

Deed Book 29459 Pg 115  
Filed and Recorded Sep-11-2000 01:09pm  
2000-0198174  
Real Estate Transfer Tax \$0.00  
**Juanita Hicks**  
Clerk of Superior Court  
Fulton County, Georgia  
[REDACTED]

## CROSS REFERENCE

Return to:  
LIPSHUTZ, GREENBLATT & KING  
2300 Harris Tower, Peachtree Center  
233 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
404/688-2300

Reference: Deed Book 20127,  
page 1, Fulton County,  
Georgia records

### AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR THE PONCE CONDOMINIUM

STATE OF GEORGIA  
COUNTY OF FULTON

This Amendment is made and entered into by The Ponce  
Condominium Association, Inc.

WHEREAS, that certain Amended and Restated Declaration of  
Condominium for The Ponce was entered into and recorded in Deed  
Book 20127, Page 1, Fulton County, Georgia records; and

WHEREAS, the Amended and Restated Declaration of Condominium  
for The Ponce has been amended by amendments recorded in Deed Book  
20867, Page 308, Deed Book 21058, Page 97, and Deed Book 21971,  
Page 150, aforesaid records(hereinafter the "Declaration"); and

WHEREAS, the Association desires to amend certain provisions  
of the Bylaws; and

WHEREAS, the Bylaws are attached to the Declaration as Exhibit  
"C" ; and

WHEREAS, the required approval of sixty-six and two thirds  
percent (66 2/3 %) of all votes in the Association was obtained;  
and

WHEREAS, the sworn statement of the President and the  
Secretary of the Association is attached hereto which states

unequivocally that the agreement of the required majority was lawfully obtained;

NOW, THEREFORE, Exhibit "C" to the Declaration of Condominium is hereby amended as follows:

Article III, Section 2 of the Bylaws shall be amended to read as follows:

Except as provided for elections at the annual meeting of the Association in the calendar year 2000, which meeting shall be the "Transition Meeting", the Directors to succeed to the office of all Directors whose terms expire subsequent to the adoption of this Amendment shall be elected to serve for a term of two (2) years each so as to effectuate the intent that there be staggered terms for the five (5) directors. At the Transition Meeting, two members of the board of directors shall be elected for a two year term and three members of the board of directors shall be elected for a one year term. At the Transition Meeting, the two members receiving the highest number of votes shall fill the positions having a two year term. Thereafter, three directors shall be elected in even numbered years, and two directors shall be elected in odd numbered years. Except in the case of death, resignation, disqualification or removal, each Director elected by the members shall serve until the Annual Meeting at which his term expires and until his successor has been duly chosen and disqualified. Except for successor directors named in cases of removal or board vacancies as set forth in Sections 3 and 4 of this Article which director shall serve for the balance of the term to which they are elected or appointed, successor directors shall be elected by the vote of those members present or represented by proxy, at the annual or other meeting of the membership of the Association called for the purpose of electing directors, a quorum being present. Those persons receiving the most votes shall be elected to the number of positions to be filled.

IN WITNESS WHEREOF, the Association has signed and sealed this instrument as of the 24 day of August, 2000.

Signed, sealed, and delivered  
this \_\_\_\_\_ day of \_\_\_\_\_,  
2000, in the presence of:

[Signature]  
Unofficial Witness

[Signature]  
Notary Public  
Notary Public, DeKalb County, Georgia  
My Commission Expires July 27, 2004

THE PONCE CONDOMINIUM  
ASSOCIATION, INC.

By: [Signature]

Title: President

Attest: [Signature]

Title: Vice President

[Corporate Seal]

Juanita Hicks

Clerk of Superior Court

Fulton County, Georgia

**AFFIDAVIT OF COMPLIANCE  
WITH AMENDMENT REQUIREMENTS**

STATE OF GEORGIA  
COUNTY OF FULTON

The undersigned, Leslie Y. Pounds, having first been duly sworn, states under oath as follows:

I am Leslie Y. Pounds and am the duly elected and currently serving President of The Ponce Condominium Association, Inc.

The required agreement of sixty six and two-thirds (66 2/3) percent of the total votes in the Association was obtained, pursuant to Article VI of the Bylaws and O.C.G.A. § 44-3-93 having received the affirmative vote or written consents to adoption of the attached Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium. All notices required by the Declaration or the Georgia Condominium Association Act were duly given.

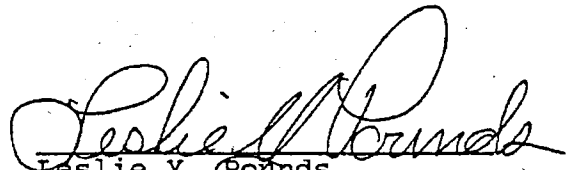
The Amendment to the Declaration as adopted bears my signature as President, the attestation of the Corporate Secretary, and the seal of the Association.

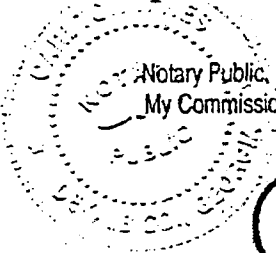
Further, Affiant sayeth not.

Dated this 24 day of August, 2000.

Sworn to and subscribed before me  
this 24 day of August,  
2000:

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Leslie Y. Pounds



Notary Public, DeKalb County, Georgia  
My Commission Expires July 27, 2004

