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GEORGIA, HALL COUNTY, CLERK SUPERIOR COURT
Filed in office, this 20 day of January
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Book 6655 Page(s) 576-578
Charles Baker, Clerk By 83

001025

FILE -> SMMF
RETURN TO:
SCOTT A. BALL
P.O. Box 3280
Gainesville, GA 30503

CROSS REFERENCE TO
Deed Book 5719, Page 183,
Hall County, Georgia Deed
Records

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
THE GARDENS OF GAINESVILLE**

THIS SECOND AMENDMENT TO THE DECLARATION is made this 15th day of January, 2010, by STATE BANK & TRUST COMPANY (a Georgia banking organization) as the legal successor in interest to The Gardens of Gainesville, LLC, (the original "Declarant" as set forth in the Declaration of Covenants, Conditions, Restrictions for The Gardens of Gainesville, originally dated May 12, 2006, and recorded in Deed Book 5688, Page 1, and as amended and re-recorded in Deed Book 5719, Page 183, of the Hall County, Georgia Deed Records).

W I T N E S S E T H

WHEREAS, STATE BANK & TRUST COMPANY has succeeded to the interest of The Gardens of Gainesville, LLC as "Declarant" of the Declaration of Covenants, Conditions, and Restrictions for The Gardens of Gainesville by virtue of those Deeds Under Power of Sale recorded in Deed Book 6374, Page 254, and Deed Book 6374, Page 256, of the Hall County, Georgia Deed Records, and by the Purchase and Assumption Agreement between the Federal Deposit Insurance Corporation as Receiver for The Buckhead Community Bank and State Bank and Trust Company dated as of December 4, 2009; and

WHEREAS, STATE BANK & TRUST COMPANY deems it necessary and desirable to remove a portion of the property burdened by the original Declaration referenced above from the force and effect of the original Declaration of Covenants, Conditions, and Restrictions for The Gardens of Gainesville; and

WHEREAS, STATE BANK & TRUST COMPANY has the power and authority under Paragraph 12 of the original Declaration to unilaterally amend the Declaration.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt, adequacy, and sufficiency whereof are hereby expressly acknowledged

herein, STATE BANK & TRUST COMPANY hereby amends the Declaration of Covenants, Conditions, and Restrictions for The Gardens of Gainesville by removing the 0.254 acre parcel on Piedmont Way which is depicted on Plat Book 857, Page 23, of the Hall County, Georgia Plat Records (and which plat is hereby incorporated by reference for a more complete legal description of said lot), from the force and effect of the Declaration of Covenants, Conditions, and Restrictions for The Gardens of Gainesville. STATE BANK & TRUST COMPANY hereby declares the 0.254 acre parcel is an outparcel of the subdivision development that is not accessed by the subdivision right-of-ways and is also located on a separate access route (Piedmont Way) As such, STATE BANK & TRUST COMPANY hereby immediately and forever releases the 0.254 acre tract on Piedmont Way from the force and effect of the Declaration of Covenants, Conditions, and Restrictions for The Gardens of Gainesville on the date and year first above written. All other provisions of said Declaration shall remain unchanged. A true and correct copy of the plat of the property being released by this Amendment is attached hereto as Exhibit A. Any existing utility and/or access easements already located on the property shown on Exhibit A shall remain in place.

IN WITNESS WHEREOF, the undersigned, as successor Declarant, hereby executes this instrument by and through its duly authorized officers and under seal on the date and year first above written.

STATE BANK & TRUST COMPANY

By: William C. Bryan
Title: Attorney-in-Fact

Attest: _____
Title:

Signed, sealed and delivered
in the presence of:

(corporate seal)

[Signature]
Witness
[Signature]
Notary Public
My commission expires _____

