

AMENDMENT TO DECLARATION

000219

FOR

MALLERY VILLAS CONDOMINIUM

THIS AGREEMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM is made this 19<sup>th</sup> day of October, 1993, by ABNA, INC., hereinafter referred to as "Owner";

WHEREAS, Mallery Villas Condominium (hereinafter referred to as the "Condominium") is a condominium development created pursuant to that certain Declaration of Mallery Villas Condominium dated October 20, 1982, recorded in Deed Book 23-K, page 272, in the Office of the Clerk of Superior Court of Glynn County, Georgia, and as amended by Amendment to Declaration for Mallery Villas Condominium, dated October 20, 1982, and recorded in Deed Book 23-K, page 350, in the office of the Clerk of Superior Court of Glynn County, Georgia, and as amended by Amendment to Declaration for Mallery Villas Condominium, dated October 19, 1983, and recorded in Deed Book 24-G, page 293, in the office of the Clerk of the Superior Court of Glynn County, Georgia.

WHEREAS, in Article II, Section 10 of the Declaration entitled "Expansion of the Condominium", Owner had retained that right and option, at its discretion to submit the property described as Parcels One and Two in Exhibit "A" attached to that certain Amendment dated October 19, 1983, and which is incorporated herein by reference for all purposes.

WHEREAS, Owner in accordance with the "Georgia Condominium Act", Georgia Law, 1975, House Bill Number 619, Act Number 463, as amended from time to time and in accordance with the Declaration for Mallery Villas Condominium and all amendments has expressly submitted Parcels One and Two as described on Exhibit "A" described

WHEREAS, Parcel One described in Exhibit "A" has subsequently been included in the condominium as Phase II Section A increasing the total number of condominium units to 71, and on September 27, 1993, Declarant filed in the office of the Superior Clerk of Glynn County, Georgia, in Plat Book 27, Number 177, a plat recording Units 15 through 21 of Phase II Section B thereby increasing the total number of condominium units to 78.

NOW THEREFORE, pursuant to O.C.G.A. §44-3-89, this Amendment is executed by Declarant as all owners of additional property constructed on said Parcels and all mortgage holders of loans on said Parcels. The undivided interests, in common elements, votes in the association and liabilities for future common element expenses are hereby reallocated in accordance with Article II, Section 10(b) of the Declaration.

Signed, sealed and delivered in the presence of:

Ernestine G. Skipper  
Witness

[Signature]

Notary Public, Glynn County, Georgia  
(NOTARIAL SEAL)  
My Commission Expires: \_\_\_\_\_  
Notary Public, Glynn County, Georgia  
My Commission Expires Jun. 22, 1994

ABNA, INC.

BY: [Signature]  
Its: President

(CORPORATE SEAL)



Signed, sealed and delivered in the presence of:

[Signature]  
Witness

Sandra Wright  
Notary Public, Glynn County, Georgia

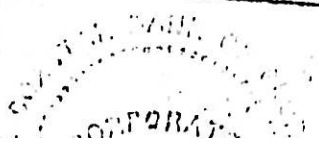
(NOTARIAL SEAL) Notary Public, Glynn County, Georgia  
My Commission Expires April 4, 1995

THE COASTAL BANK OF GEORGIA

BY: [Signature]  
Its: AVP

(CORPORATE SEAL)

RECORDED 10-27, 1993  
[Signature]



GEORGIA, GLYNN COUNTY

AMENDMENT TO DECLARATION

FOR

MALLERY VILLAS CONDOMINIUM

DATED: \_\_\_\_\_, 1993

GEORGIA, GLYNN COUNTY  
 CLERK'S OFFICE Superior Court  
 I hereby certify the within instrument  
 was filed for record at 4:14  
 o'clock P M., on the 26 day  
 of Oct. 1993 and was  
 recorded in Book 49-X folio 219  
 This 27 day of Oct. 1993  
Manuel E. Brown  
 Clerk of Superior Court

GILBERT, HARRELL, GILBERT, SUMERFORD & MARTIN, P.C.  
 ATTORNEYS AT LAW  
 BRUNSWICK, GEORGIA

13728

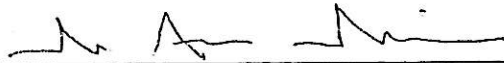
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 GLYNN COUNTY, GEORGIA

STATE OF GEORGIA

COUNTY OF GLYNN

BEFORE ME, a notary public in and for said State and County, came Alan Wilson, who being duly sworn, deposes and says on oath that he/she is President of Mallery Villas Condominium Association, Inc., a Georgia non-profit corporation (hereinafter referred to as the "Association"), and

That the Amendment to Declaration for Mallery Villas Condominium dated January 19,, 1996, to which this Certification is attached, was agreed to by the required majority of unit owners, to-wit: Unit Owners of units to which two-thirds of the votes in the Association pertain.



Sworn to and subscribed before me this 19<sup>th</sup> day of January, 1996.

Charlotta J. Raiby  
NOTARY PUBLIC

Notary Public, Georgia, State at Large  
My Commission Expires January 7, 1997.

MALLERY VILLAS CONDOMINIUM

STATE OF GEORGIA  
COUNTY OF GLYNN

THIS AMENDMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM IS MADE THIS 19th day of January, 1996, by Mallery Villas Condominium Association, Inc., a Georgia non-profit corporation (hereinafter referred to as the "Association");

W I T N E S S E T H:

WHEREAS, Mallery Villas Condominium (hereinafter referred to as the "Condominium") is a condominium development created pursuant to that certain Declaration of Mallery Villas Condominium dated September 12, 1974, recorded September 16, 1974, in Deed Book 18-D, Page 920, Glynn County Records, as amended by that certain Amendment to Declaration of Mallery Villas Condominium dated April 18, 1975, recorded May 6, 1975, in Deed Book 18-K, Page 612, Glynn County Records, as further amended by a certain restatement of the Declaration for Mallery Villas Condominium dated October 20, 1982, recorded October 21, 1982, in Deed Book 23-K, Page 292, Glynn County Records, as amended by that certain Amendment to Declaration for Mallery Villas Condominium dated October 20, 1982, recorded October 21, 1982, in Deed Book 23-K, Page 350, Glynn County records, as further amended by that certain Amendment to Declaration for Mallery Villas Condominium dated October 19, 1983, recorded October 25, 1983, in Deed Book 24-G, Page 293, Glynn County records, as further amended by that certain Amendment to Declaration for Mallery Villas Condominium dated January 8, 1991 recorded December 26, 1995, in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, as further amended by that certain Amendment to the Declaration dated October 19, 1993, recorded October 27, 1993, in

certain Amendment to the Declaration dated October 14, 1994, recorded December 1, 1994, in Deed Book 55-W, page 112, Glynn County Records (hereinafter referred to as the "Declaration"; and

WHEREAS, Article II, Section 3, of the Declaration entitled "Alterations Within Units" provides that alterations within units may be made pursuant to the provisions of OCGA §44-3-90 (formerly Ga. Code Ann., §85-1626(e)) which states in part ". . . No unit owner shall do anything which would change the exterior appearance of his unit or any other portion of the condominium except to such extent and subject to the conditions which the condominium instrument may specify . . ."; and

WHEREAS, certain alterations to the exterior of Units located in Phase I and Phase II were authorized by the Amendment to Declaration dated January 8, 1991; and

WHEREAS, the Association desires to authorize certain modifications to the Units in Phase II-B by the installation of back porches; and

WHEREAS, the DEclaration may be amended by agreement of unit owners of units to which two-thirds of the votes in the Association pertain; and

WHEREAS, the required majority is desirous of amending the Declaration for the purpose of clarying Article II, Section 3 as herein provided and as evidenced by the sworn statement of the president of the Association attached to and, by reference, made a part of this Amendment;

NOW, THEREFORE, pursuant to and in accordance with §44-3-106(c) of the Georgia Condominium Act (OCGA §43-3-70 et seq.), and Article VIII, Section 1, of the Declaration,

and hereby is amended in the following

Section 3:


"(d) Upon approval by the Board of Directors, any unit owner may alter his/her unit in Phase II-B to add a back porch in accordance with the plans and specifications prepared by Ussery/Rule Architects, P.C., entitled "Mallery Villas Porch Enclosure For The 2 Bedroom Units" and "Mallery Villas Porch Enclosure for the 3 Bedroom Units", dated 9/19/95, on file with the Association. Approval may be obtained from the Board by application and compliance with the terms and conditions set forth on the form provided by The Association for that purpose and attached hereto as Exhibit "A".

2. Except as hereby modified, the DEclaration shall remain unchanged and continue in full force and effect.

3. This Amendment to the Declaration for Mallery Villas Condominium shall become effective on the date on which this Amèndment is filed for record in the Office of the Clerk of the Superior Court of Glynn County, Georgia.

IN WITNESS WHEREOF, the Association, pursuant to Section 44-3-106(c) of the Georgia Condominium Act, has hereunto set its hand and seal the day and year first above written.

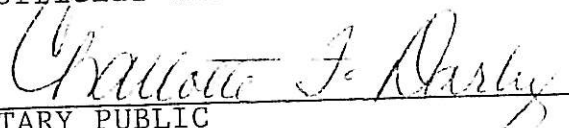
MALLERY VILLAS CONDOMINIUM ASSOCIATION,  
INC.

By   
President

ATTEST:   
Secretary

Signed, sealed and  
delivered in the  
presence of:

  
Unofficial Witness

  
NOTARY PUBLIC

Notary Public, G:      Date at Large  
My Commission Expires January 7, 1997.

MALLERY VILLAS CONDOMINIUM

STATE OF GEORGIA  
COUNTY OF GLYNN

THIS AMENDMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM IS MADE THIS 15th day of August, 2000, by Mallery Villas Condominium Association, Inc., a Georgia non-profit corporation (hereinafter referred to as the "Association");

W I T N E S S E T H:

WHEREAS, Mallery Villas Condominium (hereinafter referred to as the "Condominium") is a condominium development created pursuant to that certain Declaration of Mallery Villas Condominium dated September 12, 1974, recorded September 16, 1974, in Deed Book 18-D, Page 920, Glynn County Records, as amended by that certain Amendment to Declaration of Mallery Villas Condominium dated April 18, 1975, recorded May 6, 1975, in Deed Book 18-K, Page 612, Glynn County Records, as further amended by a certain restatement of the Declaration for Mallery Villas Condominium dated October 20, 1982, recorded October 21, 1982, in Deed Book 23-K, Page 292, Glynn County Records, as amended by that certain Amendment to Declaration for Mallery Villas Condominium dated October 20, 1982, recorded October 21, 1982, in Deed Book 23-K, Page 350, Glynn County Records, as further amended by that certain Amendment to Declaration for Mallery Villas Condominium dated October 19, 1983, recorded October 25, 1983, in Deed Book 24-G, Page 293, Glynn County Records, as further amended by that certain Amendment to Declaration for Mallery Villas Condominium dated January 8, 1991, recorded December 26, 1995, in Deed Book 61-G, Page 141, Glynn County Records, as further amended by that certain Amendment to the Declaration dated October 19, 1993, recorded October 27, 1993, in Deed Book 49-X, Page 219, Glynn County

CLERK SUPERVISOR  
GLYNN COUNTY, GEORGIA

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1994, recorded December 1, 1994, in Deed Book 55-W, page 112, Glynn County records, as further amended by that certain Amendment to the Declaration dated January 19, 1996, recorded January 23, 1996, in Deed Book 61-T, page 21, Glynn County Records (hereinafter referred to as the "Declaration"; and

WHEREAS, Article II, Section 3, of the Declaration entitled "Alterations Within Units" provides that alterations within units may be made pursuant to the provisions of OCGA §44-3-90 (formerly Ga. Code Ann., §85-1626(e)) which states in part ". . . No unit owner shall do anything which would change the exterior appearance of his unit or any other portion of the condominium except to such extent and subject to the conditions which the condominium instrument may specify . . ."; and

WHEREAS, certain alterations to the exterior of Units located in Phase I and Phase II were authorized by the Amendment to Declaration dated January 8, 1991; and

WHEREAS, certain other alterations to the exterior of Units located in Phase II-B were authorized by the Amendment to Declaration dated January 19, 1996; and

WHEREAS, the Association desires to authorize certain modifications to the Units in Phase II-A by the extension of the roof over the back deck on Units 89 through 95 and enclosing the decks; and

WHEREAS, the Declaration may be amended by agreement of unit owners of units to which two-thirds of the votes in the Association pertain; and

WHEREAS, the required majority is desirous of amending the Declaration for the purpose of clarifying Article II, Section 3 as herein provided and as evidenced by the sworn statement of the president of the Association attached to and, by reference, made a part of this Amendment;

1. By adding the following language to Article II,

Section 3:

"(e) Upon approval by the Board of Directors, any unit owner may alter his/her unit in Phase II-A to extend the roof over the rear deck on his/her unit in accordance with the plans and specifications prepared by \_\_\_\_\_ Design Concept Services, 220 W. Milner Rd, Concord, GA 30206(770) 884-0220 entitled "Mallery Villas Deck Roof Extension and Enclosure For The Units 89 through 95, Phase II-A," dated August 15, 2000, 2000, on file with the Association. Approval may be obtained from the Board by application and compliance with the terms and conditions set forth on the form provided by The Association for that purpose and attached hereto as Exhibit "A" which terms and conditions are incorporated herein by reference."

2. Except as hereby modified, the Declaration shall remain unchanged and continue in full force and effect.

3. This Amendment to the Declaration for Mallery Villas Condominium shall become effective on the date on which this Amendment is filed for record in the Office of the Clerk of the Superior Court of Glynn County, Georgia.

IN WITNESS WHEREOF, the Association, pursuant to Section 44-3-106(c) of the Georgia Condominium Act, has hereunto set its hand and seal the day and year first above written.

MALLERY VILLAS CONDOMINIUM ASSOCIATION, INC.

By [Signature]  
President

ATTEST: [Signature]  
Secretary

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

[Signature]  
NOTARY PUBLIC

Notary Public, Glynn County, Georgia  
My Commission Expires September 8, 2002.

CONDOMINIUMS

As owner/co-owner of Unit \_\_\_\_\_ Phase II-A, Mallery Villas Condominiums, I/we hereby apply for permission from the Board of Directors of Mallery Villas Condominium Association, Inc. to modify my/our unit by extending the roof over and enclosing the deck at the rear of Unit \_\_\_\_\_, Phase II-A, in accordance with the plans and specifications drawn by \_\_\_\_\_ for this purpose.

In applying for this permission, I/we agree that:

1. The extension of the roof over and the enclosure of this deck shall be accomplished strictly according to the architectural plans now on file with the Association expressly for this purpose. Such plans will hereafter be referred to as "the Plans", and a copy of such will be provided to me/us by the Board of Directors of Mallery Villas Condominium Association at my/our expense.

2. I/we will pay any expense incurred by Mallery Villas Condominium Association regarding the extension of the roof over and enclosure of my/our deck, including, but not limited to, periodic inspections by an architect designated by the Board of Directors during the construction of my enclosure.

3. Any changes, additions, deletions, etc., required by the inspecting architect will be made as soon as possible after such changes, additions, deletions, etc. are received in writing by myself/my co-owner. I/we will pay any expense incurred by the Association regarding such changes, additions, deletions, etc., including, but not limited to, charges by the inspecting architect.

4. No final approval of this roof extension and enclosure of my/our deck will be granted and the structure accepted into the Condominium until the inspecting architect

resolution is passed. The Board shall provide me/us with a copy of the resolution as evidence of approval.

6. Completion of this roof extension and enclosure of my/our deck will be accomplished within a time period designated by the inspecting architect and taking into account reasonable building delays. The Board of Directors may imposed whatever fines or other remedies it considers necessary to see that this restriction is adhered to.

7. I/my co-owner will be responsible for the cost of construction as well as proper maintenance or change of the exterior, roof and all other parts of this enclosure at the direction of the Board of Directors and in conformance with the surrounding units at my/our personal expense and at no cost to Mallery Villas Condominium Association. I/we will insure that the roof and exterior of this enclosure shall be of the same materials and color as the other roof and structure of the condominium.

8. I/we acknowledge that all equipment, bicycles, grills, etc. will be kept inside my/our unit in accordance with the Mallery Villas Condominium Association Bylaws and Declaration and that construction of this roof extension and deck enclosure does not in any way exclude my/our unit from such requirements.

9. Upon sale of my/our unit, the buyer shall be made aware of the conditions set forth herein and the sale shall be conditioned upon the buyer's acceptance of these conditions in writing by endorsement hereon.

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OWNER

\_\_\_\_\_, 2000.  
MALLERY VILLAS CONDOMINIUM ASSOCIATION, INC.

By \_\_\_\_\_

Its \_\_\_\_\_

ATTEST: \_\_\_\_\_

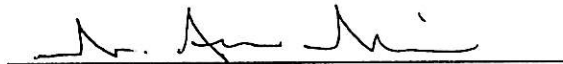
Secretary

(CORPORATE SEAL)

COUNTY OF GLYNN

BEFORE ME, a notary public in and for said State and County, came ALAN WILSON, who being duly sworn, deposes and says on oath that he/she is President of Mallery Villas Condominium Association, Inc., a Georgia non-profit corporation (hereinafter referred to as the Association"), and

That the Amendment to Declaration for Mallery Villas Condominium dated August 15, 2000, to which this Certification is attached, was agreed to by the required majority of unit owners, to-wit: Unit Owners of units to which two-thirds of the votes in the Association pertain.



Sworn to and subscribed before me this 23 day of August, 2000.



NOTARY PUBLIC

Notary Public, Glynn County, Georgia  
My Commission Expires September 8, 2002

This amendment, made this the 15<sup>th</sup> day of November, 2002, by Mallery Villas Condominium Association, Inc., a Georgia non-profit corporation, hereinafter referred to as Association,

Witnesseth:

Whereas, Mallery Villas Condominium, hereinafter referred to as Condominium, is condominium development on St. Simons Island, in Glynn County, Georgia, established by Declaration of Condominium for Mallery Villas dated September 12, 1974, recorded September 16, 1974, in the office of the clerk of Glynn Superior Court in Deed Book 18-D, page 920, as amended by a document dated April 18, 1975, recorded in Deed Book 18-K, page 612, said records, and as further amended by document dated October 20, 1982, recorded in Deed Book 23-K, page 292, said records; and

Whereas, the Board of Directors of the condominium proposed an additional amendment to said Declaration, and said amendment was approved by ballot of more than two-thirds of the membership of the Association, all in accord with the Declaration and By-Laws of the Association and in accord with the provisions of O.C.G.A. 44-3-93.

Now, therefore, pursuant to and in accord with the provisions of the Declaration and By-Laws of the Association and with the Georgia Condominium Act, the Declaration is hereby amended as follows:

1.

By adding thereto Section 9 of Article VII thereof, entitled, "Leasing of Units," as follows:

"Section 9. Leasing of Units. No one shall rent or lease any unit of the Condominium to any person or entity for a term shorter in duration than thirty (30) calendar days. As used herein, the terms, "rent or lease" shall mean the exchange of the use and occupancy of said Unit for a valuable consideration.

Except as modified herein, said Declaration shall continue in full force and effect.

This amendment shall be come effective upon its being recorded in the Glynn County Public records.

By: [Signature]

Attest: Renee M. Kirk

Signed, sealed and delivered in the presence of

Shannon S Winters

Witness

Joyce Haas

Notary Public

Notary Public, Glynn County, Georgia  
My Commission Expires September 9, 2003.

