

State of Georgia, Tift County  
Superior Court Clerk's Office  
Filed and Recorded in this  
Office this 30th

Day of Aug, 2009

Time: 3:22pm

Return to: Kelley & Johnson, LLC  
P.O. Drawer 7766  
Tifton, GA 31793

*Steven C. Baker*

**DECLARATION OF RESTRICTIONS AND COVENANTS  
CYPRESS RIDGE TOWNHOUSES LOCATED  
IN THE CYPRESS RIDGE COMMUNITY  
TIFTON, TIFT COUNTY, GEORGIA**

THIS DECLARATION OF RESTRICTIONS AND COVENANTS for the Cypress Ridge Townhouses in Tifton, Tift County, Georgia (hereinafter called "the Declaration") is made this the 6th day of June, 2009, by **ROBERT MASSEY RENTALS, LLC**, a Georgia limited liability company (hereinafter sometimes called "Declarant").

**WITNESSETH:**

WHEREAS, Declarant is the original owner of Cypress Ridge Townhouses, which is comprised of the real property described on the attached Exhibit "A" and is more particularly shown as Tracts 3, 4, and 5 on that plat prepared for Robert Massey by Hampton & Associates Surveying Co. dated October 8, 2007 (hereinafter referred to as "real property"), which plat is incorporated into this description by reference thereto and is recorded in Plat Book 39, Page 132B Tift County Superior Court Clerk's Office plat records (hereinafter referred to as the "plats"); and

WHEREAS, Declarant desires to subject the real property shown on the plat to the provisions of this Declaration and to avail the townhouse community of the provisions and benefits of the Georgia Property Owners' Association Act codified at **O.C.G.A. Section 44-03-220**, et seq.; and

WHEREAS, Declarant desires, and each and every property owner of any lot or townhouse within the community, by the acceptance of a deed or other conveyance of such parcel of real estate, agrees to be bound by all of the provisions of the Restatement of Declaration of Restrictions and Covenants for Cypress Ridge Community, Tifton, Tift County, Georgia, recorded in Volume 1335, Pages 23-43, of the Tift County Superior Court Clerk's Office deed records, as well as the additional restrictions and covenants contained herein;

NOW, THEREFORE, Declarant hereby declares that the real property, as well as any other property hereafter added by Declarant, including the improvements constructed or to be constructed thereon, is hereby subject to the provisions of the Restatement of Declaration of Restrictions and Covenants for Cypress Ridge Community, Tifton, Tift County, Georgia, recorded in Deed Book 1335, Pages 23-43, of the Tift County Superior Court Clerk's Office deed records, as well as the additional restrictions and covenants contained herein, and the provisions of **O.C.G.A. Section 44-03-220**, et seq. and shall be held, sold, transferred, conveyed, used, occupied, and mortgaged or otherwise encumbered subject to said covenants and restrictions which are for the purpose of protecting the value and desirability of the property and which shall run with the title to the real property, and shall be binding on all persons having any right, title, or interest in all or any part thereof, and their respective heirs, legal representatives, successors, successors in title, and assigns, and shall inure to the benefit of the Association and each and every owner as those terms are defined herein.

The following additional restrictions and covenants shall apply solely to the Cypress Ridge Townhouses, but they are in addition to the other restrictions and covenants described above:

-1-

**Maximum Occupancy**

No townhouse may be occupied as a residence by more than six (6) people at any one time. In addition, no townhouse may be occupied as a residence by more than four (4) people who are not related by blood or marriage within the third degree of civil reckoning.

-2-

Front Porch

The front porch of each townhouse must be kept in a neat and orderly fashion and may only contain items of personal property that are normally kept on a front porch, such as flowers, chairs, etc. No townhouse will be allowed to keep or store junk on the front porch. "Junk" shall be defined as any personal property that does not have a useful aesthetic reason for being on a front porch. No appliances, vehicles, or any parts thereof may be allowed on a front porch. Ceiling fans and lights, provided that they conform to normal standards for use on a front porch, shall be permitted.

-3-

Parking

Townhouses shall be allotted two (2) parking spaces per unit. An occupant of a townhouse may only occupy the spaces designated for a particular unit. Unmarked parking spaces will be available on a first-come, first-serve basis but may not be used for long-term storage. Any vehicle parked in an unmarked parking space for more than 48 consecutive hours at one time may be towed at the owner's expense.

-4-

Exterior Building

For emphasis purposes only, the townhouses are governed by Section 12 of the Restrictions and Covenants which provides among other things that any renovations, including painting or anything else that affects the aesthetics, appearance, or structure of the outside buildings, must be approved in advance by the Association.

-5-

Noise - Sound Level Limitations

(a) No person shall cause, suffer, allow, or permit the operation of any sound source that exceeds a 40 A-weighted unit of sound pressure level dBA (A-weighted unit of sound pressure) [A-weighting is electronic filtering in sound level meters that models human hearing frequency sensitivity] and a limit of 30 dBA as measured from the closest neighbor's dwelling when measured at or within the real property line of the receiving property, using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance and a nuisance.

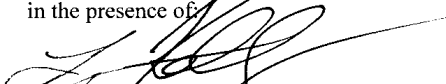
(b) The use or operation of equipment or devices that produce or reproduce sound (including musical instruments, amplifiers, radios, phonographs, and all other equipment, machinery, instruments, or sound-making devices of any nature and description) so as to disturb the peace, quiet, and comfort of neighboring townhouse landowners is hereby prohibited between the hours of 10:00 p.m. and 8:00 a.m. For purposes of this restriction, it shall be a violation hereof for any person to operate or amplify sound produced by any instrument or sound-making device so that the sound is plainly audible at a distance of 100 feet or more from the real property line of the receiving property during the hours stated. Rules adopted by the Department of Public Safety defining "plainly audible" and establishing standards regarding the measurement of sound by law enforcement personnel as referenced in O.C.G.A. Section 40-6-16 are hereby adopted for persons of enforcing this provision.

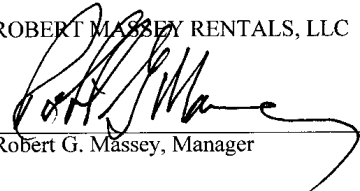
(c) If neighbors complain to Declarant and/or the Association, Declarant, the Association, and/or the manager of the townhouses that a townhouse unit has violated the noise prohibition restriction three (3) times within a 3-month period, then it shall be conclusively presumed that the owners/occupants of the townhouse have violated this provision.

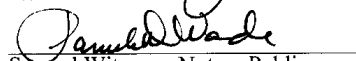
IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this instrument under his seal this 6<sup>th</sup> day of June, 2009.

Signed, sealed, and delivered  
in the presence of:

ROBERT MASSEY RENTALS, LLC

  
\_\_\_\_\_  
First Witness - Unofficial

By:   
\_\_\_\_\_  
Robert G. Massey, Manager

  
\_\_\_\_\_  
Second Witness - Notary Public



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