

## CONSENT AGREEMENT

This CONSENT AGREEMENT is made by the undersigned, a member of The Huntcliff Homes Association, Inc. (“HHA”), to consent, approve and authorize the matters set forth in this agreement. *Part One* and *Part Two* are independent matters, each not dependent on the approval or completion of the other.

### Part One

WHEREAS, the Declaration of Covenants and Restrictions pertaining to HHA dated December 20, 1966 (“1966 Declaration”), and the Declaration of Covenants and Restrictions pertaining to HHA dated June 10, 1968 (“1968 Declaration”, and together with the 1966 Declaration, the “Declarations” and each individually a “Declaration”), were filed in the real estate records of the Office of the Clerk of the Superior Court of Fulton County, Georgia (“Office”);

WHEREAS, Article VI, Section 1 of each of the Declarations provides for a 20-year term for the covenants and restrictions of each such Declaration, with the ability of HHA to renew and extend said covenants and restrictions for successive periods not to exceed 10 years if no less than 2/3rds of the HHA members approve;

WHEREAS, successive extensions and renewals were approved by HHA’s members, with the last extension and renewal in June 2016, extending and renewing the covenants and restrictions of the 1966 Declaration for a period of 10 years commencing in December 2016, and extending and renewing the covenants and restrictions of the 1968 Declaration for a period of 10 years commencing in June 2018; and

WHEREAS, HHA’s Board of Directors (“Board”) has unanimously approved and recommended to the members of HHA that they again consent to extend and renew the covenants and restrictions of the Declarations and to related matters;

NOW THEREFORE, the undersigned member of HHA consents, approves, agrees to, and authorizes the following:

1. The extension and renewal in their entirety of the covenants and restrictions of each of the Declarations in accordance with Article VI, Section 1 of the Declaration for a period of 10 years, with such periods each to commence prior to the respective expiration dates of each of the 1966 Declaration and the 1968 Declaration, with such dates to be specified in the Renewal Agreement (defined below) for each Declaration.
2. The signing by HHA (through its President and Secretary) for and on behalf of the undersigned member of an Agreement of Renewal and Extension with respect to each of the Declarations documenting the renewals and extensions specified in paragraph 1 above (each a “Renewal Agreement”), and the recordation of the Renewal Agreements in the Office, in each case should 2/3rds of the members of HHA or more provide their consent thereto by executing this agreement, including counterparts thereto.
3. The incorporation of this agreement by reference into the Renewal Agreements, thereby being made a part thereof.
4. All other actions by the Board or by the officers of HHA deemed by them to be necessary or desirable to carry out the foregoing approved matters.

### Part Two

WHEREAS, in the 2025 session of the Georgia Legislature an amendment to the Property Owners’ Association Act (Title 44, Chapter 3, Article 6, of the Georgia Code) (“POA Act”) was proposed in House Bill 664 to permit an association like HHA to submit to the application of the POA Act should it obtain the Requisite Member POA Approval (defined below), and it is anticipated that such amendment or one substantially to such effect (“POA Amendment”) will again be submitted to the Georgia Legislature in the next and/or later sessions for approval;

WHEREAS, the Board has unanimously recommended that HHA members vote to approve the submission of HHA to the POA Act, which under the POA Amendment will require the approval of a percentage of the members to be specified in the POA Amendment (“Requisite Member POA Approval”);

WHEREAS, in addition, the Board has unanimously recommended that members of HHA vote to amend and restate Article VI, Section 1 of each of the Declarations (together, the “Amendment of Declarations”) as set forth hereinbelow; and

WHEREAS, under the POA Act, the Amendment of Declarations would require the approval of 80% of HHA's members;

NOW THEREFORE, the undersigned member of HHA consents, approves, agrees to, and authorizes, subject to the proviso below, the following:

Submission to POA Act.

1. The submission of HHA to the POA Act.
2. The filing in the Office by HHA of an instrument certifying that the Requisite Member POA Approval was obtained, thereby giving notice of the submission of HHA to the POA Act.
3. All other actions by the Board or by the officers of HHA deemed by them to be necessary or desirable to carry out the foregoing approved matter.

Amendment of Declarations.

1. Conditioned upon the occurrence of, and effective on the day succeeding, the submission of the HHA to the POA Act, an amendment and restatement of Article VI, Section 1 of each of the Declarations to provide in their entirety as follows:

“Section 1. Duration

The covenants and restrictions of this Declaration shall run with and bind the land and shall be indefinite, although one or more of such covenants and restrictions, and all other terms, may from time to time be amended or terminated upon the approval of no less than two-thirds of the members of the Association. Upon any amendment or termination so approved, the Association shall record an amendment to this Declaration containing such amendment or termination in the Office of the Clerk of the Superior Court of Fulton County, Georgia.”

2. The filing in the Office by HHA of an amendment to each of the Declarations in a form approved by the Board containing the Amendment of Declarations.
3. All other actions by the Board or by the officers of HHA deemed by them to be necessary or desirable to carry out the foregoing approved matter.

*Provided, however,* that the actions in *Part Two* will require and will only take effect if (even if the requisite member approvals are obtained), the POA Amendment becomes Georgia law, whether occurring prior or subsequent to obtaining such approvals.

As it pertains to Part Two of this agreement, this agreement constitutes an action of the HHA members by written consent in lieu of meeting under Georgia Code Section 14-3-708. The record date for the action by HHA members by written consent pertaining to each of the *Submission to the POA Act* and the *Amendment to Declarations* shall be established by the Board pursuant to Georgia Code Section 14-3-706.

IN WITNESS WHEREOF, the undersigned member of HHA has executed and delivered this Consent Agreement.

\_\_\_\_\_

\_\_\_\_\_

(print name)

\_\_\_\_\_ (street address)

Sandy Springs, Georgia 30350

*Only one signature is required even if lot is owned by multiple owners. Print name below signature. Fill in street address.*

*Please mail your signed Consent Agreement to:* Huntcliff Homes Association, PO Box 500365, Atlanta, GA 31150

*or*

*Email via pdf your signed Consent Agreement to:* [info@huntcliffonline.com](mailto:info@huntcliffonline.com)

*or*

*Deliver your signed Consent Agreement to:* Brett Lockwood 9190 Huntcliff Trace *or* Craig Gilchrist, 9661 Huntcliff Trace