

Ends
Page 474

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Shirley Ann Johnson
Clerk Superior Court

Return to:

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1349 West Peachtree Street, 15th Floor
Atlanta, GA 30309

DECLARATION OF PROTECTIVE COVENANTS
FOR
THE HIGHLANDS AT CLEAR CREEK

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DECLARATION OF PROTECTIVE COVENANTS

FOR

THE HIGHLANDS AT CLEAR CREEK

THIS DECLARATION is made on the date set forth below by The Highlands at Clear Creek, L.L.C., a Georgia Limited Liability Corporation ("Declarant");

WITNESSETH:

WHEREAS, Declarant is the owner of the real property described in Article II, Section 1 of this Declaration; and

WHEREAS, Declarant desires to subject the real property described in Article II, Section 1 to the provisions of this Declaration to create a residential community of single-family and condominium housing and to provide for the subjecting of other real property to the provisions of this Declaration;

NOW, THEREFORE, Declarant declares that, subject to the provisions of Section 3 of Article X of this Declaration, the real property described in Article II, Section 1 of this Declaration, including the improvements constructed or to be constructed thereon, is subjected to the provisions of this Declaration, and shall be held, sold, transferred, conveyed, used, occupied, and mortgaged or otherwise encumbered subject to the covenants, conditions, restrictions, easements, assessments, and liens, set forth in this Declaration, which are for the purpose of protecting the value and desirability of, and which shall run with the title to, the real property subject to this Declaration, and shall be binding on all persons having any right, title, or interest in all or any portion of the real property subject to this Declaration, their respective heirs, legal representatives, successors, successors-in-title, and assigns and shall be for the benefit of all owners of the property subject to this Declaration.

THIS DECLARATION DOES NOT AND IS NOT INTENDED TO CREATE A CONDOMINIUM REGIME SUBJECT TO THE GEORGIA CONDOMINIUM ACT, O.C.G.A. SECTION 44-3-70, ET SEQ.

THIS DECLARATION DOES NOT AND IS NOT INTENDED TO SUBMIT THE PROPERTY TO THE TERMS OF THE GEORGIA PROPERTY OWNERS' ASSOCIATION ACT, O.C.G.A. SECTION 44-3-220, ET SEQ.

BYLAWS
OF
THE HIGHLANDS AT CLEAR CREEK HOMEOWNERS ASSOCIATION, INC.

Article I
General

Section 1. Applicability. These Bylaws provide for the self-government of The Highlands at Clear Creek Homeowners Association, Inc., in accordance with the Articles of Incorporation filed with the Secretary of State and the Declaration of Protective Covenants for The Highlands at Clear Creek, recorded in the Pickens and Gilmer County, Georgia land records ("Declaration").

Section 2. Name. The name of the corporation is The Highlands at Clear Creek Homeowners Association, Inc., ("Association").

Section 3. Definitions. The terms used herein shall have their generally accepted meanings or such meanings as are specified in Paragraph 2 of the Declaration.

Section 4. Membership. An Owner of a Lot shall automatically become a member of the Association upon taking title to the Lot and shall remain a member for the entire period of ownership. As may be more fully provided below, a spouse or a cohabitant of a member may exercise the powers and privileges of the member. If title to a Lot is held by more than one (1) Person, the membership shall be shared in the same proportion as the title, but there shall be only one (1) membership and one (1) vote per Lot. Membership does not include Persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest shall not terminate the Owner's membership. Membership shall be appurtenant to the Lot and shall be transferred automatically by conveyance of that Lot and may be transferred only in connection with the transfer of title.

Section 5. Entity Members. In the event an Owner is a corporation, limited liability company, partnership, trust, or other legal entity not being a natural person or persons, then any natural person who is an officer, director, or other designated agent of such corporation, partner of such partnership, beneficiary or other designated agent of such trust, manager of a limited liability company or representative of such other legal entity shall be eligible to represent such entity or entities in the affairs of the Association. Such person's relationship with the Association shall terminate automatically upon the termination of such person's relationship with the entity or entities which are the Owner, and termination of the person's relationship with the Association will create a vacancy in any elected or appointed position within the Association in which such person may have been serving and such vacancy will be filled in accordance with these Bylaws.

Section 6. Voting. Each Lot shall be entitled to one equal vote, which vote may be cast by the Owner, the Owner's spouse, the cohabitant of the Owner, or by a lawful proxy as provided below. When more than one (1) Person owns a Lot, the vote for such Lot shall be exercised as they determine between or among themselves, but in no event shall more than one (1) vote be cast with respect to any Lot. If only one (1) co-owner attempts to cast the vote for a Lot, it shall be conclusively presumed that

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Return To:
Highlands at Clear Creek, L.L.C.
6120 Windward Parkway
Suite 170
Alpharetta, GA 30005

GEORGIA, Gilmer County
Clerk of Superior Court
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Blanche Ann Johnson
Clerk of Superior Court

REFERENCE TO PLAT BOOK #35, PAGE #174 #175 #176 #177 #178 #179 GILMER COUNTY RECORDS

STATE OF GEORGIA

COUNTY OF GILMER

DISCLOSURE OF PRIVATE ROADS

The streets lying within Highlands at Clear Creek Subdivision are private in ownership and do not currently and will not ever meet the requirements applicable to converting the roads from private ownership and maintenance to public ownership and maintenance. The responsibility for the upkeep and maintenance of the streets shown on the recorded plat are the responsibility of the individual homeowners through the subdivision's Homeowner's Association and not Gilmer County.

This 3rd day of August 2000.

Highlands at Clear Creek, L.L.C.

[Signature]
Witness

By: Robert A. Corliss
Robert A. Corliss, Partner

Sue B. Combo
Notary

