

CROSS REFERENCE
DE Book 50173 Page 662

Deed Book 50145 Pg 205
Filed and Recorded Jun-20-2011 12:18pm
2011-0161282
Real Estate Transfer Tax \$0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

After recording, please return to:
GANEK WRIGHT MINSK PC
197 Fourteenth Street, NW, Suite 300
Atlanta, Georgia 30318

Cross Reference: Deed Book 20127,
Page 01, Fulton County, Georgia Records

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

This Amendment to the Amended and Restated Declaration of Condominium for The Ponce Condominium ("Amendment") is entered into this 17 day of June, 2011, by and between THE PONCE CONDOMINIUM ASSOCIATION, INC. a Georgia nonprofit corporation (the "Association") and CORWIN M. ROBISON, II ("Owner");

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 subsequently amended (the "Declaration");

WHEREAS, Owner owns one (1) Commercial Unit in the Property, being Commercial Unit 1;

WHEREAS, pursuant to paragraph 15(b) (ii) of the Declaration and O.C.G.A. sec. 44-3-92, Owner wishes to subdivide and reconfigure the Commercial Unit he owns in the Property, by amending the floor plan of the basement level for the Building and creating from Commercial Unit 1 two (2) separate commercial units to be designated Unit 1-A and Unit 1-B, respectively;

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 (2/3) 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 as certified by the execution hereunder of the President and Secretary of the Association; 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, if a court of competent jurisdiction determines 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 in an action commenced within one (1) year of the effective date of this Amendment, then this Amendment shall not be binding on the mortgage holder so involved, unless such mortgage holder subsequently consents hereto; 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 to amend the Declaration to reflect the subdivision of Commercial Unit 1 and the creation and new square footage of Units 1-A and 1-B, respectively, and to reallocate each new Unit's percentage allocation of interest in common elements, voting rights and liability for common elements under the Declaration.

1. Incorporation of Recitals. 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, as previously amended.

2. Amendment to Declaration. The Owner and Association hereby amend the Declaration as follows:

(a) That portion of Exhibit "B" to the Declaration under the heading "Location and Description of the Units" is hereby amended as follows:

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

Signed, sealed and delivered
this _____ day of June, 2011
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: 8/19/2014

(NOTARY SEAL)

Signed, sealed and delivered
this 17 day of June, 2011
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: 8/19/2014

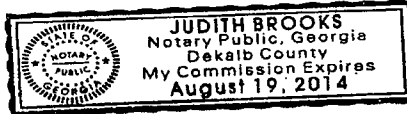
(NOTARY SEAL)

ASSOCIATION:

THE PONCE CONDOMINIUM
ASSOCIATION, INC.

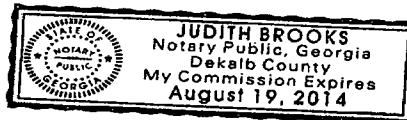
By: [Signature] (SEAL)
Its: President

By: [Signature] (SEAL)
Its: Secretary



OWNER:

By: [Signature] (SEAL)
CORWIN M. ROBISON, II



"All references on Exhibit "B" to the location and description of Commercial Unit 1 are hereby deleted and replaced with the following:

Commercial Unit 1-A. This unit is located on the southwest corner of the Building on the basement level. Unit 1-A contains approximately 1,292.22 square feet.

Commercial Unit 1-B. This unit is located on the south side of the Building on the basement level and to the east of Unit 1-A. Unit 1-B contains approximately 653.37 square feet."

(b) That portion of Exhibit "B" to the Declaration under the heading "Percentage Allocation of Interest in Common Elements, Voting Rights and Liability for Common Elements" is hereby amended to delete references to Commercial Unit 1 thereunder, and replace them with the following:

Percentage Allocation of Interest
in Common Elements, Voting Rights
and Liability for Common Elements

"Unit No.

1-A	0.86%
1-B	0.44%"

3. Floor Plan. In addition to recording this Amendment in the real property records of Fulton County, Georgia, the Owner has contemporaneously filed revised plans showing the boundaries separating Units 1-A and 1-B, as well as the other boundaries and dimensions of each respective unit, in the form attached hereto as Exhibits "A" and "B", which is hereby approved by the Association, in the applicable condominium file cabinet and folder of Fulton County, Georgia.

