


Deed Book 34114 Pg 44  
Filed and Recorded Jan-31-2003 12:54pm  
2003-0041907  
Real Estate Transfer Tax \$0.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia



Record and Return to:  
LIPSHUTZ, GREENBLATT & KING  
2300 Harris Tower, Peachtree Center  
233 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
(404) 688-2300

Reference:  
Deed Book 10153, Page 1  
and  
Deed Book 14537, page 31  
Fulton County, Georgia records

**AMENDMENT TO THE AMENDED AND RESTATED  
DECLARATION OF CONDOMINIUM FOR  
MOUNT VERNON TOWERS, A CONDOMINIUM**

Reference:  
Deed Book 10153, Page 1  
and  
Deed Book 14537, page 31  
Fulton County, Georgia records

STATE OF GEORGIA  
COUNTY OF FULTON

AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM  
FOR MOUNT VERNON TOWERS, A CONDOMINIUM

This Amendment is made and entered into by Mount Vernon Towers Condominium  
Association, Inc. (the "Association")

WHEREAS, the Declaration of Mount Vernon Towers, A Condominium (the "Declaration")  
was recorded on June 13, 1986, in Deed Book 10153, Page 1, et. Seq., Fulton County Georgia  
records; and

WHEREAS, the Declaration has been previously amended by that Amended and Restated  
Declaration of Condominium for Mount Vernon Towers, A Condominium on August 28, 1991, in  
Deed Book 14537, Page 31, et seq., Fulton County, Georgia records; and

WHEREAS, the Association desires to amend certain provisions of the Declaration; and

WHEREAS, pursuant to Article IX, Section 1 of the Declaration, the Declaration may be  
amended by the assent of Unit Owners having at least two-thirds (2/3) majority of the total vote of  
the Association; and

WHEREAS, the required assent of Unit Owners having at least two-thirds (2/3) majority of  
the total vote of the Association was obtained and

WHEREAS, the sworn statement of the President of the Association is attached hereto,  
which states unequivocally that the agreement of the required majority was lawfully obtained;

NOW THEREFORE, the Declaration is hereby amended as follows;

Article IX is amended to add the following new Section 14:

14. Suspension of Use or Common Elements and Common Utilities. The

Association may suspend the rights of a Unit Owner to use certain of the common elements as provided in this Declaration. No such suspension shall deny any Unit Owner or occupants access to the Unit owned or occupied. Except as hereinafter set forth, no suspension shall cause any hazardous or unsanitary condition to exist. Any water, gas, electricity, heat and air conditioning services provided to a Unit or Unit Owner by the Association may be terminated for failure to pay assessments and other amounts due to the Association. pursuant to O.C.G.A. § 44-3-109(a) subject to the suspension standards and notice requirements imposed on the institutional providers providing such services to the Association. Such services may only be terminated after a final judgment or final judgments in excess of a total of \$750.00 are obtained in favor of the Association from a court of competent jurisdiction. The Association shall not be required to restore any terminated services until the judgment or judgments are paid in full. All expenses for termination of any services pursuant to this Section shall become part of the lien and assessments due by and changeable to the Unit Owner.

IN WITNESS WHEREOF, the under signed officers of Mount Vernon Towers Condominium

Association, Inc. hereby certify that the above Amendment to the Declaration was duly adopted by the required majority of the Association and its membership.

This January 8<sup>th</sup> day of 2003

Sworn to and subscribed to before me this January 8<sup>th</sup> day of 2003

MOUNT VERNON TOWERS CONDOMINIUM ASSOCIATION, INC.

By: H. Thomas Miller

Witness: [Signature]

President: Phil Ruders

Print Name: \_\_\_\_\_

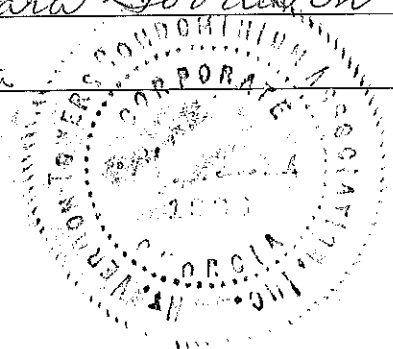
Notary Public: Susan Payne Notary Public, Fulton County, Georgia  
My Commission Expires Feb. 8, 2004

[Affix notary seal and date of expiration of commission]

Attest: Secretary Barbara Goodwin

Print Name: Barbara Goodwin

[CORPORATE SEAL]



AFFIDAVIT OF COMPLIANCE WITH AMENDMENT REQUIREMENTS

STATE OF GEORGIA COUNTY OF FULTON

The undersigned, having first been duly sworn, states under oath as follows:

I am the duly elected and currently serving as

President of Mount Vernon Towers Condominium Association, Inc.

The required assent of Unit Owners having at least two-thirds (2/3) majority of the total vote of the Association was obtained, pursuant to Article IX, Section 1 of the Declaration, having received the affirmative vote to adoption of the attached Amendment to the Amended and Restated Declaration of Condominium for Mount Vernon Towers, A Condominium. All notices required by the Declaration, the Bylaws or the Georgia Condominium Act were duly given.

The Amendment to the Declaration as adopted bears my signature as President, the attestation of the Corporate Secretary, and the seal of the Association.

Sworn to and subscribed to before me this January 8<sup>th</sup> day of 2003 :

Notary Public *Dusan Payne*  
Signature \_\_\_\_\_  
Notary Public, Fulton County, Georgia  
My Commission Expires Feb. 8, 2004

*Phil Rudolph*  
Phil Rudolph

President Mount Vernon Towers Condominium Association, Inc.

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JUANITA HICKS  
Clerk of Superior Court  
Fulton County, Georgia