

2/2 Ad 14.00  
# 181 35  
Bk Ag  
4598 216

Att. to: Return to:  
Robert M. Dyer  
P.O. Box 1776  
Canton, GA 30114  
(770) 479-7418

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
CHEROKEE COUNTY, GA

01 MAY 18 PM 2:44

BOOK 4598 AMENDMENT OF 216  
Anne M. Pearson

**DECLARATIONS OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
TO AMEND CONDITIONS OF TRANSFER OF  
ARCHITECTURAL CONTROL  
COMMITTEE AUTHORITY SUBJECT TO  
THE DECLARATIONS OF COVENANTS, CONDITIONS,  
RESTRICTIONS FOR THE FALLS OF CHEROKEE  
AND  
ADDITIONAL PROPERTY KNOWN AS RIDGE VIEW**

COPY

**AMENDMENT OF  
DECLARATIONS OF COVENANTS, CONDITIONS AND  
RESTRICTIONS  
TO AMEND TRANSFER OF ARCHITECTURAL  
CONTROL COMMITTEE AUTHORITY SUBJECT TO  
THE DECLARATIONS OF COVENANTS, CONDITIONS  
AND  
RESTRICTIONS FOR THE FALLS OF CHEROKEE**

THIS DECLARATION is made the 23rd day of March, 2001 by MBC PARTNERS, L.P. a Georgia Limited Partnership (hereinafter referred to as the "Declarant");

**WHEREAS**, Declarant is the owner of certain real property which is subject to those Declarations of Covenants, Conditions, Restrictions and Easements applicable to The Falls of Cherokee, which are recorded in Deed Book 2255, Page 020 et sequel; and

**WHEREAS**, pursuant to ARTICLE V paragraph 5.01, as long as the Declarant, or any builder who has purchased a Lot from Declarant for the purpose of constructing a dwelling thereon owns at least one Lot on the Property (The Falls of Cherokee) being primarily for sale to an owner for residential occupancy, the ACC shall be comprised solely by Declarant, or by such representatives as may be designated by Declarant, which shall have the power to exercise all powers herein given to the ACC.

**WHEREAS**, pursuant to ARTICLE V paragraph 5.01 Declarant's power to maintain control of the ACC may be surrendered prior to that time described in preceding sentence only by express amendment to the Declarations executed and recorded by Declarant

**NOW THEREFORE**, Declarant transfers all ACC authority held and executed by the Declarant to The Falls of Cherokee Homeowner's Association at the earliest date of either compliance with the conditions of ARTICLE V, para 5.01 or January 1, 2003 whichever occurs first. The Declarant retains the right to surrender ACC authority prior to that time described in the preceding sentence. This Declaration shall operate as an Amendment to the original Covenants, Conditions, Restrictions and Easements for The Falls of Cherokee, and the Clerk of the Superior Court of Cherokee County is authorized and directed to file this Declaration onto the Deed Records of Cherokee County, Georgia, in accordance with the applicable Articles of the original Declaration and Covenants, Conditions, Restrictions and Easements for The Falls of Cherokee.

Bk Pg  
4598 218

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be duly executed and sealed this 23<sup>rd</sup> day of MARCH, 2001.

Signed, sealed and delivered  
in the presence of:

MBC Partners, L.P. a Georgia  
Limited Partnership

Robert M. Nyer  
Unofficial Witness

By [Signature] (SEAL)  
General Partner



J. K. Stilwell

ATTEST: \_\_\_\_\_ (SEAL)

(Corporate Seal)

Rec 5-23-2001

COOPY