

Return to: Weissman, Nowack, Curry & Zaleon, P.C.
Two Midtown Plaza, 15th Floor
1349 W. Peachtree Street, NE
Atlanta, Georgia 30309
ATTN: Linda B. Curry

GEORGIA, FULTON COUNTY
FILED AND RECORDED

CROSS REFERENCE

1997 JUL 10 AM 8:30

STATE OF GEORGIA
COUNTY OF FULTON

JUANITA HICKS
CLERK, SUPERIOR COURT

Cross Reference: Deed Book 20127
Page 01
Deed Book 20867
Page 308
Deed Book 21058
Page 97
Deed Book 21971
Page 150

**FOURTH 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 ("Third Amendment"); 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 50 which is shown on Exhibit "A" of the Third Amendment is currently assigned to Unit 1005 of the Condominium; and

WHEREAS, parking space number 62 which is shown on Exhibit "A" of the Third Amendment is currently assigned to Unit 803 of the Condominium; and

WHEREAS, the Unit Owners of Units 1005 and 803 desire that the Board of Directors of the Association to reassign said parking space number 50 from Unit 1005 to Unit 803 at the Condominium as a limited common element exclusively serving Unit 803; and

WHEREAS, the Unit Owners of Units 1005 and 803 desire that the Board of Directors of the Association to reassign said parking space number 62 from Unit 803 to Unit 1005 at the Condominium as a limited common element exclusively serving Unit 1005; and

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

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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:

1.

The Board of Directors hereby reassigns parking space number 50 which is shown on Exhibit "A" of the Third Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium recorded at Deed Book 21971, Page 150, Fulton County, Georgia records, from Unit 1005 to Unit 803 so that said parking space number 50 will hereafter be a limited common element exclusively serving Unit 803.

2.

The Board of Directors hereby reassigns parking space number 62 which is shown on Exhibit "A" of the Third Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium recorded at Deed Book 21971, Page 150, Fulton County, Georgia records, from Unit 803 to Unit 1005 so that said parking space number 62 will hereafter be a limited common element exclusively serving Unit 1005.

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 the above amendment to the Declaration was duly adopted this 9th day of June, 1997.

THE PONCE CONDOMINIUM ASSOCIATION, INC.

By: [Signature] (Seal)
President

Attest: [Signature] (Seal)
acting Secretary

[CORPORATE SEAL]

Sworn to and subscribed to
before me this 9th day of
June, 1997.

[Signature]
Witness
Nancy Myers
Notary Public, Cobb County, Georgia
My Commission Expires July 5, 1999

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CONSENT OF OWNERS

The undersigned Owner of Unit 1005 at The Ponce Condominium hereby consents to the Fourth Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium which reassigns the parking spaces designated therein as limited common elements.

Signed, sealed and delivered
before me this 2 day of
June, 1997.

Thomas Bellamy
Thomas Bellamy
Owner of Unit 1005

Marian S. Chen
Witness

Notary Public, Fulton County, Georgia
Commission Expires February 11, 2001
Notary Public

[NOTARY SEAL]



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CONSENT OF OWNERS

The undersigned Owners of Unit 803 at The Ponce Condominium hereby consent to the Fourth Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium which reassigns the parking spaces designated therein as limited common elements.

Signed, sealed and delivered
before me this 2 day of
June, 1997.

Leslie Y. Pounds
Leslie Y. Pounds
Owner of Unit 803

Beverly D. Pounds
Beverly D. Pounds
Owner of Unit 803

Marion Cherry
Witness

Notary Public, Fulton County, Georgia
My Commission Expires February 11, 2001
Notary Public

[NOTARY SEAL]



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