

After recording, please return to:  
Erin Murray O'Connell  
Dorough & Dorough, LLC  
Attorneys at Law  
160 Clairemont Avenue, Suite 650  
Decatur, Georgia 30030

CROSS REFERENCE: Deed Book: 28309  
Page: 122

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**AMENDMENT TO THE BYLAWS OF  
90 FAIRLIE CONDOMINIUM ASSOCIATION, INC.**

THIS AMENDMENT TO THE BYLAWS OF 90 FAIRLIE CONDOMINIUM ASSOCIATION, INC., (hereinafter referred to as "Amendment") is made this 22<sup>nd</sup> day of September, 2021 by 90 FAIRLIE CONDOMINIUM ASSOCIATION, INC., a Georgia nonprofit corporation (hereinafter referred to as the "Association");

WITNESSETH

**WHEREAS**, 90 Fairlie, LLC, as "Declarant", executed that certain Declaration of Condominium for 90 Fairlie Condominium, which was recorded January 3, 2000 at Deed Book 28309, Page 122, *et seq.*, Fulton County, Georgia land records (hereinafter as supplemented and/or amended from time to time referred to as the "Declaration"); and

**WHEREAS**, the Bylaws of 90 Fairlie Condominium Association, Inc., were attached to the Declaration as Exhibit "E" and recorded therewith ("Bylaws"); and

**WHEREAS**, the Association is a nonprofit corporation incorporated under the Georgia Nonprofit Corporation Code to be the Association named in the Declaration to have the power and authority set forth therein; and

**WHEREAS**, pursuant to Article VI, Section 8 of the Bylaws, the Bylaws may be amended by the affirmative vote, written consent, or any combination thereof of the members holding two-thirds (2/3) of the total vote of the Association; and

**WHEREAS**, as long as Declarant has the right to appoint directors and officers of the Association as provided in Article III, Section 2 of the Bylaws, any amendment to the Bylaws shall require the written consent of the Declarant; and

**WHEREAS**, Declarant no longer has the right to appoint directors and officers of the Association; and

**WHEREAS**, the Amendment was approved by members holding at least two-thirds (2/3) of the total vote of the Association; and

**WHEREAS**, attached as Exhibit "A" hereto and by this reference incorporated herein is the sworn statement of the Secretary of the Association which sworn statement states that the consent of at least two-thirds (2/3) of the members was lawfully obtained; and

**NOW THEREFORE**, the Association hereby adopts this Amendment to those certain Bylaws of 90 Fairlie Condominium Association, Inc., hereby declaring that all of the property now or hereafter subject to the Bylaws shall be held, conveyed, encumbered, used, occupied and improved subject to the Bylaws, amended as follows:

1.

The Bylaws are hereby amended by adding the following sentences to the end of Article I, Section 6, of the Bylaws:

“Owners may vote electronically to the extent permitted by Georgia law.”

2.

The Bylaws are hereby amended by deleting Article II, Section 1, entitled "Annual Meetings," it in its entirety and replacing it with a new Article II, Section 1 to read as follows:

Section 1. Annual Meetings. The regular annual meeting of the members shall be held during the month of November, December or January each year with the date, hour, and place to be set by the Board of Directors. To the extent permitted by O.C.G.A. 14-3-701, the Board of Directors may determine that an annual and regular meeting of the members may be held wholly or partially by means of remote communication as authorized by O.C.G.A. 14-3-709.

3.

The Bylaws are hereby amended by deleting Article II, Section 2, entitled "Special Meetings," it in its entirety and replacing it with a new Article 2I, Section 2 to read as follows:

Section 2. Special Meetings. Special meetings of the members may be called for any purpose at any time by the President or Secretary, by request of any member of the Board of Directors, or upon written petition of Owners holding at

least one-thirds (1/3) of the total Association vote. Any such written petition by the members must be submitted to the Association's Secretary. The Secretary shall then verify that the required number of members have joined in the petition and shall submit all property petitions to the Association's President. The President shall then promptly call a special meeting for the purpose stated in the petition, and the Secretary shall send notice of the meeting in accordance with these Bylaws. To the extent permitted by O.C.G.A. 14-3-702, the Board of Directors may determine that a special meeting may be held wholly or partially by means of remote communication as authorized by O.C.G.A. 14-3-709.

4.

The Bylaws are hereby amended by deleting Article VI, Section 1, entitled "Notices," in its entirety and replacing it with a new Article VI, Section 1 to read as follows:

Section 1. Notices. All notices and other communications required by these Bylaws or the Declaration shall be in writing and shall be given by:

- (a) Personal delivery;
- (b) Via First-Class United States mail, postage prepaid;
- (c) Via electronic mail;
- (d) Via facsimile; or
- (e) Via any other means permitted by Georgia law.

Notices sent by one of the methods described herein shall be deemed to have been duly given:

(a) if to an Owner, at the address, electronic mail address or facsimile number which the Owner has designated in writing and filed with the Secretary, or if no such address or number has been designated, at the address of the Owner's Unit.

(b) if to an Occupant, at the address, electronic mail address or facsimile number that the Occupant has designated in writing with the Secretary, or if no such address or number has been designated, at the address of the Unit occupied.

5.

The Bylaws are hereby amended by adding a new Section 10, entitled "Electronic Records, Signatures and Documents," to the end of Article VI to read as follows:

Section 10. Electronic Records, Signatures and Documents. To the extent permitted by the Uniform Electronic Transaction Act, O.C.G.A. § 10-12-1, *et seq.*, the Nonprofit Code, the Declaration and these Bylaws, the Association and its members, officers, directors, Owners and Occupants may perform any obligation or exercise any right by use of electronic means providing sufficient

security, reliability, identification and verifiability, which electronic means have been approved by the Board of Directors in its sole discretion.

6.

Unless otherwise defined herein, the words used in this Amendment shall have the same meaning as set forth in the Declaration.

7.

This Amendment shall be effective only upon being recorded in the records of the Clerk of Superior Court of Fulton County, Georgia and shall be enforceable against the current Owner of any Unit subject to the Declaration.

8.

Except as herein modified, the Declaration shall remain in full force and effect.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

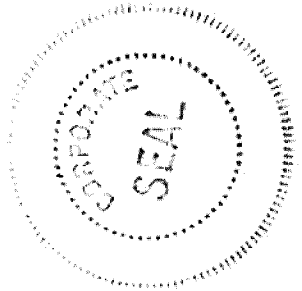
IN WITNESS WHEREOF, the Association has caused this Amendment to be executed under seal the day and year first above written.

ASSOCIATION: **90 FAIRLIE CONDOMINIUM ASSOCIATION, INC.**, a Georgia nonprofit corporation

By: [Signature]  
Name: Lorna J Cameron  
President

Attest: [Signature]  
Name: Timothy Campbell  
Secretary

[AFFIX CORPORATE SEAL]



Signed, sealed, and delivered in the presence of:

[Signature]  
WITNESS

[Signature]  
NOTARY PUBLIC

My Commission Expires: JUNE 4, 2024

[AFFIX NOTARY SEAL]

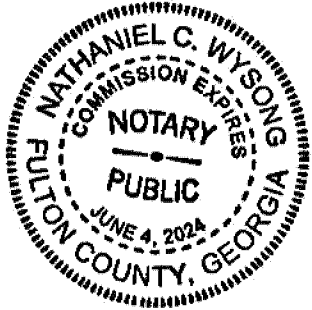


EXHIBIT "A"

Sworn Statement of Secretary of  
90 Fairlie Condominium Association, Inc.

STATE OF GEORGIA

COUNTY OF FULTON

Re: 90 Fairlie Condominium Association, Inc.

Personally appeared before me, the undersigned deponent who, being duly sworn, deposed and said on oath that:

1. Deponent is the Secretary of 90 Fairlie Condominium Association, Inc.
2. Deponent is duly qualified and authorized to make this Affidavit and knows the facts contained herein are of his or her own personal knowledge.
3. The foregoing Amendment to the 90 Fairlie Condominium Association, Inc. was adopted by an agreement signed by at least two-thirds (2/3) of the members, such agreement having been given and obtained as provided by law and the Declaration.
4. Deponent makes this Affidavit pursuant to Official Code of Georgia Annotated Section 44-3-93.

This the 22 day of September, 2021.

Signed: [Signature]  
Print Name: Timothy Campbell

Sworn to and subscribed before me  
this 22 day of September, 2021.

[Signature]  
Notary Public

[AFFIX NOTARY SEAL]

