

LIBER 2167 FOLIO 192

THIRD AMENDMENT TO CONDOMINIUM DECLARATION

for

"THE ISLAND AT HIDDEN HARBOUR"

(An Expanding Condominium)

ADDING "PHASE IV" TO THE CONDOMINIUM REGIME

THIS THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION, made this 6th day of June, 1995, 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)

records in Liber R.H.O. No. 135, Folio 69-74 (hereinafter referred to as the "Original Condominium Plat"), thereby submitting to the State

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

TWP FD SURE \$ 2.00
RECORDING FEE said 75.00
TOTAL 77.00
RHO 9219 Bk # 231
JUN 17 1995 12:19 PM

FILED

JUN 17 1995

*Law, Law & Smith
P.O. 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 has also previously executed a Second Amendment to Condominium Declaration dated June 14, 1994, which has been recorded among the aforesaid Land Records in Liber R.H.O. No. 2068, Folio 484, et seq., the effect of which was to add "Phase III", "Building C" 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 IV" thereof, the land and property together with certain buildings and improvements constructed thereon which are more fully set forth in Exhibit "A-4" attached hereto.

NOW, THEREFORE, THIS THIRD AMENDMENT TO CONDOMINIUM DECLARATION WITNESSETH: That Developer, for itself, its successors

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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 IV" property (set forth and described in Exhibit "A-4" 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 IV" property submitted to the Condominium Regime by this Third Amendment contains one (1) 3-story building (designated as "Building D" on the plat hereinafter mentioned) containing a total of twenty-seven (27) 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 (prior to bulkheading added adjacent to the canal and bayfront sides thereof), and the property, building and units submitted by this Amendment are also more particularly shown and depicted on the Amendments to the Condominium Plat, entitled "The Island At Hidden Harbour (A Condominium) - Building 'D'" consisting of six sheets, prepared by John H. Plummer & Associates, Inc., Registered Land Surveyors, dated May 22, 1995, 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-seven (27) units, as follows:

(i) "Phase IV" Building. The condominium units in the "Phase IV" building are contained in a 3-story building (designated as "Building D" on plat hereinafter mentioned) containing a total of twenty-seven (27) units. The location and configuration of the Condominium building is more fully shown and designated on the Condominium Plats. The units in the "Phase IV" building are numbered as follows: nine (9) units on the first floor thereof designated by unit numbers 120 through 128; nine (9) units on the second floor thereof designated by unit numbers 220 through 228; and nine (9) units on the third floor thereof designated by unit numbers 320 through 328.

(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.

(c) Limited Common Elements. Balcony areas reserved to the exclusive use of adjacent condominium units are shown as limited common elements appurtenant to the respective units whose numbers are shown on the amendments to the Condominium Plat, a copy

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of which is recorded or intended to be recorded among the Land Records simultaneously herewith.

(d) Dock Limited Common Elements. Dock limited common elements bearing numbers 358 through 395 are added to the Condominium Regime by this amendment and the amendments to the Condominium Plat recorded or intended to be recorded as aforesaid.

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 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

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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 Condominium shall apply to the entire Condominium Regime consisting of the "Phase I" property, the "Phase XI" property, the "Phase II" property, the "Phase III" property, and the "Phase IV" property added hereby, and shall be controlling as to all matters and issues

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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 Third 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.

Handwritten signature

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

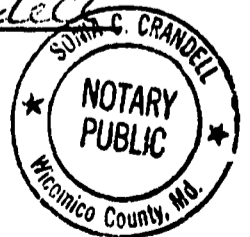
STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY, that on this 6th day of June, 1995, 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.

Sandra C. Crandell
Notary Public

My Commission Expires:
4/1/96



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EXHIBIT "A-4"

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

Property Description for
the "Phase IV 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 III Property" of "The Island at Hidden Harbour" (A Condominium) as set forth in Exhibit "A-3" 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 to the east of the property and at the end of the 2nd course of the "Phase III Property" description aforesaid; thence

- (1) South 05°14'43" West, 123.12 feet to a point; thence
- (2) South 00°04'42" East, 119.53 feet to a point; thence
- (3) South 48°21'48" West, 30.00 feet to a point on an existing canal; thence

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- Continued -
Exhibit "A-4"
Property Description for the "Phase IV Property"
The Island at Hidden Harbour
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(4) By and with said existing canal, North 83°11'42" West, 209.33 feet to a point and to the lands of the "Phase V Property" within the condominium; thence

(5) North 35°15'00" East, 127.00 feet to a point; thence

(6) By and with said Phase V property, North 06°48'18" East, 23.43 feet to a point; thence

(7) North 83°11'42" West, 10.00 feet to a point; thence

(8) North 06°48'18" East, 118.17 feet to a point; thence

(9) South 83°11'42" East, 71.00 feet to a point; thence

(10) North 06°48'18" East, 10.93 feet to a point; thence

(11) South 83°11'42" East, 90.06 feet to a point and the place of the beginning.

The within-described property being shown as the "Phase IV Property" consisting of 1.04 acres, more or less, on that certain condominium plat for "The Island At Hidden Harbour" (A Condominium) - Building 'D'" consisting of six sheets, prepared by John H. Plummer & Associates, Inc., Registered Land Surveyors, dated May 22, 1995, and recorded or intended to be recorded immediately prior hereto among the Plat Records of Worcester County, Maryland; and being a part only of the lands conveyed unto Hidden Harbour VI,

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- Continued -
Exhibit "A-4"
Property Description for the "Phase IV Property"
The Island at Hidden Harbour
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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.

Plat recorded in Liber R.H.O. 142, Folio 59 thru 64

1995 June 1 The foregoing *Amended Declaration & Plat* filed for record and is accordingly recorded among the land records of Worcester County, Md. in Liber, R.H.O. No. *2167* folios *192 thru 201*
Richard H. Cutton Clerk