Deed Book 32861 Pg 165
Filed and Recorded Aug-05-2002 08:38am
2002-0234687
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

After recording, please return to: George F. Maynard BURR & FORMAN LLP Suite 1200, One Georgia Center 600 West Peachtree Street Atlanta, Georgia 30308

Cross Reference: Deed Book 20127, Page 01, Fulton County, Georgia Records.

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

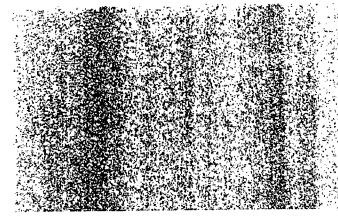
This Sixth Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium ("Sixth Amendment") is entered into this 12 day of 4,000 by and between THE PONCE CONDOMINIUM ASSOCIATION, INC., a Georgia nonprofit corporation (the "Association") and DEBORAH SWANTEK McKNIGHT ("Owner");

WITNESSETH:

WHEREAS, the Association is the "Association" as defined in that certain Amended and Restated Declaration of Condominium for The Ponce Condominium recorded at Deed Book 20127, Page 01, Fulton County, Georgia records, as amended by First Amendment recorded at Deed Book 20867, Page 308, aforesaid records, by Second Amendment recorded at Deed Book 21058, Page 97, aforesaid records, by Third Amendment recorded at Deed Book 21971, Page 150, aforesaid records, by Fourth Amendment recorded at Deed Book 28650, Page 119 aforesaid records, and by Fifth Amendment recorded at Deed Book 29483, Page 144, aforesaid records (as amended, the "Declaration");

WHEREAS, Owner currently owns two (2) separate Residential Units on the sixth floor of the building on the Property, being Units 601 and 602E;

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WHEREAS, pursuant to paragraph 15 (b) (ii) of the Declaration and O.C.G.A.§ 44-3-91, the Owner wishes to combine the two (2) Residential Units it owns in the Property into one (1) Residential Unit, to be named "Unit 602";

WHEREAS, pursuant to Paragraph 24 thereof, the Declaration may be amended by the affirmative vote, written consent or combination of affirmative vote and written consent of owners of units to which at least two-thirds (2/3rds) of the total votes in the Association, pertain;

WHEREAS, members of the Association to which at least two-thirds (2/3) of the total votes in the Association pertain desire to amend the Declaration and have approved this Sixth Amendment to the Declaration; and

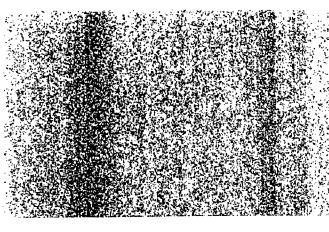
WHEREAS, this Sixth Amendment does not alter, modify, change or rescind any right, title, interest or privilege held by any mortgage holder of any Unit; provided, however, in the event a court of competent jurisdiction determines that this Sixth Amendment does alter, modify, change or rescind any right,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

WHEREAS, the Association and the Owner wish to execute this Fifth Amendment in order to amend the Declaration to reflect the combination of Units 601 and 602E into Unit 602, set forth the new square footage of Unit 602, and reallocate the Unit's percentage allocation of interest in common elements, voting rights and liability for comment elements under the Declaration.

- 1. <u>Incorporation of Recitals</u>. The recitals set forth above are hereby incorporated into the substantive body of this Agreement. Unless defined herein, defined terms are as defined in the Declaration.
- 2. <u>Amendment to Declaration</u>. The Owners and the Association hereby amend the Declaration as follows:
 - (a) Exhibit "A" to the Declaration is hereby amended to assign and transfer the following parking spaces, which previously were assigned to Units 601 and 602E to new Unit 602: Parking Spaces Nos. 9, 10 and 67.
 - (b) That portion of <u>Exhibit "B"</u> to the Declaration under the heading "Location and Description of the Units" is hereby amended as follows:

All references on Exhibit "B" to the location and description of Residential Units 601 or 602E are hereby deleted and replaced with the following:

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Residential Unit 602. This Unit is located on the northeastern corner and the eastern side of the building on Floor Six. Unit 602 contains approximately 3,740 square feet.

The portion of Exhibit "B" under the heading "Percentage Allocation of Interests in Common Elements, Voting Rights and Liability for Common Elements" is hereby amended to delete references to Residential Unit 601 and Residential Unit 602E, thereunder, and replace them with the following:

> Percentage Allocation of Interest In Common Elements, Voting Rights And Liability for Common Elements

Unit No.

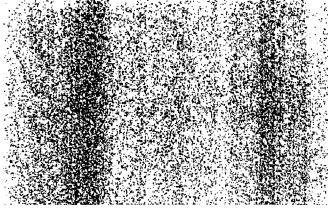
4.51%

602

- Floor Plan. In addition to recording this Sixth Amendment in the real property records of Fulton County, Georgia, the Owners shall file a revised floor plan for the second floor of the building in the form attached hereto as Exhibit "A", which is hereby approved by the Association.
- Continuing Effect. Except as amended hereby, the Declaration shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

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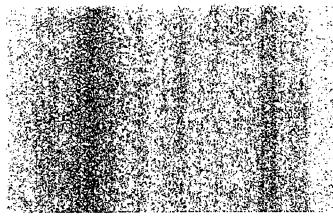
Deed Book 32861 Pg 168 Indiano no rindo de marton de marina

Executed under the hands and seals of the undersigned on the date first above written.

	Signed, sealed and delivered this Lagrange of 2001, in the presence of:		ASSO	CIATION:	
		,		PONCE CONDOMINIUM CIATION, INC.	
	Chonda Lynni Unofficial Witness	Jh	Ву:	Chairman Cou	(Seal)
	Peron Juje Pall	يس	Ву:	Secretary Secretary	(Seal)
	My Commission Expires:	Notary Public, Gwinnett County, Georgia My Commission Expires July 28, 2004			[Corporate Seal]
N.A SEA	[Affix Notarial Seal]	1			SEAL
			own	en.	
	Signed, sealed and delivered		UWN	ER:	
	this day of, 2001, in the presence of:	•		See allachor	-)
			Ву:	Deborah Swantek McKnigh	(Seal)
	Unofficial Witness ·	•			•
	•				
	Notory Dublic				
	Notary Public My Commission Expires:				
,	Notary Public My Commission Expires:				
	-				
,	My Commission Expires:				

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Executed under the hands and seals of the undersigned on the date first above written.

	ASSOCIATION:
Signed, sealed and delivered this day of, 2002 in the presence of:	THE PONCE CONDOMINIUM ASSOCIATION, INC.
Unofficial Witness	By: Chairman (Seal)
Notary Public	By: (Seal)
My Commission Expires:	[Corporate Seal]
[Affix Notarial Seal]	
Signed, sealed and delivered this 12 day of, 2002, in the presence of:	OWNER:
Jangelie Divsm Unofficial Witness	Deborah Swantek McKnight Deborah Swantek McKnight
Notary Public Republic	RTHA MARINE
My Commission Expires:	NOTARY
[Affix Notarial Seal]	PUBLIC /*
Noteny Public, Fulton County, Georgia Noteny Public, Fulton County 29, 2006	www.minimum.

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