4. Continuing Effect. Except as modified hereby, the Declaration shall remain in full force and effect.

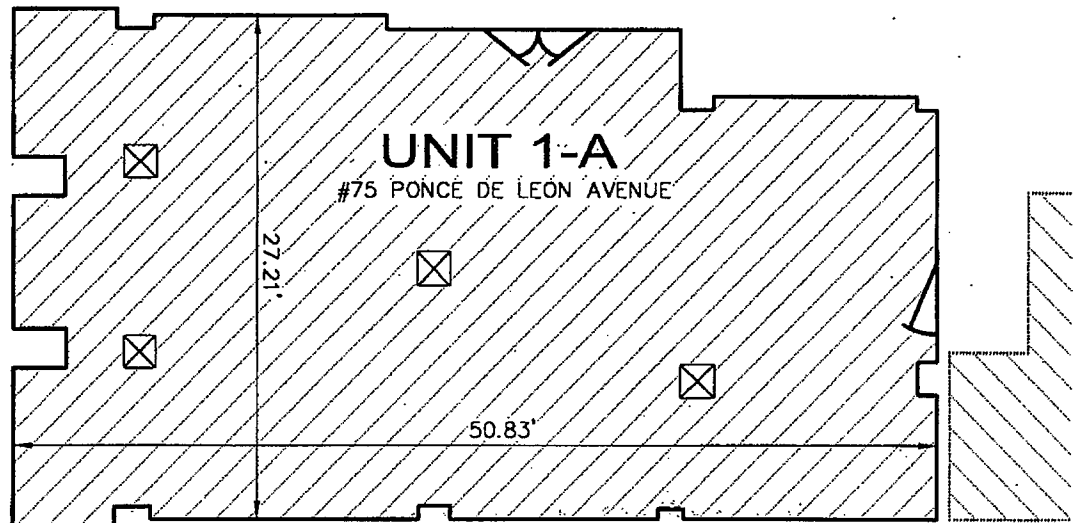
[SIGNATURES ON FOLLOWING PAGE]

EXHIBIT A**LEGEND:**

C.L.	CENTERLINE
C.M.F.	CONCRETE MONUMENT FOUND
C.T.P.	CRIMPED TOP PIPE
D.B.	DEED BOOK
E.O.P.	EDGE OF PAVEMENT
I.P.F.	IRON PIN FOUND
I.P.S.	IRON PIN SET
L.L.L.	LAND LOT LINE
O.T.	OPEN TOP PIPE
P.B.	PLAT BOOK
P.P.	POWER POLE
P.L.	PROPERTY LINE
R/W.	RIGHT OF WAY
R.C.P.	REINFORCED CONCRETE PIPE
U.G.E.	UNDERGROUND ELECTRIC
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
S.M.H.	SEWER MANHOLE
S.S.E.	SANITARY SEWER EASEMENT
B.S.L.	BUILDING SETBACK LINE
D.E.	DRAINAGE EASEMENT

NOTE:

MEASUREMENTS ARE FROM THE
INSIDE FACE OF WALLS



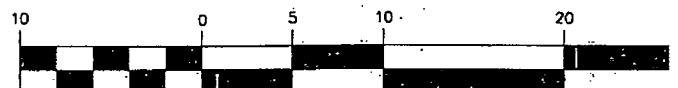
TOTAL AREA = 1,292.22 S.F.
AREA OF COLUMNS = 13.07 S.F.
USEABLE AREA = 1,279.15 S.F.

GENERAL NOTES:

EXISTING ROOM IS AN UNFINISHED BASEMENT WITH PAINTED BRICK WALLS AND A CONCRETE FLOOR.

