

L J P 43270 Pg
Filed and Recorded Aug-18-2006 4:30pm
2006-0279711
Real Estate Transfer Tax: \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

Return to:

Weissman, Nowack, Curry & Wilco, P.C.
3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326
Attention: Jane C. Kotake, Esq.

Cross-reference to:

Deed Book 42718, Page 138, Fulton County,
Georgia records

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

This FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR DUO, A CONDOMINIUM (hereinafter referred to as the "First Amendment") is made on the date set forth in the Declaration of Condominium for Duo, a Georgia limited liability company (hereinafter referred to as "Declaration")

WITNESSETH:

WHEREAS, on June 6, 2006, that certain Declaration of Condominium for Duo, a Georgia limited liability company, dated May 8, 2006, was recorded in Deed Book 42718, Page 138, *et seq.*, Fulton County, Georgia records (hereinafter referred to as the "Declaration");

WHEREAS, Declarant desires to subject to the provisions of the Declaration a portion of the real property described on Exhibit "C" to the Declaration and attached hereto as Exhibit "A" and incorporated herein by this reference (hereinafter referred to as the "Phase II Property");

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

NOW, THEREFORE, subject to the provisions of O.C.G.A. Section 44-3-89 and Paragraph 26 of the Declaration, and in accordance with those provisions, Declarant hereby amends the Declaration as follows:

1.

The Phase II Property is subject to the form of ownership set forth in the Georgia Condominium Act and to the provisions of the Declaration. The Phase II Property shall be held, sold, transferred, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the Georgia Condominium Act and the covenants, conditions, restrictions, easements, assessments, and liens set forth in the Declaration, which are for the purpose of protecting the value and desirability of, and which shall run with the title of the Phase II Property and shall be binding upon all persons or entities having any right, title or interest in the Phase II Property, their respective heirs, legal representatives, successors, successors-in-title and assigns and shall be for the benefit of all owners of property subject to the Declaration.

2.

The first paragraph of Paragraph 4 of the Declaration is deleted in its entirety and the following substituted therefor:

The Condominium will be divided into eighty (80) separate Units, Common Elements and Limited Common Elements. Each Unit consists of a dwelling and an appurtenant percentage of undivided interest in the Common Elements. Each Unit shall be conveyed as a separately designated and legally described freehold estate subject to the Act and the Condominium Instruments. The Units are depicted on the Survey and the Unit Plans. Each Unit includes that part of the structure that lies within the following boundaries:

3.

Declarant hereby reassigns the undivided percentage interest in the common elements and liability for common expenses among all eighty (80) Units by deleting Exhibit "B" to the Declaration in its entirety and replacing it with Exhibit "B" attached hereto and incorporated herein by this reference.

4.

Declarant hereby assigns parking spaces to the Units on the Phase II Property by deleting Exhibit "D" to the Declaration and replacing it with a revised Exhibit "D" attached hereto and incorporated by this reference.

5.

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

IN WITNESS WHEREOF, the undersigned being the duly appointed representative of Declarant has executed this First Amendment to the Declaration of Condominium for Duo, a Condominium this 7th day of AUGUST, 2006.

CHAPEL PARTNERS, LLC,
a Georgia limited liability company

By: Interfinancial Properties, Inc., its Manager

[Signature]
By: [Signature] (SEAL)

Name: Scott L. Leventhal

Title: President

Signed, sealed, and delivered
this 7th day of August, 2006
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires:

9-18-06

[NOTARY SEAL]



EXHIBIT "A"

DESCRIPTION OF SUBMITTED PROPERTY
(Legal Description of Phase II Property)

All that tract or parcel of land lying and being in Land Lot 84 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way of Haynes Street (40' R/W) 69.85 feet northerly from a PK nail found at the intersection of the northwesterly right-of-way of Chapel Street (80' R/W) and the westerly right-of-way of Haynes Street (40' R/W); thence North 88°47'50" West, a distance of 59.00 feet to a point; thence North 54°38'34" West, a distance of 30.00 feet to a point; thence South 01°10'45" East, a distance of 58.00 feet to a point; thence North 88°49'15" West, a distance of 15.00 feet to a point; thence North 06°13'13" West, a distance of 19.72 feet to a ½ inch rebar found; thence North 00°12'36" East, a distance of 72.52 feet to a ½ inch rebar found; thence South 89°10'50" East, a distance of 101.99 feet to a ½ inch rebar found on the westerly right-of-way of Haynes Street; thence along westerly right-of-way South 01°11'17" West, a distance of 79.95 feet to a 1 inch pipe found; thence along westerly right-of-way South 01°12'10" West, a distance of 82.67 feet to a point, being the POINT OF BEGINNING.

EXHIBIT "B"

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**Undivided Percentage Interest In The Common Elements
And Liabilities For Common Expenses****PAGE 1**

Unit Number	Unit Type	Ownership Percentage
1101	A	1.032%
1102	C	1.452%
1103	C	1.452%
1104	B	1.199%
1105	A	1.032%
1106	A	1.032%
1107	B	1.198%
1108	A	1.032%
1109	C	1.452%
1110	B	1.199%
1111	A	1.031%
1112	C	1.452%
1201	A	1.032%
1202	C	1.452%
1203	C	1.452%
1204	B	1.199%
1205	A	1.032%
1206	A	1.032%
1207	B	1.198%
1208	A	1.032%
1209	C	1.452%
1210	B	1.199%
1211	A	1.031%
1212	C	1.452%
1301	A	1.032%
1302	C	1.452%
1303	C	1.452%
1304	B	1.199%
1305	A	1.032%
1306	A	1.032%
1307	B	1.198%
1308	A	1.032%
1309	C	1.452%
1310	B	1.199%
1311	A	1.031%
1312	C	1.452%
1401	A	1.032%
1402	C	1.452%
1403	C	1.452%
1404	B	1.199%
1405	A	1.032%
1406	A	1.032%
1407	B	1.198%
1408	A	1.032%

EXHIBIT "B"

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**Undivided Percentage Interest In The Common Elements
And Liabilities For Common Expenses****PAGE 2**

Unit Number	Unit Type	Ownership Percentage
1409	C	1.452%
1410	B	1.199%
1411	A	1.031%
1412	C	1.452%
2101	A	1.032%
2102	C	1.452%
2103	B	1.199%
2104	B	1.199%
2105	C	1.452%
2106	B	1.199%
2107	C	1.452%
2108	C	1.452%
2201	A	1.032%
2202	C	1.452%
2203	B	1.199%
2204	B	1.199%
2205	C	1.452%
2206	B	1.199%
2207	C	1.452%
2208	C	1.452%
2301	A	1.032%
2302	C	1.452%
2303	B	1.199%
2304	B	1.199%
2305	C	1.452%
2306	B	1.199%
2307	C	1.452%
2308	C	1.452%
2401	A	1.032%
2402	C	1.452%
2403	B	1.199%
2404	B	1.199%
2405	C	1.452%
2406	B	1.199%
2407	C	1.452%
2408	C	1.452%
TOTAL:		100.00%

EXHIBIT "C"

DESCRIPTION OF ADDITIONAL PROPERTY

[INTENTIONALLY OMITTED]



EXHIBIT "D"**PARKING SPACE ASSIGNMENTS**

Unit Number	Parking Space(s) Assigned
1101	60
1102	46 and 47
1103	86 and 87
1104	16
1105	70
1106	11
1107	61
1108	69
1109	52 and 53
1110	15
1111	73
1112	44 and 45
1201	58
1202	42 and 43
1203	88 and 89
1204	18
1205	13
1206	12
1207	59
1208	68
1209	25 and 26
1210	17
1211	14
1212	40 and 41
1301	56
1302	38 and 39
1303	50 and 51
1304	20
1305	65
1306	72
1307	57
1308	67
1309	27 and 28
1310	19
1311	66
1312	36 and 37
1401	54
1402	34 and 35
1403	48 and 49
1404	22
1405	62

Unit Number	Parking Space(s) Assigned
1406	71
1407	55
1408	63
1409	29 and 31
1410	21
1411	64
1412	32 and 33
2101	8
2102	95&96
2103	76
2104	75
2105	117&119
2106	74
2107	115&116
2108	103T&104T
2201	7
2202	5&6
2203	79
2204	78
2205	3&4
2206	77
2207	99T&100T
2208	101T&102T
2301	10
2302	93T&94T
2303	82
2304	81
2305	97T&98T
2306	80
2307	105&106
2308	91T&92T
2401	9
2402	107&108
2403	85
2404	84
2405	109&110
2406	83
2407	113&114
2408	111&112