

Return to: Weissman, Nowack, Curry & Wilco, P.C.
One Alliance Center, 4th Floor
3500 Alliance Center
Atlanta, Georgia 30326
Attention: Darryl R. Moss

Reference: Deed Book 00970
Page 0958

**FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM
FOR TOWNECLUB CONDOMINIUM**

This **FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR TOWNECLUB CONDOMINIUM** is made on the date set forth below by **TOWNECLUB PARTNERS, LLC**, a Georgia limited liability company (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, on January 11, 2005 that certain Declaration of Condominium for TowneClub Condominium was recorded in Deed Book 00970, Page 0958, *et seq.*, Richmond County, Georgia records (hereinafter referred to as the "Declaration");

WHEREAS, a plat of survey showing the property originally submitted to the Declaration prepared by Christopher E. Moore & Associates, Inc., was filed in Condominium Plat Book 1, Page 754, Richmond County, Georgia records; and

WHEREAS, floor plans of the Units located on the property originally submitted to the Declaration, prepared by Brown Doane Architects, Inc., were filed in Condominium Floor Plan Book 1, Pages 756, Richmond County, Georgia records; and

WHEREAS, Declarant desires to subject to the provisions of the Declaration a portion of the real property described on Exhibit "C" to the Declaration and more particularly described in Exhibit "A" attached hereto and incorporated by this reference ("Portion of Additional Property"); and

WHEREAS, a plat of survey showing the Portion of Additional Property, as well as the originally submitted property, prepared by James G. Swift & Associates., was filed in Condominium Plat Book 2, Page 169, Richmond County, Georgia records; and

WHEREAS, floor plans of the units located on the Portion of Additional Property prepared by Brown Doane Architects, Inc., were filed in Floor Plan Condominium 2, Page 170 et Seq., Richmond County, Georgia records.

NOW, THEREFORE, subject to the provisions of O.C.G.A. § 44-3-89 and Paragraph 25 of the Declaration, and in accordance with those provisions, Declarant hereby amends the Declaration as follows:

1.

The Portion of Additional Property is subject to the form of ownership set forth in the Georgia Condominium Act, O.C.G.A. § 44-3-70 et seq. ("Act") and to the provisions of the Declaration. The Portion of Additional Property shall be held, sold, transferred, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the Act and the covenants, conditions, restrictions, easements, assessments, and liens set forth in the Declaration, which are for the purpose of protecting the value and desirability of, and which shall run with the title of the Portion of Additional Property and shall be binding upon all persons or entities having any right, title, or interest in the Portion of Additional Property, their respective heirs, legal representatives, successors, successors-in-title and assigns and shall be for the benefit of all owners of property subject to the Declaration.

2.

The first paragraph of Paragraph 4 of the Declaration is deleted in its entirety and the following is substituted therefor:

The Condominium will be divided into one hundred and thirty (130) separate Units and Common Elements, some of which will be assigned as Limited Common Elements. Each Unit consists of a dwelling and its appurtenant percentage of undivided interest in the Common Elements. Each Unit shall be conveyed as a separately designated and legally described freehold estate subject to the Act and the Condominium Instruments. The Units are depicted on the Survey and the Floor Plans. Each Unit includes that part of the structure, which lies within the following boundaries except for those Units defined in subparagraphs (c) and (d) below:

3.

Declarant hereby reassigns the undivided percentage interest in the Common Elements and liabilities for common expenses among all one hundred and thirty (130) Units by deleting Exhibit "B" to the Declaration in its entirety and replacing it with Exhibit "B" attached hereto and incorporated by this reference.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned being the duly appointed officer of Declarant has executed this First Amendment to the Declaration of Condominium for TowneClub this 5th day of April, 2006.

DECLARANT:

TOWNECLUB PARTNERS, LLC,
a Georgia limited liability company

By: AUGUSTA PARTNERS, LLC, an Alabama
limited liability company, its manager

By: [Signature] (SEAL)
Howard F. Hunt, its General Manager

Signed, sealed, and delivered this
5th day of April, 2006.

[Signature]
Witness

[Signature]
Notary Public
My Commission Expires: _____
[NOTARY SEAL]



EXHIBIT "A"

Description Of Submitted Property

PARCEL II

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right-of-way South 57 Degrees 06 Minutes 08 Seconds East a distance of 106.93 feet to **The True Point of Beginning**. Running thence South 57 Degrees 06 Minutes 08 Seconds East a distance of 242.85 feet to a point; Running thence North 32 Degrees 54 Minutes 37 Seconds East a distance of 224.58 feet to a point; Running thence North 56 Degrees 13 Minutes 17 Seconds West a distance of 242.88 feet to a point; Running thence South 32 Degrees 54 Minutes 32 Seconds West a distance of 228.29 feet to **The True Point of Beginning**.

Said parcel of land containing 54,987 square feet (1.26 acres) is shown as Parcel II on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's, LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

PARCEL III

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right-of-way South 57 Degrees 06 Minutes 08 Seconds East a distance of 349.78 feet to a point; Running thence North 32 Degrees 54 Minutes 37 Seconds East a distance of 224.58 feet to **The True Point of Beginning**. Running thence South 57 Degrees 44 Minutes 09 Seconds East a distance of 276.19 feet to a point; Running thence North 33 Degrees 01 Minute 16 Seconds East a distance of 87.81 feet to a point; Running thence North 58 Degrees 00 Minutes 00 Seconds West a distance of 31.03 feet to a point; Running thence North 32 Degrees 06 Minutes 13 Seconds East a distance of 142.31 feet to a point; Running thence North 58 Degrees 20 Minutes 42 Seconds West a distance of 248.35 feet to a point; Running thence South 31 Degrees 39 Minutes 18 Seconds West a distance of 227.53 feet to **The True Point of Beginning**.

Said parcel of land containing 59,289 square feet (1.36 acres) is shown as Parcel III on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's, LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

PARCEL IV

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right-of-way South 57 Degrees 06 Minutes 08 Seconds East a distance of 349.78 feet to a point; Running thence North 32 Degrees 54 Minutes 37 Seconds East a distance of 224.58 feet to **The True Point of Beginning**. Running thence North 56 Degrees 13 Minutes 17 Seconds West a distance of 242.88 feet to a point; Running thence North 31 Degrees 39 Minutes 18 Seconds East a distance of 218.55 feet to a point; Running thence South 58 Degrees 20 Minutes 42 Seconds East a distance of 242.71 feet to a point; Running thence South 31 Degrees 39 Minutes 18 Seconds West a distance of 227.53 feet to **The True Point of Beginning**.

Said parcel of land containing 54,137 square feet (1.24 acres) is shown as Parcel IV on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's, LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

PARCEL V

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right-of-way South 57 Degrees 06 Minutes 08 Seconds East a distance of 106.93 feet to a point; Running thence North 32 Degrees 54 Minutes 32 Seconds East a distance of 228.29 feet to **The True Point of Beginning**. Running thence North 31 Degrees 39 Minutes 18 Seconds East a distance of 218.55 feet to a point; Running thence North 58 Degrees 20 Minutes 42 Seconds West a distance of 237.74 feet to a point; Running thence South 31 Degrees 39 Minutes 54 Seconds West a distance of 218.34 feet to a point; Running thence South 58 Degrees 17 Minutes 39 Seconds East a distance of 237.78 feet to **The True Point of Beginning**.

Said parcel of land containing 51,936 square feet (1.19 acres) is shown as Parcel V on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's, LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

TRACT C

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right-of-way South 57 Degrees 06 Minutes 08 Seconds East a distance of 594.12 feet to a ½" rebar set; Running thence North 32 Degrees 54 Minutes 37 Seconds East a distance of 195.97 feet to a ½" rebar found; Running thence South 56 Degrees 58 Minutes 44 Seconds East a distance of 31.83 feet to **The True Point of Beginning**. Running thence South 56 Degrees 58 Minutes 44 Seconds East a distance of 170.30 feet to a ½" rebar found; Running thence North 32 Degrees 50 Minutes 04 Seconds East a distance of 122.57 feet

to a point; Running thence North 58 Degrees 00 Minutes 00 Seconds West a distance of 169.93 feet to a point; Running thence South 33 Degrees 01 Minute 16 Seconds West a distance of 119.54 feet to **The True Point of Beginning.**

