

# DISHAROON UNIT OWNERS ASSOCIATION

BIG CANOE, GEORGIA 30134

## AMENDMENT TO DECLARATION OF CONDOMINIUM FOR DISHAROON RIDGE CONDOMINIUM

WHEREAS, DISHAROON RIDGE UNIT OWNERS' ASSOCIATION, INC. located at Big Canoe, Georgia. pursuant to O.C.G.A. §44-3-93, and

WHEREAS, at a duly called meeting of the condominium unit owners and members of said Association held on the 18th day of February, 1995, in Big Canoe, Georgia, it was voted to amend the said Unit Owners' Association's Declaration;

NOW THEREFORE, the undersigned Secretary of the said Association hereby certifies and swears:

1. That in compliance with Section 12.02 of said Declaration and O.C.G.A. §44-3-93, at least two-thirds (2/3) of the unit owners and members of said Association at the Association's special meeting held on the 18th day of February 1995 at Big Canoe. Georgia voted to amend the "Declaration of Condominium for Disharoon Ridge Condominium" recorded at Deed Book Page \_\_\_\_\_, of the \_\_\_\_\_ County records as follows:

A. That Section 4.06 is deleted in its entirety and in lieu thereof there is substituted the following new provisions:

Section 4.06. Effect of Nonpayment of Assessments: Remedies of the Association. Monthly maintenance assessments are due on the first day of the month if paid monthly. Such fees shall be deemed delinquent if not received or postmarked on or before the 30th day of the month. Special assessment payments for capital improvements, deferred maintenance, betterments as well as other special assessments shall be deemed delinquent if not received or postmarked on or before the due dates determined by the membership. A \$25.00 per month penalty will be applied for delinquent monthly maintenance assessment until such assessment payment is

PICKENS COUNTY FILED FOR RECORD ON  
THE 14 DAY OF March 1995 9:30 A.  
RECORDED THIS 16 DAY OF March 1995  
JOYCE CANTRELL, CSC, BOOK NO 233 PAGE 114-716

received. A \$25.00 per month penalty will be applied for each delinquent special assessment payment until such payment is received. All payments for accounts shall be first applied to penalties and then to the assessments first due.

Section **4.06.A.** The Board of Directors shall be obligated to enforce the provisions of Section 4.06 by all appropriate means including, but not limited to, court action against an owner who has incurred delinquent assessment payments in excess of ninety (90) days. All sums lawfully assessed by the Association against any unit owner or any unit whether for annual or special assessments or otherwise shall from the time same becomes due and payable constitute a lien in favor of the Association on such unit prior and superior to all other liens whatsoever except (i) liens for ad valorem taxes, (ii) the lien of any first priority mortgage and the lien of any mortgage recorded prior to the recording of this Declaration, and (iii) the lien of any secondary purchase money mortgage. The recording of this Declaration pursuant to the provisions of the Act shall constitute record notice of the existence of such lien and no further recordation of any claim or lien or assessment shall be required. Said lien for assessments shall also include any late fee and cost of collection including court costs, expenses of sale, any expenses required for the protection and preservation of the unit, and reasonable attorney's fees actually incurred. Such lien shall be in favor of the Association and shall be for the benefit of all other unit owners and may be foreclosed by the Association in accordance with the provision of the act or as otherwise provided by law. Nothing in this section shall be construed to prohibit the Association from being an action at law for recovery of the sums for which this section creates a lien for damages or for any other remedy available at law or in equity. All legal and court costs shall be borne by the unit owner or the unit who is delinquent.

IN WITNESS WHEREOF, the said Association has caused these presents to be signed in its name by its Secretary and its corporate seal to be affixed, the 21st day of February, 1995.

DISHAROON RIDGE HOMEOWNERS ASSOCIATION

Signed, Sealed and Delivered  
in our Presence:

Michie B. Muroff  
Veretta Lamas

By: Barbara D. Wood  
Association Secretary



STATE OF Georgia  
COUNTY OF DeKalb

I HEREBY CERTIFY that on the 21st day of February, 1995, before me personally appeared Barbara F. Wood Secretary of DISHARON RIDGE HOMEOWNERS ASSOCIATION, a corporation under the laws of the State of Georgia, to me known to be the person described in and who executed the foregoing AMENDMENT TO DECLARATION OF CONDOMINIUM OF DISHARON RIDGE UNIT OWNERS' ASSOCIATION, INC. and she acknowledged the execution thereof to be her free act and deed as such officer, for the uses and purposes therein mentioned; and that she affixed thereto the official seal of said Corporation.

WITNESS my signature and official seal at Atlanta in the County of DeKalb State of Georgia, the day and year aforesaid.

Studs M. Jackson  
Notary Public

My Commission Expires:  
Notary Public, DeKalb County, Georgia  
My Commission Expires April 15, 1995