
Return to: Gaddis & Lanier, LLC
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Atlanta, Georgia 30339
Attn: Kimberly C. Gaddis

STATE OF GEORGIA
COUNTY OF PICKENS

Cross Reference: Deed Book 23
Page 162

Deed Book 139
Page 390

Deed Book 988
Page 14

STATE OF GEORGIA
COUNTY OF DAWSON

Deed Book 19
Page 253

Deed Book 111
Page 281

FIFTH AMENDMENT TO THE AMENDED AND RESTATED GENERAL DECLARATION OF COVENANTS AND RESTRICTIONS OF THE BIG CANOE PROPERTY OWNERS ASSOCIATION, INC. AND BIG CANOE COMPANY, LLC

This Amendment is made this ____ day of _____, 20____, by the Big Canoe Property Owners Association, Inc., a Georgia non-profit corporation (hereinafter called "Association") and Big Canoe Company, LLC ("Company") as successors in title and interest to Big Canoe Company, a Georgia Partnership.

WITNESSETH

WHEREAS, Big Canoe Company previously caused certain covenants and restrictions to be established affecting Big Canoe entitled "General Declaration of Covenants and Restrictions of the Big Canoe Property Owners' Association and Big Canoe Corporation," dated October 9, 1972 (hereinafter called the "Original Declaration"), which is recorded in Deed Book 23, pages 162-198, Office of the Superior Court Clerk, Pickens County, Georgia, and in Deed Book 19, pages 253-289, Office of the Superior Court Clerk, Dawson County, Georgia, as supplemented by (a) certain Class "A" Covenants for Single Family Detached Dwelling Areas, dated October 9, 1972 recorded in Deed Book 23, Pages 198-208, of the Pickens County, land records, and in Deed Book 19, Page 290-300, in the Dawson County, Georgia, land records, and (b) certain Class "B" Covenants for Multi-Family Tracts, dated June 20, 1973, recorded in Deed Book 27, Page 24, of the Pickens County, Georgia, land records; and

WHEREAS, as of March 26, 1988, the Declaration was stricken in its entirety and replaced with the Amended and Restated General Declaration of Covenants and Restrictions of the Big Canoe Property Owner Association and the Big Canoe Company (hereinafter "Amended and Restated General Declaration") which Amended and Restated General Declaration is recorded in Deed Book 139, Pages 390-437, of the Pickens County, Georgia, land records, and in Deed Book 111, Pages 281-328, Office of Superior Court Clerk, Dawson County, Georgia, land records; and

WHEREAS, the Amended and Restated General Declaration was amended by that Amendment

recorded on January 4, 1995, in Deed Book 193, Pages 675-678 of the Dawson County, Georgia land records and January 10, 1995, in Deed Book 231, Pages 399-402 of the Pickens County, Georgia, land records; and

WHEREAS, the Amended and Restated Declaration was further amended by an Amendment recorded on July 5, 2001, in Deed Book 389, Page 420 of the Dawson County, Georgia, land records and on July 3, 2001, in Deed Book 411, Page 183 of the Pickens County, Georgia, land records; and

WHEREAS, the Amended and Restated Declaration was further amended by an Amendment recorded on January 19, 2005, in Deed Book 644, Pages 525-549 of the Dawson County, Georgia, land records, and on February 17, 2005, in Deed Book 628, Page 67-81 of the Pickens County, Georgia, land records;

WHEREAS, the Amended and Restated Declaration was further amended by Amendments recorded in the Dawson County, Georgia, land records on October 14, 2010, in Deed Book 964, Page 504 (Capital Reserve Fund) and on October 20, 2010 in Deed Book 965, Page 321 (Debt Reduction Fund), and recorded in the Pickens County, Georgia, land records on October 12, 2010 in Deed Book 907, Pages 32-35 (Capital Reserve Fund), and on October 12, 2010, in Deed Book 907, Page 28-31 (Debt Reduction Fund); and

