

Return to: Weissman, Nowack, Curry & Wilco, P.C.  
One Alliance Center, 4<sup>th</sup> Floor  
3500 Lenox Road  
Atlanta, Georgia 30326  
Attention: Jane C. Kotaka

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 CONDOMINIUM** is made on the date set forth below by **DUO, A CONDOMINIUM ASSOCIATION, INC.**, a Georgia non-profit corporation (hereinafter referred to as "Association"), with the consent of **CHAPEL PARTNERS, LLC**, a Georgia limited liability company (hereinafter referred to as the "Declarant"), and all affected Unit Owners.

**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 related to the 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, the Association's Board of Directors, without 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 any such assignment shall be made in accordance with O.C.G.A. § 44-3-82;

**WHEREAS**, pursuant to Paragraph 6(b) of the Declaration, for so long as the Declarant owns a Unit primarily for the purpose of sale, an amendment to assign a Common Element, not previously assigned as a Limited Common Element shall be executed by the officers of the Association, if the request is made by the Declarant;

**WHEREAS**, Declarant owns a Unit primarily for the purposes of sale and requests that storage spaces be assigned to certain Units as Limited Common Elements as set forth herein;

**WHEREAS**, pursuant to O.C.G.A. § 44-3-82 of the Act, all affected Unit Owners must consent to and execute an amendment that assigns a common element not previously assigned to a Unit as a Limited Common Element;

**WHEREAS**, the Declarant, the Association's Board of Directors and all affected Unit Owners desire to consent to the assignment of Limited Common Element storage spaces in accordance with Exhibit "F" attached hereto and incorporated herein and into the Declaration 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 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; and

**WHEREAS**, capitalized terms used herein that are not otherwise defined shall have the meaning set forth in the Declaration.

**NOW, THEREFORE**, in accordance with O.C.G.A. §44-3-82 of the Georgia Condominium Act and Paragraph 6(b) of the Declaration, the Declaration is amended as follows:

1.

Storage spaces in the Condominium are hereby assigned to Units as Limited Common Elements in accordance with the storage space assignments set forth on Exhibit "F" attached hereto and incorporated herein and into the Declaration by this reference.

2.

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

[SIGNATURE PAGES FOLLOW]

The foregoing having been approved by all parties on or before April 27, 2007 and the same having failed to be have been filed and the board reconsidering said motion and wishing to ratify as the original date of contract the following is re-approved and re-affirmed by the Board of the Association and all parties including **DUO, A CONDOMINIUM ASSOCIATION, INC.**, and Unit owners Brent Wheeler and Bradley Yeates with all parties expecting the same to be filed.

IN WITNESS WHEREOF, the parties set their hands and seals as of the date written.

By:  (SEAL)

Print: ALLAN CUMMINS

Title: VICE PRESIDENT

By:  (SEAL)

Print: Terriko Smith

Title: Secretary

**DUO, A CONDOMINIUM ASSOCIATION, INC. OFFICER(S) OF THE BOARD**

11 MARCH, 2018

DATE

Signed, sealed, and delivered this 11 day of March, 2018



Witness:

Marianne Shears  
Notary Public Marianne Shears

My Commission Expires: 12/29/2021

[NOTARY SEAL]



**CONSENT AND JOINDER**

THE UNDERSIGNED, being the record title owner(s) of Unit 2102 of Duo, A Condominium (hereinafter referred to as the "Unit"), hereby consents to and joins in the foregoing Amendment to the Declaration of Condominium for Duo, A Condominium and agrees to the following assignment:

Storage Space 112 to the Unit as a Limited Common Element.

IN WITNESS WHEREOF, the undersigned has caused this Consent and Joinder to be executed on this 18 day of March, 2018.

OWNER(S) OF UNIT 2102:

By: Bradley Yeates (SEAL)  
Print name: Bradley Yeates

Signed, Sealed, and delivered this  
18 day of March, 2018.

[Signature]  
Witness:

Marianne Shears  
Notary Public  
My Commission Expires: 12/29/2021  
[NOTARY SEAL]



CONSENT AND JOINDER

THE UNDERSIGNED, being the record title owner(s) of Unit 2302 of Duo, A Condominium (hereinafter referred to as the "Unit"), hereby consents to and joins in the foregoing Amendment to the Declaration of Condominium for Duo, A Condominium and agrees to the following assignment:

Storage Space 100 to the Unit as a Limited Common Element.

IN WITNESS WHEREOF, the undersigned has caused this Consent and Joinder to be executed on this 11 day of March, 2018.

OWNER(S) OF UNIT 2302:

By [Signature] (SEAL)  
Print Name: Brent Wheeler

Signed, sealed, and delivered this  
11 day of March, 2018.

[Signature]  
Witness:

Marianne Shears  
Notary Public [Signature]  
My Commission Expires: 12/29/2021  
[NOTARY SEAL]



**EXHIBIT "F"**  
**STORAGE SPACE ASSIGNMENTS**

UNIT NUMBER	STORAGE SPACE(S) ASSIGNED
2302	100
2102	112