

STATE OF GEORGIA
COUNTY OF FULTON

FILED & RECORDED
DEKALB CO. GA.

MAR 11 1 27 PM '86

WITNESSES

Re: Declaration Of Covenants, Conditions, Restrictions, Reservations And Easements Of Cambridge Common recorded in Deed Book 5384 Page 655, Dekalb County, Georgia records; Plat recorded in Plat Book 81, Pages 58, 59, 63, 97, aforesaid Records.

SECOND AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS
RESERVATIONS AND EASEMENTS OF
CAMBRIDGE COMMON

THIS AMENDMENT, to Declaration Of Covenants, Conditions, Restrictions, Reservations And Easements Of Cambridge Common, is made as of this 2dth day of February, 1986 by Morris Land Co., Inc., a Georgia Corporation (hereinafter referred to as "Declarant"):

W I T N E S S E T H:

WHEREAS, Cambridge Common is a Planned Unit Development (hereinafter referred to as the "Development") located in Dekalb County, Georgia and created pursuant to that certain Declaration of Covenants, Conditions, Restrictions, Reservations and Easements Of Cambridge Common, recorded in Deed Book 5384, Page 655, Dekalb County, Georgia records (said Declaration, as amended, hereinafter referred to as the "Declaration");

WHEREAS, pursuant to the Declaration certain real property (hereinafter referred to as the "Tract 1 Property," including 8 residential dwellings located thereon (hereinafter referred to as "Lots," singularly "Lot"), located in Land lot 149 of the 18th District, Dekalb County, Georgia and more particularly described in the Declaration, was submitted to the Development;

WHEREAS, pursuant to the terms of Paragraphs 11.03 and 11.04 of the Declaration, Declarant has the option, to be exercised in its sole discretion, to expand the Development by submitting certain real property (hereinafter referred to as the "Additional Property") or any portion thereof to the provisions of the Declaration and thereby cause the Additional Property to become

part of the Development, the Additional Property being described on Exhibit "A" hereto, which is made a part hereof by this reference.

WHEREAS, Declarant desires to exercise its option to submit a portion of the Additional Property (hereinafter referred to on the "Submitted Property"), including 20 residential dwellings located thereon, to the provisions of the Declaration and thereby cause the Submitted Property to become part of the Development; and

WHEREAS, the Submitted Property is described on Exhibit "B" which is attached hereto and made a part hereof by this reference;

NOW THEREFORE, Declarant hereby amends the Declaration in the following respects for the purpose of submitting the Submitted Property to the Declaration and the Development as provided by the Declaration and Georgia law:

1. Declarant hereby declares that the Submitted Property, described on Exhibit "B" hereto, including the residential dwellings and other improvements located thereon, is hereby submitted to and made subject to the form of ownership and use as set forth in the Declaration. The Submitted Property as described in Exhibit "B" hereto shall be owned, held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the Declaration, and every grantee of any interest in said property, by acceptance of a deed or other conveyance of such interest, whether or not such deed or other conveyance of such interest shall be signed by such person and whether or not such person shall otherwise consent in writing, shall take subject to the provisions of the Declaration and shall be deemed to have consented to the same. From and after the filing for record of this Amendment on the records of DeKalb County, Georgia, the "Submitted Property" as such term is defined in the Declaration, shall include the Submitted Property described on Exhibit "B" hereto, and the term "Lots" as used therein and herein shall be

deemed to refer to and include the residential dwellings located on the Submitted Property.

2. The Declaration and those certain plats for Cambridge Common, recorded in Plat Book 81, Page 58, Dekalb County, Georgia Records, are hereby amended by filing contemporaneously with the filing of the Amendment in the Office of the Clerk of the Superior Court of Dekalb County, Georgia, that certain Final Plat of Cambridge Common Townhomes, prepared by Morrison J. Simms, dated February 7, 1986, recorded in Plat Book 81, Page 97, aforesaid records. From and after the filing for record of this Amendment on the records of Dekalb County, Georgia, every reference in the Declaration to the "Submitted Property," "Residences," and "Lots" shall be deemed to refer to and include said Plat for Cambridge Common Townhomes, dated February 7, 1986, recorded in Plat Book 81, Page 97, aforesaid records.

