

LIBER 2376 FOLIO 414

**FIFTH AMENDMENT TO CONDOMINIUM DECLARATION**

for

**"THE ISLAND AT HIDDEN HARBOUR"**

**(An Expanding Condominium)**

**ADDING "PHASE VI", "BUILDING F"  
(ALSO KNOWN AS THE "KAUAI BUILDING"),  
TO THE CONDOMINIUM REGIME**

THIS FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION, made this  
11<sup>th</sup> day of April, 1997, by Hidden Harbour VI, Inc., a Maryland corporation  
(hereinafter referred to as "Developer").

IMP. FID. SURE. \$ 2.00  
RECORDING FEE 75.00  
TOTAL 77.00  
Post # 28251  
RHO 9219 Bk # 395  
Apr 15, 1997 10:12 am

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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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 has also previously executed a Third Amendment to Condominium Declaration dated June 6, 1995, which has been recorded among the aforesaid Land Records in Liber R.H.O. No. 2167, Folio 192, et seq., the effect of which was to add "Phase IV", "Building D" to the Condominium Regime; and

WHEREAS, Developer has also previously executed a Fourth Amendment to Condominium Declaration dated June 20, 1996, which has been recorded among the aforesaid Land Records in Liber R.H.O. No. 2286, Folio 166, et seq., the effect of which was to add "Phase V", "Building E" (also known as the "Hawaii Building") 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

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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 VI" thereof, the land and property together with certain buildings and improvements constructed thereon which are more fully set forth in Exhibit "A-6" attached hereto.

NOW, THEREFORE, THIS FIFTH 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 VI" property (set forth and described in Exhibit "A-6" 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 VI" property submitted to the Condominium Regime by this Fifth Amendment contains one (1) 3-1/2 story building (designated as "Building F", also known as the "Kauai Building", on the plat hereinafter mentioned) containing a total of twenty-seven (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 (prior to bulkheading which has been added adjacent to the bayfront side of the property), 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) - the 'Kauai Building' - Phase VI, Building F", consisting of six sheets, prepared by John H. Plummer & Associates, Inc., Registered Land Surveyors, dated March 28, 1997, 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 VI" Building.** The condominium units in the "Phase VI" building are contained in a 3-1/2 story building (designated as "Building F", also known as the "Kauai Building", 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 designated on the Condominium Plats. The units in the "Phase VI" building are numbered as follows: seven (7) units on the first floor thereof designated by unit numbers 136-K through 142-K; seven (7) units on the second floor thereof designated by unit numbers 236-K through 242-K; and seven (7) units on the third floor thereof designated by unit numbers 336-K through 342-K, including Unit 339-K, being a 2-story townhouse-type unit with entry on the third floor and loft space on the fourth floor as shown on the accompanying condominium plat.

(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

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

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 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 immediately after the submission of the additional property submitted to the Condominium Regime as called for herein.

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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, the "Phase IV" property, the "Phase V" property added hereby, and the "Phase VI" 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.

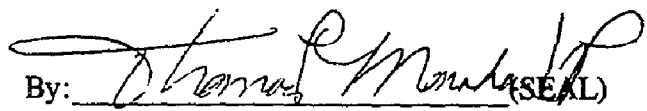
IN WITNESS WHEREOF, the Developer has caused this Fifth Amendment to the Condominium Declaration for "The Island At Hidden Harbour" Condominium to be executed on its behalf the day and year first above written.

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ATTEST:



HIDDEN HARBOUR VI, INC.

By:  (SEAL)  
Thomas P. Monahan  
Vice President

STATE OF MARYLAND, COUNTY OF WICOMICO:

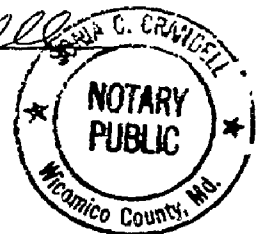
I HEREBY CERTIFY, that on this 11<sup>th</sup> day of April, 1997, before me, the subscriber, a Notary Public of the State of Maryland, in and for Wicomico County, personally appeared Thomas P. Monahan, who acknowledged himself to be Vice President of Hidden Harbour VI, Inc., a Maryland corporation, 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:

4/22/00

  
Notary Public



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**EXHIBIT "A-6"**

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

**Property Description for  
the "Phase VI 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 northwesterly boundary line of the "Phase V Property" of "The Island at Hidden Harbour" (A Condominium) as set forth in Exhibit "A-5" to the Condominium Declaration for "The Island at Hidden Harbour", said point of beginning being the point at the end of the 16th course of the "Phase V Property" description; thence

- (1) South 60°09'18" West, 67.00 feet to a point; thence
- (2) South 29°50'42" East, 36.83 feet to a point; thence
- (3) By and with the arc of a curve with a radius of 52.00 feet and a chord of 22.43 feet along a bearing of South 42°17'51" East, an arc or distance of 22.60 feet to a point; thence
- (4) South 35°15'00" West, 179.76 feet to a point at the highwater line of Assawoman Bay; thence



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- Continued -  
Exhibit "A-6"  
Property Description for the "Phase VI Property"  
The Island at Hidden Harbour  
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(5) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $37^{\circ}19'00''$  West, 32.98 feet to a point; thence

(6) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $63^{\circ}42'38''$  West, 51.35 feet to a point; thence

(7) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $35^{\circ}15'00''$  West, 80.28 feet to a point; thence

(8) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $32^{\circ}59'37''$  West, 102.25 feet to a point; thence

(9) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $36^{\circ}25'49''$  West, 35.36 feet to a point; thence

(10) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $54^{\circ}16'47''$  West, 24.09 feet to a point; thence

(11) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $77^{\circ}41'07''$  East, 65.72 feet to a point; thence

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- Continued -  
Exhibit "A-6"  
Property Description for the "Phase VI Property"  
The Island at Hidden Harbour  
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(12) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: South (mistakenly described as North in original Condominium Declaration)  $77^{\circ}16'29''$  East, 84.46 feet to a point; thence

(13) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $15^{\circ}33'15''$  West, 39.56 feet to a point; thence

(14) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $78^{\circ}14'15''$  West, 41.36 feet to a point; thence

(15) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $06^{\circ}07'24''$  East, 26.45 feet to a point; thence

(16) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $09^{\circ}39'03''$  West, 2.37 feet to a point; thence

(17) North  $84^{\circ}50'16''$  East, 117.88 feet to a point; thence

(18) Along a curve with a radius of 97.00 feet and a chord of 46.88 feet along a bearing of North  $08^{\circ}49'17''$  East, an arc or distance of 47.35 feet to a point; thence

(19) South  $67^{\circ}11'42''$  East, 47.32 feet to a point; thence

(20) Along a curve with a radius of 10.00 feet and a chord of North  $15^{\circ}35'21''$  East, 2.51 feet, an arc or distance of 2.52 feet to a point; thence

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- Continued -  
Exhibit "A-6"  
Property Description for the "Phase VI Property"  
The Island at Hidden Harbour  
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- (21) North 22°48'18" East, 7.54 feet to a point; thence
- (22) South 83°11'42" East, 130.48 feet to a point; thence
- (23) South 06°48'18" West, 43.00 feet to a point; thence
- (24) North 83°11'42" West, 9.00 feet to a point; thence
- (25) South 06°48'18" West, 26.00 feet to a point; thence
- (26) North 83°11'42" West, 79.66 feet to a point; thence
- (27) South 29°50'42" East, 68.26 feet to a point and the place of the beginning.

The within-described property being shown as the "Phase VI Property" consisting of 69,037.82 square feet, or 1.584 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 March 28, 1997, 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, Inc., a Maryland corporation, by deed from Larmar Corporation dated June 7, 1993, and recorded among the Land Records of Worcester County, Maryland, in Liber R.H.O. No. 1939, Folio 251, et seq; and by confirmatory deed dated August 9, 1993, and recorded as aforesaid in Liber R.H.O. No. 1962, Folio 355, et seq.

PLAT RECORDED LIBER R.H.O. 150 FOLIOS 19 thru 24  
APR 15 1997

The foregoing instrument  
filed for record and is accordingly recorded  
among the land records of Worcester County,  
Maryland.

Richard H. Dutton Clerk