

LIBER 2068 FOLIO 484

**SECOND AMENDMENT TO CONDOMINIUM DECLARATION**

**for**

**"THE ISLAND AT HIDDEN HARBOUR"**

**(An Expanding Condominium)**

**ADDING "PHASE III" TO THE CONDOMINIUM REGIME**

THIS SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION, made this 14<sup>th</sup> day of June, 1994, by Hidden Harbour VI, Inc., a Maryland corporation (hereinafter referred to as "Developer").

WHEREAS Developer has previously executed a Condominium Declaration for The Island At Hidden Harbour, a condominium, dated June 7, 1993, which Declaration has been recorded among the Land Records of Worcester County, Maryland in Liber R.H.O. No. 1939, Folio 257, et seq. (hereinafter referred to as the "Original Condominium Declaration") and has recorded a Condominium Plat entitled "The Island At Hidden Harbour (A Condominium)" among said records in Liber R.H.O. No. 135, Folio 69-74 (hereinafter referred to as the "Original Condominium Plat"), thereby submitting certain lands located in the Town of Ocean City, Worcester County and State of Maryland together with certain buildings and improvements constructed thereon (designated therein as the "Phase I Property" and the "Phase XI Property" and more fully described therein in Exhibits "A-1 and A-11" thereto) to a Condominium Regime pursuant to the provisions of the Condominium Act, §11-101, et seq. of the Real Property Article of the Annotated Code of Maryland; and

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PO Box 75  
Salisbury, MD 21801

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WHEREAS, Developer has also previously executed a First Amendment to Condominium Declaration dated February 25, 1994, which has been recorded among the aforesaid Land Records in Liber R.H.O. No. 2030, Folio 549, et seq., the effect of which was to add "Phase II", "Building B" to the Condominium Regime; and

WHEREAS, Developer in said Original Condominium Declaration reserved the right, pursuant to §11-120 of the Condominium Act, to submit certain additional lands in said town, county and state to the Condominium Regime established by the Original Condominium Declaration, the additional property being referred to collectively therein as the "Expansion Phases Property" and being more fully described in Exhibits "A-2" through "A-10", and "A-12" as set forth therein; and

WHEREAS, Developer now wishes to submit to the Condominium Regime as "Phase III" thereof, the land and property together with certain buildings and improvements constructed thereon which are more fully set forth in Exhibit "A-3" to the Condominium Declaration.

NOW, THEREFORE, THIS SECOND AMENDMENT TO CONDOMINIUM DECLARATION WITNESSETH: That Developer, for itself, its successors and assigns, does hereby expressly establish and declare the following:

1. Submission of Additional Property to the Condominium Regime.

The Developer hereby submits the "Phase III" property (set forth and described in Exhibit "A-3" to the Original Condominium

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Declaration, an additional copy whereof is attached hereto and incorporated herein by reference), together with the improvements thereon and all the rights and appurtenances thereto belonging to or in any manner appertaining, to the Condominium Regime established by the Original Condominium Declaration. The "Phase III" property submitted to the Condominium Regime by this Second Amendment contains one (1) 3-story building (designated as "Building C" on the plat hereinafter mentioned) containing a total of twenty-one (21) units and common elements as more fully described herein. The phase of the project submitted to the Condominium Regime by this Amendment is depicted on the Original Condominium Plat, and the property, building and units submitted by this Amendment are also more particularly shown and depicted on the Amendments to the Condominium Plat, a copy of which is recorded or intended to be recorded among the Worcester County Land Records simultaneously herewith.

**2. Condominium Buildings and Units.**

(a) **Condominium Building.** The condominium units are contained in one (1) building containing a total of twenty-one (21) units, as follows:

(i) **"Phase III" Building.** The condominium units in the "Phase III" building are contained in a 3-story building (designated as "Building C" on plat hereinafter mentioned) containing a total of twenty-one (21) units. The location and configuration of the Condominium building is more fully shown and

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designated on the Condominium Plats. The units in the "Phase III" building are numbered as follows: seven (7) units on the first floor thereof designated by unit numbers 113 through 119; seven (7) units on the second floor thereof designated by unit numbers 213 through 219; and seven (7) units on the third floor thereof designated by unit numbers 313 through 319.

(b) Condominium Units. Each unit within the Condominium Regime is designated by a corresponding unit number as set forth on the Condominium Plats and consists of an enclosed three-dimensional space, the perimeters, dimensions and locations of which are more fully shown and designated on said Condominium Plats which are incorporated herein by reference.

3. Effect of Amendment: Percentage Interests and Votes Appurtenant to Units.

As provided in the Original Condominium Declaration, upon the recording of this instrument, the additional property submitted to the Condominium Regime hereby and the property previously submitted to the Condominium Regime shall be and constitute one and the same Condominium Regime, subject to and in accordance with the terms and provisions of the Original Condominium Declaration in all respects.

Without limiting the foregoing, each owner of a condominium unit and respective percentage interest in the Condominium, as the same was constituted prior to the recordation of this instrument (and the mortgagee or beneficiary of any mortgage or deed of trust

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on such unit, as his, her, its or their interest may appear) shall have and be vested with an undivided interest in the common elements in the additional property submitted to the Regime by this instrument equal to that set forth in paragraph 5 and Exhibit "B" of the Original Condominium Declaration, applied as of a time immediately after the submission of the additional property submitted to the Condominium Regime as called for herein.

