

ePN Recorded Electronically	
ID	61079 P546
County	FULTON
Date	11/21/2020
Time	3:10 pm

Prepared by and return to:
 Coulter & Sierra, LLC
 2800 Century Parkway, Suite 275
 Atlanta, Georgia 30345
 Attn: AHB
 1116. 05

Cross Reference: Deed Book: 42718
 Page: 138

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

(Assignment of Storage Space 115)

This **AMENDMENT TO THE DECLARATION OF CONDOIMINIUM FOR DUO, A CONDOMINIUM** is made on the date set forth below by DUO CONDOMINIUM ASSOCIATION, INC., a Georgia nonprofit 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 § 44-3-82 of the Georgia Condominium Act;

WHEREAS, Storage Unit 115, as shown on the Condominium Floor Plans referenced above, was never properly assigned to a Unit;

WHEREAS, the records of the Association have continually shown Storage Unit 115 as being assigned to Unit 2105 of the Condominium;

WHEREAS, the Owner of Unit 2105 desires that the Board of Directors of the Association assign Storage Unit 115 as a Limited Common Element to Unit 2105 and has acknowledged their consent to this Amendment on Schedule "1" 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 this 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 § 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 115 is assigned as a Limited Common Element to Unit 2105.

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 17th day of January, 2020.

ASSOCIATION:

DUO CONDOMINIUM ASSOCIATION, INC.,
A Georgia nonprofit corporation

By: [Signature]
Name: ALLAN CUMMINS
Title: PRESIDENT, DUO CONDOMINIUM ASSOCIATION

Attest: [Signature]
Name: Eli Coppage
Title: Treasurer, Duo Condominium

[CORPORATE SEAL]

Signed, sealed and delivered
This 17th day of January, 2020.
In the presence of:

[Signature] [Signature] Walter
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 12/29/2021
[NOTARY SEAL]



SCHEDULE "1"

OWNER CONSENT

By execution below, the undersigned, being the sole Owner of Unit 2105 (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 115 as a Limited Common Element to the Unit.

OWNER OF UNIT 2105:

Brian R. Jones (SEAL)

Signed, sealed, and delivered

This 9th day of January, 2020

in the presence of:

Doreen Bouffard
WITNESS Doreen Bouffard

Marie Morgan Growden
NOTARY PUBLIC Marie Morgan Growden

My Commission Expires: at death

[AFFIX NOTARY SEAL]

