

Amend. 14744-81

AMENDMENT TO DECLARATION
FOR
PEACHTREE TOWERS, A CONDOMINIUM

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

KNOW ALL MEN BY THESE PRESENTS, that this Amendment to Declaration, made on the date hereinafter set forth by CHICORA DEVELOPMENT, A SOUTH CAROLINA CORPORATION, having an office at Highway 17 North at Briarcliffe, Post Office Box 2101, Myrtle Beach, South Carolina 29577, (hereinafter called the "Declarant");

W I T N E S S E T H:

WHEREAS, on January 27, 1981, the Declarant executed that certain Declaration for Peachtree Towers, A Condominium, recorded February 9, 1981, in Deed Book 7768, Page 145, Fulton County Records, (hereinafter called the "Declaration"); and

WHEREAS, Article II, Section 12, of the Declaration describes portions of the property designated on the plans as "Convertible Space" and sets forth the intentions of the Declarant with respect thereto; and

WHEREAS, Article III, Section 2, of the Declaration allocates to the second floor convertible space 15 votes in Peachtree Towers Condominium Association, Inc. (hereinafter called the "Association") and allocates to the first floor and basement convertible space five votes in the Association; and

WHEREAS, the convertible space is further described in Exhibit "C" attached to the Declaration, said exhibit being entitled "Description of Units"; and

WHEREAS, undivided interests in the common elements and liability for common expenses are allocated to the convertible

GEORGIA, Fulton County, Clerk's Office Superior Court
Filed & Recorded, JUL 28 1981 at 11:13

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space by means of Exhibit "D" attached to the Declaration, said exhibit being entitled "Allocation of Undivided Interest in Common Elements and Liability for Common Expenses"; and

WHEREAS, the Declarant desires to convert all of the convertible space into units and common elements as hereinafter more fully appears;

NOW, THEREFORE, in accordance with Article II, Section 12, of the Declaration and Ga. Code Ann., §§ 85-1620a and 85-1624e, the convertible space is hereby converted into units and common elements as follows:

1. Simultaneously with the filing of this Amendment in the Office of the Clerk of the Superior Court of Fulton County, Georgia, the Declarant will file or cause to be filed in said office, architectural drawings entitled "Peachtree Towers Apartments" prepared by Francis M. Davis, Architect, Atlanta, Georgia, consisting of three sheets, each of which bears the notation "July 15, 1981, Modification by C. D. Spangler Construction Co." (hereinafter called the "New Plans"), which show the units and common elements created by conversion of the convertible space and which shall amend and supersede plans depicting said convertible space filed simultaneously with the filing of the Declaration on February 9, 1981, in Condominium Cabinet 2, Folder 76, Fulton County Records.

2. Each unit created by conversion of the convertible space is depicted on the New Plans and is constructed substantially in accordance therewith as evidenced by the certification attached hereto as Exhibit "A", said certification being that which is required by Ga. Code Ann., §§ 85-1620(b)e and 85-1620(d)e. Subject to the provisions of Ga. Code Ann., § 85-1612e, the boundaries of each unit thus created shall be the walls, floors and ceilings thereof which separate the unit from other units and the common elements.

3. In accordance with Ga. Code Ann., § 85-1624(b)e, identifying numbers are assigned to the units created by conversion of the convertible space as noted on the New Plans.

4. In accordance with Ga. Code Ann., § 85-1624(b)e, votes in the Association allocated to the convertible space by Article III, Section 2, of the Declaration and undivided interests in the common elements and liability for common expenses allocated to the convertible space by Exhibit "D" attached to the Declaration are allocated among the units created by conversion of the convertible space as set forth in Exhibit "B" attached hereto.

5. In accordance with Ga. Code Ann., § 85-1624(b)e, all sums heretofore assessed against the convertible space and which remain unpaid as of the date hereof, if any, are hereby reallocated to the units created by conversion of the convertible space in accordance with each such unit's proportionate share of liability for common expenses as set forth in Exhibit "B" attached hereto.

6. Limited common elements created by conversion of the convertible space, if any, shall be as described in Article II, Section 8, of the Declaration.

7. Except as otherwise expressly provided herein, all covenants, conditions and restrictions contained in the Declaration shall remain unchanged and shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal this 17 day of JULY, 1981.

[CORPORATE SEAL]

CHICORA DEVELOPMENT A SOUTH
CAROLINA CORPORATION

By: [Signature]
President

Attest: [Signature]
Secretary

CORP.
SEAL

Signed, sealed and delivered

in the presence of:

Kimberly J. Hendrick
Unofficial Witness

Debra K. Bishop
Notary Public

My commission expires: August 13, 1990



CONSENT AND JOINDER

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

THE UNDERSIGNED, being the owner of an interest in the convertible space described in the within and foregoing Amendment to Declaration for Peachtree Towers, A Condominium, as evidenced by that certain Deed to Secure Debt recorded in Deed Book 7745, Page 223, Fulton County Records, hereby consents to and joins in said Amendment effecting the conversion of said convertible space into units and common elements as described therein.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal this 23rd day of July, 1981.

NCNB MORTGAGE CORPORATION

[CORPORATE SEAL]

By: [Signature]
Title: President

Attest: [Signature]
Title: Secretary

Signed, sealed and delivered

in the presence of:

[Signature]
Unofficial Witness



[Signature]

CERTIFICATION

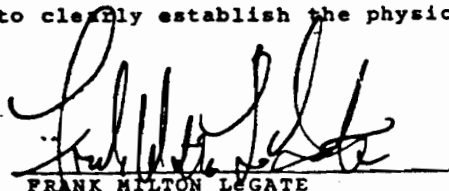
STATE OF GEORGIA

COUNTY OF FULTON

Before me came in person Frank Milton LeGate, who, having been duly sworn, on oath says as follows:

That he is a Registered Architect, registered to practice in and by the State of Georgia under Certificate of Registration No. 1644, and

That he has visited the site at 300 West Peachtree Street, Atlanta, Fulton County, Georgia, and viewed the property known as "Peachtree Towers, a Condominium" and that to the best of his knowledge, information and belief: (a) the exterior walls and roof of each structure on said property which contains or constitutes all or part of any unit or units are in place as shown on plans therefor entitled "Peachtree Towers Apartments" prepared by Francis M. Davis, Architect, Atlanta, Georgia, as modified on July 15, 1981, by C. D. Spangler Construction Company, which plans have been or will be filed in the Office of the Clerk of the Superior Court of Fulton County, Georgia, simultaneously with the filing of the Amendment to Declaration for Peachtree Towers, a Condominium, to which this Certification shall be attached and, by reference, made a part thereof, and (b) such walls, partitions, floors and ceilings, to the extent shown on said plans as constituting the horizontal boundaries, if any, and the vertical boundaries of each unit, have been sufficiently constructed so as to clearly establish the physical boundaries of such unit.


FRANK MILTON LEGATE

Sworn to and subscribed
before me this 27th day
of July, 1981.

N. P.
SEAL

ALLOCATION OF VOTES IN PEACHTREE TOWERS
 CONDOMINIUM ASSOCIATION, INC.,
 UNDIVIDED INTERESTS IN COMMON ELEMENTS
 AND LIABILITY FOR COMMON EXPENSES
 FORMERLY ALLOCATED TO CONVERTIBLE SPACES

<u>Unit Type</u>	<u>Unit Number</u>	<u>Number Of Votes</u>	<u>Percentage</u>	
A	<u>2A</u>	1	.282	
B	<u>2B</u>	1	.282	
C	2C	1	.282	
D	2D	1	.282	
E	2E	1	.312	
F	2F	1	.282	
G	2G	1	.362	
H	2H	1	.282	
I	2I	1	.312	
J	2J	1	.312	
K	2K	1	.282	
L	<u>2L</u>	1	<u>.282</u>	
M	2M	1	.232	
N	2N	1	.282	
O	2O	<u>1</u>	<u>.282</u>	
		<u>15</u>	<u>4.350</u>	Second Floor
	CS1	1	1.100	
	CS2	1	.800	
	CS3	1	.450	
	CS4	1	1.600	
	CS5	<u>1</u>	<u>.350</u>	
		<u>5</u>	<u>4.300</u>	First Floor and Basement

NOTE: Numbers appearing in the column entitled "Percentage" denote (a) percentage of undivided interest in the common elements allocated to each unit, and (b) percentage of common expenses not specially assessed allocated to each unit.