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GWINNETT COUNTY, GA.

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One Alliance Center, Fourth Floor
3500 Lenox Road
Atlanta, GA 30326
Attn: JPL

STATE OF GEORGIA

Cross Reference:

Deed Book 12627

COUNTY OF GWINNETT

Page 0132

**AMENDMENT TO THE BY-LAWS OF
MAGNOLIA PLACE HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, the By-Laws of Magnolia Place Homeowners Association, Inc. are attached as Exhibit "B" to the Declaration of Covenants, Restrictions and Easements for Magnolia Place and recorded on April 30, 1996 in Deed Book 126927, Page 0132 *et. seq.*, Gwinnett County Records, as amended; and

WHEREAS, Article VII, Section 5 of the By-Laws provides that the By-Laws may be altered, amended, or repealed or new By-Laws may be adopted by the Board of Directors of the members; and

WHEREAS, the Board of Directors have resolved to amend the By-Laws to allow for fining for violations under the governing documents of Magnolia Place.

NOW, THEREFORE, the By-Laws are hereby amended as follows:

1.

Article VII of the By-Laws is hereby amended by adding the following new Section 7 and Section 8 to the end thereto:

Section 7. Authority and Enforcement. The Property shall be used only for those uses and purposes set out in the Declaration. The Board of Directors shall have the authority to make, modify, repeal and enforce reasonable rules and regulations governing the conduct, use, and enjoyment of Lots and the Common Property; provided, copies of all such rules and regulations shall be furnished to all Owners and Occupants.

Every Owner and Occupant shall comply with the Declaration, Bylaws and rules and regulations of the Association, and any lack of compliance shall entitle the Association to take action to enforce the terms of the Declaration, Bylaws or rules and regulations.

The Board shall have the power to impose reasonable fines, which shall constitute a lien upon the Owner's Lot, and to suspend an Owner's right to vote or to use the Common Property for violation of any duty imposed under the Declaration, these Bylaws, or any Association rules and regulations; provided, however, nothing herein shall authorize the Association or the Board to deny ingress and egress to or from a Lot. If any Occupant violates the

Declaration, Bylaws or Association rules and a fine is imposed, the fine may be imposed against the Owner and/or Occupant, subject to Section 8 below. The failure of the Board to enforce any provision of the Declaration, Bylaws, or any rule or regulation shall not be deemed a waiver of the right of the Board to do so thereafter.

Section 8. Fining and Suspension Procedure. The Board shall not impose a fine or suspend the right to vote or to use the Common Property, unless and until the Association has sent or delivered written notice to the violator as provided in subsection (a) below. However, compliance with this Section 8 shall not be required for the following: (i) late charges on delinquent assessments. (ii) suspension of voting rights if an Owner is shown on the Association's records to be more than thirty (30) days delinquent in any payment due the Association.

(a) Notice. If any provision of the Declaration or Bylaws or any Association rule is violated, the Board shall send the violator written notice identifying the violation and fine(s) and/or suspension(s) being imposed and advising the violator of the right to request a hearing before the Board to contest the violation or the fine(s) and/or suspension(s) or to request reconsideration of the fine(s) and/or suspensions. Fines and suspensions may be effective or commence upon the sending of such notice or such later date specified in such notice, notwithstanding the violator's right to request a hearing before the Board to challenge the fine(s) and/or suspension(s). In the event of a continuing violation, each day the violation continues or occurs again constitutes a separate offense, and fines may be imposed on a per diem basis without further notice to the violator.

(b) Hearing. If a written request for hearing is received from the violator within ten (10) days of the date of the violation notice provided above, then the Board shall schedule and hold in executive session a hearing affording the violator a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing. The Board may establish rules of conduct for such hearing, which may include limits on time and on the number of participants who may be present at one time. Failure to request a timely hearing as provided herein shall result in loss of the right to challenge and request reconsideration of the fines.

IN WITNESS WHEREOF, this amendment is duly adopted this 4 day of AUGUST, 2003.

ASSOCIATION: MAGNOLIA PLACE HOMEOWNERS ASSOCIATION, INC.

Sworn to and subscribed before me this 4 day of AUGUST 2003.

By: [Signature] (Seal)
President

Witness: [Signature]
Notary Public
[Notary Seal]

Attest: [Signature] (Seal)
Secretary

[CORPORATE SEAL]

Notary Public, Gwinnett County, Georgia
My Commission Expires September 27, 2006