

Deed Book 32861 Pg 172
Filed and Recorded Aug-05-2002 08:38am
2002-0234688
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Futton 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.

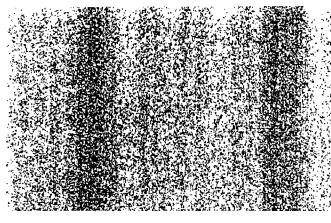
## AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR THE PONCE CONDOMINIUM

#### 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, inter alia, First Amendment recorded at Deed Book 20867, page 308, aforesaid records, by Second Amendment recorded at Deed Book 21058, Page 97, aforesaid records, and by Third Amendment recorded at Deed Book 21971, Page 150, aforesaid records, and additional amendments (as amended, the "Declaration");

WHEREAS, Owners own two (2) separate Residential Units in the Property, being Residential Units 200 and 204;

WHEREAS, pursuant to paragraph 15(b)(ii) of the Declaration and O.C.G.A. § 44-3-91, the Owners wish to reconfigure the two (2) Residential Units they own in the Property, by amending the floor plan of the second floor for the building to combine Unit 200 and Unit 204 into one (1) single unit, to be referred to as Unit 200;



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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, and

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 Amendment to the Declaration; 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 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 Declaration prior to this Amendment shall control with respect to the affected mortgage holder; and

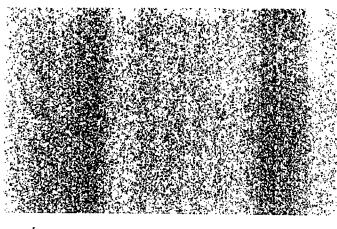
WHEREAS, the Association and the Owners wish to execute this Amendment in order to amend the Declaration to reflect the new square footage of Unit 200, and reallocate Unit 200's percentage allocation of interest in common elements, voting rights and liability for comment elements under the Declaration.

- 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) <u>Exhibit "A"</u> to the Declaration is hereby amended to provide the following parking spaces are assigned to Unit 200: Parking Spaces Nos. 15, 57, 78 and 79.
  - (b) That portion of Exhibit "B" 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 Unit 200 and residential Unit 204 are hereby deleted and replaced with the following:

Residential Unit 200. This Unit is located on the southwestern corner, southern side and western side of the Building on Floor Two. Unit 200 contains approximately 3,215 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



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amended to delete references to Residential Unit 200 and Residential Unit 204 thereunder, and replace them with the following:

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

Unit No.

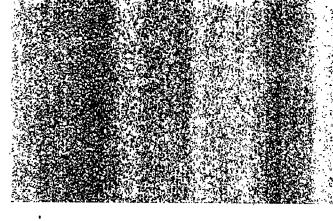
200

4.19%

- 3. <u>Floor Plan.</u> In addition to recording this Fourth 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 <u>Exhibit "A"</u>, which is hereby approved by the Association.
- 4. <u>Continuing Effect</u>. Except as amended hereby, the Declaration shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

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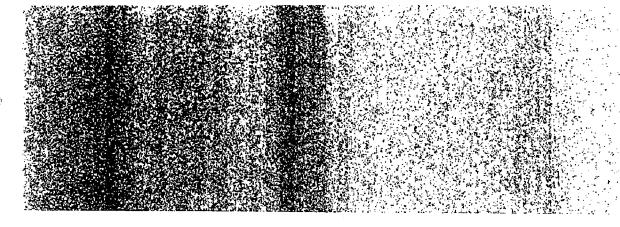
Executed under the hands and seals of the undersigned on the date first above written.

	ASSOCIATION:	
Signed, sealed and delivered this <u>Land</u> , 2002,	THE PONCE CONDOMINIUM	
in the presence of.	ASSOCIATION, INC.	
Ahonda Lynn Mrl. Unofficial Witness	By: Chairman (Seat)	
Peggn Frye Pallen Notaly Pholic	By: Secretary (Sea SEA!	
My Commission Expires: Notary Public, Gwinnett County, Georgia My Commission Expires: My Commission Expires July 28, 2004 [CORPORATE SEAL]		
Beatly Seal]		
	OWNERS:	
Signed, sealed and delivered		
this <u>5</u> <sup>th</sup> day of <u>Macch</u> , 2002,		
in the presence of:	buch a constant	
1117	Becky J. Cronister (Seal)	
OHAN III (achin)	Becky J. Cronister	
Unofficial Witness	1500	
$\circ$	chinash Carry (Seal)	
There a Mag.	James M. Richbourg	
Notary Public		
' '		
My Commission Expires:  My Commission Symbol County, Georgia	•	
My Commission Expires November 8, 20	i Me	

1 [8898.0] (2406.12

[Notary Seal]

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

Signed, sealed and delivered this day of, 2002,	ASSOCIATION: THE PONCE CONDOMINIUM
in the presence of:	ASSOCIATION, INC.
Unofficial Witness	By: Chairman Wacked (Seal)  By: (Seal)
Notary Public	By: (Seal)
My Commission Expires:	[CORPORATE SEAL]
[Notary Seal]	
Signed, sealed and delivered this 11 day of Open , 2002, in the presence of:	OWNERS:
Molet Bustan' Unofficial Witness	Becky J. Cronister (Seal)
Notary Public (	James M. Richbourg (Seal)
My Commission Expires:	
[Notary Seal] Notary Public 1 & A. A. My Commisc 1 at 1.45.	nty, Georgia .vember 8, 2005
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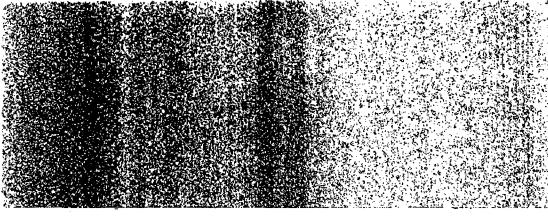


Exhibit A ----i 204 **I**₩ PIMSLER · HOSS · ARCHITECTS