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2008 SUPERIOR COURT CLERK

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ROOM 2200 PAGE 80

STATE OF GEORGIA  
COUNTY OF COBB

COVENANT

AGREEMENT made this 28<sup>th</sup> day of May, 1980, by Valencia Hills Condominium Association, Inc., a Georgia Corporation as successor in interest to Valencia Hills I Owners Association, hereinafter known as, "First Party", and Law Offices of Kennedy & Kennedy, hereinafter known as "Second Party".

W I T N E S S E T H :

WHEREAS, Second Party is successor in interest in that certain Tract of property described in Exhibit "A" attached hereto, and incorporated herein by reference, hereinafter known as the "Tract" and which such Tract is subject to a Declaration of Protective Covenants, dated December 15, 1978 and recorded in Deed Book 1956 Pages 578 through 585 of the records of the Clerk of the Superior Court, Cobb County, Georgia, hereinafter referred to as the "Declaration" and,

WHEREAS, the Declaration was made with the intended use of the Tract for the retail sale of packaged alcohol, and,

WHEREAS, the Second Party wishes to use the Tract for an office building, which such usage is recognized by First Party as a benefit to the property known as Valencia Hills Condominiums, as is described in Exhibit "A" to the Declaration which is incorporated herein by reference, as such usage is more in keeping with the residential character of the said Valencia Hills Condominiums then is the prior intended usage

as a package store,

NOW THEREFORE, IT IS AGREED:

1.

First Party covenants not to oppose the usage of the Tract as an office building site and hereby agrees to any Variance or Zoning change brought by Second Party before the Zoning Department of Cobb County which seeks to allow the sole usage of the Tract as an office building site.

2.

First Party covenants not to enforce any provision of Paragraph 6 of the Declaration which requires the construction of a fence along the interior line of the twenty foot buffer area located on the Tract.

3.

Second Party shall use the Tract as and for the site of an office building and not for a package store and diligently cause any application deemed necessary by the applicable governmental authority to secure this usage.

4.

It is understood and agreed that each provision set forth in the Declaration not expressly revoked hereby, or modified by necessary implication, shall otherwise remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals on the day first above written.

THE VALENCIA HILLS CONDOMINIUM ASSOCIATION, INC.



Signed, sealed and delivered in the presence of:

By: Michael A. Stephens (SEAL)

Its: Vice President

Attest: Linda R. [Signature]  
Its Secretary

[Signature]  
Witness

[Signature]  
Notary Public  
Notary Public, Georgia, State at Large  
My Commission Expires May 2, 1983



LAW OFFICES OF KENNEDY & KENNEDY

Signed, sealed and delivered in the presence of:

By: [Signature]  
Reid W. Kennedy

[Signature]  
Witness

[Signature]  
Notary Public  
Notary Public, Georgia, State at Large  
My Commission Expires July 16, 1983



Signed, sealed and delivered in the presence

By: [Signature]  
Reid G. Kennedy

[Signature]  
Witness

[Signature]  
Notary Public  
Notary Public, Georgia, State at Large  
My Commission Expires July 16, 1983



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