

Return To: Lazega & Johanson, LLC  
3520 Piedmont Road, N.E., Suite 415  
Atlanta, Georgia 30305 Attn: JSL

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GEORGIA/FULTON

Cross Reference: Deed Book 9135  
Page 206

**AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM FOR  
BARRINGTON HILLS CONDOMINIUM**

**WHEREAS**, the Declaration of Condominium for Barrington Hills, a Condominium, was recorded on August 24, 1984, in Deed Book 9135, Page 206, *et seq.*, Fulton County, Georgia records ("Declaration"), as amended; and

**WHEREAS**, Paragraph 15 of the Declaration provides that the Declaration may be amended by the vote of owners of units at Barrington Hills Condominium to which two-thirds (2/3) of the votes in the Barrington Hills Condominium Association, Inc. ("Association") appertain, together with prior written consent of two-thirds (2/3) of mortgagees on units at the Condominium; and

**WHEREAS**, members of the Association holding two-thirds (2/3) of the eligible Association votes desire to amend the Declaration and have approved this Amendment; and

**WHEREAS**, this Amendment is not made without the approval of any mortgagee on a unit at the Condominium who has provided notice and designated an address to the Association as provided in Article X of the Association's By-Laws; and this Amendment is not material with respect to any mortgagee on a unit at the Condominium in that it does not materially and adversely affect the security title or interest of any such mortgagee; provided, however, in the event a court of competent jurisdiction determines that any provision of this Amendment does so and is made without any required mortgagee consent, then the respective provision of this Amendment shall not be binding on the mortgagee so involved, unless it consents hereto; and if such consent is not forthcoming, then the provisions of the Declaration prior to this Amendment shall control with respect to the affected mortgagee;

**NOW, THEREFORE**, the Declaration is hereby amended as follows:

1.

**Paragraph 15 of the Declaration is hereby amended by deleting the phrase "two-thirds of the votes in the Association" and substituting "two-thirds of the eligible votes in the Association" and further by adding the following to the end thereof:**

It is recognized that, when owners fail to participate in an amendment vote because of apathy or other reasons which are not based on any disagreement with a proposed amendment, important amendments to the Declaration or By-Laws may have no chance of approval, with the supermajority voting requirements established under the law. It also is recognized that supermajority voting requirements are important for owner actions which are as significant as amending this Declaration or the By-Laws. To balance these competing concerns, this subparagraph establishes a mechanism which provides every eligible owner an opportunity to issue a vote of approval, disapproval or abstention on proposed amendments to the Declaration or By-Laws, but also a realistic mechanism for approving important amendments, without the damaging consequences of owner non-response.

The Board shall issue notice of all proposed amendments to each owner. With each such notice, the Board shall include a copy of the proposed amendment, along with a consent form or ballot, which complies with the requirements of the By-Laws and Georgia law. Each such consent form or ballot shall give owners an opportunity to vote for, vote against or abstain from voting on the proposed amendment.

If the amendment is not approved or defeated by sufficient vote within 45 days of the amendment notice described above, then the Board may seek to obtain default approval from owners under this subparagraph. In such case, the Board shall send default approval notice, by certified mail and to the address consistent with the notice provision of the By-Laws, to all owners who have not returned consents or ballots on a proposed amendment within that 45-day period. This default approval notice also shall include a consent form or ballot, as provided above, along with a statement that the owner's failure to return an executed consent form or ballot, marked with a vote for, a vote against, or an abstention from voting on the amendment, within 15 days of the date of such default approval notice, will be deemed consent to such amendment. If the Board does not receive such consent or ballot within that 15-day period, the owner shall be deemed to have consented to and approved the amendment.

IN WITNESS WHEREOF, the undersigned officers of Barrington Hills Condominium Association, Inc., hereby certify that the above Amendment to the Declaration was duly adopted by Association members holding the required two-thirds (2/3) vote, with any required notices properly given, this 16 day of May, 2011.

Sworn to and subscribed to before me this 16 day of May, 2011.

BARRINGTON HILLS CONDOMINIUM ASSOCIATION, INC.

Donald R Blakely  
Witness

By: Tommy L. Fulk (Seal)  
President

Ruth Ann Miller  
Ruth Ann Miller  
Notary Public  
My Com. expires 2-14-2015  
[Notary Seal]

Attest: [Signature] (Seal)  
Signature/Title President  
[Corporate Seal]



Deed Book 50117 Pg 153  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia