

Deed Book 48618 Pg 310  
Filed and Recorded Dec-14-2009 11:25am  
2009-0375067  
Real Estate Transfer Tax \$0.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

After Recording Return to:  
The Ponce Condominium  
C/O Becky Cronister, President  
75 Ponce de Leon Ave NE  
Atlanta, GA 30308

Cross Reference: Deed Book 20127  
Page 01

STATE OF GEORGIA

COUNTY OF FULTON

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

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

WHEREAS, the membership of The Ponce Condominium Association, Inc. (hereafter referred to as the "Association") amended and restated the Original Declaration in its entirety with that certain Amended and Restated Declaration of Condominium for The Ponce Condominium, as amended (hereafter referred to as the "Declaration") recorded on October 17, 1995 in Deed Book 20127, Page 01, *et seq.* of Fulton County, Georgia land records; and

WHEREAS, pursuant to Paragraph 24 of the Declaration, the Declaration may be amended by the affirmative vote, written consent or any combination of affirmative vote and written consent of the members of the Association holding sixty-six and two-thirds percent (66-2/3%) of the eligible votes of the Association; and

WHEREAS, at least sixty-six and two-thirds percent (66-2/3%) of the eligible votes of the Association have approved this Amendment to the Declaration.

NOW THEREFORE, the Declaration is hereby amended as follows:

1.

Paragraph 4 of the Declaration is hereby amended by adding the following new subsection (d) to the end thereto:

(d) Notwithstanding anything in this Declaration to the contrary, commencing on the date of the filing of this amendment in the Fulton County land records, and for so long as the Association is the record title owner of Unit 1201, Unit 1201 shall be designated as a Commercial Unit. Upon the transfer of Unit 1201 to any person or entity other than the Association, Unit 1201 shall automatically revert to a Residential Unit in accordance with the terms of this Declaration, with no requirement for any further amendment or other recorded instrument to effect such change.

It is the intention of the Association that Unit 1201 shall be reserved for the use of the Owners and Occupants of The Ponce Condominium or as determined in the Board's discretion, subject to such rules and regulations as the Board of Directors may promulgate governing the use of the Unit. The designation of Unit 1201 as a Commercial Unit is intended solely for the purpose of clarifying that Unit 1201 will not be occupied as a Residential Unit during the ownership of said Unit by the Association. The use of this Unit by Owners and Occupants of The Ponce Condominium or as determined in the Board's discretion shall not be deemed a violation of any provision of this Declaration governing the use of Commercial Units or the use of the Common Elements or any other portion of the Condominium. The Unit boundaries for Unit 1201, its appurtenant percentage undivided interest in the Common Elements and all other rights and privileges associated with the Unit shall remain unchanged. In the event of a conflict between the terms of the Declaration and this Amendment, this Amendment shall control.

IN WITNESS WHEREOF, the undersigned officers of The Ponce Condominium Association, Inc. hereby certify that this Amendment to the Declaration was properly adopted this 26<sup>th</sup> day of October, 2009.

Sworn to and subscribed before me  
This 26<sup>th</sup> day of October 2009.

THE PONCE CONDOMINIUM  
ASSOCIATION, INC.

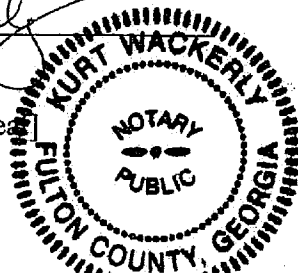
[Signature]  
Witness

By: [Signature]  
President

[Signature]  
Notary Public

Attest: [Signature]  
Secretary

[Notary Seal]



expires 2/23/13

[Corporate Seal]

Deed Book 48618 Pg. 311  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia