

[Space above left blank for recording]

After Recording Return to:

Adrian Ponce
75 Ponce de Leon Ave #201
Atlanta, GA 30308

Cross Reference: Deed Book: 20127
Page Number: 01

STATE OF GEORGIA
COUNTY OF FULTON

**EIGHTH 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 "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 Records; and

WHEREAS, the Fourth Amendment to the Declaration was recorded on July 10, 1997, in Deed Book 22801, Page 341, et seq., Fulton County, Georgia records; and

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

WHEREAS, an Amendment to the Declaration (which was actually 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 (which was actually the seventh amendment to the Declaration) was recorded on September 18, 2000, in Deed Book 29483, Page 144, et seq., Fulton County, Georgia records; 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

WHEREAS, parking space number 57 which is shown on Exhibit "A" of the Third Amendment is currently assigned to Unit 200 of the Condominium; and

WHEREAS, the Unit Owners of Unit 200 and Unit 201 desire that the Board of Directors of the Association reassign said parking space number 57 from Unit 200 to Unit 201 at the Condominium as a limited common element exclusively serving Unit 201; and

WHEREAS, the Association's Board of Directors now desire 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 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; and

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 hereby amended as follows:

1.

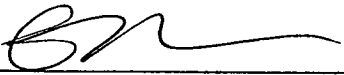
Parking space number 57, which is shown on Exhibit "A" of the Third Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium recorded in Deed Book 21971, Page 150, Fulton County, Georgia records, is reassigned from Unit 200 to Unit 201 so that said parking space number 57 will be a limited common element exclusively serving Unit 201.

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

IN WITNESS WHEREOF, the undersigned officers of The Ponce Condominium Association, Inc., hereby certify that this Eighth Amendment to the Declaration was fully adopted this 20th day of ~~July~~^{September}, 2002.

THE PONCE CONDOMINIUM ASSOCIATION, INC.

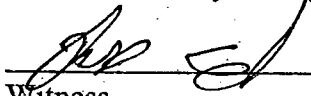
By:

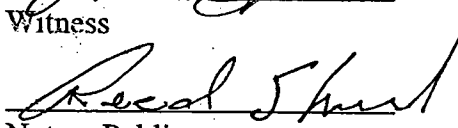


President

Print Name: Gisela Welch

Sworn to and subscribed before me this 20th day of ~~July~~^{September}, 2002


Witness


Notary Public



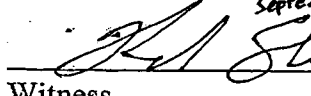
By:

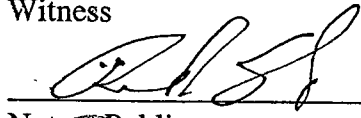


Secretary

Print Name: A. D. MOYERS

Sworn to and subscribed before me this 20th day of ~~July~~^{September}, 2002


Witness


Notary Public



CONSENT OF OWNERS

The undersigned Owners of Unit 200 at the Ponce Condominium hereby consent to this Eight Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium, which reassigns the parking space designated therein as limited common element.

Becky J. Cronister
Becky J. Cronister
Owner of Unit 200

Sworn to and subscribed before
me this 31 day of July 2002.

Christopher Kellen
Witness

Jane C. May
Notary Public



Notary Public, Fulton County, Georgia
My Commission Expires November 8, 2005

James M. Richbourg
James M. Richbourg
Owner of Unit 200



Sworn to and subscribed before
me this 31 day of July 2002.

Christopher Kellen
Witness

Jane C. May
Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires November 8, 2005

CONSENT OF OWNER

The undersigned Owner of Unit 201 at the Ponce Condominium hereby consents to this Eight Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium, which reassigns the parking space designated therein as limited common element.



Adrian Penka

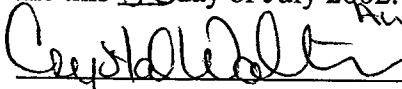
Owner of Unit 201

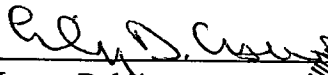
75 Ponce de Leon Ave NW

Unit 201

Atlanta, GA 30308

Sworn to and subscribed before
me this 23 day of July 2002.


Witness


Notary Public

