

agree that the construction on the said forty-four units or any portion thereof must be commenced within seven years from June 2, 1976.

(3) That to effectuate the construction of said units, Cunningham and Summers Associates and the First National Bank of Atlanta, their successors and assigns, reserve a general easement over, under, across and upon the land shown on Phase II for the purpose of constructing, installing, inspecting, maintaining and repairing any and all utility lines and facilities (including but not necessarily limited to gas, water, telephone, and electricity) sanitary sewer lines and facilities and surface drainage for storm water for the use and benefit of said land. The general easement hereby declared, reserved and established shall include the right to connect to and use existing lines and facilities on the property in Phase I. Declarant reserves the right to grant and convey said easements to appropriate governmental agencies. Declarant further reserves the right, title and privilege to go upon the property of Phase II for the purpose of constructing the residence and common area of Phase II.

(4) That Cunningham and Summers Associates, its successors and assigns, and First National Bank of Atlanta, its successors and assigns, as to the 44 unconstructed units, are hereby granted the right, option and privilege of constructing the following number of 2, 3 and 4 bedroom units: (a) 24 2-bedroom units, (b) 14 3-bedroom units, and (c) 6 4-bedroom units.

(5) The percentage of undivided interests in the General Common Elements and Limited Common Elements of all units in Phase I and Phase II are hereby changed from the percentages in Exhibit D of the Master Deed and Exhibit B of the Amendment to the percentage of undivided interests in the General Common Elements and Limited Common Elements shown on Exhibit B annexed hereto and made a part hereof by reference.

Except as amended herein and by the aforesaid Amendment, the Declaration shall remain in full force and effect.

The undersigned owners do hereby convey to each other, his (her, their, its) heirs, successors and assigns forever, the necessary interest in the General Common Elements and Limited Common Elements so as to affect the ownership in said