

This Amendment  
adopted the  
Declaration under  
Tab #1.

STATE OF GEORGIA

COBB COUNTY

AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
SWEETWATER VALLEY

WHEREAS, Sweetwater Valley, Inc., a Georgia corporation, filed the Declaration of Condominium: Sweetwater Valley (said Declaration, as lawfully amended prior to this Amendment, is hereinafter referred to as the "Original Declaration"), dated July 6, 1973 and recorded in Deed Book 1440, Page 443 et seq., Cobb County, Georgia Records; and

WHEREAS, the Original Declaration includes a certain amendment dated March 14, 1977 and recorded in Deed Book 1762, Page 876 et seq., Cobb County, Georgia Records; and

WHEREAS, the Original Declaration includes a certain amendment (hereinafter sometimes referred to as the "Second Amendment") dated April 2, 1979 and recorded in Deed Book 2013, Page 254 et seq., Cobb County, Georgia Records; and

WHEREAS, Sweetwater Valley Condominium Association, Inc. (hereinafter the "Association") was incorporated under the Georgia Nonprofit Corporation Code on October 25, 1978 in order to be and constitute the Association to which reference is made in the Original Declaration, as the successor to The Sweetwater Valley Townhouse Association; and

WHEREAS, the By-Laws of Sweetwater Valley Townhouse Association (hereinafter sometimes referred to as the "Original By-Laws"), attached to the Original Declaration and designated therein as Exhibit J and subsequently adopted as the By-Laws of the Association, may be amended at any duly constituted regular or special meeting of the members by a three-fourths (3/4) vote of all members of the Association; and

WHEREAS, the Original Declaration may be amended after the Developer (the term "Developer" now and hereinafter having the meaning given to it in the Original Declaration and construing that term to include successors in interest to Sweetwater Valley, Inc.) has completed the development of the Condominium Property, at any duly constituted regular or special meeting of the members by resolution approved by owners entitled to cast not less than seventy-five percent (75%) of the total authorized vote of the Association; and

WHEREAS, this amendment does not change the boundaries of any unit nor the share in the common elements appurtenant to any unit; and

WHEREAS, the Developer, at the time of adoption of this Amendment, does not (in its capacity as Developer) own three or more units and has completed the development of the Condominium Property; and

WHEREAS, The Association desires to amend the Original Declaration (including the Original By-Laws) for purposes which include submission of Sweetwater Valley to the Georgia Condominium Act; and

WHEREAS, this Amendment has been approved as provided in the Original Declaration (including the Original By-Laws); and

WHEREAS, it is the intention of this Amendment to conform the Original Declaration to the Georgia Condominium Act, merely continuing the condominium previously created under the Apartment Ownership Act, Georgia Code Ann. Chapter 85-16B, pursuant to the Original Declaration, under amended condominium instruments, without creating a different condominium or allocating any undivided interests in the common elements, such allocations having been made by the Original Declaration;

NOW, THEREFORE, the Original Declaration (including the Original By-Laws) is hereby amended as follows:

1.

The property submitted by the Original Declaration to the condominium form of ownership is hereby submitted to the provisions of the Georgia Condominium Act; Ga. Laws, 1975, No. 463; Ga. Code Ann. Chapter 85-16E. The plats and plans submitted with the Original Declaration (including that plat dated June 3, 1976 and filed on January 12, 1978 in Condominium Plat Book 3, Page 38, Cobb County, Georgia Records) are in substantial compliance with Section 20 and other provisions of the Georgia Condominium Act; accordingly, no plats or plans are filed with this Amendment.

2.

The Second Amendment is hereby ratified and approved by the Association.

3.

This Amendment shall be effective on July 1, 1979.

(ii)

Subject to the foregoing, the Original Declaration (including the Original By-Laws) is hereby amended by striking said Original Declaration (as heretofore amended) in its entirety, except as portions of the Original Declaration may be incorporated by reference herein, simultaneously substituting therefor the following Declaration of Sweetwater Valley Condominium and the subsequently following By-Laws of Sweetwater Valley Condominium Association, Inc. (which By-Laws accompany said Declaration as an exhibit for simultaneous recording therewith and as an integral part of the condominium instruments).

IN WITNESS WHEREOF, the undersigned certifies that this Amendment, including the following Declaration of Sweetwater Valley Condominium and the subsequently following By-Laws of Sweetwater Valley Condominium Association, Inc., was duly adopted this 25th day of June, 1979, 1979.

SWEETWATER VALLEY CONDOMINIUM ASSOCIATION, INC.

By: Lawrence Weaks  
Lawrence Weaks, President

Attest: Peggy Lynch  
Peggy Lynch, Secretary

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Pauline Parker  
WITNESS

Mary L. Rice  
NOTARY PUBLIC

7/9 JUL 26 11:11  
RECORDED & INDEXED



(iii)