

Deed Book 38828 Pg 395
Filed and Recorded Nov-12-2004 03:24pm
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Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia
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Return to: Weissman, Nowack, Curry & Wilco, P.C.
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30326
ATTN: Jane C. Kotake, Esq.

Cross Reference: Deed Book 37636
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**FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM
FOR CARLYLE HEIGHTS CONDOMINIUM**

This **FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR CARLYLE HEIGHTS CONDOMINIUM** (hereinafter referred to as the "First Amendment") is made on the date set forth below by Carlyle Heights Investors, Inc., a Georgia corporation (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, on May 24, 2004 that certain Declaration of Condominium for Carlyle Heights Condominium dated May 9, 2004, was recorded in Deed Book 37636, Page 168, *et seq.*, Fulton County, Georgia records (hereinafter referred to as the "Declaration");

WHEREAS, a plat of survey related to Carlyle Heights Condominium (hereinafter referred to as the "Condominium") prepared by Ga. Land Surveying Co., Inc. dated December 31, 2003 was filed in Condominium Plat Book 16, Pages 155-156, Fulton County, Georgia Records;

WHEREAS, floor plans relating to the condominium units located on the Condominium prepared by Innovo, Inc. were filed in Condominium Floor Plan Book 28, Pages 552-561, Fulton County, Georgia Records;

WHEREAS, on October 5, 2004, the "Additional Property", as such term is defined in the Declaration, was conveyed by the original declarant of the Condominium, Morningside Residential, LLC, a Georgia limited liability company (hereinafter referred to as the "Original Declarant"), to Carlyle Heights Investors, Inc., a Georgia corporation (hereinafter referred to as "Carlyle Heights"), for the purpose of development and sale;

WHEREAS, on November 1, 2004, Original Declarant and Carlyle Heights entered into that certain Transfer and Assignment of Declarant Rights for Carlyle Heights Condominium recorded in Deed Book 38828, Page 393, *et seq.*, Fulton County, Georgia records (hereinafter referred to as the "Transfer and Assignment"), which assigned all rights of the "Declarant" for all purposes under the

EXHIBIT "A"

DESCRIPTION OF SUBMITTED PROPERTY

(Phase 2)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 17th District of Fulton County, Georgia being more particularly described as follows:

BEGINNING at a ½" rebar set on the Easterly Right-of-Way line of Monroe Drive (60' R/W) 271.8' Southeasterly from the Southern Right-of-Way line of Yorkshire Road; thence N 86° 22' 38" E leaving said Right-of-Way a distance of 460.00' to a ¾" open top pipe found; thence N 10° 18' 21" W a distance of 125.00' to a ½" rebar set; thence N 87° 08' 16" E a distance of 581.24' to a ½" rebar set; thence S 21° 39' 06" W a distance of 642.68' to a ½" rebar set; thence N 81° 23' 07" W a distance of 444.60' to a ½" rebar found; thence N 09° 35' 36" E a distance of 74.96' to a crimp top pipe found; thence S 86° 16' 46" W a distance of 299.86' to a ½" rebar found on the Easterly Right-of-Way line of Monroe Drive (60' R/W); thence N 10° 19' 36" W along said Right-of-Way a distance of 300.07' to a ½" rebar set; which is the point of beginning, having an area of 387022.09 square feet, 8.88 acres.

EXHIBIT "B"

UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS
AND LIABILITIES FOR COMMON EXPENSES

Unit Number	Number of Bedrooms	Ownership Percentage
A1	Two Bedroom	.535%
A2	Two Bedroom	.535%
A3	Two Bedroom	.535%
A4	Two Bedroom	.535%
A5	Two Bedroom	.535%
A6	Two Bedroom	.535%
A7	Two Bedroom	.535%
A8	Two Bedroom	.535%
A9	Two Bedroom	.535%
A10	Two Bedroom	.535%
A11	Two Bedroom	.535%
A12	Two Bedroom	.535%
B1	Two Bedroom	.535%
B2	Two Bedroom	.535%
B3	Two Bedroom	.535%
B4	Two Bedroom	.535%
B5	Two Bedroom	.535%
B6	Two Bedroom	.535%
B7	Two Bedroom	.535%
B8	Two Bedroom	.535%
B9	Two Bedroom	.535%
B10	Two Bedroom	.535%
B11	Two Bedroom	.535%
B12	Two Bedroom	.535%
B13	Two Bedroom	.535%
B14	Two Bedroom	.535%
B15	Two Bedroom	.535%
B16	Two Bedroom	.535%
B17	Two Bedroom	.535%
B18	Two Bedroom	.535%
C1	Two Bedroom	.535%
C2	Two Bedroom	.535%
C3	Two Bedroom	.535%
C4	Two Bedroom	.535%
C5	Two Bedroom	.535%
C6	Two Bedroom	.535%
C7	Two Bedroom	.535%
C8	Two Bedroom	.535%
C9	Two Bedroom	.535%
C10	Two Bedroom	.535%
C11	Two Bedroom	.535%
C12	Two Bedroom	.535%
C13	Two Bedroom	.535%
C14	Two Bedroom	.535%

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EXHIBIT "B"

UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS
AND LIABILITIES FOR COMMON EXPENSES

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Unit Number	Number of Bedrooms	Ownership Percentage
C15	Two Bedroom	.535%
C16	Two Bedroom	.535%
C17	Two Bedroom	.535%
C18	Two Bedroom	.535%
C19	Two Bedroom	.535%
C20	Two Bedroom	.535%
C21	Two Bedroom	.535%
C22	Two Bedroom	.535%
C23	Two Bedroom	.535%
C24	Two Bedroom	.535%
C25	Two Bedroom	.535%
C26	Two Bedroom	.535%
C27	Two Bedroom	.535%
C28	Two Bedroom	.535%
C29	Two Bedroom	.535%
C30	Two Bedroom	.535%
C31	Two Bedroom	.535%
C32	Two Bedroom	.535%
C33	Two Bedroom	.535%
C34	Two Bedroom	.535%
C35	Two Bedroom	.535%
C36	Two Bedroom	.535%
C37	Two Bedroom	.535%
C38	Two Bedroom	.535%
C39	Two Bedroom	.535%
C40	Two Bedroom	.535%
C41	Two Bedroom	.535%
C42	Two Bedroom	.535%
C43	Two Bedroom	.535%
C44	Two Bedroom	.535%
C45	Two Bedroom	.535%
C46	Two Bedroom	.535%
C47	Two Bedroom	.535%
C48	Two Bedroom	.535%
D1	Three Bedroom	.799%
D2	Three Bedroom	.799%
D3	Three Bedroom	.799%
D4	Three Bedroom	.799%
D5	Three Bedroom	.799%
D6	Three Bedroom	.799%
D7	Three Bedroom	.799%
D8	Three Bedroom	.799%
D9	Three Bedroom	.799%
D10	Three Bedroom	.799%
D11	Three Bedroom	.799%

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EXHIBIT "B"

UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS
AND LIABILITIES FOR COMMON EXPENSES

Unit Number	Number of Bedrooms	Ownership Percentage
D12	Three Bedroom	.799%
D13	Three Bedroom	.799%
D14	Three Bedroom	.799%
D15	Three Bedroom	.799%
D16	Three Bedroom	.799%
E1	One Bedroom	.364%
E2	One Bedroom	.364%
E3	One Bedroom	.364%
E4	One Bedroom	.364%
E5	One Bedroom	.364%
E6	One Bedroom	.364%
E7	One Bedroom	.364%
E8	One Bedroom	.364%
E9	One Bedroom	.364%
E10	One Bedroom	.364%
E11	One Bedroom	.364%
E12	One Bedroom	.364%
E13	One Bedroom	.364%
E14	One Bedroom	.364%
E15	One Bedroom	.364%
E16	One Bedroom	.364%
E17	One Bedroom	.364%
E18	One Bedroom	.364%
E19	One Bedroom	.364%
E20	One Bedroom	.364%
E21	One Bedroom	.364%
E22	One Bedroom	.364%
E23	One Bedroom	.364%
E24	One Bedroom	.364%
E25	One Bedroom	.364%
E26	One Bedroom	.364%
E27	One Bedroom	.364%
E28	One Bedroom	.364%
E29	One Bedroom	.364%
E30	One Bedroom	.364%
E31	One Bedroom	.364%
E32	One Bedroom	.364%
E33	One Bedroom	.364%
E34	One Bedroom	.364%
E35	One Bedroom	.364%
E36	One Bedroom	.364%
E37	One Bedroom	.364%
E38	One Bedroom	.364%
E39	One Bedroom	.364%
E40	One Bedroom	.364%

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EXHIBIT "B"

UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS
AND LIABILITIES FOR COMMON EXPENSES

Unit Number	Number of Bedrooms	Ownership Percentage
E41	One Bedroom	.364%
E42	One Bedroom	.364%
E43	One Bedroom	.364%
E44	One Bedroom	.364%
E45	One Bedroom	.364%
E46	One Bedroom	.364%
E47	One Bedroom	.364%
E48	One Bedroom	.364%
E49	One Bedroom	.364%
E50	One Bedroom	.364%
E51	One Bedroom	.364%
E52	One Bedroom	.364%
E53	One Bedroom	.364%
E54	One Bedroom	.364%
F1	Two Bedroom	.535%
F2	Two Bedroom	.535%
F3	Two Bedroom	.535%
F4	Two Bedroom	.535%
F5	Two Bedroom	.535%
F6	Two Bedroom	.535%
F7	Two Bedroom	.535%
F8	Two Bedroom	.535%
F9	Two Bedroom	.535%
F10	Two Bedroom	.535%
F11	Two Bedroom	.535%
F12	Two Bedroom	.535%
F13	Two Bedroom	.535%
F14	Two Bedroom	.535%
F15	Two Bedroom	.535%
F16	Two Bedroom	.535%
F17	Two Bedroom	.535%
F18	Two Bedroom	.535%
F19	Two Bedroom	.535%
F20	Two Bedroom	.535%
F21	Two Bedroom	.535%
F22	Two Bedroom	.535%
F23	Two Bedroom	.535%
F24	Two Bedroom	.535%
F25	Two Bedroom	.535%
F26	Two Bedroom	.535%
F27	Two Bedroom	.535%
F28	Two Bedroom	.535%
F29	Two Bedroom	.535%
F30	Two Bedroom	.535%
F31	Two Bedroom	.535%

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