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Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

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STATE OF GEORGIA
COUNTY OF FULTON

Cross Reference: Deed Book 42178
Page 138

AMENDMENT TO
DECLARATION OF CONDOMINIUM FOR
DUO, A CONDOMINIUM

This Amendment to the Declaration of Condominium for Duo, a Condominium (hereinafter, the "Amendment") is made on this 1st day of July, 2013, by Duo, a Condominium Association, Inc., a Georgia nonprofit corporation (hereinafter, the "Association").

WITNESSETH

WHEREAS, Duo is a condominium governed by the Georgia Condominium Act, O.C.G.A. § 44-3-70, *et seq.* (hereinafter, the "Act") and created pursuant to that certain Declaration of Condominium for Duo, a Condominium, recorded on June 6, 2006 at Deed Book 42718, Page 138, Fulton County, Georgia records, as amended or supplemented (hereinafter, the "Declaration");

WHEREAS, Plats depicting the Condominium are filed in Condominium Plat Book 17, Page 97, *et seq.* Fulton County, Georgia records (hereinafter, the "Plats");

WHEREAS, floor plans depicting the Units in Duo, a Condominium, are filed in Condominium Floor Plan Book 33, Page 564, *et seq.*, Fulton County, Georgia records (hereinafter, together with any amendments to the foregoing as may be filed for record in accordance with the Declaration, the "Floor Plans");

WHEREAS, the Association is the "Association" as said term is used and defined in the Declaration;

WHEREAS, Paragraph 22 of the Declaration provides that the Association's Board of Directors ("Board"), without the necessity of a vote from the Owners, may amend the Declaration to bring the Condominium into compliance with applicable rules and regulations of the Federal National Mortgage Association, Inc. ("Fannie Mae"), the Department of Housing and Urban Development ("HUD") and the Veterans Administration ("VA") pursuant to federal law; and

WHEREAS, HUD recently issued an opinion stating that language in condominium instruments exempting lenders who take title to a unit through foreclosure and other owners from the condominium instruments' minimum lease term restrictions violates the National Housing Act of 1934, Pub.L. 84-345, 48 Stat. 847 (1934), which prohibits the use of federal mortgage insurance in cases that would result in transient or hotel usage, and that therefore the Federal Housing Authority ("FHA") will no longer issue mortgage insurance on condominium units whose governing documents include such language; and

WHEREAS, the Declaration currently contains provisions that exempt the Declarant, the Association, or the holder of any first mortgage on a Unit who becomes the Owner of a Unit through foreclosure or any other means pursuant to the satisfaction of the indebtedness secured by such mortgage from complying with the leasing restrictions contained within Paragraph 15, including the restriction on leasing units for less than one (1) year; and

WHEREAS, the Board has determined that it is in the best interest of the unit owners and the Condominium to bring the Declaration into compliance with HUD's interpretation of the National Housing Act so as to enable the FHA to issue federal mortgage insurance on Units in the Condominium; and

WHEREAS, the Board has approved the following amendment to Paragraph 15, Section 15(e) and Paragraph 18, Section 18(f)(iii) of the Declaration for the purpose of requiring that all Owners, including foreclosing lenders, be bound by the requirement that all leases last for at least one (1) year;

NOW, THEREFORE, the Declaration is hereby amended as follows:

Paragraph 15, Section 15(e) of the Declaration is amended by adding the following sentence to the end thereof:

Provided, however, that notwithstanding anything to the contrary provided in this Declaration, the requirement in this Paragraph 15, Section 15(d)(ii) that all leases be for an initial term of not less than a year, except with written Board approval, shall apply to all Owners, including the Association, Declarant and the holder of any first mortgage on a Unit who becomes the Owner of a Unit through foreclosure or any means pursuant to the satisfaction of the indebtedness secured by such Mortgage.

Paragraph 18, Section 18(f)(iii) of the Declaration is amended by adding the following sentence to the end thereof:

Provided, however, that notwithstanding anything to the contrary provided in this Declaration, the requirement in Paragraph 15, Section 15(d)(ii) that all leases be for an initial term of not less than a year, except with written Board approval, shall apply to all Owners, including the Association, Declarant and the holder of any first mortgage on a Unit who becomes the Owner of a Unit through foreclosure or any means pursuant to the satisfaction of the indebtedness secured by such Mortgage.

IN WITNESS WHEREOF, the undersigned officers of the Association do hereby certify that the above Amendment to the Declaration of Condominium for Duo, A Condominium was duly adopted by the Association's Board of Directors.

ASSOCIATION:

DUO, A CONDOMINIUM
ASSOCIATION, INC., a Georgia
nonprofit corporation

By:

Print Name: Brendley L. Yates
Print Title: President

Signed, sealed and delivered in
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

[Signature]
Notary Public, Henry County, Georgia
My Commission Expires February 4, 2017

My Commission Expires:

[Notary Seal]

(Seal)