

Deed Book 34222 Pg 617
Filed and Recorded Feb-18-2003 08:57am
2003-0058892
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
I AM NOT A PART OF THIS DOCUMENT

After recording, return to:
MidCity Lofts Condominium Association, Inc.
845 Spring Street #515
Atlanta, Georgia 30308
Attn: D. Kimbrough King, Jr.

Cross-Reference to:
Deed Book 32854, page 432
Fulton County Records

**FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR MIDCITY LOFTS, A CONDOMINIUM**

THIS FIRST AMENDMENT TO DECLARATION of Condominium for MidCity Lofts, A Condominium made this 17th day of February, 2003 by MIDCITY LOFTS, LLC, a Georgia limited liability company whose sole manager is Kim King Associates, Inc., a Georgia corporation (the "Declarant"), MIDCITY LOFTS CONDOMINIUM ASSOCIATION, INC., a Georgia nonprofit corporation (the "Association") and those certain Unit Owners whose signatures are set forth below.

WITNESSETH:

WHEREAS, MidCity Lofts, LLC, a Georgia limited liability company, as Declarant, filed and recorded that certain Declaration of Condominium for MidCity Lofts, A Condominium dated August 2, 2002, recorded in Deed Book 32854 beginning at page 436, Records of Fulton County, Georgia (the "Declaration");

WHEREAS, pursuant to Article XII, Section 2 of the Declaration, the Declaration may be amended during such time as the Declarant has the right to control the Association pursuant to Article XII, Section 1, by the agreement of the Declarant and Unit Owners to which two-thirds (2/3) of the votes in the Association appertain, exclusive of any vote or votes appertaining to any Unit or Units then owned by Declarant; and

WHEREAS, as of the date of this Amendment, the Declarant retains the right to appoint and remove any member or members of the Board of Directors of the Association and any officer or officers of the Association; and

WHEREAS, the Declarant, and no less than two-thirds of the Unit Owners as of the date hereof, desire and agree to amend Exhibit "F" to the Declaration to modify the prohibited uses for the Live-Work Units; and

WHEREAS, Declarant has consented to this Amendment as evidenced by its execution of this Amendment; and

Paragraph 3(C). At such time as the Declarant relinquishes control, then the interim resident advisory committee shall automatically, and the Board of Directors may, without notice or writing, dissolve the interim residential advisory committee.

Each Unit Owner acknowledges that there is no guarantee in connection with the decision regarding one of the Live-Work Units that future uses of other Live-Work Units will or will not be approved.

5. All defined terms, capitalized words and phrases used in this First Amendment shall have the meanings ascribed to them in the Declaration, unless specified herein to the contrary.

6. Except as herein amended, the Declaration shall remain in full force and effect and unamended.

IN WITNESS WHEREOF, the undersigned has executed this First Amendment as of the date set forth above.

Signed, sealed and delivered
in the presence of:

L. Dale Williams
Witness

Ann Smith
Notary Public

Commission Expiration: 10-14-06
[NOTARIAL SEAL]

MIDCITY LOFTS, LLC,
a Georgia limited liability company

By: Kim King Associates, Inc.,
a Georgia corporation

By: *[Signature]*
D. Kimbrough King, Jr., Vice President

Signed, sealed and delivered
in the presence of:

L. Dale Williams
Witness

Ann Smith
Notary Public

Commission Expiration: 10-14-06
[NOTARIAL SEAL]

MIDCITY LOFTS CONDOMINIUM
ASSOCIATION, INC., a Georgia nonprofit
corporation

By: *[Signature]*
D. Kimbrough King, Jr., Vice President