3. From and after the filing of this Amendment on the records of Dekalb County, Georgia, the Submitted Property on Exhibit "B" hereto shall be governed, used and subject to all the provisions and paragraphs of the Declaration as if set out herein, including, but not limited to, the following:

(i) the number of votes in the Association shall be increased by the number of Lots added to the Submitted Property such that each Lot in the whole of the Submitted Property shall have one (1) vote in the Association; and

(ii) the liability of each Owner, as the term "Owner" is defined in the Declaration, including the Owners of Lots in the Submitted Property on Exhibit "B" hereto, and subject to the provisions regarding the Declarant under Paragraph 8.07(b), shall be assessed on the same basis as other Lots, for both annual and special assessments;

(iii) the Submitted Property shall be subject to and bound by the "Articles," "Bylaws" and Rules and Regulations of the "Association," as those terms are defined in the Declaration;

(iv) each individual who purchases a part of the Submitted Property, by acceptance of a deed to a residence in the Development, and the Association, shall be deemed to have approved addition of Additional Property into the Development as provided in Paragraph 11.04 of the Declaration.

4. All those requirements and conditions for submitting Additional Property to the Declaration pursuant to Paragraph 11.04 thereof, have been satisfied, including, but not limited to the requirements of subsection (d) of paragraph 11.04 regarding the certification that the Residences developed on the Submitted Property are compatible with the residences on that Tract 1 Property in terms of quality of construction, and architectural style, (hereinafter the "Certification"); said Certification being incorporated herein by reference.

In accordance with the Declaration, Declarant hereby retains the option, within the time limits set forth therein, to add all or further portions of the Additional Property to the Development from time to time.

Except as modified hereby, the Declaration shall remain unchanged and in full force and effect and shall apply equally to the Tract 1 Property, Submitted Property and Submitted Property as described in Exhibit "B" hereto. This Amendment shall be effective upon filing for record on the records of Dekalb County, Georgia, and shall be binding upon and inure to the benefit of all Owners of Lots and Residences in the Development and their respective heirs, executors, administrators, legal representatives, successors and assigns.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed and sealed, as of the day and years first above written.

Signed, Sealed, and
Delivered in the
Presence of:

MORRIS LAND CO., INC.

By: [Signature]
H. Douglas Morris
President

Attest: [Signature]
Secretary

[CORPORATE SEAL]

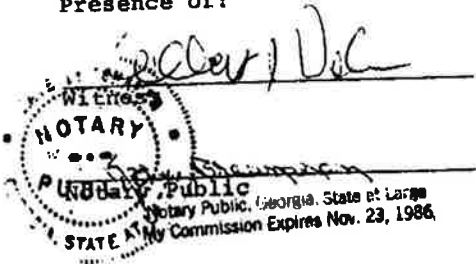


EXHIBIT "A"

"ADDITIONAL PROPERTY"

All that tract of land lying in Land Lot 149 of the 18th District, Dekalb County, Georgia, being more particularly described as follows:

BEGINNING at a point marked by an iron pin set, which point is located on the Southeastern boundary of the right of LaVista Road-Georgia Highway Number 236 (60-foot right of way), 292.00 feet southwesterly, as measured along the southeastern boundary of the right of way of LaVista Road from its intersection with the western boundary of the right of way of Oak Grove Road; thence running South 01 degrees 21 minutes 21 seconds East, 295.30 feet to an iron pin set; thence running South 01 degrees 08 minutes 57 seconds East, 400.75 feet to an iron pin found; thence running South 00 degrees 58 minutes 05 seconds East, 200.07 feet to an iron pin found; thence running _____ 00 degrees 53 minutes 56 seconds East, 20.94 feet to an iron pin found; thence running North 64 degrees 50 minutes 25 seconds West, 109.54 feet to an iron pin found; thence running North 67 degrees 47 minutes 03 seconds West 160.55 feet to an iron pin found; thence running North 66 degrees 23 minutes 59 seconds West 79.16 feet to an iron pin found; thence running North 00 degrees 30 minutes 54 seconds West, 661.92 feet to an iron pin found located on the southeastern boundary of the right of way of LaVista Road; thence running northeasterly along the southeastern boundary of the right of way of LaVista Road following the arc of a curve to the right (said arc being subtended by a chord bearing North 69 degrees 20 minutes 58 seconds East, 328.65 feet) an arc distance of 329.00 feet to an iron pin set and the POINT OF BEGINNING; said tract containing 5.75 acres according to Boundary and Topographic Survey for Morris Land Co., Inc. and Congressional Mortgage Corp. of Georgia prepared by Morrison J. Sims (Georgia Registered Land Surveyor No. 1263) of Land Developing Co., dated February 28, 1985.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 149 of the 18th District, Dekalb County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at a point located at the intersection of the Southern boundary of the right of way of LaVista Road (60 foot right of way) with the western boundary of the right of way of Oak Grove Road, proceed thence northwesterly along the southeastern boundary of the right of way of LaVista Road (60 foot right of way) 621.00 feet to a point located on the southeastern right of way of LaVista Road (60 foot right of way); proceed thence South 00 degrees 30 minutes 54 seconds East a distance of 22.04 feet to a point, said point being the TRUE POINT OF BEGINNING, proceed thence South 00 degrees 30 minutes 54 seconds East a distance of 154.96 feet to a point; proceed thence North 89 degrees 29 minutes 06 seconds East a distance of 142.00 feet to a point located on the eastern boundary of Cambridge Common (a private drive); proceed thence along the eastern boundary of Cambridge Common (a private drive) the following courses and distances: North 00 degrees 30 minutes 34 seconds West a distance of 66.32 feet to a point; proceed thence northeasterly along the eastern boundary of Cambridge Common (a private drive) and following its arc to the right (which arc has a radius of 103.00 feet; chord: North 12 degrees 11 minutes 36 seconds West, 45.32 feet) 45.69 feet to a point; proceed thence North 24 degrees 54 minutes 04 seconds East a distance of 54.78 feet to a point; proceed thence northwesterly and northeasterly along the eastern boundary of Cambridge Common (a private drive) and following its arc to the left (which arc has a radius of 82.00 feet; chord: North 8 degrees 14 minutes 08 seconds East, 63.20 feet) 64.88 feet to

a point; proceed thence North 20 degrees 25 minutes 48 seconds West a distance of 2.73 feet to a point, said point being located 50 feet from the centerline of LaVista Road and 429.79 feet southwesterly from the intersection of Oak Grove Road and LaVista Road; proceed thence northwesterly along the revised right of way of LaVista Road (50 feet from the centerline) along its arc (which has a radius of 2040.606 feet; chord: South 67 degrees 12 minutes 43 seconds west, 191.90 feet) 191.97 feet to a point, said point being the TRUE POINT OF BEGINNING; said tract being more particularly described on that certain plat of survey for Morris Land Co., Inc., prepared by Morrison J. Sims (Ga. Registered Land Surveyor No. 1263) of Land Developing Co., entitled Cambridge Common Townhomes, Building One, dated December 17, 1985, recorded in plat book 81, page 58, Dekalb County, Georgia records; and which is incorporated herein by reference.

All that tract or parcel of land lying and being in Land Lot 149 of the 18th District of Dekalb County, Georgia and being more particularly described as follows:

