

After recording, please return to:
Lazega & Johanson LLC
PO Box 250800
Atlanta, Georgia 30325 Attn: Karen Sabatino

STATE OF GEORGIA
COUNTY OF FULTON

Cross Reference: Deed Book 10905
Page 336

AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SOMERSET AT HENDERSON VILLAGE

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Somerset at Henderson Village was recorded on June 29, 1987, in Deed Book 10905, Page 336, *et seq.*, Fulton County, Georgia records, as amended ("Declaration"); and

WHEREAS, Article VIII, Section 4 of the Declaration provides that the Declaration may be amended by the affirmative vote or written consent, or any combination of affirmative vote and written consent, of the members of the Somerset at Henderson Village Homeowners' Association, Inc. holding at least sixty-six and two-thirds percent (66-2/3%) of the total eligible vote; and

WHEREAS, this Amendment is not made without the approval of Eligible Mortgage Holders and is not material with respect to Eligible Mortgage Holders in that it does not materially and adversely affect the security title or interest of any Eligible Mortgage Holder; provided, however, in the event an Eligible Mortgage Holder brings an action to challenge the validity of this Amendment within one (1) year of the date of recording of this Amendment in the Fulton County, Georgia records and a court of competent jurisdiction determines that any provision of this Amendment does so without such Eligible Mortgage Holder's consent, then the respective provision of this Amendment shall not be binding on the Eligible Mortgage Holder so involved, unless it consents hereto; and, if such consent is not forthcoming, then the provisions of the Declaration and Bylaws prior to this Amendment shall control with respect to the affected Eligible Mortgage Holder; and

WHEREAS, Members holding at least sixty-six and two-thirds percent (66 - 2/3 %) of the total eligible vote have approved amending the Declaration.

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

1.

Article IV, Section 4(a) of the Declaration is hereby deleted in its entirety and the following new Section 4(a) is substituted therefor:

(a) Capital Contribution. In addition to all other assessments and charges provided for and/or authorized in this Declaration, the Bylaws and/or Georgia law, the purchaser or grantee of a Lot shall be assessed and be subject to a non-refundable, non-prorated capital contribution assessment ("Capital Contribution Assessment") upon each and any conveyance or transfer of a Lot to any person or entity other than: (1) the spouse of an Owner; or (2) the heir of a deceased Owner.

Conveyances or transfers of a Lot incident to the foreclosure of a Mortgage on the Lot are subject to the Capital Contribution Assessment.

The Capital Contribution Assessment shall be equal to 25% of the amount of the annual assessment applicable to such Lot. The Capital Contribution Assessment shall not constitute an advance payment of the annual assessment. The Capital Contribution Assessment shall constitute a specific special assessment against such Lot, a continuing lien against such Lot, and a personal obligation of the Owner of such Lot.

IN WITNESS WHEREOF, the undersigned officers of the Somerset at Henderson Village Homeowners' Association, Inc. hereby certify that the above amendment to the Declaration was approved by members holding at least sixty-six and two-thirds percent (66-2/3 %) of the total eligible Association vote, with all required notices duly given, that they are authorized to execute this document, and that their signatures below are genuine

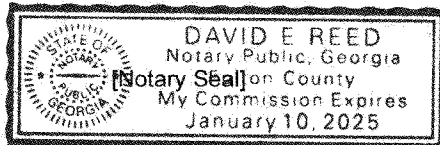
This 11 day of SEPTEMBER, 2024.

**SOMERSET AT HENDERSON VILLAGE
HOMEOWNERS' ASSOCIATION, INC.**

Sworn to and subscribed before me
this 11 day of September, 2024.

[Signature]
Witness

[Signature]
Notary Public



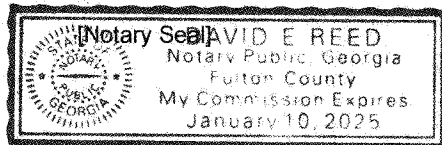
By: [Signature] (Seal)
Officer 1, Anne Pappas

Name: A. PAPPAS
Title: PRESIDENT

Sworn to and subscribed before me
this 11 day of Sept, 2024.

[Signature]
Witness

[Signature]
Notary Public



By: [Signature] (Seal)
Officer 2, Esther R. Escobedo

Name: ESTHER R ESCOBEDO
Title: TREASURER

[Corporate Seal]

