

Deed Book 31351 Pg 64  
Filed and Recorded Nov-28-2001 03:06pm  
2001-0304146  
Real Estate Transfer Tax \$0.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

Return to: Weissman, Nowack, Curry & Wilco, P.C.  
Two Midtown Plaza - 15th Floor  
1349 West Peachtree Street  
Atlanta, Georgia 30309  
ATTN: Jane C. Kotake

Cross Reference: Deed Book 29337  
Page 563

**SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
FOR MIDTOWN ON EIGHTH CONDOMINIUM**

This SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR MIDTOWN ON EIGHTH CONDOMINIUM is made on the date set forth below by Midtown on 8th, LLC, a Georgia limited liability company (hereinafter referred to as "Declarant"), with the consent of Midtown On Eighth Condominium Association, Inc., a Georgia non-profit corporation (hereinafter referred to as the "Association"), and the affected Unit Owner(s).

**WITNESSETH:**

**WHEREAS**, on August 4, 2000, that certain Declaration of Condominium for Midtown On Eighth Condominium dated August 2, 2000, was recorded in Deed Book 29337, Page 563, *et seq.*, Fulton County, Georgia records (hereinafter referred to as the "Original Declaration") and

**WHEREAS**, on October 2, 2001, that certain First Amendment to the Declaration of Condominium for Midtown on Eighth Condominium dated August 4, 2001, was recorded in Deed Book 31068, Page 96, *et seq.*, Fulton County, Georgia records (said Original Declaration, as amended, hereinafter referred to as the "Declaration")

**WHEREAS**, a plat of survey related to the Condominium prepared by Woolley & Associates, Inc. was filed in Condominium Plat Book 13, Page 77, Fulton County, Georgia Records; and

**WHEREAS**, floor plans relating to the Condominium prepared by Rowhouse Architects, Inc. were filed in Condominium Floor Plan Book 6, Page(s) 48-61, Fulton County, Georgia Records; and

**WHEREAS**, revised floor plans relating to the Condominium prepared by Rowhouse Architects, Inc. were filed in Condominium Floor Plan Book 16, Page(s) 50-51, Fulton County, Georgia Records; and

**WHEREAS**, pursuant to Paragraph 6(b) of the Declaration and O.C.G.A. Section 44-3-82(b) of the Georgia Condominium Act, the Board of Directors of the Association is authorized, without need for a membership vote, to assign and reassign parking spaces in the Condominium as a limited common element to a Unit 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 affected Condominium Unit Owner(s); and

**WHEREAS**, certain Unit Owner(s) in the Condominium desire that the Board of Directors of the Association assign certain limited common element parking spaces as more particularly set forth in Exhibit "C" attached hereto and incorporated herein; and

**WHEREAS**, the Declarant, and the Association's Board of Directors and the affected Unit Owner(s) do hereby consent to the assignment of parking spaces as set forth in this Second Amendment; and

**WHEREAS**, this Second 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 Second 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 Second Amendment shall not be binding on the mortgage holder so involved, unless such mortgage holder consents to this Second Amendment; and if such consent is not forthcoming, then the provisions of the original Declaration prior to this Second Amendment shall control with respect to the affected mortgage holder; and

**NOW, THEREFORE**, subject to the provisions of O.C.G.A. §44-3-82 and Paragraph 6(b) of the Declaration, the Declarant, the Association and affected Unit Owners hereby amend the Declaration as follows:

1.

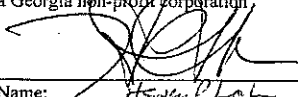
Exhibit "C" in the Declaration is deleted in its entirety and is replaced with the new Exhibit "C" attached hereto and incorporated into this Second Amendment and into the Declaration and the parking spaces in the Condominium are hereby assigned in accordance with the Parking Space Assignments as set forth in the new Exhibit "C" attached hereto and incorporated herein and into the Declaration.

2.

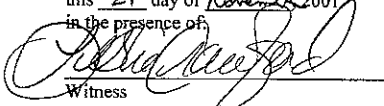
Except as amended hereby, the Declaration shall remain in full force and effect.

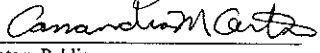
IN WITNESS WHEREOF, the undersigned persons being the duly appointed representatives of the Declarant, the duly appointed officers of the Association and other affected Unit Owners have executed this Second Amendment to the Declaration of Condominium for Midtown On Eighth Condominium this 21 day of November, 2001.

ASSOCIATION: **MIDTOWN ON EIGHTH CONDOMINIUM ASSOCIATION, INC.**  
a Georgia non-profit corporation

  
Name: Henry P. Loh  
Title: President

Signed, sealed, and delivered  
this 21 day of November 2001  
in the presence of:

  
Witness

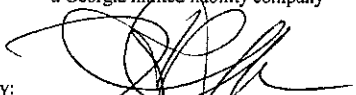
  
Notary Public Notary Public, Gwinnett County, Georgia  
[NOTARY SEAL] Commission Expires March 5, 2004

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

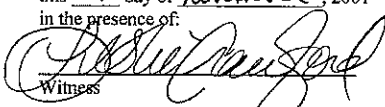


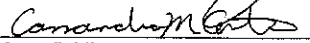
[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

DECLARANT: **MIDTOWN ON 8TH, LLC,**  
a Georgia limited liability company

By:   
Henry P. Lorber  
Managing Member

Signed, sealed, and delivered  
this 21 day of November, 2001  
in the presence of:

  
Witness

  
Notary Public

[NOTARY SEAL]

Notary Public, Gwinnett County, Georgia  
My Commission Expires March 5, 2004

[ADDITIONAL CONSENTS OF AFFECTED UNIT OWNERS ARE ATTACHED  
ON THE FOLLOWING PAGES]



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OWNER CONSENT

By execution below, being the sole owner(s) of Building 890, Unit 7 (hereinafter, the "Unit") hereby consent to the foregoing ~~Second~~ Amendment to the Declaration of Condominium for Midtown On Eighth Condominium and agree to the assignment of Parking Space Number(s) 13 as a limited common element to the Unit.

10/23/01  
Date

Jacob P. Deik  
Print Name: Jacob P. Deik

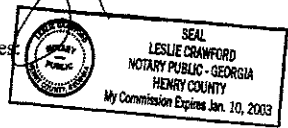
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Signed, sealed and delivered  
in the presence of:

[Signature]  
Unofficial Witness  
[Signature]  
Notary Public

My commission expires:



\_\_\_\_\_  
[Notary Seal]

EXHIBIT "C"

Parking Space Assignments

Unit	Unit Number	Assignment
323	1	4
323	2	9
323	3	2
323	4	3
323	5	8
323	6	6
323	7	5
323	8	7
323	9	1
317	1	23
317	2	24
317	3	27
317	4	22
317	5	20
317	6	26
317	7	21
317	8	25
317	9	28
890	1	18
890	2	19
890	3	15
890	4	14
890	5	12
890	6	17
890	7	13
890	8	16
890	9	10
890	10	11