

After Recording Return to:
John T. Lueder
The Lueder Law Firm, LLC
2050 Marconi Drive, Suite 300
Alpharetta, Georgia 30005

Cross Reference: Deed Book: 20127
Page Number: 01

STATE OF GEORGIA

COUNTY OF FULTON

**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 (hereafter referred to as "Amendment") is made on the date first set below.

W I T N E S S E T H:

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

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

WHEREAS, the Declaration has previously been amended by the Association membership from time to time;

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 total eligible votes of the Association;

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

NOW THEREFORE, the Declaration is hereby amended as follows:

1.

Paragraph 11 of the Declaration is hereby amended by adding subparagraph (i) thereto as follows:

(i) Capital Contribution Assessments (Initiation Fee). Upon the conveyance of ownership of a Unit by an Owner, a capital contribution assessment equal to two monthly installments of the annual assessment in effect during the year of the conveyance shall become due and payable to the Association by the new Owner. The capital contribution assessment shall not be deemed to be an advance payment of any annual or special assessment and may not be paid in lieu of any annual or special assessment. The capital contribution assessment shall be the personal obligation of the new Owner. Notwithstanding anything to the contrary herein, no capital contribution assessment shall be due from any person or entity who takes title through foreclosure upon the lien of any first priority mortgage covering the Unit or the lien of any secondary purchase money mortgage covering the Unit.

IN WITNESS WHEREOF, the undersigned officers of The Ponce Condominium Association, Inc. hereby certify that this Amendment to the Declaration was properly adopted this 15th day of July, 2005.

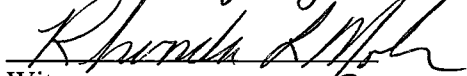
THE PONCE CONDOMINIUM
ASSOCIATION, INC.



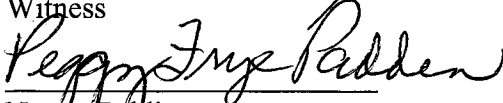
President

Print Name: Adrian Penka

Sworn to and subscribed before me
this 15th day of July, 2005.



Witness



Notary Public

Notary Public, Gwinnett County, Georgia
My Commission Expires July 28, 2008.

W. John Eckel, Jr.

Secretary

Print Name: W. John Eckel, Jr.

Sworn to and subscribed before me
this 15th day of July, 20005.

Rhonda R. Padden

Witness

Peggy Inge Padden

Notary Public

Notary Public Gwinnett County, Georgia
My Commission Expires July 28, 2008.