

Patty Baker
Clerk of Superior Court Cherokee Cty, GA

After Recording Return To:
The Feldman Law Firm, LLC
500 Sugar Mill Road, Suite 200B
Atlanta, GA 30350
Attn: Paul J. Sharman

Cross Reference:
Deed Book 4540, Page 060

STATE OF GEORGIA

COUNTY OF CHEROKEE

**AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITION, RESTRICTIONS
AND EASEMENTS FOR SERENADE**

This Amendment to the Declaration of Covenants, Restrictions and Easements for Serenade (hereafter referred to as "Amendment") is made on the date set below.

WITNESSETH:

WHEREAS, McCar Development Corp., a Georgia corporation, recorded that certain Declaration of Covenants, Restrictions and Easements for Serenade on April 16, 2001, in Deed Book 4540, Page 060 of the Cherokee County, Georgia land records (hereafter referred to as "Declaration");

WHEREAS, Serenade Homeowners Association, Inc. (hereafter referred to as the "Association") is the Homeowners Association identified in the Declaration and existing and operating in the Serenade subdivision;

WHEREAS, pursuant to Article X of the Declaration, the Board of Directors, without the vote of the members, may amend the Declaration for the sole purpose of electing to be governed by the provisions of the Georgia Property Owners' Association Act, O.C.G.A. Section 44-3-220, et. seq.; and

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. **The Background Statement of the Declaration is amended by striking same in its entirety and substituting the following therefor:**

THIS INSTRUMENT ESTABLISHES A MANDATORY MEMBERSHIP HOMEOWNERS ASSOCIATION AND SUBMITS THE COMMUNITY TO THE PROVISIONS OF THE GEORGIA PROPERTY OWNERS' ASSOCIATION ACT, O.C.G.A. SECTION 44-3-220, ET SEQ.

2. Article I of the Declaration is amended by adding thereto the following:

“Georgia Property Owners’ Association Act” shall mean the Georgia Property Owners’ Association Act, O.C.G.A. § 44-3-220, et seq., as the same may be supplemented, amended or modified. Serenade is a residential property owners’ development which is hereby submitted to the Act. The Declaration and all property subject to the Declaration are accordingly submitted to the Act.

3. Article V, Section 7 of the Declaration is amended by striking paragraph (b) in its entirety and substituting the following therefor:

(b) To the extent that the instrument provides, the personal obligation of the lot owner and the lien for assessments shall also include: (1) A late or delinquency charge not in excess of the greater of \$10.00 or 10 percent of the amount of each assessment or installment thereof not paid when due; (2) At a rate not in excess of 10 percent per annum, interest on each assessment or installment thereof and any delinquency or late charge pertaining thereto from the date the same was first due and payable; (3) The costs of collection, including court costs, the expenses required for the protection and preservation of the lot, and reasonable attorney’s fees actually incurred; and (4) The fair rental value of the lot from the time of the institution of an action until the sale of the lot at foreclosure or until judgment rendered in the action is otherwise satisfied.

IN WITNESS WHEREOF, the undersigned hereby certify that this Amendment was properly executed on this 17th day of April, 2009.

SERENADE HOMEOWNERS
ASSOCIATION, INC.

Carl Gade

Signature of President

Print Name: Carl Gade

Kristin Laconi

Signature of Secretary

Print Name: Kristin Laconi

Sworn to and subscribed before me
this 17th day of April, 2009

Witness: Robert Kuciel

Notary Public
Michael H. Frost
Notary Public, Newton County, Georgia
My Commission Expires November 4, 2009

