

BK 29282 PG 0132

PROSPECT MILL HOA

P.O. Box 490543

Lawrenceville, Ga. 30049

October 17, 2002

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

02 OCT 18 AM 10:12

TOM LAWLER, CLERK

To Whom It May Concern:

The following changes and additions to the Declaration of Easements, Covenants, Conditions and Restrictions of Prospect Mill Subdivision have been approved by a "yes" vote of seventy-five (75) percent of the owners as stipulated in the Declaration. This Declaration was filed in Gwinnett County August 25, 1999.

Page 12 filed and recorded in Gwinnett County in Book 19069 Page 0110:

Addition – Where four-foot (4') picket is required, a pool can have a five-foot (5') picket to comply with Gwinnett County requirements. Gwinnett county approved permit must be presented at time of request to the Board.

Change – (m) Each Owner and Other Builder shall maintain his Lot and the improvements thereon in a neat, clean, and eye-pleasing condition, which shall include the maintenance of the entire Lot.

Addition – (n) A structure will be allowed to hide trashcans and heating units. Structures shall be no higher than the height of our trash containers. You must have a written approval from the Board of Directors to make this addition on your property.

Page 13 filed and recorded in Gwinnett County in Book 19069 Page 0111:

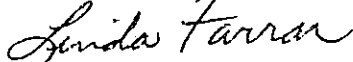
Change – Section 4. Lawn Maintenance. The Board of Directors or the Architectural Control Committee or their representatives, including, but not limited to a landscaping company or individual chosen by them, shall have the right to take actions necessary or convenient to accomplish the mowing of the entire lots of Owners and Other Builders in the subdivision which are not properly maintained by the Owner or the Builder of the Lot and to maintain the entrance Areas of the Subdivision.

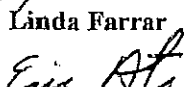
The attached two pages need to be re-recorded to reflect the changes and additions to Prospect Mill Subdivision's Declaration of Easements, Covenants, Conditions and Restrictions.

Yours truly,

Board of Directors

  
Claire Marcus

  
Linda Farrar

  
Eric Autry

187348

then that of the rear corners of the residences, ii) a shadowbox fence no more than six feet in height shall be allowed to be erected within five (5) feet of the patio and/or deck

adjacent to the rear of the residence and/or from the rear corners of the residence to the sidelines for privacy purposes and/or along the perimeter of retention ponds that are located on any Lot, and iii) fences erected in all other areas of the rear yard including side and rear property lines shall be picket fence and shall be either stained, painted the color of the trim of the residence or white, and shall not exceed four feet in height. Where four-foot (4') picket is required, a pool can have a five-foot (5') picket to comply with Gwinnett county requirements. Gwinnett County approved permit must be presented at time of request to the Board. Once a fence is approved by the Board of Directors or the Architectural Control Committee, the installation of the fence shall be of a pleasing appearance. If any fence is erected on any Lot which has not been approved by the Board of directors or the Architectural Control Committee, and it continues to exist after fifteen days written notice to the Owner or Other Builder of its non-compliance, then the Board of Directors or the Architectural Control Committee, their agents or assigns, are hereby granted an easement for the purpose of ingress, egress and removal of such fence. Such Owner or Other Builder shall indemnify and hold harmless the Association from all costs or damages whatsoever incurred, suffered or occasioned in undertaking to enforce compliance with this Declaration and such costs shall constitute a charge on the Lot(s) and a continuing lien thereon until paid in full.

(m) Each Owner and Other Builder shall maintain his Lot and the improvements thereon in a neat, clean, and eye-pleasing condition, which shall include the maintenance of the entire Lot. The Board of directors or the Architectural Control Committee shall be the arbiter as to whether said maintenance is clean and eye pleasing. If, fifteen days after having served notice to any Owner or Other Builder of any deficiencies in this regard, any deficiency still exists, the Board of Directors or the Architectural Control Committee may correct said deficiency at its option. Such Owner or Other Builder shall then be liable for any costs and charges incurred as a result of such correction, and should such Owner or Other Builder then not make remuneration within such terms as are then set, the costs and charges will be the basis of a lien against such Owner's or Other Builder's Lot.

(n) A structure will be allowed to hide trash cans and heating units. Structures shall be no higher than the height of our trash containers. You must have a written approval from the Board of Directors to make this addition on your property.

Section 3. Detention Pond Maintenance. Any and all detention ponds as shown per plat shall be maintained by the Association. The Association shall have an easement for ingress and egress on any Lot affected by a detention pond or any part thereof is found to the extent reasonably necessary to accomplish this purpose, as well as the right to remove or cause to be removed obstructions to said purpose and the right to require the cooperation of others, who have an interest therein, to not hinder those actions reasonably necessary to effect such purpose.

Section 4. Lawn Maintenance. The Board of directors or the Architectural Control Committee or their representatives, including, but not limited to a landscaping company or individual chosen by them, shall have the right to take actions necessary or convenient to accomplish the mowing of the entire lots of Owners and Other Builders in the subdivision which are not properly maintained by the Owner or the Builder of the Lot and to maintain the entrance Areas of the Subdivision. This right shall include, without limitation, the right of ingress and egress on the Lot of the Owner or Other Builder to the extent reasonably necessary to accomplish this purpose, the right to remove or cause to be removed obstruction to said purpose and the right to require the cooperation of others, who have an interest therein, to not hinder those actions reasonably necessary to effect such purpose.

Section 5. Release. Each Owner, Member, and Other Builder, his descendants, ancestors, dependents, heirs, executors, and assigns, hereby fully releases, discharges, and holds harmless the Association and Declarant, their agents, officers, directors, stockholders, members, employees, representatives, successors, and assigns, from any and all rights, claims, actions, causes of action, damages, losses, or injuries of whatever form or kind, the Owner and Other Builder, his descendants, ancestors, dependents, heirs, executors, and assigns has or may hereafter have against the Association and Declarant, their agents, officers, directors, stockholders, members, employees, representatives, successors, and assigns arising from the right of the Association to correct any deficiency, remove any fence, maintain the detention ponds and facilities, or mow the front lawn of any Owner's and Other