

Section 5. Special Assessments. In addition to the annual assessment provided for in Section 4 above, the Board may at any time levy a special assessment against all Owners, notice of which shall be sent to all Owners. Any special assessment shall be approved by a Majority of the Owners prior to becoming effective (except as provided in Section 3 above regarding the power to assess specially pursuant to Section 44-3-80(b) of the Act and Article VIII, Section 3(b) herein, regarding repair or reconstruction of casualty damage to or destruction of all or part of the Condominium).

**ARTICLE I
DEFINITIONS**

Section 1. Act means the Georgia Condominium Act, O.C.G.A. Section 44-3-70, et seq. (Michie 1982), as such act may be amended..

Section 2. Assessment means an Owner's share of the common expenses which from time to time is assessed against an Owner by the Association in the manner herein provided.

Section 3. Association means the Fontaine Condominium Association, Inc., its successors and assigns.

Section 4. Board or Board of Directors means the elected body responsible for management and operation of the Association.

Section 5. Building means the composite of all adjoining Units comprising a single residential structure as shown on the master plot plan.

Section 6. Building Number means the number, letter or combination thereof designating a building in the Condominium documents, or the master plot plan.

Section 7. By-Laws mean the By-Laws of Fontaine Association, Inc., attached hereto as Exhibit "C" and incorporated herein by this reference.

Section 8. Common Elements mean those portions of the property subject to this Declaration which are not included within the boundaries of a Unit, as more particularly described herein.

Section 9. Common Expenses means the expenses incurred or anticipated to be incurred by the Association for the general benefit of the Condominium, including, but not limited to, those expenses incurred for maintaining, repairing, replacing, and operating the Common Elements, including the Limited Common Elements.

Section 10. Community-Wide Standard means the standard of conduct, maintenance, or other activity generally prevailing within the Condominium. Such standard may be more specifically determined by the Board and the Architectural Control Committee.

Section 11. Condominium means all that property described in Exhibit "A," attached hereto and incorporated herein by this reference, submitted to the provisions of the Act by this Declaration.

Section 12. Condominium Instruments mean this Declaration and all exhibits hereto, including the By-Laws and the plats and plans, all as may be supplemented or amended.

Section 13. Eligible Mortgage Holder means those holders of first mortgages secured by Condominium Units who have requested notice of certain items as set forth herein.

Section 14. Limited Common Elements mean a portion of the Common Elements reserved for the exclusive use of those entitled to occupy one (1) or more, but less than all, Units, as more particularly set

Section 15. Majority means those eligible votes, Owners, or other group as the context may indicate totalling more than fifty (50%) percent of the total eligible number.

debt, deed of trust, or other transfer or conveyance for the purpose of securing the performance of an obligation, including, but not limited to, a transfer or conveyance of fee title for such purpose.

Section 17. Mortgagee or Mortgage Holder means the holder of any Mortgage.

Section 18. Occupant means any Person occupying all or any portion of a Unit for any period of time, regardless of whether such Person is a tenant or the Owner of such Unit.

Section 19. Owner means the record title holder of a Condominium Unit, but shall not include a Mortgage Holder.

Section 20. Person means any individual, corporation, firm, association, partnership, trust, or other legal entity.

Section 21. Unit shall mean that portion of the Condominium intended for individual Ownership and use as more particularly described herein and shall include the undivided Ownership in the Common Elements assigned to the Unit by this Declaration.