

Upon recording return to:
Coulter & Sierra, LLC
1770 Indian Trail Road, Suite 440
Norcross, Georgia 30093
2158.17

Cross Reference: Deed Book: 60803
Page: 96

**SUPPLEMENTARY DECLARATION OF CONDOMINIUM
FOR TOWN CENTER OVERLOOK CONDOMINIUM**

(Annexation of Units 7 through 10, inclusive and Units 35 through 40, inclusive)

THIS SUPPLEMENTARY DECLARATION OF CONDOMINIUM FOR TOWN CENTER OVERLOOK CONDOMINIUM (herein called the "Supplementary Declaration") is made this ____ day of October, 2023, by McKinley Homes US LLC, a Georgia limited liability company (hereinafter called the "Declarant"), for the purposes of submitting additional property to the Declaration of Condominium for Town Center Overlook Condominium and the Georgia Condominium Act, O.C.G.A. § 44-3-70, *et seq.* (herein called the "Act");

W I T N E S S E T H

WHEREAS, Declarant submitted certain real property to the Act and to that certain Declaration of Condominium for Town Center Overlook Condominium, recorded September 11, 2023 at Deed Book 60803, Page 96, *et seq.*, in the Gwinnett County, Georgia land records, as amended in that certain Amendment to the Declaration of Condominium for Town Center Overlook Condominium, recorded October 5, 2023 in Deed Book 60849, Page 421, *et seq.* (hereafter as such document may have been supplemented and/or amended from time to time referred to as the "Declaration"); and

WHEREAS, Article 25 of the Declaration provides, in pertinent part, that Declarant reserves the right and option to expand the Condominium by adding to the Condominium and submitting to the Declaration all or a portion of the Additional Property for a period of seven (7) years from the date of the recording of the Declaration; and

WHEREAS, Declarant is the owner in fee simple of the portion of the Additional Property described on Exhibit "A", attached hereto and by this reference incorporated herein and such property is a portion of the Additional Property that may be subjected to the Declaration and the Act by the Declarant; and

WHEREAS, the Declarant desires to submit the Additional Property described on Exhibit "A" hereof to the Act and to the Declaration; and

WHEREAS, pursuant to O.C.G.A. §44-3-83 of the Act, plat for Units 7 through 10 and Units 35 through 40 described herein were previously filed in Condominium Book CD6, Pages 270 through 274, Gwinnett County, Georgia land records; and

WHEREAS, pursuant to O.C.G.A. §44-3-83 of the Act, floor plans for Units 7 through 10 located on the Additional Property for Town Center Overlook Condominium, described herein were previously filed in Condominium Plan Book CD7, Pages 1 through 69, aforesaid records, and the Unit is certified by

a registered Architect or Engineer as evidenced by the Certification of a Registered Architect or Engineer attached hereto as Exhibit "B" and by this reference incorporated herein;

WHEREAS, pursuant to O.C.G.A. §44-3-83 of the Act, floor plans for Units 37 through 40 located on the Additional Property for Town Center Overlook Condominium, described herein were previously filed in Condominium Plan Book CD7, Pages 71 through 82, aforesaid records, and the Units are certified by a registered Architect or Engineer as evidenced by the Certification of a Registered Architect or Engineer attached hereto as Exhibit "B" and by this reference incorporated herein;

NOW THEREFORE, McKinley Homes US LLC, as Declarant, pursuant to the Declaration and to the Act, hereby submits the property described on Exhibit "A" attached hereto and by this reference incorporated herein, together with all of the improvements located thereon, to the provisions of the Act and to the provisions of the Declaration. From and after the date on which this Supplementary Declaration is recorded with the Clerk of the Superior Court of Gwinnett County, Georgia, the property described on Exhibit "A" hereof, and all of the improvements located thereon, shall be owned, held, transferred, sold, conveyed, used, occupied, mortgaged or otherwise encumbered, subject to all of the terms, provisions and restrictions of the Declaration, as amended hereby, and of the Act.

1.

In connection with the expansion of the Condominium and as provided in the Declaration: (a) the undivided interest in the Common Elements allocated to each Unit shall be reallocated so that each Unit in the Condominium, including the Units submitted hereby, shall have an equal undivided interest in the Common Elements; (b) the vote allocated to each Unit shall be reallocated so that the Owner of each Unit in the Condominium, including the Units submitted hereby, shall, except as otherwise provided in the Declaration or the Act or any other recorded documents governing the Condominium, be entitled to cast one (1) vote on matters coming before the membership; and (c) the liability for Common Expenses allocated to each Unit shall be reallocated so that each Unit in the Condominium, including the Units submitted hereby, shall, except as otherwise provided in the Declaration, Bylaws, the Act be equally liable for the Common Expenses.

2.

In connection with the expansion of the Condominium, each Unit submitted to the Condominium hereby shall be assigned the Limited Common Elements appurtenant to a Unit as described in Article 6 of the Declaration.

3.

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

4.

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

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

DECLARANT:

MCKINLEY HOMES US LLC, a
Georgia limited liability Company

By: _____

Its: _____

manager

Signed, sealed, and delivered

In the presence of:

[Signature]

WITNESS

[Signature]

NOTARY PUBLIC

My Commission Expires:

[NOTARY SEAL]



Exhibit "A"
Legal Description

Tax Parcel ID# 6300 218

All that tract or parcel of land lying and being in Land Lots 300 & 301, 6th District, Gwinnett County, Georgia and being all the property identified as **Units 7 through 10** inclusive, and Units 35 through 40, inclusive, as more particularly described on that certain Condominium Plat For: Town Center Overlook, prepared by Robbie Henderson Surveying & Planning, containing the seal of Jesse R. Henderson, GRLS # 2985, as recorded on September 11, 2023, in Condominium Plat Book CD6, Pages 270 through 274 of the real property records of the Clerk of the Superior Court of Gwinnett County, Georgia, the specific metes and bounds being contained therein, expressly by this reference.

EXHIBIT "B"
Certification by Registered Architect or Engineer

The registered architect or engineer whose signature and seal appears below does hereby certify that he has visited the site known as Town Center Overlook Condominium and viewed the property and to the best of his knowledge, information, and belief: (i) the exterior walls and roof of each structure are in place as shown on the Plans; and (ii) such walls, partitions, floors and ceilings, to the extent shown on said Plans, as constitute the horizontal boundaries, if any, and the vertical boundaries of each unit, including convertible space, have been sufficiently constructed so as to establish clearly the physical boundaries of such unit. For purposes hereof, the term "Plans" shall mean those certain Condominium Floor Plans for Town Center Overlook—Units 7 through 10, inclusive, located on the Additional Property for Town Center Overlook Condominium, described herein were previously filed in Condominium Plan Book CD7, Pages 1 through 69, aforesaid records and Units 35 through 40, inclusive, Condominium Plan Book CD7, Pages 71 through 82, aforesaid records.

By: _____
Hadi Mansouri

[AFFIX SEAL]