

LIBER 2508 FOLIO 163

**SIXTH AMENDMENT TO CONDOMINIUM DECLARATION**

for

**"THE ISLAND AT HIDDEN HARBOUR"**

**(An Expanding Condominium)**

**ADDING "PHASE IX", "BUILDING J"  
(ALSO KNOWN AS THE "OAHU BUILDING"),  
TO THE CONDOMINIUM REGIME**

|                    |            |
|--------------------|------------|
| IMP FD SURE \$     | 2.00       |
| RECORDING FEE      | 75.00      |
| TOTAL              | 77.00      |
| Res# H001          | Rec# 37630 |
| RHO 3213           | Blk # 1817 |
| APR 18, 1998 08:39 |            |

THIS SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION, 1998, made this 15th day of April, 1998, by Hidden Harbour VI, Inc., a Maryland corporation

*Law & K...*  
(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

FILED

LIBER 2508 FOLIO 164

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 has also previously executed a Fifth Amendment to Condominium Declaration dated April 11, 1997, which has been recorded among the aforesaid Land Records in Liber R.H.O. No. 2376, Folio 414, et seq., the effect of which was to add "Phase VI", "Building F" (also known as the "Kauai Building") to the Condominium Regime; and

LIBER 2508 FOLIO 165

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 revised "Phase IX" thereof, the land and property together with certain buildings and improvements constructed thereon which are more fully set forth in Exhibit "A-9" attached hereto. The revised "Phase IX" description is the same property described in Exhibit A-9 to the Original Condominium Declaration, except that additional land has been added thereto (although all such lands were included within the original Expansion Phases Property as described) to satisfy Town of Ocean City requirements as to off-street parking appurtenant to the land and buildings added to the Condominium Regime by this Amendment.

NOW, THEREFORE, THIS SIXTH 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 IX" property (as revised and as set forth and described in Exhibit "A-9" 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 IX" property submitted to the Condominium Regime by this Sixth Amendment contains one (1) 3-story building (designated as "Building J", also known as the "Oahu Building", 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 (except that additional land has been added thereto (although all such lands were included within the original Expansion Phases Property as described) to satisfy Town of Ocean City requirements as to off-street parking appurtenant to the land and buildings added to the Condominium Regime by this Amendment), and the property, building and units submitted by this Amendment are more particularly shown and depicted on the Amendments to the Condominium Plat, entitled "The Island At Hidden Harbour (A Condominium) - the 'Oahu Building' - Phase IX, Building J", consisting of seven sheets, prepared by John H. Plummer & Associates, Inc., Registered Land Surveyors, dated February 16, 1998, and March 31, 1998, 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 IX" Building.** The condominium units in the "Phase IX" building are contained in a 3-story building (designated as "Building J", also known as the "Oahu 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 IX" building are numbered as follows: seven (7) units on the first floor thereof designated by unit numbers 160-J through 166-J; seven (7) units on the second floor thereof designated by unit numbers 260-J through 266-J; and seven (7) units on the third floor thereof designated by unit numbers 360-J through 366-J.

(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 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

LIBER 2508 FOLIO 168

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.

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"

LIBER 2508 FOLIO 169

property, the "Phase XI" property, the "Phase II" property, the "Phase III" property, the "Phase IV" property, the "Phase V" property, the "Phase VI" property, and the "Phase IX" 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 Sixth 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:

*[Signature]*

HIDDEN HARBOUR VI, INC.

By:

*Thomas P. Monahan*  
Thomas P. Monahan  
Vice President

(SEAL)

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY, that on this 15<sup>th</sup> day of April, 1998, 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.

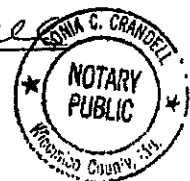
AS WITNESS my hand and seal, the day and year first above written.

*Sonia C. Crandell*  
Notary Public

My Commission Expires:

4/22/00

G:\Laws\Document\VHL\H\Real\_Est\00009220.010



LIBER 2508 FOLIO 170

**EXHIBIT "A-9"**

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

**Property Description for  
the "Phase IX 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 west side of the "Phase I Property" within the condominium, said point of beginning being a point in the 14th call of said "Phase I Property" description being 26.34 feet distant from the point at the end of the 13th call of said property description along the bearing in the 14th call of North 19°19'00" West, the said point of beginning also being the southeast corner of the "Phase IX Property" herein described and the northernmost point of the "Phase XI Property" description for Pool A within the condominium; thence from said point of beginning:

(1) South 70°41'00" West, 147.29 feet to a point; thence

(2) By and with a curve having a radius of 30.00 feet an arc or distance of 5.27 feet to a point; thence



LIBER 2508 FOLIO 171

- Continued -  
Exhibit "A-9"  
Property Description for the "Phase IX Property"  
The Island at Hidden Harbour  
Page 2

(3) North 29°23'25" West, 20.00 feet to a point; thence

(4) Along a curve having a radius of 50.00 feet an arc or distance of 33.00 feet to a point; thence

(5) South 22°48'18" West, 94.79 feet to a point; thence

(6) Along a curve having a radius of 10.00 feet an arc or distance of 18.50 feet to a point; thence

(7) South 83°11'42" East, 2.75 feet to a point; thence

(8) Along a curve having a radius of 3.00 feet an arc or distance of 4.71 feet to a point; thence

(9) North 06°48'18" East, 17.00 feet to a point; thence

(10) South 83°11'42" East, 90.00 feet; thence

(11) South 06°48'18" West, 43.00 feet to a point; thence

(12) North 83°11'42" West, 9.00 feet to a point; thence

(13) South 06°48'18" West, 20.00 feet to a point; thence

(14) North 83°11'42" West, 72.00 feet to a point; thence

(15) North 06°48'18" East, 20.00 feet to a point; thence

- Continued -  
Exhibit "A-9"  
Property Description for the "Phase IX Property"  
The Island at Hidden Harbour  
Page 3

- (16) North 83°11'42" West, 27.08 feet to a point; thence
- (17) North 67°11'42" West, 30.24 feet to a point; thence
- (18) North 22°48'18" East, 129.91 feet to a point; thence
- (19) Along a curve having a radius of 73.00 feet an arc or distance of 31.76 feet to a point; thence
- (20) North 37°11'42" West, 50.62 feet to a point; thence
- (21) Along a curve having a radius of 45.00 feet an arc or distance of 16.27 feet to a point; thence
- (22) North 16°29'03" West, 12.09 feet to a point; thence
- (23) Along a curve having a radius of 45.00 feet an arc or distance of 31.57 feet to a point; thence
- (24) North 23°42'58" East, 15.12 feet to a point; thence
- (25) North 77°55'36" East, 32.86 feet to a point; thence
- (26) North 18°16'00" West, 134.03 feet to a point at the high water line of Assawoman Bay; thence
- (27) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North 82°35'38" East, 20.56 feet to a point; thence

LIBER 2508 FOLIO 173

- Continued -  
Exhibit "A-9"  
Property Description for the "Phase IX Property"  
The Island at Hidden Harbour  
Page 4

(28) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: South  $65^{\circ}51'45''$  East, 76.16 feet to a point; thence

(29) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: South  $42^{\circ}28'02''$  East, 36.23 feet to a point; thence

(30) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $79^{\circ}05'41''$  East, 72.67 feet to a point; thence

(31) By and with the meanderings of the highwater line of Assawoman Bay a course and distance approximately as follows: North  $06^{\circ}45'43''$  East, 20.91 feet to a point; thence

(32) South  $19^{\circ}19'00''$  East, 134.79 feet to a point; thence

(33) Along a curve having a radius of 59.00 feet an arc or distance of 8.85 feet to a point; thence

(34) South  $70^{\circ}40'59''$  West, 26.52 feet to a point; thence

(35) South  $19^{\circ}19'00''$  East, 67.00 feet to a point and the place of beginning.

The within-described property being shown as the "Phase IX Property" consisting of 51,971 square feet, or 1.193 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 February 16, 1998, and March 31, 1998, and recorded

LIBER 2508 FOLIO 174

- Continued -  
Exhibit "A-9"  
Property Description for the "Phase IX Property"  
The Island at Hidden Harbour  
Page 5

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 Larmer 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 in R.H.O. Liber 154, folio's 1 thru 7.

APR 16 1998      The foregoing instrument  
filed for record and is accordingly recorded  
among the land records of Worcester County,  
Maryland.  
Richard H. Patton Clerk