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GEORGIA, LUMPKIN COUNTY
CLERK'S OFFICE SUPERIOR COURT
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Recorded in Plat Book N: 27 Page 34 - 41

Edward E. Tucker
EDWARD E. TUCKER, CLERK

mail to:

Sam Johnson
Cleveland Park Rd.

Dahlonega, Ga 30533

Prepared by/return to:
Shelly T. Martin
Whelchel & Dunlap, LLP
Post Office Box 1
Gainesville, GA 30503

**DECLARATION OF PROTECTIVE AND RESTRICTIVE COVENANTS
FOR SKY COUNTRY PHASE IV**

STATE OF GEORGIA,

COUNTY OF LUMPKIN.

This Declaration of Protective and Restrictive Covenants, made and published this ____ day of April, 2001, by and between **CENTURY PROPERTIES AND DEVELOPMENT, INC.**, of Lumpkin County, Georgia, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, Century Properties and Development, Inc. is the owner and developer of the subdivision in the County of Lumpkin and State of Georgia known as Sky Country Subdivision Phase IV, the same being a subdivision of all those certain tracts or parcels of land situated, lying and being in Lumpkin County, Georgia and shown and delineated by plat of survey for Dover, Green, Greenway, Wimpy, the same prepared by Farley-Collins, Registered Surveyors, which plat is recorded in Plat Book 28, page 65, of the Lumpkin County Plat Records; and

WHEREAS, it is to the best interest, benefit and advantage of said owner and Developer and each lot owner in the prior phases of Sky Country Subdivision, and to the best advantage of each and every person who shall hereafter purchase and acquire any tract or parcel in said

subdivision, that certain protective covenants governing and relating to the use and occupancy of the same is established, fixed and set forth and declared to be covenants running with the land;

NOW THEREFORE, for and in consideration of the premises, and in mutual benefits accruing to the Developer and to the subsequent purchasers of said property, the Developer does hereby declare said real property be subject to the following covenants and restrictions, said covenants and restrictions to run with the title of said land. Said covenants and restrictions shall be binding on and inure to the benefit of the Developer, their successors and assigns, and shall be binding on an inure to the benefit of the Grantees of any deed conveying any building site, parcel or tract, as well as their heirs, successors and assign. Said covenants and restrictions shall be as follows:

I. Permitted and Prohibited Uses.

1. All building sites within the development shall be owned and used exclusively for single-family residential purposes. With the exception of detached guest quarters, no more than one dwelling shall be constructed on any building site as platted, and no duplexes or apartment buildings of any nature shall be permitted.

2. Free standing garages and accessory buildings may be constructed but shall not be used for permanent or temporary residence purposes. Garages or carports shall not have entrances directly facing the road.

3. No one-story dwelling unit shall be constructed having a heated ground floor area of less than 1,500 square feet, exclusive of garages, basements, covered walks and open porches. No two-story dwelling shall be constructed having a heated floor area of less than 1,700 square feet exclusive of garages, basements, covered walks and open porches. No dwelling unit shall have a height of more than 40 feet above existing grade.

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4. Recreational facilities such as swimming pools, tennis courts, playhouses and similar structures shall be set back a reasonable distance from property lines and screened from abutting or adjacent building sites and public roads. No outdoor lighting or security lighting shall be permitted unless it is designed and located in such a way as to cast substantially all of the light within the building site wherein it is located.

5. Clotheslines or drying yards shall be located so as not to be visible from the road. All propane tanks and other such tanks shall be either screened from the road and adjoining lots or buried.

6. No trailers, boats, boat trailers or habitable motor vehicles of any nature shall be kept on or stored on any part of the property unless they are screened in such a way as not be visible from the road or adjoining properties. No trucks of any nature, other than standard size pickup trucks and vans, shall be parked overnight on any building site except in an enclosed garage or screened area.

7. Subject to building regulations, garbage and trash receptacles shall be so located as not to be visible from the street and shall be maintained in good condition. All homes will be requested to use a residential-grade trash compactor.

8. Household pets such as dogs and cats may be kept or maintained in reasonable numbers solely as pets for the pleasure and use of the occupants but not for any commercial use or purpose. Kennels, pens or other facilities wherein pets are kept shall be set back from property lines and adequately screened so as not to be a nuisance to the residents of abutting or adjacent building sites. No commercial or non-commercial poultry houses, animal holding pens or stables of any type shall be permitted to be operated on the property.

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9. No weeds, garbage or refuse piles, trash or other unsightly objects shall be allowed to be placed or suffered to remain on any part of any lot, including vacant building sites.

10. When the construction of any building commences, work thereon shall be prosecuted diligently and must be completed within a reasonable time not to exceed twelve months from the day construction started.

11. No property owner will do or permit to be done any act upon his property which may be or is or may become a nuisance to other property owners or residents.

12. No lot or other tract in the subdivision shall be further subdivided by any owner. However, the owners shall have the right to adjust boundary lines between their lot and adjoining lots so long as no new lots are created.

13. As soon as construction of any house or other improvement has been completed, the owner of the lot shall clear and remove all stumps, logs, limbs and other debris from the lot.

14. No mobile homes, double-wides or temporary housing of any type shall be located on any lot.

15. No metal buildings, metal out buildings, metal garages or metal tool sheds shall be constructed or located on any lot.

16. No exposed concrete block structures shall be constructed on any lot. All concrete block work must be covered with brick, wood, stucco, or other materials approved by the Architectural and Landscape Control Committee.

17. No tents or campers may be erected or used on any lot for human habitation at any time.

18. No disc or other such device for the reception of satellite television transmission shall be placed on any lot unless it is screened from view or unless it is no larger than three (3) feet in diameter.

19. No "dirt bikes" or "trail bikes" shall be operated on any part of the subdivision at any time, including the public roads of the subdivision. All automobiles, trucks and other vehicles shall be muffled in such a way that their operation in the subdivision does not constitute a nuisance.

20. The owners of those lots which adjoin property not lying within Sky Country Subdivision shall not connect the roads of the Sky Country Subdivision to any said adjacent property by any means of any road or driveway, whether private or public.

21. In accordance with the setback provisions of the Lumpkin County Subdivision Regulations, no house or other building or structure shall be constructed within seventy (70) feet of the centerline of any roadway adjoining the lot on which it was constructed. However, the Architectural and Landscape Control Committee shall be allowed to grant exceptions to this provision in unusual circumstances.

22. No sign of any character shall permanently be displayed or placed upon any part of the property except a sign identifying the residence and owner, the dimensions and design of which shall be subject to the regulations of the Architectural and Landscape Control Committee.

23. All landscaping shall be done in such a way as to minimize the impairment of the scenic views which are available from the roads and lots in the Sky Country Subdivision. No lot owner shall plant any trees or shrubbery which will attain a height of greater than fifteen (15) feet without the approval of the Architectural and Landscape Control Committee.

II. Architectural and Landscape Control Committee.

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1. All plans for any and all buildings and any additions to existing structures, all walls, fences, hedges used as walls, swimming pools, tennis courts and recreational facilities must be presented to and approved by the Architectural and Landscape Control Committee as established by the Sky Country Property Owners' Association, Inc. in writing prior to the commencement of any construction and the approval by the Committee shall be granted or denied in accordance with guidelines established by it and made available to all lot owners. The purpose of these guidelines will be to insure that no improvement constructed on any lot obstructs or reasonably detracts from the scenic views which are a primary asset of the subdivision, and a further purpose shall be to protect the character of the subdivision by insuring that the external appearance of all improvements is aesthetically compatible with the subdivision itself and with the buildings and other improvements already approved within the subdivision.

2. The committee shall approve or disapprove plans submitted to it within thirty (30) days after an application has been made in writing to the committee, and if the committee fails to act within the said thirty day period, the application shall be deemed to have been approved.

