

AMENDMENT TO DECLARATION

FOR

350

MALLERY VILLAS CONDOMINIUM

STATE OF GEORGIA

COUNTY OF GLYNN

THIS AMENDMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM is made this 20th day of October, 1982, 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 that certain Declaration for Mallery Villas Condominium dated October 20, 1982, recorded October 20, 1982, in Deed Book 23-K, Page 292, Glynn County Records (hereinafter referred to as the "Declaration"); and

WHEREAS, Article VII, Section 9, of the Declaration entitled "Leasing of Units" sets forth restrictions on the leasing of units in the Condominium regarded as burdensome on owners desiring to lease their units as well as the Association's board of directors which must approve or disapprove

marketing and financing of the various units in the Condominium; and

WHEREAS, the Declaration may be amended by Agreement of the Declarant, as said term is defined in the Declaration, and unit owners of units to which two-thirds of the votes in the Association appertain, exclusive of any vote or votes appurtenant to any unit or units owned by the Declarant; and

WHEREAS, the required majority is desirous of amending the Declaration for the purpose of deleting Section 9 of Article VII in its entirety 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 Section 29 of the Georgia Condominium Act (Ga. Code Ann., Ch. 85-16E) and Article VIII, Section 1, of the Declaration, the Declaration has been, and hereby is, amended in the following particulars, to-wit:

1. By striking in its entirety Section 9 of Article VII of the Declaration entitled "Leasing of Units".

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 29 of the Georgia Condominium Act, has hereunto set

its hand and seal the day and year first above written.

MALLERY VILLAS CONDOMINIUM  
ASSOCIATION, INC.



[CORPORATE SEAL]

By: Carl E. Baschal  
President

Attest: Guth N. Anderson  
Secretary

Signed, sealed and delivered  
in the presence of:

[Signature]  
Unofficial Witness  
[Signature]  
Notary Public

CERTIFICATION

353

STATE OF GEORGIA

COUNTY OF GLYNN

BEFORE ME, a notary public in and for said State and County, came Carl E Paschel, who being duly sworn, deposes and says on oath that he 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 October 20, 1982, to which this Certification is attached was agreed to by the required majority of unit owners, to-wit: the Declarant and Unit Owners of units to which two-thirds of the votes in the Association appertain, exclusive of any vote or votes appurtenant to any unit or units owned by the Declarant.

Carl E Paschel Pres.

Sworn to and subscribed

before me this 20 day of

October, 1982.

Robert P. Hillis  
Notary Public

FILED  
GLYNN CO. CLERK'S OFFICE

1982 OCT 20 PM 12:30

CLERK SUPERIOR COURT

GEORGIA, GLYNN COUNTY  
 CLERK'S OFFICE Superior Court

I hereby certify the within instrument  
 was filed for record at 6:30  
 o'clock P.M., on the 20<sup>th</sup> day  
 of October, 1982 and was  
 recorded in Book 23-K folio 350  
 This 20<sup>th</sup> day of October, 1982  
Michael J. Barlow CHIEF DEPUTY  
 Clerk of Superior Court

TO → J.C. Barlow  
 HANSELL, POST, BRANDON & DORSEY  
 ATTORNEYS AT LAW

FOR

MALLERY VILLAS CONDOMINIUM

94-9  
293

STATE OF GEORGIA  
COUNTY OF GLYNN

THIS AMENDMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM is made this 19th day of October, 1983, by MARION G. DAVIS, INC., hereinafter referred to as "Owner";

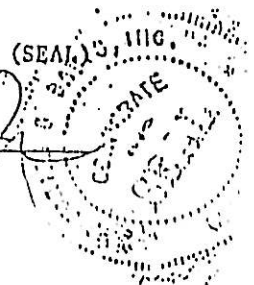
WHEREAS, Mallery Villas Condominium (hereinafter referred to as the "Condominium") is a condominium development created pursuant to that certain Declaration of Mallery Villas Condominium dated October 20, 1982, recorded in Deed Book 23-K, page 272, in the Office of the Clerk of Superior Court of Glynn 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 (hereinafter referred to as the "Declaration"); and

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 hereto which by reference is incorporated herein for all purposes.

NOW THEREFORE, 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 does expressly submit Parcels One and Two as described on the attached Exhibit "A" to all of the provisions of said Declaration of Condominium for Mallery Villas Condominium recorded in Deed Book 23-K, page 272, in the office of the Clerk of Superior Court of Glynn County, Georgia, and to all of the provisions of the Georgia Condominium Act, Georgia Law, 1975, House Bill 619, Act Number 463, as amended from time to time.

MARION G. DAVIS, INC.

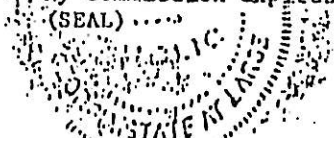
BY Marion G. Davis, Jr.  
President



Signed, sealed and delivered in the presence of:

B. J. ...  
Witness

Charles A. Hunter  
Notary Public, Georgia, State at Large  
My commission expires: 1-28-84



# EXHIBIT A

294

## PARCEL ONE:

All that tract or parcel of land lying and being in Georgia Hillside District 25, Saint Simons Island, Glynn County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an Iron pin placed at the northeast corner of the northerly terminus of Mallory Drive (50-foot right of way) north 11 degrees 12 minutes east one hundred eighteen and ninety-six hundredths (118.96) feet as measured along the southeasterly side of Mallory Drive from the corner formed by the intersection of the southeasterly side of Mallory Drive with the northeasterly side of Mallory Street (60-foot right of way); run thence north 70 degrees 48 minutes west along the northerly terminus of Mallory Drive fifty (50.0) feet to an Iron pin placed at the northwest corner of the northerly terminus of Mallory Drive; continue thence north 78 degrees 48 minutes west two hundred thirty-seven and twenty two hundredths (237.22) feet to an Iron pin placed and the TRUE POINT OF BEGINNING; run thence north 78 degrees 48 minutes west three hundred and ninety-eight hundredths (300.98) feet to an Iron pin placed; run thence north 36 degrees 06 minutes east three hundred eighty-seven and twelve hundredths (387.12) feet to an Iron pin placed; run thence south 76 degrees 13 minutes east two hundred thirty-two and ninety-five hundredths (232.95) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west eighty-five and twenty-six hundredths (85.26) feet to an Iron pin placed; run thence north 70 degrees 48 minutes west thirty-five and seventy-five hundredths (35.75) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west one hundred five (105.00) feet to an Iron pin placed; run thence north 70 degrees 48 minutes west seventy (70.0) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west fifty-five and five tenths (55.50) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west eleven (11.0) feet to an Iron pin placed; run thence south 78 degrees 48 minutes east eleven (11.0) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west ninety-four and eighty-nine hundredths (94.89) feet to the true point of beginning, containing 2.08 acres and being more particularly shown as "Parcel One" on plat of Mallory Villas Condominium, prepared by Conino-Surveying Planning, bearing the seal of James L. Conino, Registered Land Surveyor, dated October 15, 1981.

## PARCEL TWO:

All that tract or parcel of land lying and being in Georgia Hillside District 25, Saint Simons Island, Glynn County, Georgia, and being more particularly described as follows:

BEGINNING at an Iron pin placed at the northeast corner of the northerly terminus of Mallory Drive (50-foot right of way) north 11 degrees 12 minutes east one hundred eighteen and ninety-six hundredths (118.96) feet as measured along the southeasterly side of Mallory Drive from the corner formed by the intersection of the southeasterly side of Mallory Drive with the northeasterly side of Mallory Street (60-foot right of way); run thence north 11 degrees 12 minutes east ninety-four and eighty-seven hundredths (94.87) feet to an Iron pin placed; run thence south 70 degrees 48 minutes east thirty-five (35.0) feet to an Iron pin placed; run thence north 11 degrees 12 minutes east twenty-three and five tenths (23.5) feet to an Iron pin placed; run thence south 78 degrees 48 minutes east two hundred twenty and nineteen hundredths (220.19) feet to an Iron pin placed; run thence north 11 degrees 12 minutes east one hundred twenty-four and fifty-seven hundredths (124.57) feet to an Iron pin placed; run thence north 78 degrees 48 minutes west seventy-five (75.0) feet to an Iron pin placed; run thence north 11 degrees 12 minutes east eighty-one and eighty-eight hundredths (81.88) feet to an Iron pin placed; run thence south 76 degrees 13 minutes east two hundred seventy-five and two tenths (275.20) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west two hundred eleven and twenty-nine hundredths (211.29) feet to an Iron pin placed; run thence north 76 degrees 48 minutes west thirty-five and twenty-three hundredths (35.23) feet to an Iron pin placed; run thence south 11 degrees 12 minutes west one hundred and thirteen hundredths (100.13) feet to an Iron pin placed; run thence north 70 degrees 48 minutes west four hundred nineteen and eighty-eight hundredths (419.88) feet to the northeast corner of the northerly terminus of Mallory Drive and the point of beginning, containing 2.18 acres and being more particularly shown as "Parcel Two" on plat of Mallory Villas Condominium, prepared by Conino-Surveying Planning, bearing the seal of James L. Conino, Registered Land Surveyor, dated October 15, 1981.

STATE OF GEORGIA

COUNTY OF GLYNN

THIS AMENDMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM is made this 8th day of January, 1990, 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, (hereinafter referred to as the "Declaration"); and



provisions of O.C.G.A. §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, from time to time, with the approval of the Board of Directors, there have been certain alterations made to the patio areas of the units in Phase I, to-wit: Unit Nos. 3, 5, 8, 9, 12, 14, 55, 58, 63, 64, 75 and 83; and

WHEREAS, there have been modifications made to four of the screened-in porch areas in Phase II, which modifications were made without the approval of the Board of Directors, to-wit: Unit Nos. 36, 45, 52 and 88; and

WHEREAS, the association desires to establish a uniform plan and procedure for modifying the patio areas on the individual units in Phase I to convert to an all-weather room, screened porch or patio with roof, and for modifying the back screened porch on individual units in Phase II to convert an all-weather room both for approval of already existing conversions as well as future conversions; 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

NOW, THEREFORE, pursuant to and in accordance with §44-3-106(c) of the Georgia Condominium Act (O.C.G.A. §43-3-70 et seq.), and Article VIII, Section 1, of the Declaration, the Declaration has been, and hereby is, amended in the following particulars, to-wit:

1. By adding the following language to Article II, Section 3:

"(a) The modifications which have been made to patio areas on individual Units Nos. 3, 5, 8, 9, 12, 14, 55, 58, 63, 64, 75 and 83, Phase I, having previously been approved by the Board of Directors, are approved by the Association as they exist at the time of execution of this Amendment and these modifications shall not be considered to be in violation of this section of the Declaration.

"(b) Approval may be obtained from the Board of Directors for the four units where the back screened porch has already been modified in Phase II (Units Nos. 36, 45, 52 and 88), 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".

"(c) Upon approval by the Board of Directors, any unit owner may alter his/her unit, in Phase I to convert to an all-weather room, screened porch or patio with roof, or Phase II to convert an all-weather room in accordance with the plans and specifications attached hereto as Exhibit "B". 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 "C".

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

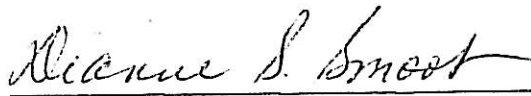
3. This Amendment to the Declaration for Mallery Villas Condominium shall become effective on the date on

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.

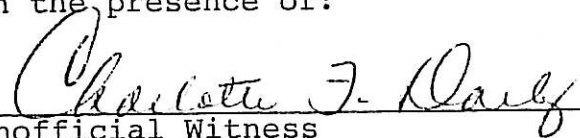
MALLERY VILLAS CONDOMINIUM  
ASSOCIATION, INC.

By   
President

ATTEST:   
Secretary

Signed, sealed and delivered

in the presence of:

  
Unofficial Witness

  
Notary Public

Mallery Villas Condominiums, I hereby apply for approval of my already enclosed porch in Phase II, Mallery Villas Condominiums, pursuant to the relevant motion proposed and carried by the members of the Mallery Villas Condominium Association at their annual meeting of April 21, 1990.

This porch was enclosed without permission of the Board of Directors and before completion of the plans for the purpose of the enclosure of such porches; however, it is my understanding that, if my enclosure passes inspection by an architect designated by the Association, it, and that of Units \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, can be approved into the condominiums as long as I accept the conditions herein.

In applying for this inclusion, I agree that:

1. I will pay any expense incurred by Mallery Villas Condominium Association regarding acceptance of the already existing enclosure of my porch, including, but not limited to, inspection by an architect designated by the Board of Directors of Mallery Villas.

2. Any changes required by the architect in order for my enclosure to meet requirements for inclusion in the condominiums will be completed within a time period designated by the inspecting architect and taking into account reasonable building delays. The Board of Directors may impose whatever fines or other remedies it considers necessary to see that this time restriction is adhered to. The expense of any such changes will be at my/our personal expense and at no cost to the association.

3. No final approval of this enclosure will be granted and the structure accepted into the condominiums until the

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

5. I/my co-owner will be responsible for the cost of 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 the Association. I 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.

6. I/my co-owner acknowledge that all equipment, bicycles, grills, etc., will be kept inside my/our unit in accordance with the Mallery Villas Condominium Association By-Laws and Declaration and that enclosure of this porch does not in any way exclude my/our unit from such requirements.

7. 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.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Co-Owner, if any

APPROVED by the Board of Directors, MALLERY VILLAS CONDOMINIUM ASSOCIATION, INC. at its meeting held \_\_\_\_\_, 1990.

MALLERY VILLAS CONDOMINIUM ASSOCIATION, INC.

By \_\_\_\_\_

Its \_\_\_\_\_

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

Secretary

(CORPORATE SEAL)

As owner/co-owner of Unit \_\_\_\_\_, Phase \_\_\_\_\_, Mallery Villas Condominiums, I hereby apply for permission from the Board of Directors of Mallery Villas Condominium Association, Inc. to modify the patio or screened back porch now in existence at the back of my unit. I choose to use Option # \_\_\_\_\_

In applying for this permission, I agree that:

1. The enclosure of this porch shall be accomplished strictly according to the architectural plans now on file at the Office of the Clerk of the Superior Court of Glynn County, Georgia, expressly for this purpose. Such plans will hereafter be referred to as "the Plans", and a copy of such will be provided to me by the Board of Directors of Mallery Villas Condominium Association at my expense.

2. I will pay any expense incurred by Mallery Villas Condominium Association regarding the enclosure of my porch, 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 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 enclosure will be granted and the structure accepted into the Condominium until the inspecting architect has certified to its fitness and adherence to the Plans.

recorded in the minutes of the Board. The resolution is passed. The Board shall provide me with a copy of the resolution as evidence of approval.

6. Completion of this enclosure will be accomplished within a time period designated by the inspecting architect and taking into account reasonable building delays. The Board of Directors may impose 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 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 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/my co-owner acknowledge that all equipment, bicycles, grills, etc., will be kept inside my/our unit in accordance with the Mallery Villas Condominium Association By-laws and Declaration and that enclosure of this porch 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

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Co-owner, if any





AMENDMENT TO DECLARATION  
OF  
MALLERY VILLAS CONDOMINIUM

STATE OF GEORGIA  
COUNTY OF GLYNN

KNOW ALL MEN BY THESE PRESENTS:

That Whereas, Homes of Tomorrow, Inc., as "Developer", did on the 13th day of September, 1974, file in the office of the Clerk of the Superior Court of Glynn County, Georgia, a condominium declaration for Mallery Villas, said declaration being recorded in Deed Book 18-D, pages 920-974, of said records, and

Whereas, the property described in said declaration as "Phase I Property" was submitted to the Condominium form of ownership in said declaration, and

Whereas, the developer reserved the right to later submit the Phase II and Phase III property described in said declaration to the Condominium form of ownership, and developer now desires to submit the Phase II property to the condominium form of ownership under the terms of said declaration,

NOW THEREFORE, in consideration of the premises, developer does hereby amend the aforesaid declaration of Mallery Villas Condominium by submitting and does hereby submit the Phase II Property in fee simple to the form of ownership as provided in the "Apartment Ownership Act" (Ga. Laws 1963, pp. 561, et seq.,

eng doc 115 61-5, page 141

end of DB 61-G, page 141

particularly described as follows, to-wit:

All of that certain lot, tract or parcel of land situate, lying and being on the Island of St. Simons in Glynn County, Georgia, being more particularly described as follows, to-wit: Starting at the point of intersection of the northern right of way line of Mallery Street with the eastern right of way line of Mallery Drive; thence running north 11 degrees 12 minutes east along the eastern right of way line of Mallery Drive for a distance of 118.96 feet to a point; thence running south 78 degrees 48 minutes east for a distance of 57 feet to the point or place of beginning; thence running north 11 degrees 12 minutes east for a distance of 95.37 feet to a point; thence running south 78 degrees 48 minutes east for a distance of 15 feet to a point; thence running north 11 degrees 12 minutes east for a distance of 168 feet to a point; thence running south 78 degrees 48 minutes east for a distance of 95 feet to a point; thence running north 11 degrees 12 minutes east for a distance of 61.05 feet to a point; thence running south 76 degrees 13 minutes east for a distance of 288.42 feet to a point; thence running south 11 degrees 12 minutes west for a distance of 211.29 feet to a point; thence running north 78 degrees 48 minutes west for a distance of 35.23 feet to a point; thence running south 11 degrees 12 minutes west for a distance of 100.13 feet to a point; thence running north 78 degrees 48 minutes west for a distance of 362.88 feet to the point or place of beginning. Reference is hereby made to a plat of said property by Conine-Kicklighter, Inc. dated April 6, 1974 and revised on August 13, 1974 and August 19, 1974 for further purposes of description and identification.

The Phase II property shall and does hereby become a part of Mallery Villas Condominium, and shall be held, sold and conveyed subject to the reservations, covenants, conditions and restrictions as contained in the Declaration of Mallery Villas Condominium recorded in Deed Book 18-D, pages 920-974, of the Glynn County land records.

There is filed contemporaneously herewith and as a part of this amendment a location plat fully depicting the layout, location, unit numbers and unit dimensions for buildings 13 and 15 now located on the Phase II property together with

Due to wear re-photographed  
12/12/78 Du

An accurate copy of portions of the plans of the units as filed with and approved by the Building Official of Glynn County, Georgia, which has authority to issue permits for the construction of buildings.

In Witness Whereof, Developer has caused its duly authorized officers to execute this Amendment to the Declaration of Mallery Villas Condominium by and on behalf of the Corporation and hereunto affix the Corporate seal, this 18<sup>th</sup> day of April, 1975.

HOMES OF TOMORROW, INC.  
By: [Signature] (L.S.)  
President

Attest: [Signature] (L.S.)  
Secretary

Signed, sealed and delivered in the presence of:

[Signature]  
[Signature]  
Notary Public, Glynn County, Ga.



Recorded this 6th day of May, 1975  
Mary A. Maxwell Deady  
Clerk, Superior Court, Glynn County, Georgia

AMENDMENT TO DECLARATION

FOR

MALLERY VILLAS CONDOMINIUM

THIS AMENDMENT TO DECLARATION FOR MALLERY VILLAS CONDOMINIUM is made this 14<sup>th</sup> day of October, 1994, 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 said Clerk's office, as further amended by Amendment to Declaration for Mallery Villas Condominium dated October 19, 1983, recorded in Deed Book 24-G, Page 293 in said Clerk's office, and as further amended by Amendment to Declaration for Mallery Villas Condominium dated October 19, 1993, recorded in Deed Book 49-X, Page 219 in said Clerk's office, and as further amended by Amendment to Declaration for Mallery Villas Condominium dated April 28, 1994, recorded in Deed Book 53-F, Page 215, in said Clerk's office; and

WHEREAS, in Article II, Section 10 of the Declaration entitled "Expansion of the Condominium", Owner has retained the right and option, at its discretion, to submit to said Declaration, as amended, the property described as Parcels One and Two in Exhibit "A" attached to that certain Amendment dated October 19, 1993, and which is incorporated herein by reference for all purposes; and

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, expressly submitted Parcels One and Two as described on Exhibit "A" attached to that certain Amendment to Declaration dated October 19, 1993,

ORIGINAL FILED IN OFFICE  
OCT 20 1994  
CLERK OF SUPERIOR COURT  
GLYNN COUNTY, GEORGIA

Condominium for Mallery Villas Condominium recorded in Deed Book - : 110  
23-K, Page 272, in said Clerk's office, as amended as set out  
above, and to all of the provisions of the Georgia Condominium Act,  
Georgia Law, 1975, House Bill 619, Act Number 463, as amended from  
time to time; and

WHEREAS, Parcel One described in said Exhibit "A" attached to  
the aforesaid Amendment dated October 19, 1993, has heretofore been  
included in the Condominium as Phase II, Section A, increasing the  
total number of condominium units in Mallery Villas Condominiums to  
71, and

WHEREAS, on September 17, 1993, Declarant filed in said  
Clerk's office in Plat Drawer No. 22, Map No. 177, a plat depicting  
Units 15 through 21, inclusive, of Phase II, Section B, thereby  
increasing the total number of condominium units to 78; and

WHEREAS, on April 19, 1994, Declarant filed in said Clerk's  
office a plat depicting Units 22 through 32, inclusive, of Phase  
II, Section B, thereby increasing the number of condominium units  
to 89; said plat has been recorded in said Clerk's office at Plat  
Drawer No. 22, Map No. 301; and

WHEREAS, on October 14, 1994, Declarant filed in said Clerk's  
office a plat depicting Units 95 through 104, inclusive, of Phase  
II, Section B, thereby increasing the number of condominium units  
to 99; said plat has been recorded in said Clerk's office at Plat  
Drawer No. 22, Map No. 393.

NOW, THEREFORE, pursuant to O.C.G.A. §44-3-89, this Amendment  
is executed by Declarant Owner as the owner of the ten (10)  
additional condominium units constructed on said Parcel and by The  
Coastal Bank of Georgia as sole mortgage holder of the loan on said  
Parcel. 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.

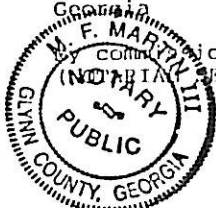
IN WITNESS WHEREOF, the undersigned have hereunto set their corporate hands and affixed their corporate seals, acting by and through their duly authorized officers, on this the day and year first above written. 114

Signed, sealed and delivered in the presence of:

Cristine G Skypou

Witness

[Signature]  
Notary Public, Glynn County, Georgia



My Commission Expires: May 31, 1998  
(NOTARIAL SEAL)

ABNA, INC.

By: [Signature]  
Its President

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:

Elizabeth J. Carey  
Witness

[Signature]  
Notary Public, Glynn County, Georgia

My Commission Expires: May 31, 1998  
(NOTARIAL SEAL)

THE COASTAL BANK OF GEORGIA

By: [Signature]  
Its President

(BANK SEAL)

RECORDED 12-1-1994  
Michael S. Brown

STATE OF GEORGIA

COUNTY OF GLYNN

BEFORE ME, a notary public in and for said State and County, came Tom Greeson, 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 8th, 1990, 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.

X Tom Greeson

Sworn to and subscribed before me this 8th day of January, 1990.

Rena Kirk  
NOTARY PUBLIC