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GWINNETT COUNTY, GA.

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RICHARD ALEXANDER, CLERK

314878

RETURN TO: Magruder Crossing HOA, PO BOX 1231, Dacula, GA 30019

CROSS REFERENCE:

Deed Book 25570, Page 0134

Deed Book 33069, Page 0222

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS FOR
MAGRUDER CROSSING**

Pursuant to and in accordance with the Declaration of Covenants, Restrictions, and Easements for Magruder Crossing ("Declaration"), recorded at Deed Book 22570, Page 134, et seq., Gwinnett County, Georgia Records, Article VIII, Section 8.03, the following amendments are hereby adopted and the undersigned President and Secretary hereby certify that this Amendment was duly authorized and lawfully obtained:

1.

Article IV, Section 4.06(a) is amended to read:**"Assessment Procedure**

- (a) The Board shall establish the annual assessment for each assessment year at an amount not in excess of the maximum annual assessment as determined by the provisions of this article IV. The annual assessment shall be due and payable on April 1 of each year (such date is hereinafter referred to as the "Due Date") The Board shall also establish an annual budget which shall list the estimated operating expenses and shall contain an amount to be set aside each year into a reserve allowance to be used for future repair and replacement of the Common Property. The Board shall cause the Association to send to each Owner at least thirty (30) days in advance of the due Date written notice setting forth the amount of the annual assessment and the Due Date. The annual assessment shall become due on the thirtieth (30th) day following such written notice or the Due Date, whichever is later. The Board may establish reasonable payment procedures to allow or require payment of the annual assessment in installments during the Assessment Year. The Board shall also establish payment procedures for payment of any special assessments for capital improvements which may be levied in accordance with the provisions of this Article IV."

2.

Article V, Section 5.11 is amended to read:

"Antennas. No exterior antennas of any kind shall be placed, allowed, or maintained upon any portion of the Community, including any Lot, if such antenna is visible from any street within the Community. Notwithstanding the foregoing, 1) Direct Broadcast Satellite Antennas (DBS), 2) Multipoint Distribution Services Antennas (MDS) and 3) Antennas designed to receive television broadcast signals. All other antennas, except the three listed in this Paragraph are prohibited. If the antenna is one of the three types listed in this Paragraph, it must comply with the following regulations:

- (a) DBS and MDS antennas shall not exceed One (1) Meter in diameter and do not require Architectural Review Committee approval.
- (b) DBS and MDS antennas greater than One (1) Meter are prohibited.
- (c) Antennas to receive television broadcasts may also be installed without prior Architectural Review Committee approval.
- (d) No antenna may encroach upon the common area or the property of another owner.
- (e) An antenna must be placed inside the dwelling if an acceptable signal quality may be received.
- (f) The antenna must be shielded from view from the street and neighboring properties to the maximum extent possible as long as acceptable signal quality may be received. This may include reasonably priced landscaping that complies with the Associations landscape requirements.
- (g) Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed provided it does not interfere with signal quality or void the manufacturer's warranty.
- (h) Installation must be pursuant to the manufacturer's instructions.
- (i) If the antenna is attached to a mast, the following regulations apply.
 - a. The Mast shall be no higher than absolutely necessary to receive acceptable signal quality.
 - b. Masts that extend more than twelve (12) feet above the roof line must be approved by the Architectural Review Committee before installation.
 - c. Masts must be installed and painted to match their surroundings.
 - d. Masts must not encroach upon the common area or another owner's property.
 - e. Masts installed upon a roof may not be installed nearer to the lot line than the total height of the mast or antenna.

Each owner and occupant of a Lot acknowledges that this provision benefits all Owners and occupants of Lots and each Owner and occupant of a lot agrees to comply with this provision despite the fact that the erection of an outdoor an outdoor antenna or similar device would be the most cost-effective way to transmit or receive the signals sought to be transmitted or received."

3.

Article V, Section 5.14 is amended to read:

"Clotheslines, Garbage Cans, Woodpiles, Storage Shed. All clotheslines, garbage cans, woodpiles, swimming pool pumps, filters, pet houses and related equipment and other similar items shall be located or screened so as to be concealed from view of neighboring streets and property. All construction debris, rubbish, trash and garbage shall be regularly removed and shall not be allowed to accumulate. No separate or detached storage shed shall be permitted in the yard of a residence without the express prior written approval of the Architectural Review Committee. In the event the Architectural Review Committee approves such separate or detached storage shed, same shall be permitted only in an area designated by the Architectural Review Committee in the rear yard of the residence in accordance with plans and specifications therefore approved by the Architectural Review Committee.

- (a) All storage sheds, separate or detached, must match the home in style, material, and color and be placed on a level foundation. (Material Example: Wood, Hardi Plank, Asphalt Shingles)
- (b) All storage sheds, separate or detached, shall not exceed One Hundred Fourty Four (144) Square Feet.
- (c) All storage sheds, separate or detached, shall not exceed Eleven (11) feet in height at its highest point measured from the pad.
- (d) At no time may a Metal, Plastic, or Rubber style storage shed be allowed.
- (e) All storage sheds, separate or detached, shall comply with Article VI, Section 608 of the Dacula Zoning Ordinance and be placed a minimum of Five (5) feet from Property Line."

4.

Article V, Section 5.18 is amended to read:

"Artificial Vegetation, Exterior Sculpture and Similar Items. No artificial vegetation shall be permitted on the exterior of any property. Exterior sculptures, fountains, flags and similar items must be approved by the Architectural Review Committee. Playground equipment, basketball goals, and similar recreational equipment shall not require Architectural

Review Committee approval if in the rear yard of Residence in an area not visible from the street upon which the residence is located. Playground equipment, basketball goals, and similar recreational equipment that is not in the rear of the yard or is visible from the street upon which the residence is located shall be permitted only in accordance with plans and specifications therefore approved by the Architectural Review Committee.

(a) **Basketball Hoops**

- a. Portable Basketball Hoops shall not require the approval of the Architectural Review Committee. The portable hoops may be placed in the front or rear areas of the residence. All portable hoops must be kept in an upright position and must be maintained in good repair. Any damaged or destroyed portable hoop structure must be repaired or they must immediately be removed from the Residence. The Architectural Review Committee shall have the discretion to determine whether the Residents are properly maintaining the portable hoops.
- b. Permanent Basketball Structures are not permitted. This includes but is not limited to Basketball Backboards mounted to permanent poles cemented into the ground or Backboards affixed to the Residence.
- c. Owners assume all risks of liability for use of any Portable Basketball Hoop. Owners are liable for any property damage or landscaping damage caused by the basketball hoop.
 - i. If any property or landscaping damaged by someone playing basketball or the equipment used, the homeowner owning the basketball hoop will accept all responsibility, -THIS WILL REMAIN BETWEEN THE NEIGHBORS TO RESOLVE AND NOT BECOME THE RESPONSIBILITY OF THE ASSOCIATION TO RESOLVE. In the event of any claim or loss against the Association relating to the presence of the equipment or users on the streets or sidewalks, the Owner or the relevant Residence agrees to indemnify and hold Magruder Crossing Home Owners Association harmless against any such claims or loss
- d. Basketball may only be played from 9:00am to 9:00pm
- e. Portable Basketball Hoops cannot be placed on public sidewalks.
- f. Portable Basketball Hoops cannot be placed in the street except for Cul-de-Sac locations provided in Paragraph 5.18
 - (a).f.i
 - i. Wadley Lane, Wimberley Cove Trace, Madison Cove Way, and Charles Hall Dr.
 - ii. Magruder Crossing Home Owners Association does not encourage the use of recreational equipment in the street and any liability or damages would be pursuant to Paragraph 5.18 (a).c.

- g. Portable Basketball Hoops are to be stored away each day, near the home when not in use.
 - h. Portable Basketball Hoops may not be weighed down with external bags of sand, cement, jugs of water, or any material that may detract from the aesthetics of the neighborhood.
 - i. Portable Basketball Hoop nets may not be made of chain and must be maintained in good condition.
- (b) **Playhouses** are not permitted.
- (c) **Swing Sets and Play Gyms** are permitted but must first be approved by the Architectural Review Committee.
- a. Swing Sets and Play Gyms shall not exceed Eleven (11) Feet in height.
 - b. All Swing Sets and Play Gyms shall be placed in the rear yard of the residence and at no time will permanent recreational equipment be permitted in the front yard area.
 - c. All Swing Sets and Play Gyms must be placed a minimum of Ten (10) feet from the property Line.
 - d. All Swing Sets and Play Gyms must be maintained in good repair. Any damaged or destroyed Swing Set and Play Gym structure must be repaired or they must immediately be removed from the Residence. The Architectural Review Committee shall have the discretion to determine whether the Residents are properly maintaining the Swing Sets and Play Gyms.
 - e. Owners assume all risks of liability for use of any Swing Set or Play Gym. Owners are liable for any property damage or landscaping damage caused by the Swing Set or Play Gym.
 - i. If any property or landscaping damaged by someone playing on the recreational equipment used, the homeowner owning the Swing Set or Play Gym will accept all responsibility, -THIS WILL REMAIN BETWEEN THE NEIGHBORS TO RESOLVE AND NOT BECOME THE RESPONSIBILITY OF THE ASSOCIATION TO RESOLVE. In the event of any claim or loss against the Association relating to the presence of the equipment or users on the streets or sidewalks, the Owner or the relevant Residence agrees to indemnify and hold Magruder Crossing Home Owners Association harmless against any such claims or loss"

5.

Article V, Section 5.26 is amended to read:

"Fences. No chain link fence or fencing-type barrier of any kind shall be placed, erected, allowed, or maintained upon any portion of the community, including any Lot. All other fencing-type barriers of any kind shall be either wooden, brick stucco, stacked stone, or field stone and shall not be erected without the prior written consent of the Architectural Review Committee."

IN WITNESS WHEREOF, the undersigned, have executed this Second Amendment effective this 8th day of December, 2011.

Signed, sealed and delivered
In the presence of:

Magruder Crossing Homeowners
Association, Inc.

Susan M. Martin
Witness

M.E. Mellott 12/15/11
M.E. Mellott (President)

Pamela J Veader
Notary Public (SEAL)

Stephanie Lane 12/15/11
Stephanie Lane (Secretary)

