

Deed Book 32014 Pg 398
Filed and Recorded Mar-12-2002 11:14am
2002-0075561
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
I (JAN) DO NOT HAVE TO SIGN THIS DEED AS LONG AS I HAVE THE DEED AND THE NOTARY SIGNATURE

After recording, please return to:

George F. Maynard
Burr & Forman LLP
600 West Peachtree Street, Suite 1200
Atlanta, Georgia 30308

Cross Reference:

Deed Book 20127, Page 101,
Fulton County, Georgia records

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

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

WHEREAS, parking spaces number 14 and 15 which are shown on Exhibit "A" of the Third Amendment are currently assigned to Unit 606E of the Condominium; and

WHEREAS, the Unit Owner of Unit 606E desires that the Board of Directors of the Association reassign said parking space numbers 14 and 15 to 14A, 14B and 15 as a limited common element; and

WHEREAS, the Unit Owners of Unit 606E and Unit 200 desire that the Board of Directors of the Association reassign said parking space number 15 from Unit 606E to Unit 200 at the Condominium as a limited common element exclusively serving Unit 200; and

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

WHEREAS, the 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 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:

The Board of Directors hereby reassigns parking spaces number 14 and 15 which are shown on Exhibit "A" of the Third Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium recorded in Deed Book 21971, Page 150, Fulton County, Georgia records, from Unit 606E to Unit 200 so that said parking space numbers 14 and 15 will hereafter be designated as 14A, 14B and 15, and 15 will be a limited common element exclusively serving Unit 200.

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 fully adopted this 9th day of May, 2001.

(Signatures continued on next page.)

THE PONCE CONDOMINIUM ASSOCIATION, INC.

By:

President

Attest:

Secretary

[Corporate Seal]

Signed, Sealed and delivered

~~Sworn to and subscribed~~

Before me this 28th day

Of ~~July~~, 2001.

August

Carol J. Smith
Notary Public

Notary Public

CAROL J. SMITH
NOTARY PUBLIC, Cherokee County, Georgia.
My Commission Expires September 9, 2003.


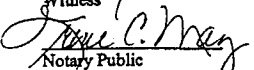
**N.P.
SEAL**

Unofficial Witness

CONSENT OF OWNERS

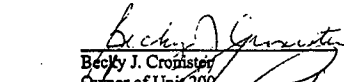
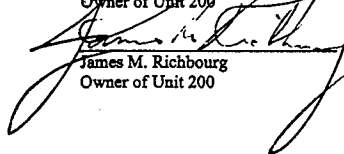
The undersigned Owners of Unit 200 at The Ponce Condominium hereby consent to the Seventh Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium which reassigns the parking space designated therein as limited common element.

Signed sealed and delivered
Before me this 9 day of May, 2001.


Witness

Notary Public

[Notary Seal]

Notary Public, Fulton County, Georgia
My Commission Expires November 8, 2005


Becky J. Crofford
Owner of Unit 200

James M. Richbourg
Owner of Unit 200



Nm:RICHOUBOURG(344338). Rq:293,2Deed Book 32014 Pg 399
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF SUPERIOR COURT OF THE STATE OF GEORGIA IN THE COUNTY OF FULTON.

**SEVENTH 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 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 Records; and

WHEREAS, the Fourth Amendment to the Declaration was recorded on July 10, 1997, in Deed Book 22801, Page 342, et seq., Fulton County, Georgia records; and

WHEREAS, the second Fourth Amendment ("Fourth Amendment A") to the Declaration was recorded on March 7, 2000, in Deed Book 28650, Page 119, et seq., Fulton County, Georgia records; and

WHEREAS, the Sixth Amendment to the Declaration was recorded on September 11, 2000, in Deed Book 29459, Page 115, et seq., Fulton County, Georgia records; and

WHEREAS, the Fifth Amendment to the Declaration was recorded on September 18, 2000, in Deed Book 29483, page 144, et seq., Fulton County, Georgia records; 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 of the Declaration approved by the Board of Directors and executed by the unit owners to whom the parking spaces are reassigned; and

Nm:RICHBOURG(344338), Rq:293,3

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WHEREAS, parking spaces number 14 and 15 which are shown on Exhibit "A" of the Third Amendment are currently assigned to Unit 606E of the Condominium; and

WHEREAS, the Unit Owner of Unit 606E desires that the Board of Directors of the Association reassign said parking space numbers 14 and 15 to 14A, 14B and 15 as a limited common element; and

WHEREAS, the Unit Owners of Unit 606E and Unit 200 desire that the Board of Directors of the Association reassign said parking space number 15 from Unit 606E to Unit 200 at the Condominium as a limited common element exclusively serving Unit 200; and

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

WHEREAS, the amendment does not alter, modify, change or rescind and 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 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:

The Board of Directors hereby reassigns parking spaces number 14 and 15 which are shown on Exhibit "A" of the Third Amendment to Amended and Restated Declaration of Condominium for The Ponce Condominium recorded in Deed Book 21971, Page 150, Fulton County, Georgia records, from Unit 606E to Unit 200 so that said parking space numbers 14 and 15 will hereafter be designated as 14A, 14B and 15, and 15 will be a limited common element exclusively serving Unit 200.

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 fully adopted this 9th day of May, 2001.

(Signatures continued on next page.)

Nm: RICHBOURG(344-38), Rq: 293,4

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A COPY OF THIS DEED IS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE SUPERIOR COURT OF THE STATE OF GEORGIA IN THE COUNTY OF CHEROKEE.

THE PONCE CONDOMINIUM ASSOCIATION, INC.

By:

President

Attest:

Secretary

[Corporate Seal]

Signed, Sealed and Delivered

Sworn to and subscribed

Before me this 28th day

Of July, 2001.

August

Carol J. Smith
Notary Public

CAROL J. SMITH

NOTARY PUBLIC, Cherokee County, Georgia.

My Commission Expires September 9, 2003.



Unofficial Witness

Nm: RICHBOURG(344-38), Rq: 293,5

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Juanita Hicks

Clerk of Superior Court

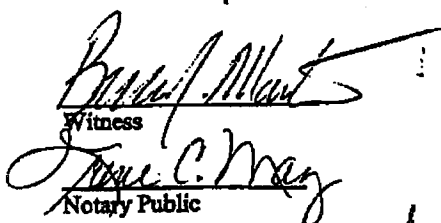
Fulton County, Georgia

I HEREBY CLERK AND HAVE BEEN SO ORDERED BY THE COURT IN ORDER TO CLERK AND HAVE BEEN SO ORDERED

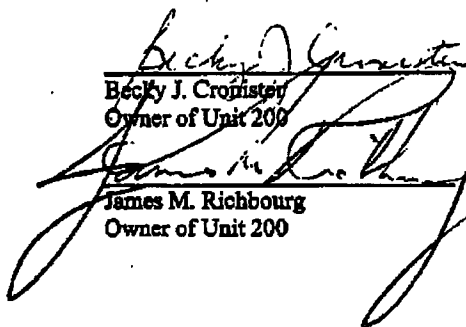
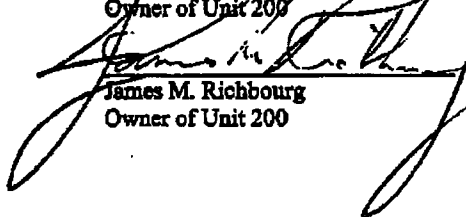
CONSENT OF OWNERS

The undersigned Owners of Unit 200 at The Ponce Condominium hereby consent to the Seventh Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium which reassigns the parking space designated therein as limited common element.

Signed sealed and delivered
Before me this 9 day of May, 2001.


Witness
James C. May
Notary Public

[Notary Seal]


Becky J. Croffister
Owner of Unit 200

James M. Richbourg
Owner of Unit 200

Notary Public, Fulton County, Georgia
My Commission Expires November 8, 2006



Nm: RICHBOURG(344338), Rq: 293.5

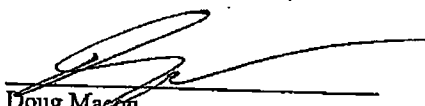
Deed Book 32014 Pg 402
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE DEED AS FILED IN THE CLERK'S OFFICE OF THE CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA.

CONSENT OF OWNERS

The undersigned Owners of Unit 606E at The Ponce Condominium hereby consent to the Seventh Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium which reassigns the parking space designated therein as limited common element.

Signed sealed and delivered
Before me this 28 day of Aug, 2001.


Doug Mason
Owner of Unit 606E


Witness

Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires Jan. 31, 2003

[Notary Seal]

