

Deed-Book 56446 Pg 376  
Filed and Recorded Aug-03-2016 01:49pm  
2016-0243394  
Real Estate Transfer Tax \$0.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

Return to: Weissman, Nowack, Curry & Wilco, P.C.  
One Alliance Center, 4<sup>th</sup> Floor  
3500 Lenox Road  
Atlanta, GA 30326  
Attn: George E. Nowack, Jr.

Cross reference: Deed Book 20127  
Page 01

STATE OF GEORGIA  
COUNTY OF FULTON

**AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF  
CONDOMINIUM FOR THE PONCE CONDOMINIUM AND THE BY-LAWS OF THE PONCE  
CONDOMINIUM ASSOCIATION, INC.**

This Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium and the Bylaws of The Ponce Condominium Association, Inc. (hereafter referred to as "Amendment") is made on the date first set below.

**WHEREAS**, Killian/Wilkinson, a Georgia partnership, recorded that certain Declaration of Condominium for The Ponce Condominium (hereafter referred to as the "Original Declaration") on September 6, 1982 in Deed Book 8237 Page 126 of the Fulton County, Georgia land Records; and

**WHEREAS**, the membership of The Ponce Condominium Association, Inc. (hereafter referred to as the "Association") amended and restated the Original Declaration with the Amended and Restated Declaration of Condominium for The Ponce Condominium (hereafter referred to as the "Declaration") recorded on October 17, 1995 in Deed Book 20127 Page 10 of Fulton County, Georgia land records; and

**WHEREAS**, Exhibit "C" of the Declaration is the By-Laws of The Ponce Condominium Association, Inc. ("Bylaws"); and

**WHEREAS**, the Declaration and the Bylaws have previously been amended by the Association membership from time to time; and

**WHEREAS**, pursuant to Paragraph 24 of the Declaration and Article VI Section 8 of the Bylaws, the Declaration and Bylaws may be amended by the affirmative vote, written consent or any combination of affirmative vote and written consent of the members of the Association holding sixty-six and two-thirds percent (66-2/3%) of the total eligible votes of the association; and

**WHEREAS**, at least sixty-six and two-thirds percent (66-2/3%) of the total eligible votes of the Association have approved this Amendment to the Declaration and the Bylaws; and

NOW, THEREFORE, the Declaration is hereby amended as follows:

1.

The Declaration is hereby amended as follows:

Paragraph 18 is hereby amended by adding the following Section (f).

(f) Review, Maintenance, Repair of Water- Consuming Fixtures and Appliances.

The Board of Directors may, from time to time, require the review and repair of water-consuming fixtures and appliances in a Unit for the purpose of reducing the amount of wasted water, the cost of which is a common expense.

The Board of Directors shall have the authority to schedule a periodic review of the water-consuming fixtures and appliances within a Unit. Notice of the review shall be given to every Owner at least ten (10) days prior to the review. All reviews shall be performed by a licensed plumber and will be paid for as a common expense. In the event the review reveals a malfunction which results in wasted water, i.e. a running toilet, leaky faucet, etc., the plumber shall be authorized to perform the necessary repairs without the express authorization of the Unit Owner, so long as the total cost of parts and labor does not exceed \$250.00.

If the cost of repair would exceed \$250.00, the Board of Directors shall notify the Owner, in writing, advising the Owner of the problem(s). The Owner shall have ten (10) days from the date of the letter to have the repairs performed. The Owner shall be obligated to provide the Board with written proof that the repairs have been made by providing a copy of an invoice from a licensed plumber or, if the repairs are performed by the Owner, a copy of the invoice for the replacement parts and a statement signed by the Owner attesting the repair(s) was completed.

In the event the Owner fails to provide the confirmation of the completion of the repairs within the ten (10) day period, then the Board, in accordance with Paragraph 18(c) shall have the authority to cause the repairs to be made and assess the costs to the Owner.

In the event an Owner does not want their Unit reviewed by the Association, the Owner shall, within five (5) days of the notice of the Association's review, notify the Board of Directors, in writing, that they will have the Unit reviewed by a licensed plumber of their choice. The Owner shall be obligated to provide the Board with a written report prepared by the licensed plumber showing the results of the review no later than five (5) days after the date of the Association's review. In the event that an Owner fails to provide the report within five (5) days, the Board of Directors shall have the authority to have the Unit reviewed and assess the cost to the Owner. The Owner shall cause any repairs to be completed as provided above.

2.

The Bylaws are hereby amended as follows:

Article I is amended by adding the following:

Section 8: Use of Electronic Transmission.

To the extent permitted by the Uniform Electronic Transmission Act (O.C.G.A 10-12-1 et.seq), the Georgia Condominium Act (O.C.G.A 44-3-70 et.seq), and the Georgia Nonprofit Corporation Code (14-3-101 et.seq), an Owner may submit a ballot, proxy or other document requiring a signature by electronic transmission.

In WITNESS WHEREOF, the undersigned officers of The Ponce Condominium Association, Inc. hereby certify that the Amendments to the Declaration and Bylaws were properly adopted this 25 day of October, 2015.

THE PONCE CONDOMINIUM ASSOCIATION, INC.

By:

Barry J. Conister  
President

Attest:

[Signature]  
Secretary

Signed, sealed, and delivered this  
day of 10/25, 2015

[Signature]  
Witness

Christopher W. Kellen  
Notary Public  
[NOTARY SEAL]

