

GANEK PC
197 FOURTEENTH STREET, N.W.
SUITE 300
ATLANTA, GA 30318

Deed Book 58223 Pg 559
Filed and Recorded Dec-04-2017 08:30am
2017-0341430
Real Estate Transfer Tax \$0.00
CATHELENE ROBINSON
Clerk of Superior Court
Fulton County, Georgia

MT 171408
Return to: Hitch Law LLC
325 Watercress Drive
Roswell, Georgia 30076
Attention: Angie Hitch, Esq.

Cross Reference: Deed Book 42718
Page 138

**AMENDMENT TO THE DECLARATION OF CONDOMINIUM
FOR DUO, A CONDOMINIUM**

This **AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR DUO, A CONDOMINIUM** is made on the date set forth below by **DUO CONDOMINIUM ASSOCIATION, INC.**, a Georgia non-profit corporation (hereinafter referred to as "Association") with the consent of the affected unit owner (hereinafter referred to as "Unit Owner").

WITNESSETH:

WHEREAS, on June 6, 2006, that certain Declaration of Condominium for Duo, A Condominium, was recorded in Deed Book 42718, Page 138, *et seq.*, Fulton County, Georgia records (hereinafter referred to as "Declaration"), as amended;

WHEREAS, a plat of survey showing the Duo Condominium (hereinafter referred to as "Condominium") prepared by Rochester & Associates, Inc., was filed in Condominium Plat Book 17, Page 97, *et seq.*, Fulton County, Georgia records;

WHEREAS, floor plans relating to the Condominium prepared by Geheber Lewis Assoc., P.C., were filed in Condominium Floor Plan Book 33, Page 564, *et seq.*, Fulton County, Georgia Records;

WHEREAS, pursuant to Paragraph 6(b) of the Declaration, upon written application to the Association by the Unit Owner for whose exclusive use such Common Element is being requested, the Association's Board of Directors, without the need for a membership vote, is authorized to assign a Common Element not previously assigned to a Unit as a Limited Common Element, provided that such assignment shall be made in accordance with O.C.G.A. § 44-3-82 of the Georgia Condominium Act;

WHEREAS, Paragraph 6(b) of the Declaration further provides, that upon such application, the Association shall prepare and execute an amendment to the Declaration assigning the common element as a Limited Common Element, which amendment shall be executed by the Unit Owner making such application, and that such amendment shall be delivered and become effective as provided in Section 44-3-82 of the Georgia Condominium Act;

WHEREAS, Storage Unit 113, as shown on the Condominium Floor Plans referenced above, was never properly assigned to a Unit;

WHEREAS, since the inception of the Condominium, the records of the Association have continually shown Storage Unit 113 as being assigned to Unit 2107 of the Condominium;

WHEREAS, the Unit Owner of Unit 2107 desires that the Board of Directors of the Association assign Storage Unit 113 as a Limited Common Element to Unit 2107 and has acknowledged his consent to this Amendment on Schedule "I" attached hereto and incorporated herein by this reference;

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 Fifth Amendment; 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.

NOW, THEREFORE, in accordance with Section 44-3-82 of the Georgia Condominium Act and Paragraph 6(b) of the Declaration, the Declaration is amended as follows:

1.

Exhibit "F" to the Declaration, as amended, is hereby amended to reflect that Storage Unit 113 is assigned as a Limited Common Element to Unit 2107.

2.

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

IN WITNESS WHEREOF, the undersigned persons being the duly appointed officers of the Association and the affected Unit Owners have executed this Amendment to the Declaration of Condominium for Duo, A Condominium this 22 day of November 2017.

ASSOCIATION:

DUO CONDOMINIUM ASSOCIATION, INC.
a Georgia nonprofit corporation

By: Bradley L. Yeates
Name: Bradley L. Yeates
Title: President
Attest: [Signature]
Name: Brewster Wheeler
Title: Vice President

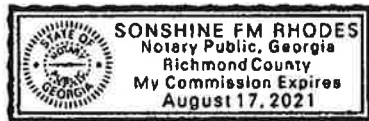
Signed, sealed and delivered this
22 day of November 2017.

Natalie Coleman
Witness

Sonshine R Rhodes
Notary Public
My Commission Expires: August 17, 2021

[NOTARY SEAL]

[CORPORATE SEAL]



Deed Book 58223 Pg 561
CATHELENE ROBINSON
Clerk of Superior Court
Fulton County, Georgia

SCHEDULE "1"

OWNER CONSENT

By execution below, the undersigned, being the sole owner of Unit 2107 (the "Unit") of Duo Condominium, hereby consents to the foregoing Amendment to the Declaration of Condominium for Duo, A Condominium, and agrees to the assignment of Storage Unit 113 as a Limited Common Element to the Unit.

OWNER OF UNIT 2107:

 (SEAL)
Seth L. Roskind

Executed on this 27th day of November, 2017