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Deed Book 11908 Pg 253
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Linda Carter

Linda Carter
Clerk of Superior Court Dekalb Cty. Ga.

[SPACE ABOVE RESERVED FOR RECORDING DATA]

Return to: Weissman, Nowack, Curry & Wilco, P.C.
1349 West Peachtree Street, 15th Floor
Atlanta, Georgia 30309
Attention: Jay Lazega

STATE OF GEORGIA
COUNTY OF DEKALB

Reference: Deed Book 10778
Page 527

AMENDMENT TO THE DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR WINTER ROSE

WHEREAS, the Declaration of Covenants, Restrictions and Easements for Winter Rose, was recorded on June 21, 1999, in Deed Book 10778, Page 527, et seq., DeKalb County, Georgia Records ("Declaration"), as may be amended; and

WHEREAS, Article IX, Section 9.10 of the Declaration provides for amendment of the Declaration with the approval of members holding at least two-thirds (2/3) of total votes in the Winter Rose H.O.A., Inc. ("Association"); and

WHEREAS, this Amendment to the Declaration has been approved by members holding at least two-thirds (2/3) of the total votes in the Association; and

WHEREAS, this Amendment does not materially and adversely affect the security title and interest of any mortgagee at Winter Rose; provided, however, in the event a court of competent jurisdiction determines that this Amendment does so without such mortgagee's written consent, then this Amendment shall not be binding on the mortgagee so involved, unless it consents hereto; and if such consent is not forthcoming, then the provisions of the Declaration effective prior to this Amendment shall control with respect to the affected mortgagee;

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

EXHIBIT "C"

1.

Article VII, Section 7.2 of the Declaration is hereby amended by deleting that Section in its entirety and substituting the following therefor:

Section 7.2. Leasing of Lots. Leasing of Lots at Winter Rose shall be governed by the restrictions imposed by this Section and such conditions as are established by the Board. **Except as provided herein, the leasing of Lots shall be prohibited. Leasing of Lots shall be permitted only: (1) by Owners who receive a written permit from the Board to lease under subsection (b) below, or (2) with Board approval in cases of undue hardship under subsection (c) below.**

(a) Definitions.

(i) "Effective Date" means the date on which this Amendment is recorded in the DeKalb County, Georgia land records.

(ii) "Leasing" shall mean the regular, exclusive occupancy of a home on a Lot by any person(s) other than the Owner or a parent, child or spouse of an Owner, or by an person without the Owner also occupying the Lot as his or her primary residence.

(b) Leasing Permit and Approval. Except with hardship approval under subsection (c) below, no Owner may lease his or her home or Lot, nor receive a leasing permit to do so under this subsection, more than once during each five (5) calendar year period after the Effective Date of this Amendment, and such lease shall be for a term not to exceed twelve (12) months.

The Board **shall** issue a leasing permit to an Owner upon request if the Owner has not leased his or her Lot or home during the applicable five (5) calendar year period and the proposed lease term is for not more than twelve (12) months. If a leasing permit request is denied because the Owner does not meet the conditions identified above, then the Owner may request hardship approval from the Board as provided below.

(c) Undue Hardship. Notwithstanding the provisions of subsection (b) above, the Board may allow reasonable leasing of a Lot upon application from an Owner as provided herein to avoid undue hardship to the existing tenant of the Owner's Lot or to the Owner. Undue hardship hereunder shall include where the Owner dies and the Lot is being administered by his or her estate or where an immediate family member of the existing tenant dies.

Any Owner who believes that his or her Lot must be leased to avoid undue hardship must submit a written application to the Board setting forth the circumstances necessitating the leasing and such other information as the Board may reasonably require. Leasing in the case of undue hardship shall be permitted in the Board's discretion and only upon the Board's written approval of the Owner's application.

Those Owners who have complied with this subsection, have demonstrated to the Board's satisfaction that the inability to lease their Lot would result in undue hardship, and have obtained the requisite written Board approval may lease their Lots for such duration as the Board reasonably determines is necessary to prevent undue hardship.

Any leasing authorized under this Section 7.2 must be with a written lease form approved by the Board or which complies with leasing regulations which may be adopted by the Board. Any transaction which does not comply with this Section shall be voidable at the Board's option.

IN WITNESS WHEREOF, the undersigned officers of Winter Rose H.O.A., Inc., hereby certify that the above amendment to the Declaration was duly adopted by the required majority of the Association and its membership.

This 13 day of February, 2001.

Sworn to and subscribed to before me this 13th day of February, 2001.

WINTER ROSE H.O.A., INC.

Witness

By: Stephen W. Linville (Seal)
President

Notary Public

Attest: President (Seal)
Signature/Title

[Notary Seal]

[Corporate Seal]

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