To find the true point of beginning begin at the intersection of the southeastern boundary of the right of way of LaVista Road (60 foot right of way) with the western boundary of the right of way of Oak Grove Road, proceed thence southwesterly along the southeastern boundary of the right of way of LaVista Road (60 foot right of way) 621.00 feet to a point; proceed thence South 00 degrees 30 minutes 54 seconds East a distance of 175.00 feet to a point, said point being the TRUE POINT OF BEGINNING; proceed thence South 00 degrees 30 minutes 54 seconds East a distance of 133.30 feet to a point; proceed thence North 89 degrees 29 minutes 06 seconds East a distance of 131.83 feet to a point located on the eastern boundary of Cambridge Common (a private street); proceed thence in a northerly direction along the eastern boundary of Cambridge Common (a private street) the following courses and distances: North 11 degrees 3 minutes 00 seconds east a distance of 10.83 feet to a point, proceed thence northerly along the eastern boundary of Cambridge Common (a private street) and following its arc to the left (which arc has a radius of 393.972 feet; chord: North 5 degrees 16 minutes 3 seconds East, 79.39 feet) 79.52 feet to a point; proceed thence North 00 degrees 30 minutes 54 seconds West a distance of 43.70 feet to the final point located on the Eastern boundary of Cambridge Common, (a private street); proceed thence South 89 degrees 29 minutes 06 seconds West a distance of 142.00 feet to a point, said point being the TRUE POINT OF BEGINNING; said property being more particularly described in that certain plat of survey of Cambridge Common Townhomes, Building Two, prepared by Morrison J. Sims, (Ga. Registered Land Surveyor No. 1263) of Land Surveying Company, dated December 17, 1985, recorded in Plat Book 81, Page 59, Dekalb County, Georgia records, said plat being incorporated herein by reference, re-recorded in Plat Book 81, Page 63, Dekalb County, Georgia records, said plat being incorporated herein by reference.

EXHIBIT "B"

"SUBMITTED PROPERTY"

All that tract or parcel of land lying and being in Land Lot 149 of the 18th District, DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at a point located on the eastern right of way of a private street known as Cambridge Common (24 foot right of way), said point being 368.45 feet southwesterly, as measured along the eastern boundary of the right of way of Cambridge Common from its intersection with the southeastern boundary of LaVista Road (100 foot right of way); thence running southeasterly 134.46 feet to a point along the eastern boundary of Cambridge Common, the following corner and distances: South 11 degrees 03 minutes 00 seconds West, a distance of 11.56 feet to a point; proceed thence southeasterly along the eastern boundary of Cambridge Common and following its arc to the right (which arc has a radius of 369.972 feet; chord: South 5 degrees 17 minutes 3 seconds West 74.34 feet) 74.46 feet to a point; proceed thence South 00 degrees 30 minutes 54 seconds East a distance of 54.29 feet to a point; proceed thence southeasterly along the eastern boundary of Cambridge Common and following its arc to the right (which arc has a radius of 63.39 feet; chord: South 01 degrees 56 minutes 24 seconds East, 3.15 feet) 3.15 feet to a point; said point being 143.46 feet southeasterly, as measured along the eastern boundary of Cambridge Common, from the point of beginning; proceed thence North 87 degrees 12 minutes 26 seconds East, a distance of 124.23 feet to a point; proceed thence North 88 degrees 51 minutes 03 seconds East, a distance of 69.60 feet to a point; proceed thence South 01 degrees 08 minutes 57 seconds East a distance of 137.55 feet to an iron pin found; proceed thence South 00 degrees 58 minutes 05 seconds East, a distance of 200.07 feet to an iron pin found; proceed thence South 00 degrees 53 minutes 56 seconds East a distance of 20.84 feet to an iron pin found; proceed thence North 64 degrees 50 minutes 25 seconds West a distance of 109.54 feet to an iron pin found; proceed thence North 67 degrees 47 minutes 3 seconds West a distance of 160.55 feet to an iron pin found; proceed thence North 66 degrees 23 minutes 49 seconds West a distance of 79.16 feet to an iron pin found; proceed thence North 00 degrees 30 minutes 54 seconds West a distance of 353.62 to a point; proceed thence North 89 degrees 29 minutes 6 seconds East a distance of 131.83 feet to a point, said point being the TRUE POINT OF BEGINNING; said property being more particularly described on that certain final plat of survey of Cambridge Common Townhomes, Buildings 3, 4, 5, 6, & 7, prepared by Morrison J. Sims (Georgia Registered Land Surveyor No. 1263) of Land Surveying Company, dated February 7, 1986, recorded in Plat Book 81, page 97, DeKalb County Georgia records, said plat being incorporated herein by reference.