

Deed Book 35276 Pg 346  
Filed and Recorded Jun-26-2003 11:38am  
2003-0215770  
Real Estate Transfer Tax \$0.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

**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 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; 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**, a 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 to the Declaration approved by the Board of Directors and executed by the unit owners to whom the parking spaces are reassigned; and

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**WHEREAS**, parking space number 14A which is shown on Exhibit "A" of the Third Amendment is currently assigned to Unit 606E of the Condominium; 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 14A 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**, 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:

The Board of Directors hereby reassigns parking space number 14A which is 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 number 14A will hereafter 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 22 day of August, 2002.


(Signatures continued on next page.)


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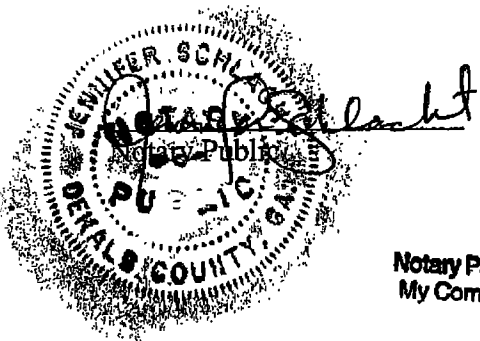
## CONSENT OF OWNERS

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

Signed sealed and delivered  
Before me this 22 day of August 2002.

  
Douglas Macon  
Owner of Unit 606E

  
Patricia A. Canble  
Witness



Notary Public, Dekalb County, Georgia  
My Commission Expires Oct 18, 2005

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## 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 16 day of August, 2002

Christopher Keller  
Witness

Becky J. Cronister  
Owner of Unit 200

**James M. Richbourg**  
Owner of Unit 200

# Notary Public

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

THE PONCE CONDOMINIUM ASSOCIATION, INC.

By:

President

Attest:

Secretary

[Corporate Seal]

Sworn to and subscribed  
Before me this 27 day  
of August, 2002.

Public