

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

WHEREAS, Killian/Wilkinson, a Georgia partnership, recorded a Declaration of Condominium for The Ponce Condominium on September 6, 1982, in Deed Book 8237, Page 126, et seq., Fulton County, Georgia records (hereinafter referred to as the "Original Declaration"); and

WHEREAS, on October 16, 1995, the membership of The Ponce Condominium Association, Inc. ("Association") amended and restated the Original Declaration (the Original Declaration, as so amended and restated, is hereinafter referred to as the "Declaration") which Declaration was recorded on October 17, 1995, in Deed Book 20127, Page 01, et seq., Fulton County, Georgia records; and

WHEREAS, the First Amendment to the Declaration was recorded on April 23, 1996 in Deed Book 20867, Page 308, et seq., Fulton County, Georgia records; and

WHEREAS, the Second Amendment to the Declaration was recorded on June 12, 1996 in Deed Book 21058, Page 97, et seq., Fulton County, Georgia records; and

WHEREAS, the Third Amendment to the Declaration was recorded on December 23, 1996 in Deed Book 21971, Page 150, et seq., Fulton County, Georgia records; and

WHEREAS, the Fourth Amendment to the Declaration was recorded on July 10, 1997 in Deed Book 22801, Page 342, et seq., Fulton County, Georgia records; and

WHEREAS, a second Fourth Amendment ("Fourth Amendment A") to the Declaration was recorded on March 7, 2000 in Deed Book 28650, Page 119, et seq., Fulton County, Georgia records; and

WHEREAS, the Sixth Amendment to the Declaration was recorded on September 11, 2000 in Deed Book 29459, Page 115, et seq., Fulton County, Georgia records; and

WHEREAS, the Fifth Amendment to the Declaration was recorded on September 18, 2000 in Deed Book 29483, Page 144, et seq., Fulton County, Georgia records; and

WHEREAS, other amendments may have been filed from time to time; and

WHEREAS, pursuant to Paragraphs 6 and 15(h) of the Declaration and O.C.G.A. § 44-3-82(b) of the Georgia Condominium Act, the Board of Directors of the Association is permitted to reassign parking spaces in the parking garage of the Condominium as limited common elements exclusively serving individual units by executing and filing in the Fulton County land records an amendment to the Declaration approved by the Board of Directors and executed by the unit owners to whom the parking spaces are reassigned; and

Deed Book 37618 Pg 66
Filed and Recorded May-21-2004 12:40pm
2004-0155884
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE RECORD AS IT APPEARS IN THE PUBLIC RECORDS OF FULTON COUNTY, GEORGIA.

WHEREAS, parking space number 48 which is shown on Exhibit "A" of the Third Amendment as assigned to Unit 902 of the Condominium; and

WHEREAS, the Unit Owners of Unit 902 and Unit 606E desire that the Board of Directors of the Association reassign said parking space number 48 from Unit 902 to Unit 606E at the Condominium as a limited common element exclusively serving Unit 606E; and

WHEREAS, the Association's Board of Directors now desires to consent to such reassignment of parking spaces; and

WHEREAS, this amendment does not alter, modify, change or rescind any right, title, interest or privilege held by any mortgage holder of any Unit; provided, however, in the event a court of competent jurisdiction determines that this amendment does alter, modify, change or rescind any right, title, interest or privilege held by any such mortgage holder without such mortgage holder's consent in writing to this amendment, then this amendment shall not be binding on the mortgage holder so involved, unless such mortgage holder consents to this amendment, and if such consent is not forthcoming, then the provisions of the Original Declaration prior to this amendment shall control with respect to the affected mortgage holder;

NOW THEREFORE, in accordance with O.C.G.A. § 44-3-82(b) of the Georgia Condominium Act and Paragraphs 6 and 15(h) of the Declaration, the Declaration is amended as follows:

The Board of Directors hereby reassigns parking space number 48 which is shown on Exhibit "A" of the Third Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium recorded in Deed Book 21971, Page 150, Fulton County, Georgia records, from Unit 902 to Unit 606E so that said parking space number 48 will hereafter be a limited common element exclusively serving Unit 606E.

Except as amended herein, the Declaration shall remain in full force and effect.

IN WHITNESS WHEREOF, the undersigned officers of The Ponce Condominium Association, Inc. hereby certify that the above amendment to the Declaration was fully adopted this 6 day of April, 2004.

(Signatures continued on next page.)

THE PONCE CONDOMINIUM ASSOCIATION, INC.

By: [Signature] (Seal)
President

Attest: [Signature] (Seal)
Vice President

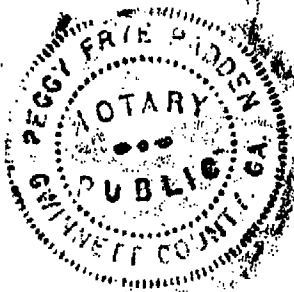
[Corporate Seal]

Sworn to and subscribed to
Before me this 6th day of
April, 2004

[Signature]
Witness

Peggy Faye Padden
Notary Public

My Comm. Expires 12/31/2007
My Comm. No. 123456789



Consent of Owners

The undersigned owner of Unit 606E of the Ponce Condominium hereby consent to the attached Amendment dated 25th March 04 to the Amended and Restated Declaration of the Condominium for The Ponce Condominium which reassigns the parking space number 48 as designated therein as a limited common element.

Signed and sealed and delivered before me this 25 day of March, 2004.

Elizabeth Gonteff
Owner of Unit 606E

Witness: W. A. [Signature]

Notary Public: [Signature]

Seal: **David C. Rivers Sr.**
Notary Public Fulton County Georgia
My Commission Expires March 20th 2007

Consent of Owners

The undersigned owner of Unit 902 of the Ponce Condominium hereby consent to the attached Amendment dated 8th of March 04 to the Amended and Restated Declaration of the Condominium for The Ponce Condominium which reassigns the parking space number 48 as designated therein as a limited common element.

Signed and sealed and delivered before me this 8th day of March, 2004.

Barbara C Meyer
Owner of Unit 902

Witness: Victoria Reese

Notary Public: [Signature]

Seal:

