

Deed Book **12515** Pg **408**
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28-2013-030889

Patty Baker
Clerk of Superior Court Cherokee Cty, GA

RETURN TO:
JW Homes, LLC
Attn: Legal Department
4125 Atlanta Road
Smyrna, Georgia 30080

CROSS-REFERENCE to Declaration:
Deed Book 10290, Page 1
Deed Book 12101, Page 46

SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS AND EASEMENTS FOR CADENCE

This Supplementary Declaration is made this 26th day of July, 2013, by JW Homes, LLC, a Delaware limited liability company (hereinafter referred to as "Declarant").

BACKGROUND STATEMENT

On July 9, 2008, John Wieland Homes and Neighborhoods, Inc. ("JWHN"), as Declarant, executed that certain Declaration of Protective Covenants and Easements for Cadence which was recorded on July 10, 2008, in Deed Book 10290, Page 1 et seq., Cherokee County, Georgia records (hereinafter as supplemented and/or amended from time to time, the "Declaration"). JWHN assigned all of its rights, title and interest as Declarant under and pursuant to the Declaration to Declarant per the terms of that certain Assignment of Declarant's Rights, which was recorded on November 19, 2012 in Deed Book 12102, Page 46 et seq., Cherokee County, Georgia records. Pursuant to Article IX, Section 1, thereof, the Declarant has the unilateral right, until fifteen (15) years after the recording of the Declaration, to subject all or a portion of the real property described on Exhibit "C" thereof to the provisions of the Declaration.

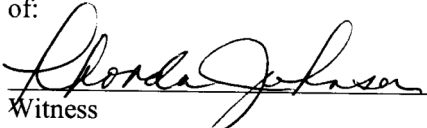
Declarant, as the owner of the real property described in Exhibit "A" attached hereto (the "Subject Property"), which Subject Property is a portion of the real property described on Exhibit "C" to the Declaration, now desires to subject the Subject Property to the provisions of the Declaration.

NOW THEREFORE, pursuant to the powers retained by Declarant under Article IX, Section 1, of the Declaration, and in accordance with the provisions of that section, Declarant hereby subjects all of those tracts or parcels of the Subject Property described on Exhibit "A" attached hereto to the provisions of the Declaration. Such property shall be sold, transferred, used, conveyed, occupied and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, all of which shall


run with the title of such property and shall be binding upon all persons having any right, title or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title and assigns.

IN WITNESS WHEREOF, Declarant has caused this Supplementary Declaration to be executed under seal the day and year first above written.

Signed, sealed, and delivered in the presence of:



Witness

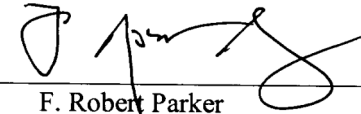


Notary Public

My Commission Expires: 3/10/15

[NOTARIAL SEAL]

JW HOMES, LLC, a Delaware limited liability company

By: 

F. Robert Parker
Sr. Vice President

[CORPORATE SEAL]

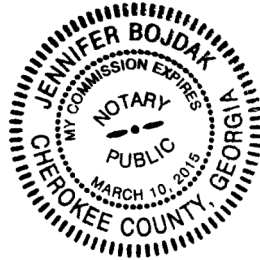


EXHIBIT "A"

Description of Property Annexed

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Land Lots 922 & 951 of the 3rd District, 2nd Section of Cherokee County, Georgia, consisting of 4.547, more or less, as shown as Unit Two on that certain "Subdivision Plat of: Cadence Unit Two (f/k/a Elrod Tract)," dated May 13, 2013, prepared by GeoSurvey, Ltd. Land Surveying & Mapping, certified by and bearing the seal of Craig Jennings, Georgia Registered Land Surveyor No. 3043, which plat was recorded on July 19, 2013, in Plat Book 109, Page 121, Cherokee County, Georgia records.