

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PONCE CONDOMINIUM ASSOCIATION, INC.**

**SUSPENSION OF PARKING PRIVILEGES
AND TOWING OF VEHICLES AT COMMERCIAL UNITS
DUE TO DELINQUENT ASSESSMENTS**

WHEREAS, the condominium instruments of The Ponce Condominium include the Amended and Restated Declaration of Condominium for The Ponce Condominium, and all amendments thereto (hereinafter collectively referred to as "Declaration") and the Bylaws of The Ponce Condominium Association, Inc. ("Bylaws");

WHEREAS, Paragraph 10 of the Declaration requires owners to pay assessments to The Ponce Condominium Association, Inc. ("Association");

WHEREAS, Section 44-3-76 of the Georgia Condominium Act provides that to the extent provided in the condominium instruments, a condominium association shall be empowered to suspend temporarily the right of use of certain common elements in order to enforce compliance with the condominium instruments; provided, however that no such suspension shall deny any unit owner or occupant access to the unit owned or occupied nor cause any hazardous or unsanitary condition to exist;

WHEREAS, Paragraph 11(c)(iii) of the Declaration provides that the Association, acting through the Board of Directors, may enforce the Declaration and the Bylaws by the suspension of use privileges. Paragraph 11(c)(iii) of the Declaration also provides if assessments and related charges remain unpaid for more than thirty (30) days after they become due, the Association, acting through the Board of Directors, may suspend an owner's and/or occupant's right to use the common elements, including the right to bring or park vehicles on the Common Elements or have guests bring or park vehicles on the Common Elements or Limited Common Elements, as long as such suspension does not limit ingress or egress to or from a unit. Article V, Section 1 of the Bylaws provides that the Association, acting through the Board of Directors, shall have the authority to make and enforce reasonable rules and regulations governing the common elements and that the Board of Directors may suspend an owner's right to use the common elements for a violation of such rules and regulations. Article V, Section 2 of the Bylaws specifically states that the suspension of the right to use Common Elements shall be automatic if an Owner is shown on the books to be more than thirty (30) days delinquent in any payment due the Association. Paragraph 11(c)(iii) of the Declaration states that prior to suspending parking privileges, the Association must provide the delinquent owner or occupant with at least ten (10) days written notice of its intention to tow via certified mail.

WHEREAS, prompt and timely payment and collection of assessments is essential for the proper operation of The Ponce Condominium;

WHEREAS, repeated and excessive delinquencies in payment of assessments cause the Association to incur trouble and expense in pursuing collection of the delinquent assessments and

creates an inequity by forcing others to subsidize the expenses related to maintaining, repairing and operating the common elements of The Ponce Condominium;

WHEREAS, the Board of Directors has passed and implemented a Resolution which set forth and adopted the policies, rules and regulations regarding the suspension of parking and towing of vehicles for units wherein a notice must be placed on each vehicle to be towed 24-hours prior to the towing of the vehicle;

WHEREAS, 24-hours notice prior to towing a vehicle is inappropriate and impracticable with regard to the commercial units due to the fact that customer and Owner parking is short-term, and

NOW, THEREFORE, the Board of Directors of The Ponce Condominium Association, Inc., hereby sets forth and adopts the following policies, rules and regulations regarding the suspension of parking and towing of vehicles for commercial units:

Suspension of Parking For Commercial Units

1.1 If assessments and other charges or any part thereof remain unpaid for more than thirty (30) days after they become delinquent, the Board of Directors shall provide the delinquent owner written notice of the Association's intent to suspend the owner or occupant's right to bring or park vehicles on the common elements or have employees, guests or invitees bring or park vehicles on the common elements. The written notice shall be sent by United States Certified mail, return receipt requested, not less than ten (10) days prior to the date of suspension. If the owner does not pay the past due assessments or other charges within ten (10) days of the date of such written notice, then all parking privileges of the owner and occupant, as well as all employees, guests or invitees of the owner or occupant, shall be automatically suspended until all past due assessments and other amounts are paid in full, and all vehicles of the owner or occupant, as well as the guests of the owner or occupant, shall be deemed "unauthorized vehicles" at The Ponce Condominium.

1.2 These policies, rules and regulations shall not deny (a) pedestrian ingress or egress to or from the unit; (b) ingress or egress by vehicles which are not parked or kept for any period of time on the common elements; or (c) medical, fire, police or other clearly identified health, safety, service or emergency vehicle ingress or egress to or from the unit.

Towing of Vehicles

2.1 It shall be the duty of the commercial unit owner to notify his occupants, employees, guests and invitees that all parking privileges of the owner and occupant, as well as all employees, guests or invitees of the owner or occupant, have been suspended, and all vehicles of the owner or occupant, as well as the employees, guests and invitees of the owner or occupant, have been deemed "unauthorized vehicles" at The Ponce Condominium and are subject to being towed from the premises. Other than the above mentioned notice, no further notice is required.

2.2 If the commercial unit owner again becomes past due on any assessment or charge within six (6) months of such notice, the vehicle may be towed in accordance with the notice without further notice to the owner of the unit or owner of the vehicle.

2.3 The Board of Directors shall cause a notice to be conspicuously placed on the common elements stating the following: (a) unauthorized vehicles shall be towed at the expense of the owner of the vehicle, (b) the name and telephone number of the person or entity which will do the towing, and (c) information as to where the vehicle can be recovered. In addition, the Board may place cones, caution tape, or other objects on the parking spot to indicate that parking privileges have been suspended.

This Resolution and the policies, rules and regulations contained herein shall be effective upon adoption by the Board of Directors and the mailing or delivering of a copy of this Resolution to the commercial unit owners at The Ponce Condominium.

RESOLVED AND ADOPTED by the Board of Directors of The Ponce Condominium Association, Inc., this 4th day of April, 2006.

THE PONCE CONDOMINIUM ASSOCIATION, INC.


Director


Director


Director


Director


Director