

RECORDED
INDEXED
OCT 13 2004
RABUN COUNTY

After recording return to:
Robert G. Holt, Esq.
Holt Ney Zatcoff & Wasserman, LLP
100 Galleria Parkway, Suite 600
Atlanta, Georgia 30339

Re: Book Z-24, Page 478,
Rabun County, Georgia records

**FIRST AMENDMENT
TO
ROAD MAINTENANCE DECLARATION**

THIS FIRST AMENDMENT TO ROAD MAINTENANCE DECLARATION
("Amendment") is made as of this 11th day of October, 2004, by **SURREY PROPERTIES
LLC** (hereinafter referred to as "Declarant"), a Georgia limited liability company;

W I T N E S S E T H:

WHEREAS, Declarant has subjected certain property located in Rabun County, Georgia to that certain Road Maintenance Declaration dated as of November 4, 2002 and recorded at Book Z-24, Page 478, Rabun County, Georgia records (the "Declaration"); and

WHEREAS, Declarant desires to amend the Declaration for certain purposes as hereinafter set forth.

NOW THEREFORE, Declarant, intending to be legally bound, hereby agrees and covenants that the Declaration shall be amended as follows:

1. **Exhibit "A"** of the Declaration is deleted in its entirety and the attached **Exhibit "A"** is substituted in lieu thereof.
2. **Exhibit "B"** of the Declaration is deleted in its entirety and the attached **Exhibit "B"** is substituted in lieu thereof.

3. A new section is hereby added to the Declaration after Section 16, as follows:

"17. Ownership of Land by the Association. The Association shall have the authority to acquire title to and own vacant land, in which event, all costs (including, but not limited to, taxes, insurance, landscaping and maintenance) of owning and maintaining said land shall be a Common Expense of the Association, which shall be paid by the members of the Association, as provided in Section 7 of this Declaration."

4. Except as herein amended, the terms and provisions of the Declaration shall remain in full force and effect. This Amendment shall be binding upon and shall inure to the benefit of Declarant and its respective successors, personal representatives and assigns. This Amendment shall be governed by, construed and interpreted pursuant to the laws of the State of Georgia.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed in its name by its duly authorized officers, and its seal affixed, as of the day and year first above written.

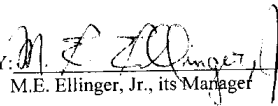
DECLARANT:

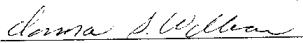
Signed, sealed and delivered in the presence of:

SURREY PROPERTIES LLC,
a Georgia limited liability company



Unofficial Witness

BY:  (SEAL)
M.E. Ellinger, Jr., its Manager



Notary Public
Commission expires:

(NOTARY SEAL)



EXHIBIT "A"**LEGAL DESCRIPTION OF THE HOMESITES****CONDOMINIUM LOTS NOW OR FORMERLY OWNED BY
SURREY PROPERTIES LLC****4.33 ACRE TRACT:**

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Land Lot 1 of the Fourth Land District of Rabun County, Georgia and being more particularly described as follows:

Tracts 4 and 5 as described on that certain Plat of LongView Condominium prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., dated May 1, 2002, last revised July 7, 2004, filed July 8, 2004, recorded in Condominium Book 2, page 137, Rabun County, Georgia records.

1.93 ACRE TRACT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1 of the Fourth Land District of Rabun County, Georgia and being more particularly described as follows:

Tract 6 as described on that certain Plat of LongView prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., dated August 13, 2004, last revised August 20, 2004, filed September 14, 2004, recorded in Plat Book 53, page 99, Rabun County, Georgia records.

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Land Lot 1 of the Fourth Land District of Rabun County, Georgia and being more particularly described as follows:

Lot A as described on that certain Survey of LongView prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., bearing the seal and certification of William F. Rolader, Georgia Registered Land Surveyor No. 2042, dated December 15, 2003, filed June 9, 2004, recorded in Plat Book 51, Page 274, Rabun County, Georgia records.

Lots C, D, E, F, H, I, J, K and L as described on that certain Survey of LongView prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., bearing the seal and certification of William F. Rolader, Georgia Registered Land Surveyor No. 2042, dated December 15, 2003, last revised June 4, 2004, filed June 9, 2004, recorded in Plat Book 51, Page 273, aforesaid records.

EXHIBIT "B"

Banister Drive as shown on that certain Survey of LongView prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., bearing the seal and certification of William F. Rolader, Georgia Registered Land Surveyor No. 2042, dated December 15, 2003, filed June 9, 2004, recorded in Plat Book 51, Page 274, Rabun County, Georgia records.

Eastview Lane and Henderson Way as described on that certain Survey of LongView prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., bearing the seal and certification of William F. Rolader, Georgia Registered Land Surveyor No. 2042, dated December 15, 2003, last revised June 4, 2004, filed June 9, 2004, recorded in Plat Book 51, Page 273, aforesaid records.

Only that portion of Surrey Lane that fronts the southerly property line of Lots K and L between Eastview Lane and Butler Lane, as described on that certain Survey of LongView prepared for Surrey Properties LLC, by Appalachian Surveying Company, Inc., bearing the seal and certification of William F. Rolader, Georgia Registered Land Surveyor No. 2042, dated December 15, 2003, last revised June 4, 2004, filed June 9, 2004, recorded in Plat Book 51, Page 273, aforesaid records.

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RECORDED THIS THE 13TH DAY OF OCTOBER 2004, _____ CLERK S.C.

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