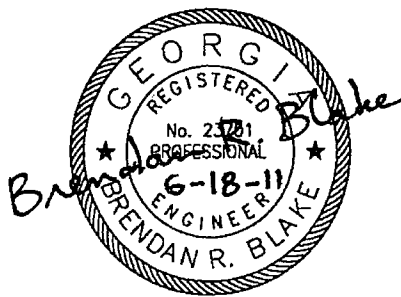
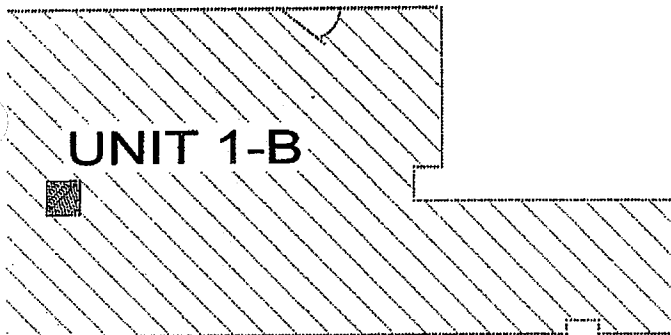
EQUIPMENT USED WAS A STEEL TAPE. ALL MEASUREMENTS ARE TO THE HUNDREDTH OF A FOOT.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. NO WARRANTIES, EITHER EXPRESS OR IMPLIED, ARE EXTENDED TO ANY OTHER PERSONS OR ENTITIES. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. OTHER EASEMENTS AND/OR ENCUMBRANCES MAY EXIST ON PUBLIC OR PRIVATE RECORD BUT ARE NOT SHOWN HEREON.

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

Deed Book 50145 Pg 209



I HEREBY CERTIFY THAT THIS PLAN IS A CORRECT AND ACCURATE REPRESENTATION OF THE BOUNDARIES SEPARATING UNITS 1-A AND 1-B, AS CREATED BY THE SUBDIVISION OF FORMER UNIT 1 AND COMPLIES WITH THE REQUIREMENTS OF GA. CODE SEC. 44-3-92 PERTAINING TO THE SUBDIVISION OF CONDOMINIUM UNITS.

Brendan R. Blake
BRENDAN R. BLAKE, P.E.
GEORGIA PROFESSIONAL ENGINEER #23701

REVISED 6-18-2011 CHANGED CERTIFICATION
PER ATTORNEY'S COMMENTS

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR:

CORWIN ROBISON, II

DATE 6-07-2011

SCALE 1" = 10'

FULTON COUNTY, GEORGIA

UNIT 1-A

SECTION

14th DISTRICT

LAND LOT 49

SUBDIVISION OF UNIT I, THE PONCE CONDOMINIUM

LOT BLOCK

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

REFERENCE: CONDOMINIUM CABINET
No. 2, FOLDER 127

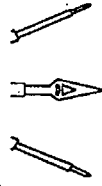
PLOTTED BY:

DEED BOOK 20127, PAGE 1



**BLAKE ENGINEERING &
LAND SURVEYING, INC.**

P.O. BOX 1547 SMYRNA, GEORGIA 30081-1547
TELEPHONE (678) 293-5505 FAX (678) 293-5655

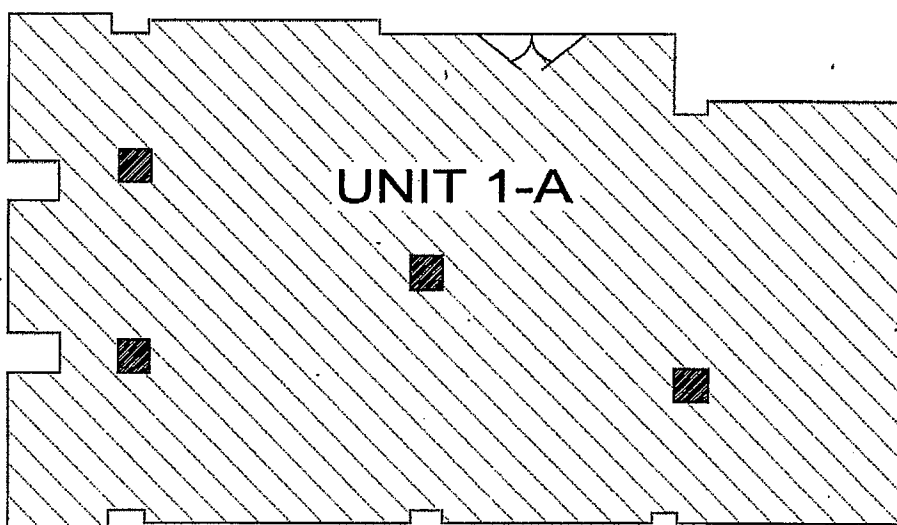


JOB NUMBER: 11-028

Deed Book 52145 Pl. 210

EXHIBIT B**LEGEND:**

C.L.	CENTERLINE
C.M.F.	CONCRETE MONUMENT FOUND
C.T.P.	CRIMPED TOP PIPE
D.B.	DEED BOOK
E.O.P.	EDGE OF PAVEMENT
I.P.F.	IRON PIN FOUND
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S.M.H.	SEWER MANHOLE
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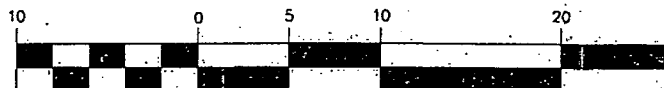
**GENERAL NOTES:**

EXISTING ROOM IS AN UNFINISHED BASEMENT WITH PAINTED BRICK WALLS AND A CONCRETE FLOOR.

EQUIPMENT USED WAS A 25' POCKET TAPE. ALL MEASUREMENTS ARE TO THE HUNDREDTH OF A FOOT.

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GRAPHIC SCALE

(IN FEET)

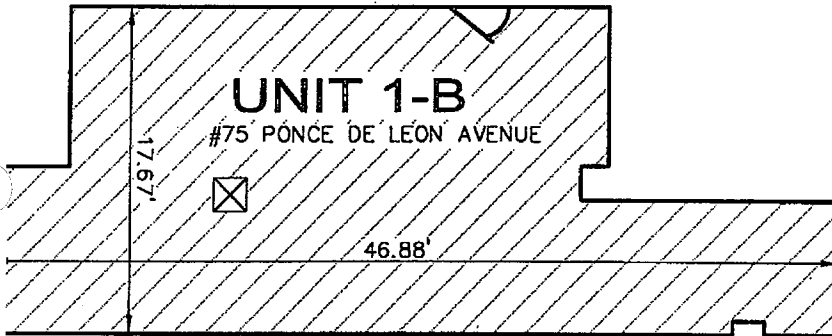
1 inch = 10 ft.

Deed Book 50145 Pg 211
 Cathlene Robinson
 Clerk of Superior Court
 Fulton County, Georgia

NOTE:

MEASUREMENTS ARE FROM THE
 INSIDE FACE OF WALLS

REVISED 6-18-2011 CHANGED CERTIFICATION
 PER ATTORNEY'S COMMENTS



TOTAL AREA = 653.37 S.F.
 AREA OF COLUMN = 3.35 S.F.
 USEABLE AREA = 650.02 S.F.



I HEREBY CERTIFY THAT THIS PLAN IS A CORRECT
 AND ACCURATE REPRESENTATION OF THE BOUNDARIES
 SEPARATING UNITS 1-A AND 1-B, AS CREATED BY THE
 SUBDIVISION OF FORMER UNIT 1 AND COMPLIES WITH
 THE REQUIREMENTS OF GA. CODE SEC. 44-3-92
 PERTAINING TO THE SUBDIVISION OF CONDOMINIUM UNITS.

Brendan R. Blake

BRENDAN R. BLAKE, P.E.
 GEORGIA PROFESSIONAL ENGINEER #23701

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR:

BARK-BARK, LLC

DATE 6-07-2011

SCALE 1" = 10'

FULTON COUNTY, GEORGIA

UNIT 1-B

SECTION

14th DISTRICT

LAND LOT 49

SUBDIVISION OF UNIT 1, THE PONCE CONDOMINIUM

LOT BLOCK

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

REFERENCE: CONDOMINIUM CABINET PLOTTED BY:

No. 2, FOLDER 127

DEED BOOK 20127, PAGE 1

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 LAND SURVEYING, INC.**

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