As provided in paragraph 5 and Exhibit "B" of the Original Condominium Declaration, each unit owner in the Condominium Regime (regardless whether the unit is a part of the property previously submitted to the Condominium Regime or the additional property added hereby) shall have an undivided percentage interest in the common elements, common expenses and common profits of the Condominium equal to that set forth in Exhibit "B" to the Original Condominium Declaration. In accordance with paragraph 8(b) of the Original Condominium Declaration, each unit owner in the Condominium Regime (regardless whether the unit is a part of the property previously submitted to the Condominium Regime or the additional property added hereby) shall have one (1) vote at meetings of the Council of Unit Owners and said one (1) vote is appurtenant to each unit.

**4. Original Declaration Controlling.**

Except as modified or amended by express provision herein or by necessary implication, the terms and provisions of the Original Condominium Declaration, and the By-laws of the

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Condominium shall apply to the entire Condominium Regime consisting of the "Phase I" property, the "Phase XI" property, the "Phase II" property, and the "Phase III" property added hereby, and shall be controlling as to all matters and issues in the Condominium Regime, as thus expanded, from and after the date of recordation of this Amendment.

IN WITNESS WHEREOF, the Developer has caused this Second Amendment to the Condominium Declaration for "The Island At Hidden Harbour" Condominium to be executed on its behalf the day and year first above written.

ATTEST:

HIDDEN HARBOUR VI, INC.

Mary P. Jones

By: Thomas P. Monahan (SEAL)  
Thomas P. Monahan  
Vice President

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY, that on this 14<sup>th</sup> day of June, 1994, before me, the subscriber, a Notary Public of the State of Maryland, in and for Wicomico County, personally appeared Thomas P. Monahan, who acknowledged himself to be Vice President of Hidden Harbour VI, Inc., a Maryland corporation, who, being authorized to do so, executed the foregoing instrument by signing, in my presence, the name of the said corporation for the purposes therein contained.

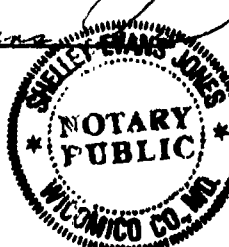
AS WITNESS my hand and seal, the day and year first above written.

My Commission Expires:

September 1, 1996

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Sherry E. Jones  
Notary Public



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**EXHIBIT "A-3"**

To Condominium Declaration for  
"THE ISLAND AT HIDDEN HARBOUR"  
(A CONDOMINIUM)

Property Description for  
the "Phase III Property"

All that piece or parcel of land situate, lying and being in the town of Ocean City, Tenth Election District, Worcester County, state of Maryland, and located generally to the south of the lands of the Town of Ocean City known as Northside Park, and located generally to the west and south of the cul-de-sac at the end of 125th Street therein and located generally west of the lands of Hidden Harbour V Condominium and west of an existing unnamed manmade canal or lagoon.

Beginning for the outlines of same at a point on the southerly boundary line of the "Phase II Property" of "The Island at Hidden Harbour" (A Condominium) as set forth in Exhibit "A-2" to the Condominium Declaration for The Island at Hidden Harbour, said point of beginning being along the timber bulkhead and an existing unnamed manmade canal or lagoon and at the end of the 1st course of the "Phase II Property" description aforesaid; thence

- (1) South 08°37'04" West, 55.63 feet to a point; thence
- (2) South 05°14'43" West, 177.04 feet to a point; thence
- (3) North 83°11'42" West, 90.06 feet to a point; thence
- (4) South 06°48'18" West, 10.93 feet to a point; thence
- (5) North 83°11'42" West, 71.00 feet to a point; thence
- (6) North 06°48'18" East, 111.51 feet to a point; thence

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- Continued -

Exhibit "A-3"

Property Description for the "Phase III Property"

The Island at Hidden Harbour

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(7) North 83°11'42" West, 135.46 feet to a point; thence  
(8) North 06°48'18" East, 26.00 feet to a point; thence  
(9) South 83°11'42" East, 9.00 feet to a point; thence  
(10) North 06°48'18" East, 63.00 feet to a point; thence  
(11) South 83°11'42" East, 9.00 feet to a point; thence  
(12) North 06°48'18" East, 43.00 feet to a point; thence  
(13) South 83°11'42" East, 275.46 feet to a point and the  
place of the beginning.

The within-described property being shown as the "Phase III Property" consisting of 54,129.56 square feet, or 1.242 acres, more or less, on that certain condominium plat for "The Island at Hidden Harbour" (A Condominium), prepared by John H. Plummer & Associates, Inc., Registered Land Surveyors, dated May 26, 1993, and recorded at Plat Book R.H.O. No. 135, Folios 69-74 among the Plat Records of Worcester County, Maryland; and being a part only of the lands conveyed unto Hidden Harbour VI, Inc., a Maryland corporation, by deed from Larmar Corporation dated June 7, 1993 and recorded among the Land Records of Worcester County, Maryland at Liber R.H.O. No. 1939, Folio 251, et seq; and by confirmatory deed dated August 9, 1993 and recorded as aforesaid at Liber R.H.O. No. 1962, Folio 355, et seq.



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\*\*\*\*\* Plat Recorded in Plat Book R.H.O. 139 Folios 8 Thru 12

1994 June 17 The foregoing Amendment to Declaration & Plat filed  
for record and is accordingly recorded among the land records of  
Worcester County, Md. in Liber, R.H.O. No. 2068 folios 481 thru 492  
Richard H. Outter Clerk

36.00  
2.00  
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