**III. Effect of Covenants and Restrictions
And Their Extension or Modification**

1. These covenants and restrictions shall run with the land and shall be binding upon all parties and all persons claiming under them for a minimum period of twenty (20) years from the date these covenants and restrictions are recorded, after which the said covenants and restrictions shall be automatically extended for successive periods of ten years unless by an instrument signed by 75% of the then owners of the building sites has been recorded agreeing to terminate or change said covenants and restrictions in whole or in part.

2. These covenants and restrictions may be changed, modified or amended by a duly recorded instrument signed by the Developer or owners of 75% of the building sites in the development.

3. Each and every covenant and restriction contained herein shall be considered to be an independent and separate covenant and agreement, and in the event that any one or more of said covenants or restrictions shall, for any reason, be held to be invalid or unenforceable, all remaining covenants and restrictions shall nevertheless remain in full force and effect. The failure of any party or person to enforce a covenant or restriction contained herein in any instance or against any person shall not constitute a waiver or abrogation of said covenant or restrictions.

4. The covenants and restrictions contained herein are supplementary to and independent of any and all laws or rules of any governmental agency, and except insofar as these covenants and restrictions shall be rendered void or shall be in conflict with the laws or rules of any governmental agency they shall not be deemed to have changed by virtue of any laws or rules hereinafter enacted or established by a governmental agency.

IN WITNESS WHEREOF, we, the undersigned Developer of Sky Country Subdivision Phase IV, have hereunto set our hands and affixed our seals this ____ day of April, 2001.

Signed, sealed and delivered
in the presence of:

Deborah W. Adams
Unofficial Witness

W. Charles DeLoach
Notary Public

My commission expires: 8-07-04

CENTURY PROPERTIES AND
DEVELOPMENT, INC.

By: Floyd Wimpy
Floyd Wimpy, President and
Chief Executive Officer

Attest: Wyman Walden
Wyman Walden, Vice President

(Corporate Seal Affixed)



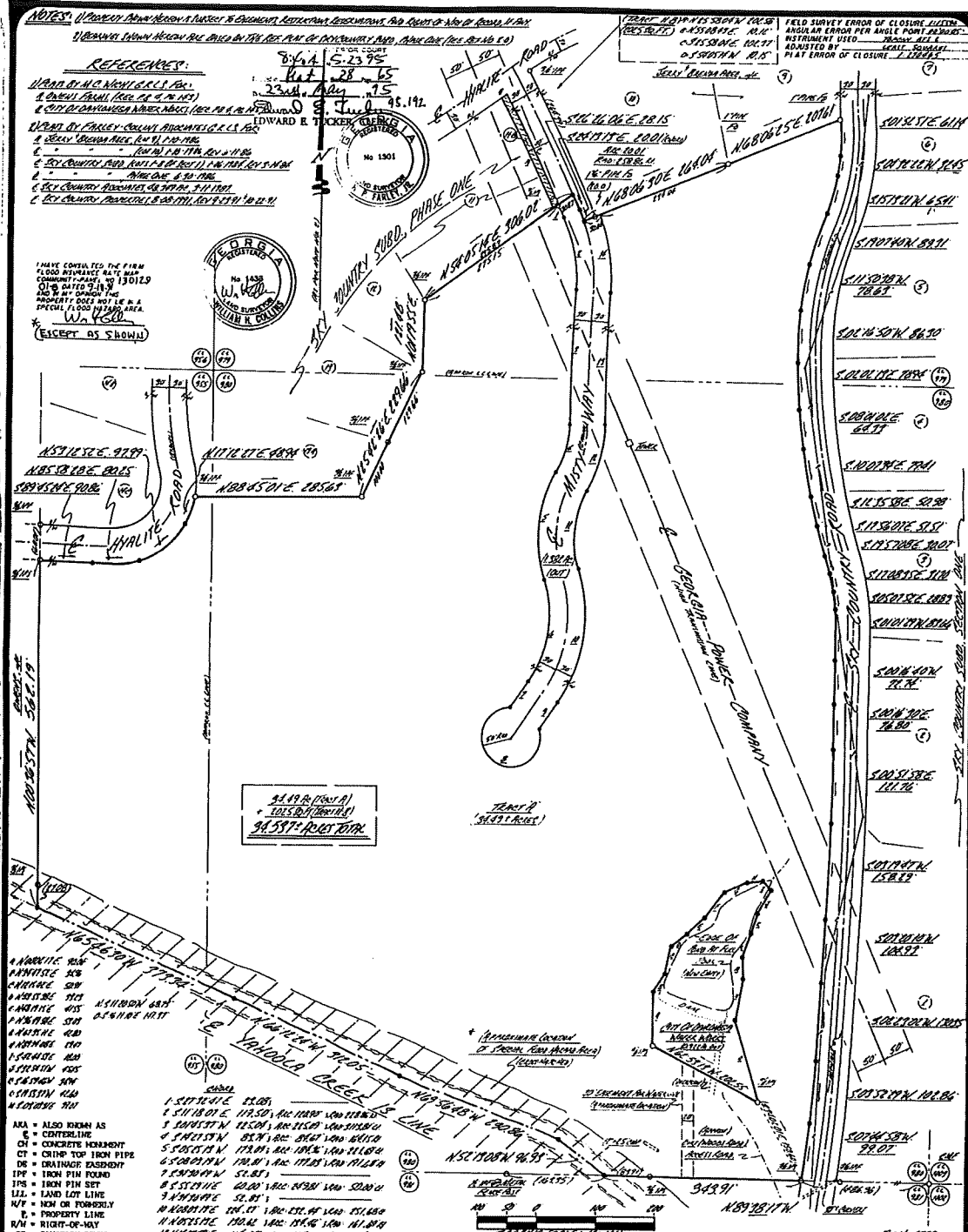
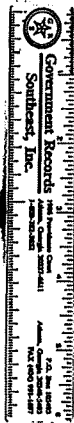
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NOTES: 1. PROPERTY LINES SHOWN BY DASHED LINES. 2. EXISTING UTILITIES SHOWN BY SOLID LINES. 3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. 4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

- REFERENCES:**
- 1. RECORD MAP NO. 130129
 - 2. RECORD MAP NO. 130129
 - 3. RECORD MAP NO. 130129
 - 4. RECORD MAP NO. 130129
 - 5. RECORD MAP NO. 130129
 - 6. RECORD MAP NO. 130129
 - 7. RECORD MAP NO. 130129
 - 8. RECORD MAP NO. 130129
 - 9. RECORD MAP NO. 130129
 - 10. RECORD MAP NO. 130129

I HAVE CONDUCTED THE FIELD SURVEY AND FOUND THE PROPERTY LINES TO BE CORRECT AS SHOWN ON THIS PLAN. I HAVE ALSO FOUND THE PROPERTY LINES TO BE CORRECT AS SHOWN ON THIS PLAN. I HAVE ALSO FOUND THE PROPERTY LINES TO BE CORRECT AS SHOWN ON THIS PLAN.

(EXCEPT AS SHOWN)

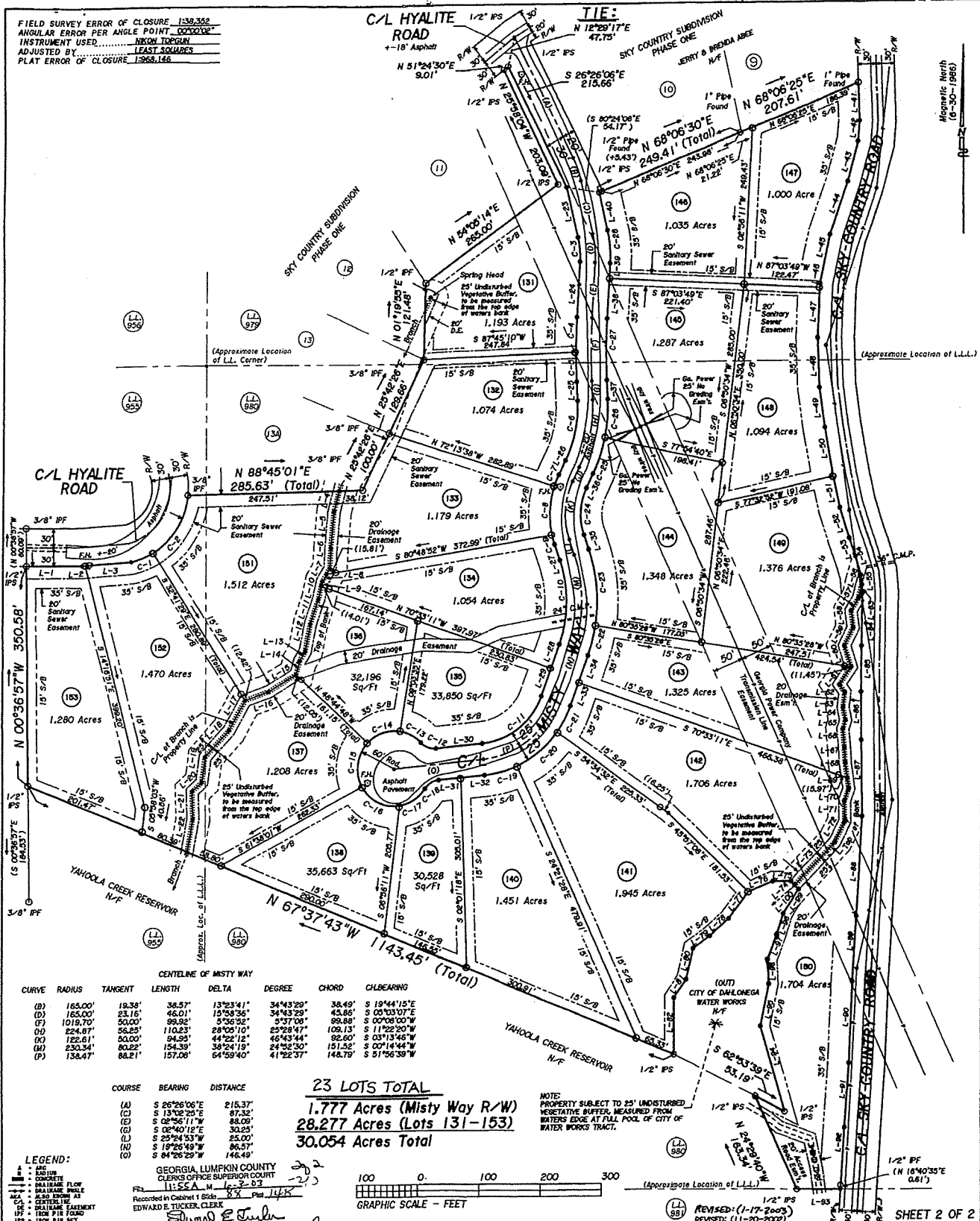


- AKA - ALSO KNOWN AS**
- CH - CENTERLINE
 - CH - CONCRETE MONUMENT
 - CH - CENTER TOP IRON PIPE
 - DR - DRAINAGE EASEMENT
 - IPP - IRON PIN FOUND
 - IPS - IRON PIN SET
 - LL - LAND LOT LINE
 - N/P - NON OR FORBIDDEN
 - P - PROPERTY LINE
 - R/W - RIGHT-OF-WAY
 - ST - SANITARY SEWER
 - S/L - SETBACK LINE
 - X- - FENCE
 - G- - GAS
 - P- - POWER
 - T- - TELEPHONE
 - W- - WATER

FARLEY-COLLINS ASSOCIATES P.O. BOX 731 3321001 1201 THOMPSON BRIDGE ROAD GAINESVILLE, GA 30603		DATE 6-01-1992	SCALE GRAPHIC
DRIVER: GUYTON GUYTON, MARY CADD: GUYTON GUYTON, MARY CITY OF GAINESVILLE, GUYTON GUYTON		FIELD SURVEY ERROR OF CLOSURE (WITH ANGULAR ERROR PER ANGLE POINT ADJUSTED BY LEAST SQUARES) ADJUSTED BY LEAST SQUARES	

