

Deed Book **13567** Pg **345**

Filed 11/04/2015 10:14 AM

28-2015-037751

Patty Baker

Clerk of Superior Court Cherokee Cty, GA

Deed Book **13572** Pg **176**

Filed 11/09/2015 09:10 AM

28-2015-038167

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

12102

**SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS AND EASEMENTS  
FOR CADENCE**

This Supplementary Declaration is made this 21 day of October, 2015, by JW Homes, LLC, a Delaware limited liability company (hereinafter referred to as "Declarant").

**BACKGROUND STATEMENT**

A. 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").

B. 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 ~~12101~~, Page 46 et seq., Cherokee County, Georgia records.  
12102

C. 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.

D. 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.

SUPPLEMENTAL 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:

*Vicki Hods*

Witness

*Jennifer Bojda*  
Notary Public

My Commission Expires: 3/10/19

[NOTARIAL SEAL]

JW HOMES, LLC, a Delaware limited liability company

By: *Joel S. Reed*  
Joel S. Reed  
Senior Vice President

[CORPORATE SEAL]



CONSENT OF LENDER

WELLS FARGO BANK, NATIONAL ASSOCIATION, as Administrative Agent (collectively with its successors or assigns, "Lender"), for its benefit and the benefit of the Lender Parties, as defined in that certain Credit Agreement dated as of January 28, 2014 by and among JW Homes, LLC ("Borrower"), Lender, and the financial institutions party thereto and their assignees under Section 13.6 therein, is the holder of that certain Deed to Secure Debt with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing (hereinafter, the "Security Deed") encumbering all or a portion of the property described in this document (the "Property").

Lender hereby consents to the execution and recording of the document to which this is attached, and agrees that any foreclosure of the security title and interest under the Security Deed or any other instrument evidencing or securing Lender's interest shall be subject and subordinate to this document and any amendments thereto as it affects the Property.

Effective as of October 21, 2015.

LENDER:  
WELLS FARGO BANK, NATIONAL ASSOCIATION, as Administrative Agent

By: *Kelli JR Craig*  
Name: Kelli JR Craig  
Title: Vice President

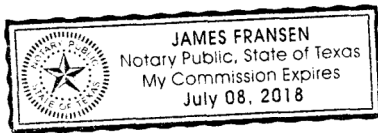
Signed, sealed, and delivered  
in the presence of:

*[Signature]*  
WITNESS

*[Signature]*  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

[NOTARY SEAL]



**EXHIBIT "A"**

**Description of Property Annexed**

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Land Lots 950 & 951 of the 3<sup>rd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia, consisting of 23.547 acres, more or less, as shown on that certain "Subdivision Plat of: Cadence Unit Three (f/k/a Elrod Tract)," dated May 13, 2014, 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 October 5, 2015, in Plat Book 115, Page 58, Cherokee County, Georgia records.