
SPACE ABOVE RESERVED FOR RECORDING DATA

After Recording, Please Return To:

Weissman, Nowack, Curry & Wilco, P.C.
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30328
Attn: MEM

STATE OF GEORGIA

COUNTY OF DEKALB

**AMENDMENT TO THE DECLARATION OF CONDOMINIUM
OF PEACHTREE-MALONE CONDOMINIUM**

WHEREAS, Peachtree-Malone L.L.C., a Georgia limited liability corporation recorded that certain Declaration of Condominium of Peachtree-Malone Condominium ("Declaration") on December 7, 2000 in Deed Book 11738, Page 796, et. seq., DeKalb County, Georgia land records; and

WHEREAS, the Declaration was amended by the First Amendment to the Declaration of Condominium of Peachtree-Malone Condominium ("First Amendment") filed on December 13, 2002, in Deed Book 13973, Page 767 et. seq., DeKalb County, Georgia land records; and

WHEREAS, the Declaration was further amended by the Second Amendment to the Declaration of Condominium of Peachtree-Malone Condominium ("Second Amendment") filed on December 13, 2002, in Deed Book 13973, Page 773, et. seq., DeKalb County, Georgia land records; and

WHEREAS, the Declaration was further amended by the Third Amendment to the Declaration of Condominium of Peachtree-Malone Condominium ("Third Amendment") filed on May 22, 2003, in Deed Book 14517, Page 399, et. seq. DeKalb County, land records; and

WHEREAS, Article X, Section 10.04 of the Declaration provides that the Declaration may be amended at any time from time to time by the assent of Unit Owners having at least two-thirds (2/3) of the vote in the Association inclusive of any vote or votes pertaining to any Unit or Units then owned by Declarant; provided, however, that during such time as there shall exist an unexpired Option to add any Additional Phase Property to the Condominium or during any such time as the Declarant has the right to control the Association pursuant to Section 8.01, 8.07, and 21.01 of the Declaration, the agreement shall be that of the Declarant and the Unit Owners of Units to which two-thirds (2/3) of the votes in the Association pertain, exclusive of any vote or votes appurtenant to any Unit or Units then owned by the Declarant; and

Linda Carter
Clerk of Superior Court
DeKalb County
556 North McDonough Street

PLEASE RETAIN THIS RECEIPT, THANK YOU

CFN	Inst	Bk & Page	Amount
2004-182466	CND0	DE-16601-462	\$12.00

Date Filed: Sep-17-2004 at 08:42am

Register/Trans: SLH 20040917-52
Presented By: WEISSMAN, NOWACK, CURRY & WILCO

RECORDING \$12.00
=====

TOTAL FEES DUE \$12.00

Payment for Recording Fees:
Ck# 67940 \$12.00
=====

TOTAL AMOUNT TENDERED \$12.00
BALANCE DUE \$0.00

OFFICIAL RECEIPT

Printed: September-17-2004 08:42:00 AM

Deed Book 16601 Ps 462
Filed and Recorded Sep-17-2004 08:42am
2004-0182466
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Clerk of Superior Court
DeKalb County, Georgia

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WHEREAS, the Declaration was amended by the First Amendment to the Declaration of Condominium of Peachtree-Malone Condominium ("First Amendment") filed on December 13, 2002, in Deed Book 13973, Page 767 et. seq., DeKalb County, Georgia land records; and

WHEREAS, the Declaration was further amended by the Second Amendment to the Declaration of Condominium of Peachtree-Malone Condominium ("Second Amendment") filed on December 13, 2002, in Deed Book 13973, Page 773, et. seq., DeKalb County, Georgia land records; and

WHEREAS, the Declaration was further amended by the Third Amendment to the Declaration of Condominium of Peachtree-Malone Condominium ("Third Amendment") filed on May 22, 2003, in Deed Book 14517, Page 399, et. seq. DeKalb County, land records; and

WHEREAS, Article X, Section 10.04 of the Declaration provides that the Declaration may be amended at any time from time to time by the assent of Unit Owners having at least two-thirds (2/3) of the vote in the Association inclusive of any vote or votes pertaining to any Unit or Units then owned by Declarant; provided, however, that during such time as there shall exist an unexpired Option to add any Additional Phase Property to the Condominium or during any such time as the Declarant has the right to control the Association pursuant to Section 8.01, 8.07, and 21.01 of the Declaration, the agreement shall be that of the Declarant and the Unit Owners of Units to which two-thirds (2/3) of the votes in the Association pertain, exclusive of any vote or votes appurtenant to any Unit or Units then owned by the Declarant; and

MEM 367522-1 (10628)

WHEREAS, all Additional Phase Property has been submitted to the Declaration and the Declarant no longer has the right to control the Association pursuant to Sections 8.01, 8.07, and 21.01 of the Declaration; and

WHEREAS, two-thirds (2/3) of the Unit Owners have agreed to amend the Declaration.

NOW THEREFORE, the Declaration is hereby amended as follows:

1.

Article IX, Section 9.06 of the Declaration is hereby amended by adding the following language to the end thereto:

The initiation fee shall be collected at the closing of each and every conveyance or transfer of a Unit to any person other than to the spouse or heir of the Owner. The initiation fee shall constitute a specific special assessment and continuing lien against such Unit, and a personal obligation of the Owner of such Unit, from the time it is due until it is paid in full, pursuant to Paragraph 9.03 hereof.

2.

Except as otherwise provided herein, the Declaration shall remain unchanged.

IN WITNESS WHEREOF, the undersigned officers of the Peachtree-Malone Condominium Association, Inc. hereby certify that the above amendment to the Declaration was approved by the requisite two-thirds (2/3) of the Unit Owners, with all required notices duly given.

This 1 day of September, 2004.

Sworn to and subscribed before me this 1st day of September, 2004.

[Signature]
Witness
[Signature]
Notary Public

[Notary Seal]



ASSOCIATION: PEACHTREE-MALONE
CONDOMINIUM ASSOCIATION, INC.

By: *[Signature]* (Seal)
President

Attest: *[Signature]* (Seal)
Secretary

[Corporate Seal]

Deed Book 16601 P. 463
Linda Carter
Clerk of Superior Court
DeKalb County, Georgia