SKY COUNTRY TUBE

FIELD SURVEY ERROR OF CLOSURE 139.352
 ANGULAR ERROR PER ANGLE POINT 0.000102
 INSTRUMENT USED: TIKON TOPCON
 ADJUSTED BY: LEAST SQUARES
 PLAT ERROR OF CLOSURE 1368.146



CENTELINE OF MISTY WAY

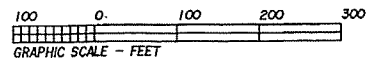
CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CHLBEARING
(B)	165.00'	19.38'	38.57'	13°23'41"	34°43'29"	36.49'	S 19°44'15"E
(D)	165.00'	23.16'	46.01'	15°58'36"	34°43'29"	45.86'	S 00°03'07"E
(F)	1019.70'	50.00'	99.92'	5°36'32"	5°37'08"	99.88'	S 00°08'00"W
(H)	224.81'	55.29'	110.28'	28°02'10"	29°09'49"	109.13'	S 11°22'50"W
(K)	122.61'	50.00'	94.95'	44°22'12"	46°43'44"	92.60'	S 03°13'46"W
(M)	230.34'	80.22'	154.39'	39°24'19"	24°02'30"	151.32'	S 00°14'44"W
(P)	134.47'	88.21'	157.08'	64°59'40"	41°22'57"	148.79'	S 51°56'33"W

23 LOTS TOTAL
 1.777 Acres (Misty Way R/W)
 28.277 Acres (Lots 131-153)
 30.054 Acres Total

NOTE: PROPERTY SUBJECT TO 25' UNDISTURBED VEGETATIVE BUFFER, MEASURED FROM WATER'S EDGE AT FULL POOL OF CITY OF WATER WORKS TRACT.

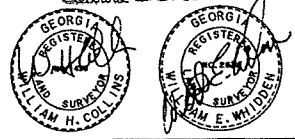
- LEGEND:
- ▲ AND IRIS CONCRETE
 - DRAINAGE FLOW
 - DRAINAGE BRIDGE
 - ALSO SHOW AS
 - CENTERLINE
 - DRAINAGE EASEMENT
 - FROM PIP FOUND
 - FROM PIP SET
 - LAND LOT LINE
 - SIDE OR PROPERTY
 - RIGHT-OF-WAY
 - SANITARY SEWER
 - UTILITY
 - FENCE
 - GAB
 - POWER
 - TELEPHONE
 - CHUTE OR PIPE FOUND
 - CONCRETE FOUND
 - ELEVATION
 - 100 TO - ELEVATION AT "
 - POWER BOX
 - F.H. = FIRE HYDRANT

GEORGIA LUMPKIN COUNTY
 CLERK'S OFFICE SUPERIOR COURT
 115 S. A. W. - 3-03
 Recorder's Cabinet 1 Side, 8X, Pgs 1428
 EDWARD E. THCKER, CLERK
 Edward E. Thcker



PREPARED BY:
FARLEY-COLLINS-WHIDDEN
 P.O. BOX 731 (770)532-1001
 800 SPRING STREET
 GAINESVILLE, GA. 30503

DATE: 8-16-2000
 JOB #: 10135
 SCALE: 1" = 100'
 SURVEY FOR: PHASE FIVE SKY COUNTRY SUBDIVISION
 LOCATION: LAND LOTS 955, 979 & 980, 12TH DISTRICT, 1ST SECTION CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA



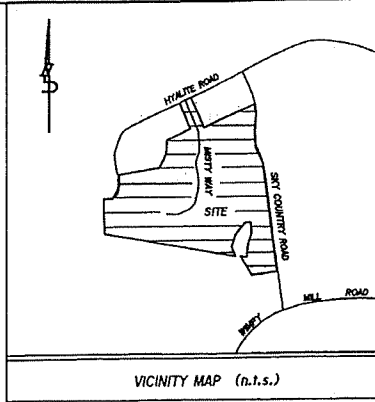
Magnetic North (6-30-1986)

SURVEYOR'S CERTIFICATION:

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENTS SHOWN HEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION...

William H. Collins, GRLS H1435 (Date)

William E. Whidden, GRLS R2632 (Date)



OWNERS ACKNOWLEDGEMENT AND DECLARATION:

(STATE OF GEORGIA) (LUMPKIN COUNTY) THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY...

Handwritten signature and date for owner acknowledgment.

FINAL PLAT APPROVAL:

THE SUBDIVISION HAS BEEN REVIEWED BY THE PLANNING COMMISSION AND THE CITY AND FOUND TO BE IN COMPLIANCE WITH ZONING ORDINANCE, DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS...

Handwritten signature and date for final plat approval.

REFERENCES:

- 1) SURVEY FOR SKY COUNTRY SUBDIVISION, PHASE ONE, SECTION ONE (LOTS 1-8)...
- 2) SURVEY FOR SKY COUNTRY SUBDIVISION, PHASE ONE, PREPARED BY FARLEY-COLLINS ASSOCIATES, GRLS, DATED 6-30-1988.
- 3) SURVEY FOR SKY COUNTRY ASSOCIATES (48.349 ACRES)...
- 4) SURVEY FOR DOVER GREEN GREENWAY WMPY (34.537+ ACRES)...
- 5) SURVEY FOR JERRY ABEE-BRENDA ABEE, LOTS 9 & 10, SKY COUNTRY SUBDIVISION, PHASE ONE...
- 6) SURVEY FOR CITY OF DAHLONEGA WATER WORKS (0.8219 ACRES)...
- 7) SURVEY FOR YHOOCHA CREEK RESERVOIR...
- 8) WATER AND SANITARY SEWER MAIN CONSTRUCTION PLANS...
- 9) WARRANTY DEED FROM VINSON DOVER et al. to JERRY ABEE...

OWNER & DEVELOPER:

CENTURY PROPERTIES & DEVELOPMENT WYMAN WALDEN & FLOYD WIMPY 572 MILLER CALHOUN ROAD DAHLONEGA, GEORGIA 30533

CONTACTS:

WYMAN WALDEN 706-265-0691 FLOYD WIMPY 706-265-9700

Table with columns: COURSE, BEARING, DISTANCE. Lists 100 courses for the subdivision boundary.

Table with columns: CURVE, RADIUS, TANGENT, LENGTH, DELTA, DEGREE, CHORD, CHLBEARING. Lists curve data for the subdivision.

NOTES:

- 1) PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD, IF ANY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON REFERENCE NO. 2.
- 3) THIS SUBDIVISION WILL BE SERVED BY A PUBLIC WATER SUPPLY SYSTEM PROVIDED BY THE CITY OF DAHLONEGA.
- 4) THIS SUBDIVISION WILL BE SERVED BY A LOW PRESSURE PUBLIC SANITARY SEWER SYSTEM...
- 5) SETBACKS: FRONT - 35', SIDE - 10', REAR - 15'
- 6) 1/2" REBAR SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.

* IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW *

* I HAVE CONSULTED THE F. I. R. M. FLOOD INSURANCE RATE MAP COMMUNITY PLAN, NO. 130334-0140A, DATED APRIL 2, 1991 AND IN MY OPINION THIS PROPERTY DOES NOT APPEAR TO LIE IN A SPECIAL FLOOD HAZARD AREA.

GEORGIA, LUMPKIN COUNTY CLERK OF SUPERIOR COURT EDWARD E. TUCKER, CLERK

REVISED: (1-17-2003) SHEET 1 OF 2



Prepared by: FARLEY-COLLINS-WHIDDEN. Date: 8-16-2000. Survey for: PHASE FIVE SKY COUNTRY SUBDIVISION. Location: LAND LOTS 955, 979 & 980, 12TH DISTRICT, 1ST SECTION CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA.