEAST GEORGIA SURVEYING AND MAPPING, DATED APRIL 5, 2002, AND RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF BRYAN COUNTY, GEORGIA, IN PLAT SLIDE 536, PAGES 8 AND 9. SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE THERETO FOR DESCRIPTIVE AND ALL OTHER PURPOSES.

480 Exhibition

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ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE 20TH G.M. DISTRICT OF BRYAN COUNTY, GEORGIA, BEING KNOWN AND DESIGNATED AS TRANQUILLA HALL, PHASE I, BUCKHEAD, PHASE 9-A, BEING "TRACT A" OF A 133.52 ACRES TRACT KNOWN AS "MURPHY'S TRACT" 20TH G.M.D., BRYAN COUNTY, GEORGIA, PREPARED BY SOUTHEAST GEORGIA SURVEYING AND MAPPING, DATED OCTOBER 24, 2000, REVISED OCTOBER 29, 2001, RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF BRYAN COUNTY, GEORGIA, IN PLAT SLIDE 511, PAGES 9 AND 10. SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE THERETO FOR DESCRIPTIVE AND ALL OTHER PURPOSES.