

Deed Book **10851** Pg **368**  
Filed and Recorded 11/24/2009 12:34:50 PM  
28-2009-036740

Patty Baker  
Clerk of Superior Court Cherokee Cty, GA

M 220903  
JOHN WIELAND HOMES &  
NEIGHBORHOODS INC  
1950 SULLIVAN ROAD

ATLANTA , GA 30337

**RETURN TO:**

Frederick D. Evans III, Esq.  
4125 Atlanta Road  
Smyrna, Georgia 30080

**CROSS-REFERENCE** to Declaration:  
Deed Book 1040290, Page 1

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

This Supplementary Declaration is made this 23rd day of November, 2009, by JOHN WIELAND HOMES AND NEIGHBORHOODS, INC., a Georgia corporation (hereinafter referred to as "Declarant").

BACKGROUND STATEMENT

On July 9, 2008, 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"). 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, now desires to subject the provisions of the Declaration of a portion of the real property described on Exhibit "C" to the Declaration. Declarant is the owner of the real property described in Exhibit "A" attached hereto.

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 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:

JOHN WIELAND HOMES AND NEIGHBORHOODS, INC., a Georgia corporation

Witness

By:

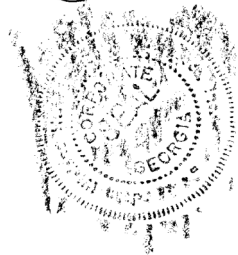
\_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public

*[Handwritten Signature]*  
\_\_\_\_\_  
F. Robert Parker  
Vice President

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

[CORPORATE SEAL]

[NOTARIAL SEAL] **SEAL**



**EXHIBIT "A"**

**Description of Property Annexed**

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Land Lot 951 of the 3<sup>rd</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia, consisting of approximately 13.08 acres as shown as Unit One C on that certain Subdivision Plat of Cadence Unit One C, f/k/a Elrod Tract, dated September 10, 2009, 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 November 19, 2009, in Plat Book 104, Page 191, Cherokee County, Georgia records.

s:\legal\anx\georgia\cadence Unit 1C\sup