

After recording, please return to:
Rachel E. Conrad
Dorough & Dorough, LLC
Two Decatur TownCenter, Suite 520
125 Clairemont Avenue
Decatur, Georgia 30030

CROSS REFERENCE: Deed Book: 21968
Page: 49

**FIRST AMENDMENT
TO BY-LAWS OF FAIRSIDE LOFTS CONDOMINIUM ASSOCIATION, INC.**

THIS FIRST AMENDMENT (hereinafter referred to as "First Amendment") is made this 3rd day of April, 2007 by **FAIRSIDE LOFTS CONDOMINIUM ASSOCIATION, INC.**, a Georgia nonprofit corporation (hereinafter referred to as "Association").

WITNESSETH

WHEREAS, Fairside Lofts, L.L.C., a Georgia limited liability company, as Declarant, executed that certain Declaration of Condominium for Fairside Lofts, a Condominium, which was recorded on December 31, 1996 in Deed Book 21968, Page 49, *et seq.*, Fulton County, Georgia records (hereinafter as supplemented and/or amended from time to time, the "Declaration"), together with the By-Laws of Fairside Lofts Condominium Association, Inc., attached to the Declaration as Exhibit "C" and recorded therewith (hereinafter as supplemented and/or amended from time to time, the "By-Laws"); and

WHEREAS, a plat relating to the Condominium, prepared by C.P. Newman & Associates., dated December 12, 1996, was filed in Condominium Plat Book 10, Page 123, Fulton County, Georgia land records; and

WHEREAS, floor plans relating to the Condominium, prepared by The Rowhouse Design Group, Inc. were filed in Condominium File Cabinet No. 2, Folder No. 326, Fulton County, Georgia land records; and

WHEREAS, the Association is a nonprofit corporation organized under the Georgia Nonprofit Corporation Code to be the Association named in the Declaration to have the power and authority set forth therein; and

WHEREAS, pursuant to Article 23 of the Declaration, as long as Declarant has the right to appoint the directors and officers of the Association as provided in the By-Laws, any amendment to the Declaration and By-Laws shall require the written consent of the Declarant; and

WHEREAS, pursuant to Article VI, Section 8 of the By-Laws, the By-Laws may be amended upon the affirmative vote, written consent or any combination of affirmative vote and written consent of the members holding two-thirds of the total vote of the Association; and

WHEREAS, Declarant no longer has the right to appoint and remove the officers and directors of the Association; and

WHEREAS, attached hereto as Exhibit "A" and incorporated herein by reference is the sworn statement of the President of the Association, which sworn statement certifies that the affirmative vote or written consent of members holding two-thirds (2/3) of the total Association vote was lawfully obtained; and

WHEREAS, attached hereto as Exhibit "B" and incorporated herein by reference is the sworn statement of the Secretary of the Association, which sworn statement certifies that the affirmative vote or written consent of members holding two-thirds (2/3) of the total Association vote was lawfully obtained; and

WHEREAS, the Association and the Owners desire to amend the By-Laws for the purpose forth herein; and

NOW THEREFORE, the undersigned hereby adopt this First Amendment to the By-Laws of Fairside Lofts Condominium Association, Inc., hereby declaring that all the property now or hereafter subject to the By-Laws of the Association shall be held, conveyed, encumbered, used, occupied and improved subject of the By-Laws, amended as follows:

1.

The By-Laws are hereby amended by adding to Article VI a new Section 10, entitled "Electronic Records, Signatures and Documents" to read as follows:

Section 10. Electronic Records, Signatures and Documents. To the extent permitted by Georgia law, the Declaration and these Bylaws, the Association and its officers, directors and members, Owners and Occupants may perform any obligation or exercise any right by use of any technological means providing sufficient security, reliability, identification and verifiability, which technological means have been approved by the Board in its sole discretion. Acceptable technological means of creating an electronic transmission may include, without limitation, electronic communication over the internet, the community or other network, whether by direct connection, internet, telecopier or e-mail.

2.

Unless otherwise defined herein, the words used in this First Amendment shall have the same meaning as set forth in the Declaration.

3.

This First Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Fulton County, Georgia and shall be enforceable against current Owners of a Unit subject to the Declaration.

4.

Except as herein modified, the Declaration shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

After recording, please return to:
Rachel E. Conrad
Dorough & Dorough, LLC
Attorneys at Law
Two Decatur TownCenter, Suite 520
125 Clairemont Avenue
Decatur, Georgia 30030

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Page: 49

**AMENDMENT
TO THE DECLARATION OF CONDOMINIUM
FOR FAIRSIDE LOFTS, A CONDOMINIUM
(Assignment of Deck Area as Limited Common Element)**

THIS AMENDMENT (hereinafter referred to as "Amendment") is made this 28th day of September, 2007 by FAIRSIDE LOFTS CONDOMINIUM ASSOCIATION, INC., a Georgia nonprofit corporation (hereinafter referred to as the "Association"), ROBERT A. WALTER, an individual resident of the State of Georgia (hereinafter referred to as "Walter"), KARI S. DEAN, an individual resident of the State of Georgia (hereinafter referred to as "Dean") and CYNTHIA SALINAS, an individual resident of the State of Georgia (hereinafter referred to as "Salinas").

WITNESSETH

WHEREAS, Fairside Lofts, L.L.C., as "Declarant", executed that certain Declaration of Condominium for Fairside Lofts, a Condominium, which was recorded December 31, 1996 at Deed Book 21968, Page 49, *et seq.*, Fulton County, Georgia records (hereinafter as supplemented and/or amended from time to time, referred to as the "Declaration"); and

WHEREAS, a plat of survey relating to the Condominium, prepared by C.P. Newman and Associates, dated December 12, 1996, was filed in Condominium Plat Book 10, Page 123, *et seq.*, Fulton County, Georgia land records; and

WHEREAS, floor plans relating to the Condominium, prepared by The Rowhouse Design Group, Inc., were filed in Condominium File Cabinet No. 2, Folder No. 326, Fulton County, Georgia land records; and

WHEREAS, the Association is a nonprofit corporation incorporated under the Georgia Nonprofit Corporation Code to be the Association named in the Declaration to have the power and authority set forth therein; and

WHEREAS, a portion of the Common Elements of the Condominium contains a deck area, as more particularly identified on Sheet A1.1 of the condominium floor plans and as more particularly depicted on Exhibit "A" attached hereto and by this reference incorporated herein ("Plans"); and

WHEREAS, a portion of the deck area is identified as being appurtenant to Units #10, #11, #12 and #13 in the Condominium as shown on the Plans; and

WHEREAS, paragraph 6(b) of the Declaration provides that a Common Element not previously assigned as a Limited Common Element may be so assigned by the Board, without the need for a vote of the Association, upon written application to the Association by the Unit Owner or Owner(s) for who exclusive use such Common Element is requested provided that such reassignment is made in accordance with Section 44-3-82(b) and (c) of the Georgia Condominium Act (O.C.G.A. § 44-3-70 *et seq.*) ("Act"); and

WHEREAS, Walter, Dean and Salinas, as the Owners of Units #10, #11, #12 and #13, respectively, have made written application to the Association to assign a portion of the Common Elements not previously assigned as a Limited Common Element to be assigned as a Limited Common Element appurtenant to Units #10, #11, #12 and #13, respectively.

WHEREAS, the Association desires to assign as Limited Common Elements that portion of the deck area appurtenant to Units #10, #11, #12 and #13, as depicted on the Plans as provided herein; and

WHEREAS, pursuant to Section 44-3-82 of the Act and paragraph 6(b) of the Declaration, the Association and all affected Unit Owners must consent to and execute an amendment assigning a portion of the Common Elements as a Limited Common Element;

WHEREAS, the Association, Walter, Dean and Salinas have consented to assignment of the Common Element as provided herein, as evidenced by the signatures attached hereto and by this reference incorporated herein; and

NOW THEREFORE, in accordance with O.C.G.A. § 44-3-82 of the Act and paragraph 6(b) of the Declaration, the undersigned hereby adopt this Amendment to the Declaration of Condominium for Fairside Lofts, a Condominium hereby declaring that all the property now or hereafter subject to the Declaration shall be held, conveyed, encumbered, used, occupied and improved subject of the Declaration, be amended as follows:

1.

The Declaration is hereby amended by adding a new subsection (v) to Section 6(a) of the Declaration to read as follows:

(v) the deck area appurtenant to Units #10, #11, #12 and #13, respectively, as identified on Sheet A1.1 of the Plans and as more particularly depicted on Exhibit "A" attached to that certain Amendment to the Declaration recorded in the Fulton County, Georgia land records, shall be Limited Common Elements assigned to those Units. Notwithstanding anything to the contrary herein, the Owner or Occupant(s) of Unit #12 shall have an easement for access, ingress and egress over that portion of the deck area assigned as a Limited Common Element to Unit #13 as is reasonably necessary to use and enjoy the deck area assigned as a Limited Common Element to Unit #12.

(vi) the stairway located adjacent to and exclusively serving the portion of the deck area assigned as a Limited Common Element appurtenant to Unit #13 shall be assigned as a Limited Common Element to Unit #13.

2.

Unless otherwise defined herein, the words used in this Amendment shall have the same meaning as set forth in the Declaration.

3.

This Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Fulton County, Georgia and shall be enforceable against current owners of a Unit subject to the Declaration.

4.

Except as herein modified, the Declaration shall remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

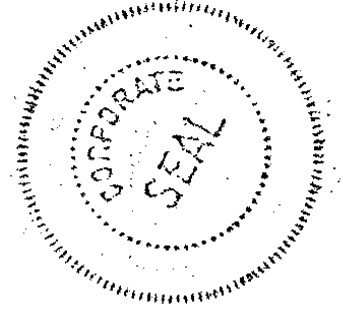
IN WITNESS WHEREOF, the Association has caused this Amendment to be executed under seal the day and year first above written.

ASSOCIATION: FAIRSIDE LOFTS CONDOMINIUM ASSOCIATION, INC., a Georgia nonprofit corporation

By: [Signature]
Name: HARRY RHAME
President

Attest: [Signature]
Name: Kari S. Dean
Secretary

[AFFIX CORPORATE SEAL]



Signed, sealed and delivered in the presence of

[Signature]
Witness


[Signature]
Notary Public
[AFFIX NOTARY SEAL]

IN WITNESS WHEREOF, the undersigned Owner of Unit #10 has executed this Amendment under seal the day and year first above written.

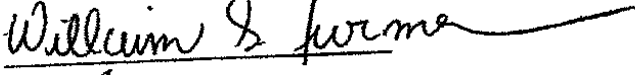
WALTER:

ROBERT A. WALTER, an individual resident of the State of Georgia

By:

 (SEAL)
Robert A. Walter

Signed, sealed and delivered in the presence of:



Witness


Notary Public

[AFFIX NOTARY SEAL]



IN WITNESS WHEREOF, the undersigned Owner of Unit #11 has executed this Amendment under seal the day and year first above written.

DEAN: **KARI S. DEAN**, an individual resident of the State of Georgia

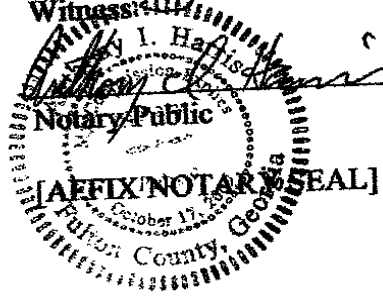
By: *Kari S. Dean* (SEAL)
Kari S. Dean

Signed, sealed and delivered in the presence of:

Timothy Keller

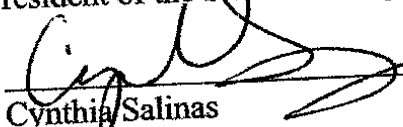
Witness:

Anthony I. Harris
Anthony I. Harris

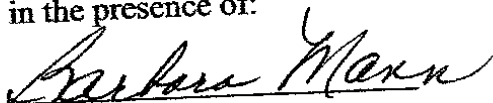


IN WITNESS WHEREOF, the undersigned Owner of Units #12 and #13 has executed this Amendment under seal the day and year first above written.

SALINAS: CYNTHIA SALINAS, an individual
resident of the State of Georgia

By:  (SEAL)
Cynthia Salinas

Signed, sealed and delivered
in the presence of:


Witness


Notary Public

[AFFIX NOTARY SEAL]

NOTARY
PUBLIC