

Deed Book 29406 Pg 59
Filed and Recorded Aug-23-2000 11:45am
2000-0186730
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
A FURTHER AND MORE FULLY TO BE SEEN BY CHECKING THE BOOK AND PAGE OR CHECKING THE BOOK AND PAGE IN BOOK 1 PAGE 1

Return to: Weissman, Nowack, Curry & Wilco, P.C.
Two Midtown Plaza - 15th Floor
1349 West Peachtree Street
Atlanta, Georgia 30309
ATTN: Jane C. Kotake

Reference: Deed Book 29311
Page 560

CROSS REFERENCE

FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR CENTURY LOFTS CONDOMINIUM

THIS FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR CENTURY LOFTS CONDOMINIUM is made on the date set forth below by TLC America, Inc., a California corporation (herein the "Declarant");

WITNESSETH:

WHEREAS, on July 27, 2000, that certain Declaration of Condominium for Century Lofts Condominium dated July 6, 2000, was recorded in Deed Book 29311, Page 560, *et seq.*, Fulton County, Georgia records (herein the "Declaration"); and

WHEREAS, a plat related to the Condominium was filed in Condominium Plat Book 13, Page 72, Fulton County, Georgia Records; and

WHEREAS, the original floor plans relating to the Condominium were filed in Condominium Floor Plan Book 6, Page 1, *et seq.*, Fulton County, Georgia Records; and

WHEREAS, Paragraph 22 of the Declaration provides that the Declaration may be amended by the affirmative vote and/or written consent of the members of the Century Lofts Condominium Association, Inc. (herein the "Association") holding at least two-thirds (2/3) of the total eligible votes thereof, and further provides that as long as Declarant has the right to appoint the directors and officers of the Association, any amendment to the Declaration shall require the written consent of Declarant; and

WHEREAS, Declarant is the holder of at least two-thirds (2/3) of the total votes of the Association and currently has the right to appoint directors and officers of the Association; and

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.

NOW, THEREFORE, in accordance with O.C.G.A. § 44-3-93 of the Georgia Condominium Act and Paragraph 22 of the Declaration, the Declaration is amended as follows:

1.

The first and second paragraphs of Paragraph 5 of the Declaration are deleted in their entirety and the following language is substituted therefor:

The Common Elements consists of all portions of the Condominium not located within the boundaries of a Unit. The Common Elements include, without limitation, certain utilities, fences, entry feature and lighting for same, paving, walls, the foundation, roof, exterior walls of the building, landscape areas, outside parking area and lighting for same, mail area, storage area, common roof deck, stairs, hallways, lobby, elevator, elevator shaft, elevator lobby, dumpster, all other lighting, personal property, equipment and furniture in any Common Element of the Condominium building and limited access gated entry system.

Ownership of the Common Elements shall be by the Unit Owners as tenants-in-common. The percentage of undivided interest in and to the Common Elements attributable to each Unit is equal. Such percentages of undivided interest may be altered only by the consent of all Owners and Mortgagees (or such lesser number of Owners and Mortgagees as may hereafter be prescribed by the Act) expressed in a duly recorded amendment to this Declaration.

2.

Paragraph 6(a)(ix) of the Declaration is deleted in its entirety.

3.

Paragraph 8(b)(i) of the Declaration is deleted in its entirety and the following language is substituted therefor:

(i) Any Common Expenses benefiting less than all of the Units or significantly disproportionately benefiting all Units, including, but not limited to, those expenses related to the parking garage which serve only Units 400 through 407, may be specially assessed equitably among all of the Units which are benefited according to the benefit received. Except for expenses for maintenance, repair or replacement of Limited Common Elements which may be specially assessed, expenses incurred for the maintenance, repair or replacement of the Area of Common Responsibility, shall not be specially assessed.

IN WITNESS WHEREOF, the undersigned, being the authorized officer of Declarant has executed this First Amendment and the undersigned officers of Century Lofts Condominium Association, Inc., hereby certifies that the this First Amendment was duly adopted this 21st day of August, 2000.

Declarant: **TLC AMERICA, INC.,**
a California corporation

By: Ernest F. Conroy (SEAL)

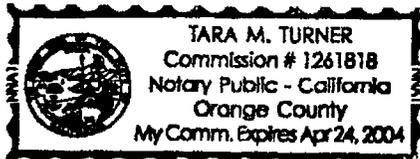
Title: PRESIDENT/CEO

[CORPORATE SEAL]

STATE OF CALIFORNIA)
)
) : ss.
COUNTY OF ORANGE)

On AUGUST 21, 2000, before me, TARA M. TURNER, Notary Public, personally appeared ERNEST F. CONROY, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



[SEAL]

Tara M. Turner
Notary Public in and for said County and State

Robert J. Zumbala
Witness

[SIGNATURES CONTINUED ON FOLLOWING PAGES]

Association: CENTURY LOFTS CONDOMINIUM ASSOCIATION, INC.,
a Georgia Non-profit Corporation

By: Ernst F. Cossey
Ernst F. Cossey
Sole Director

STATE OF CALIFORNIA)
) : ss.
COUNTY OF Orange)

On August 21, 2000, before me, TARA M. TURNER, Notary Public personally appeared Ernest F. Cossey, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



[SEAL]

Tara M. Turner
Notary Public in and for said County and State

Robert J. Lumber
Witness

Deed Book 29406 Pg 64
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia