

Deed Book 50014 Pg 270
Filed and Recorded Apr-26-2011 04:17pm
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Real Estate Transfer Tax \$0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

Return to:
Lazega & Johanson LLC
3520 Piedmont Road NE, Suite 415
Atlanta, Georgia 30305
Attention: Marilyn M. Ratzel

Cross-reference to:
Declaration of Condominium at
Deed Book 20127, Page 01
Fulton County, Georgia Records

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

This **AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR THE PONCE CONDOMINIUM** is made on the date set forth below (hereinafter referred to as the "Association"), and **DAVID I. WHITE** (hereinafter collectively referred to as the "Owner").

WITNESSETH:

WHEREAS, on October 17, 1995, that certain Amended and Restated Declaration of Condominium for The Ponce Condominium was recorded in Deed Book 20127, Page 01, *et seq.*, Fulton County, Georgia records (hereinafter referred to as the "Declaration"), as amended; and

WHEREAS, a plat of survey related to The Ponce Condominium (hereinafter referred to as the "Condominium"), was filed in Condominium Plat Book 6, Page 31, *et seq.*, Fulton County, Georgia Records, as amended; and

WHEREAS, floor plans relating to the Condominium, were filed in Condominium Floor Plan Book 2, Page 127, Fulton County, Georgia Records, as amended; and

WHEREAS, Exhibit "B" of the Declaration and the Floor Plans make reference to Unit 401 and Unit 402; and

WHEREAS, David I. White is the owner of Unit 401 and Unit 402, and desire to combine Units 401 and 402 into one Unit to be known as Unit "402" (hereinafter referred to as the "Combined Unit"); and

WHEREAS, Paragraph 15(b)(ii) of the Declaration provides that an Owner may relocate the boundaries of his or her Unit; and

WHEREAS, O.C.G.A. § 44-3-92(c) provides that an amendment to the Declaration shall assign identifying numbers to the Units and shall allocate among those Units all of the undivided interest in the Common Elements, votes in the Association, and liability for Common Expenses pertaining to the Unit; and

WHEREAS, pursuant to Paragraph 6(b) of the Declaration and O.C.G.A. § 44-3-82(b) of the Georgia Condominium Act, the Association's Board of Directors, without need for a membership vote, is hereby authorized to assign and to reassign Limited Common Elements and Common Elements not previously assigned, provided that any such assignment or reassignment shall be made in accordance with the provisions of Section 44-3-82(b) and (c) of the Act. A Common Element not previously assigned as a Limited Common Element may be so assigned and a Limited Common Element may be reassigned by the Board, without the need for a vote of the Association, upon written application to the Association by the Owner or Owners for whose exclusive use such Common Element is requested or whose use of the Limited Common Element previously assigned is directly affected.

NOW, THEREFORE, subject to the provisions of O.C.G.A. § 44-3-92 and Paragraph 15(b)(ii) of the Declaration, and in accordance with those provisions, the Association and Owner hereby amend the Declaration as follows:

1.

Unit 401 and Unit 402, as shown on the original Floor Plans as set forth above, are hereby combined into one single Unit to be known as Unit 402, as set forth on the revised Floor Plans recorded in Condominium Floor Plan Book 355, Page(s) 19, Fulton County, Georgia Records.

2.

The undivided interest in the Common Elements, votes in the Association, and liability for Common Expenses previously assigned to Units 401 and 402 in Exhibit "B" are hereby reallocated to the Combined Unit, Unit 402 as having 2.44% undivided interest in the Common Elements, voting rights and liability for Common Expenses.

3.

The second sentence of Paragraph 4(a) of the Declaration is hereby deleted in its entirety and the following new sentences are substituted therefore:

As to Units 301, 302, 303, 403, 501, 503, 701, 702, 703, 801, 802 and 803, the vertical boundaries of these Units shall include an undivided one-third (1/3) interest in the Large Foyer Space. Unit 402 vertical boundaries shall include a two-third (2/3) interest in the Large Foyer Space.

4.

Capitalized terms used in this Amendment, which are not otherwise defined herein, shall have the same meaning ascribed to them in the Declaration.

IN WITNESS WHEREOF, the undersigned officers of the Association and the undersigned Owner have executed this Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium on this 17 day of March, 2011.

Signed, sealed, and delivered this
17th day of March, 2011
in the presence of:



Witness


Notary Public



ASSOCIATION:

THE PONCE CONDOMINIUM ASSOCIATION,
INC., a Georgia nonprofit corporation

By:


President

Attest:


Secretary

[Corporate Seal]

Deed Book 50014 Pg 273
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

Signed, sealed, and delivered this
18 day of MARCH, 2011
in the presence of:

[Signature]
Witness

[Signature]
Notary Public

OWNER:

[Signature]
DAVID I. WHITE

[Notary Seal]

Notary Public, DeKalb County, Georgia
My Commission Expires Mar. 10, 2015

