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**Return to:** Weissman, Nowack, Curry & Wilco, P.C.  
One Alliance Center, 4th Floor  
3500 Lenox Road  
Atlanta, Georgia 30326  
Attention: Linda B. Curry

**STATE OF GEORGIA  
COUNTY OF FULTON**

**Reference: Deed Book: 30606  
Page: 19**

**AMENDMENT TO DECLARATION OF CONDOMINIUM  
FOR  
THE HEALEY, A CONDOMINIUM**

This **Amendment to the Declaration of Condominium for The Healey, a Condominium** ("Amendment") is made on the date set forth below by **The Healey Condominium Association, Inc.**, a Georgia nonprofit corporation ("Association").

WHEREAS, the Declaration of Condominium for The Healey, a Condominium ("Condominium"), was recorded on June 27, 2001, in Deed Book 30606, Page 19, et seq., Fulton County, Georgia Records ("Original Declaration"); and

WHEREAS, the Original Declaration has been amended to add additional property as follows:

<u>Date</u>	<u>Deed Book</u>	<u>Page</u>
July 27, 2001	30756	657 <u>et seq.</u>
September 21, 2001	31023	120 <u>et seq.</u>
September 28, 2001	31044	462 <u>et seq.</u>
October 31, 2003	36393	275 <u>et seq.</u>

(the Original Declaration as amended is hereinafter referred to as the "Declaration"); and

WHEREAS, a plat of survey related to the Condominium prepared by Watts & Browning Engineers, Inc., dated June 21, 2001, was filed on July 27, 2001, in Condominium Plat Book 14, Page 54, Fulton County, Georgia Records; and

WHEREAS, floor plans relating to the Condominium prepared by Dimery Associates Architects were filed in the Fulton County, Georgia Records as follows:

<u>Date</u>	<u>Floor Plan Book</u>	<u>Pages</u>
July 27, 2001	14	3-13
September 21, 2001	16	22-27
September 21, 2001 (by Zaic Hug & Associates)	16	28-29
September 28, 2001	16	37-49
October 31, 2003	28	13-31

WHEREAS, Paragraph 23 of the Declaration provides that the Declaration may be amended by the affirmative vote, written consent, or any combination of affirmative vote and written consent of the members of the Association holding two-thirds (2/3) of the Total Association Vote; and

WHEREAS, the amendments herein are not "material amendments to the Declaration" that require approval by Eligible Mortgage Holders pursuant to Paragraph 23 of the Declaration; and

WHEREAS, members (Owners) holding at least two-thirds (2/3) of the Total Association Vote have voted in favor of or consented to this Amendment.

NOW, THEREFORE, the Association hereby amends the Declaration as follows:

1.

Paragraph 8(c) of the Declaration is deleted in its entirety and the following is substituted therefore:

(c) Utilities. Water and electrical utility service provided to both the Units and Common Elements are Common Expenses of the Association. Water and electricity are provided and paid for as follows:

(i) Water. Water is provided by the City of Atlanta to the building in which the Condominium is located which is known as "The Healey Building" and usage by the Condominium is billed as provided in the Easement and Cost Sharing Agreement as a general Common Expense of the Association. The Board shall have the authority to install submeters and assess individual water usage charges, including a right to add a charge for the cost of overhead for such submetering, against individual Units and/or to install separate utility meters for the Units.

(ii) Electricity. Electricity is provided by Georgia Power Company through a central meter for The Healey Building. The owner of the commercial space in The Healey Building receives the bills. Electrical usage for individual Units is determined by submeters that are read by a private company that separately bills each Owner. Pursuant to the Easement and Cost Sharing Agreement, the Association is responsible for all outstanding amounts for electricity not paid by the Owners. Each Owner is responsible for paying for their electrical usage as a special assessment as authorized by Paragraph 8(b)(i)

above. Such special assessments shall include additional charges for overhead and administration of the submetering and collection process. All amounts owed for electricity shall be assessments that shall be a lien against the Unit and shall be collected as provided in Paragraph 10 for collection of assessments.

2.

As hereby amended, the Declaration and Bylaws remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Officers of The Healey Condominium Association, Inc., hereby certify that the above Amendment to the Declaration was duly adopted by the affirmative vote, written consent, or combination of affirmative vote and written consent of members (Owners) holding at least two-thirds (2/3) of the Total Association Vote with any required notices duly given.

This 10<sup>th</sup> day of September, 2008.

**THE HEALEY CONDOMINIUM ASSOCIATION, INC.**

By: William C. Baker [SEAL]  
President

By: [Signature] [SEAL]  
Secretary

[CORPORATE SEAL]

Signed, sealed and delivered this  
10 day of September, 2008  
in the presence of:

[Signature]  
Witness

[Signature]

Notary Public

My Commission Expires: Kimberly Lovejoy  
Notary Public, Gwinnett County, Georgia  
My Commission Expires January 8th, 2010

[NOTARY SEAL]