WHEREAS, the Amended and Restated Declaration was further amended by a Third Amendment recorded on January 22, 2013, in Deed Book 988, Page 14 of the Pickens County, Georgia, land records and recorded on January 24, 2013, in Deed Book 1056, Page 576 of the Dawson County, Georgia, land records; and

WHEREAS, the Amended and Restated Declaration was further amended by a Fourth Amendment recorded on January 28, 2021, in Deed Book 01256, Page 17 of the Pickens County, Georgia, land records and recorded on January 28, 2021, in Deed Book 01469, Page 257 of the Dawson County, Georgia, land records; and

WHEREAS, pursuant to Article IX, Section 2 and Article X, Section 5(h) of the Amended and Restated General Declaration any provision of the Declaration that requires consent or approval by the vote of Owners may be acted upon by the affirmative vote or written consent of Owners (by written ballot through the mail or by other means) representing at least fifty percent (50%) of the total votes cast; and

WHEREAS the Board of Directors did present to the Members of the Association the question of adopting the text within this Amendment to the Amended and Restated General Declaration by written ballot; and

WHEREAS, the total number of votes of Members of the Association eligible to vote was _____; the total number of votes required to constitute a quorum of the Association was _____; the total number of votes was _____; the total number of votes necessary to adopt this Amendment to Amended and Restated General Declaration was _____; the total number of votes cast in favor of the Amendment was _____ and the total number of votes cast against the Amendment was _____.

NOW, THEREFORE, the Amendment to the Amended and Restated Declaration is hereby

amended as follows:

1.

Article VI of the Amended and Restated Declaration is amended by adding the following new Section 15 thereto:

Section 15. LEASING ADMINISTRATION FEE. In order to defray the various costs associated with leased properties within the community, any Owner who leases property within Big Canoe shall pay an annual Lease Administration Fee equal to \$175.00 per leased property commencing within thirty (30) days of the Effective Date of this Amendment with the exception of:

(a) all multi-unit, rental properties owned by the Big Canoe Company, LLC (“Company”), it’s Assignees or subsequent owners of such properties purchased from Company, including, but not limited to, Inns, Lodges, Assisted Living Facilities, or any Resort style rental accommodations owned by Company which shall be exempt;

(b) all residential Properties / Lots owned by Company;

(c) any initial Purchaser of a residential Property / Lot owned by Company for so long as the initial Purchaser owns said Property / Lot, which Property / Lot shall be exempt from this fee;

(d) any Timeshare.

The Effective Date is the date when this Amendment is recorded in the Dawson County and Pickens County, Georgia, land records. Thereafter, the Owner shall complete an annual Lease Registration Form prior to executing any lease and it shall be renewed annually prior to January 31 of each year for so long as the property is being leased. The Lease Administration Fee shall be due upon submission of the Lease Registration Form. Any Owner who has not previously leased shall complete the Form and Fee prior to executing any lease during the calendar year. The Owner is responsible for updating their information as applicable annually.

The Lease Administration Fee may be increased each year by the Board of Directors in the same manner as authorized for annual assessment increases in accordance with Article VI, Section 3 of the Declaration. This fee shall constitute a specific assessment against the Owner and shall not be deemed a deposit and shall not be held in escrow in favor of the Owner, is non-refundable, and shall be imposed in addition to any annual or special assessment provided for in this Declaration.

IN WITNESS WHEREOF, the Association and the Company have caused this Amendment to be executed this _____ day of _____, 2022.

**BIG CANOE PROPERTY OWNERS
ASSOCIATION, INC.**

By: _____
President

Attest: _____
Secretary [CORPORATE SEAL]

Sworn to and subscribed

before me this ____ day of
_____, 2022.

Witness

Notary Public [SEAL]

BIG CANOE COMPANY, LLC

By: _____
Name:
Title:

Attest: _____
Name:
Title: [CORPORATE SEAL]

Sworn to and subscribed
before me this ____ day of
_____, 2022.

Witness

Notary Public [SEAL]