Said tract of land containing 20,592 square feet (0.47 acres) is shown as Tract C on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's, LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

TRACT D

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right-of-way South 57 Degrees 06 Minutes 08 Seconds East a distance of 594.12 feet to a ½" rebar set; Running thence North 32 Degrees 54 Minutes 37 Seconds East a distance of 195.97 feet to a ½" rebar found; Running thence South 56 Degrees 58 Minutes 44 Seconds East a distance of 31.83 feet to a point; Running thence North 33 Degrees 01 Minute 16 Seconds East a distance of 119.54 feet to **The True Point of Beginning.** Running thence South 58 Degrees 00 Minutes 00 Seconds East a distance of 169.93 feet to a point; Running thence North 32 Degrees 50 Minutes 04 Seconds East a distance of 143.74 feet to a ¾" open top found; Running thence North 58 Degrees 20 Minutes 42 Seconds West a distance of 202.80 feet to a point; Running thence South 32 Degrees 06 Minutes 13 Seconds West a distance of 142.31 feet to a point; Running thence South 58 Degrees 00 Minutes 00 Seconds East a distance of 31.03 feet to **The True Point of Beginning.**

Said tract of land containing 28,852 square feet (0.66 acres) is shown as Tract D on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's, LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

TRACT E

All that tract or parcel of land lying and being in the 1269th GMD of the Richmond County, Georgia, and being more particularly described as follows:

Beginning at the intersection with the centerline of Brookside West Apartments entrance & the easterly right-of-way of Berkman Road 80' R/W; running thence along said right-of-way of Berkman Road in a northly direction a distance of 521.13 feet to ½" rebar found; thence leaving said right of way South 57 Degrees 06 Minutes 08 Seconds East a distance of 106.93 feet to a point; Running thence North 32 Degrees 54 Minutes 32 Seconds East a distance of 228.29 feet to a point; Running thence North 58 Degrees 17 Minutes 39 Seconds West a distance of 237.78 feet to **The True Point of Beginning.** Running thence North 31 Degrees 39 Minutes 54 Seconds East a distance of 218.34 feet to a point; Running thence North 58 Degrees 20 Minutes 42 Seconds West a distance of 84.97 feet to a point; Running thence on the Eastern right-of-way of Berkman Road along a line South 13 Degrees 32 Minutes 42 Seconds West on a curve having a Radius of 1050.54 feet for a distance of 230.17 feet, and a chord of South 13 Degrees 32 Minutes 42 Seconds West and a distance of 229.71 feet to a point; Running thence South 58 Degrees 17 Minutes 39 Seconds East a distance of 13.53 feet to **The True Point of Beginning.**

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Said tract of land containing 11,720 square feet (0.27 acres) is shown as Tract E on a Compiled Plat of Towneclub Condominiums for Towneclub Partner's LLC which is recorded with the Clerk of the Superior Court of Richmond County in Plat Book 2, Page 169.

EXHIBIT "B"

**Undivided Percentage Interest in the Common Elements
and Liabilities for Common Expenses**

Unit Number	Building Number	Approximate Square Feet	Ownership Percentage
2601-G	1	1325	1.03%
2603-G	1	780	0.60%
2605-G	1	1020	0.79%
2607-G	1	1020	0.79%
2609-G	1	1020	0.79%
2611A-G	1	1060	0.82%
2611B-G	1	350	0.27%
2613-G	1	1250	0.97%
2615-G	1	1020	0.79%
2617-G	1	1020	0.79%
2619-G	1	1020	0.79%
2621-G	1	780	0.60%
2623-G	1	1325	1.03%
2629-G	2	1308	1.02%
2631-B	2	780	0.60%
2633-G	2	1000	0.78%
2635-G	2	1000	0.78%
2637-G	2	1000	0.78%
2639A-G	2	1177	0.91%
2639B-G	2	350	0.27%
2641-G	2	1177	0.91%
2643-G	2	1000	0.78%
2645-G	2	1000	0.78%
2647-G	2	1000	0.78%
2649-G	2	780	0.60%
2651-G	2	1308	1.02%
2602-B	3	1325	1.03%
2604-B	3	780	0.60%
2606-B	3	1020	0.79%
2608-B	3	1020	0.79%
2610-B	3	1020	0.79%
2612A-B	3	1060	0.82%
2612B-B	3	350	0.27%
2614-B	3	1250	0.97%
2616-B	3	1020	0.79%
2618-B	3	1020	0.79%
2620-B	3	1020	0.79%
2622-B	3	780	0.60%
2624-B	3	1325	1.03%
2630-B	4	1219	0.94%
2632-B	4	780	0.60%
2634-B	4	1000	0.78%
2636-B	4	1000	0.78%
2638-B	4	1000	0.78%

Unit Number	Building Number	Approximate Square Feet	Ownership Percentage
2640A-B	4	1177	0.91%
2640B-B	4	350	0.27%
2642-B	4	1177	0.91%
2644-B	4	1000	0.78%
2646-B	4	1000	0.78%
2648-B	4	1000	0.78%
2650-B	4	780	0.60%
2652-B	4	1219	0.94%
2601-B	5	1308	1.02%
2603-B	5	780	0.60%
2605-B	5	1000	0.78%
2607-B	5	1000	0.78%
2609-B	5	1000	0.78%
2611A-B	5	1177	0.91%
2611B-B	5	350	0.27%
2613-B	5	1177	0.91%
2615-B	5	1000	0.78%
2617-B	5	1000	0.78%
2619-B	5	1000	0.78%
2621-B	5	780	0.60%
2623-B	5	1308	1.02%
2629-B	6	1308	1.02%
2631-B	6	780	0.60%
2633-B	6	1000	0.78%
2635-B	6	1000	0.78%
2637-B	6	1000	0.78%
2639A-B	6	1177	0.91%
2639B-B	6	350	0.27%
2641-B	6	1177	0.91%
2643-B	6	1000	0.78%
2645-B	6	1000	0.78%
2647-B	6	1000	0.78%
2649-B	6	780	0.60%
2651-B	6	1308	1.02%
2657-B	7	1308	1.02%
2659-B	7	780	0.60%
2661-B	7	1000	0.78%
2663-B	7	1000	0.78%
2665-B	7	1000	0.78%
2667A-B	7	1177	0.91%
2667B-B	7	350	0.27%
2669-B	7	1177	0.91%
2671-B	7	1000	0.78%
2673-B	7	1000	0.78%
2675-B	7	1000	0.78%
2677-B	7	780	0.60%
2679-B	7	1308	1.02%
2602-C	8	1308	1.02%
2604-C	8	780	0.60%

Unit Number	Building Number	Approximate Square Feet	Ownership Percentage
2606-C	8	1000	0.78%
2608-C	8	1000	0.78%
2610-C	8	1000	0.78%
2612A-C	8	1177	0.91%
2612B-C	8	350	0.27%
2614-C	8	1177	0.91%
2616-C	8	1000	0.78%
2618-C	8	1000	0.78%
2620-C	8	1000	0.78%
2622-C	8	780	0.60%
2624-C	8	1308	1.02%
2630-C	9	1308	1.02%
2632-C	9	780	0.60%
2634-C	9	1000	0.78%
2636-C	9	1000	0.78%
2638-C	9	1000	0.78%
2640A-C	9	1177	0.91%
2640B-C	9	350	0.26%
2642-C	9	1177	0.91%
2644-C	9	1000	0.78%
2646-C	9	1000	0.78%
2648-C	9	1000	0.78%
2650-C	9	780	0.60%
2652-C	9	1308	1.02%
2658-C	10	1308	1.02%
2660-C	10	780	0.60%
2662-C	10	1000	0.78%
2664-C	10	1000	0.78%
2666-C	10	1000	0.78%
2668A-C	10	1177	0.90%
2668B-C	10	350	0.26%
2670C	10	1177	0.90%
2672-C	10	1000	0.78%
2674-C	10	1000	0.78%
2676-C	10	1000	0.78%
2678-C	10	780	0.60%
2680-C	10	1308	1.02%
TOTAL		128842	100.00%