

LIBER 3258 FOLIO 539

**NINTH AMENDMENT TO CONDOMINIUM DECLARATION  
For  
"THE ISLAND AT HIDDEN HARBOUR"**

**(An Expanding Condominium)**

**ADDING "PHASE X", "BUILDING I"  
(ALSO KNOWN AS THE "ISLAMORADA BUILDING")**

THIS NINTH AMENDMENT TO THE CONDOMINIUM DECLARATION, made this 20th day of February, 2002, 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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LIBER 3258 FOLIO 540

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 3258 FOLIO 541

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

WHEREAS, Developer has also previously executed a Sixth Amendment to Condominium Declaration dated April 15, 1998, which has been recorded among the aforesaid Land Records in Liber R.H.O. No. 2508, Folio 163, et seq., the effect of which was to add "Phase IX", "Building J" (also known as the "Oahu Building") to the condominium regime; and

WHEREAS, Developer has also previously executed a Seventh Amendment to Condominium Declaration dated April 29, 1999, which has been recorded among the aforesaid Land Records in Liber S.V.H. No. 2684, Folio 586, et seq., the effect of which was to add "Phase VII", "Building G" (also known as the "Lanai Building") and "Phase XII (Pool B)" to the condominium regime; and

WHEREAS, Developer has also previously executed an Eighth Amendment to Condominium Declaration dated June 15, 2000, which has been recorded among the aforesaid Land Records in Liber S.V.H. No. 2873, Folio 501, et seq., the effect of which was to add "Phase VIII", "Building H" (also known as the "Maui 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

LIBER 3258 FOLIO 542

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 X" thereof the land and property together with certain buildings and improvements constructed thereon which are more fully set forth in Exhibit "A-10" attached hereto. The "Phase X" property description is similar to but not identical to the property described in Exhibit "A-10" to the Original Condominium Declaration, the Developer having reserved the right in ¶11(b) of the Declaration to make changes in the boundaries of the phase parcels to be added to the condominium regime; and

NOW, THEREFORE, THIS NINTH 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 X" property as set forth and described in Exhibit "A-10" attached hereto and incorporated herein by reference, together with the improvements thereon and all the rights and appurtenances belonging thereto or in any manner appertaining, to the condominium regime established by the Original Condominium Declaration. The "Phase X" property submitted to the condominium regime by this Ninth Amendment contains two-story townhouse units (designated as "Building I", also known as the "Islamorada Building", on the plat hereinafter mentioned) containing a total of four (4) units and common

LIBER 3258 FOLIO 543

elements as more fully described herein. The phase of the project submitted to the condominium regime by this Amendment is generally depicted on the Original Condominium Plat, 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 'Islamorada' Building - The Island At Hidden Harbour (A Condominium)-Phase X, Building, 'I'", prepared by John H. Plummer and Associates, Inc., Registered Land Surveyors, dated January 18, 2002, a copy of which is recorded among the Worcester County Land Records at Liber S.V.H. No. 174, Folio 52 through 59.

Upon the execution and recordation of this Ninth Amendment, all property identified in the Original Condominium Declaration as land reserved for possible annexation to the condominium regime, sometimes being referred to as the Expansion Phases Property, has now been so annexed, and no other property remains to be added to the Condominium.

2. **Condominium Buildings and Units.**

(a) **Condominium Building.** The condominium units within "Phase X" ("Building I", also known as the "Islamorada Building") are contained in one (1) building containing a total of four (4) units, as follows:

(i) **"Phase X" Building.** The condominium units in the "Phase X" building are contained in **two-story townhouse units** (designated as "Building I", also known as the "Islamorada Building", on the plat hereinafter mentioned) containing a total of four (4) units. The location and configuration of the Condominium building is more fully shown and designated

LIBER 3258 FOLIO 544

on the Condominium Plats. The units in the "Phase X" building are numbered with corresponding unit numbers I-155 through I-158, as shown on the attached Condominium Plats.

(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. The limited common elements, reserved for the use of the Phase X Building I (Islamorada) unit owners collectively also include the parking areas as designated on the Condominium Plat, the gazebo/pergola and walkways located exclusively on the Phase X Building I (Islamorada) property.

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

LIBER 3258 FOLIO 545

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.

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.

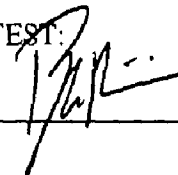
LIBER 3258 FOLIO 546

4. Original Declaration Controlling.

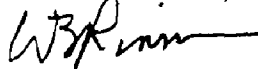
Except as modified or amended by express provision herein or by necessary implication, the terms and provisions of the Original Condominium Declaration, and the By-laws of the Condominium shall apply to the entire condominium regime consisting of the "Phase I" property, the "Phase XI" property, the "Phase II" property, the "Phase III" property, the "Phase IV" property, the "Phase V" property, the "Phase VI" property, the "Phase IX" property, the "Phase VII" property, the "Phase XII" property, and the "Phase VIII" property and general common element property added in the Eighth Amendment, and the "Phase X" 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. Upon the execution and recordation of this Ninth Amendment, all property identified in the Original Condominium Declaration as land reserved for possible annexation to the condominium regime, sometimes referred to as the Expansion Phases Property, has now been so annexed, and no other property remains to be added to the condominium.

IN WITNESS WHEREOF, the Developer has caused this Ninth 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:

  
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HIDDEN HARBOUR VI, INC.

By:  (SEAL)  
William B. Rinnier, President

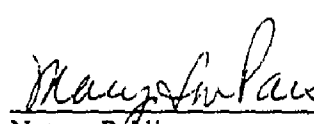


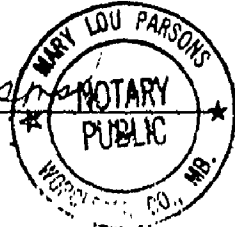
LIBER 3258 FOLIO 547

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY, that on this 20th day of February, 2002, before me, the subscriber, a Notary Public of the State of Maryland, in and for Wicomico County, personally appeared William B. Rinnier, who acknowledged himself to be 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.

  
Notary Public



My Commission Expires:

4-1-02

IMP FD SUR \$5	5.00
RECORDING FEE	75.00
TOTAL	80.00
Res# 14002	Rcpt # 84132
SVH 9681	Bk # 1755
Feb 22, 2002	02:32 PM

LIBER 3258 FOLIO 548

**EXHIBIT "A-10"**

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

Property Description for  
the "Phase X 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 of 125<sup>th</sup> Street, and located generally to the west of the lands of Hidden Harbour V Condominium and west of an existing unnamed manmade canal or lagoon:

Beginning for the outlines of the same at a point on the north side of the "Phase VIII Property" of "The Island at Hidden Harbour (A Condominium)" as set forth in Exhibit A-8 to the Condominium Declaration for the Condominium attached to that certain Eighth Amendment to Condominium Declaration for the Island at Hidden Harbour dated June 15, 2000 and recorded among the Land Records of Worcester County, Maryland in Liber S.V.H. No. 2873, Folio 501 et seq., said point of beginning being the point at the end of the 7<sup>th</sup> course of the Phase VIII Property description aforesaid, said point of beginning being also the southwesterlymost point of the Phase X Property herein described, thence

- (1) North 03°09'08" East, 93.84 feet to a point; thence
- (2) North 01°13'58" West, 56.19 feet to a point; thence

LIBER 3258 FOLIO 549

- (3) North 27°54'35" West, 72.14 feet to a point; thence
- (4) North 61°09'18" East, 36.99 feet to a point; thence
- (5) South 89°53'29" East, 25.08 feet to a point; thence
- (6) North 80°02'38" East, 93.50 feet to a point; thence
- (7) North 79°00'54" East, 41.53 feet to a point; thence
- (8) North 71°09'09" East, 115.58 feet to a point; thence
- (9) South 26°44'13" East, 33.28 feet to a point; thence
- (10) South 59°54'29" West, 111.30 feet to a point; thence
- (11) North 70°32'17" West, 53.56 feet to a point; thence
- (12) South 72°35'30" West, 64.26 feet to a point; thence
- (13) North 82°35'38" East, 46.95 feet to a point and the "Phase IX Property" within the Condominium as more particularly described in Exhibit A-9 to that certain Sixth Amendment to the Condominium Declaration for the Island at Hidden Harbour dated April 15, 1998 and of record in the Land Records of Worcester County, Maryland in Liber R.H.O. No. 2508, Folio 163 et seq.; thence
- (14) Continuing by and with the Phase IX Property aforesaid, South 18°16'00" East, 134.03 feet to a point; thence
- (15) South 77°55'36" West, 32.86 feet to a point; thence
- (16) South 23°42'58" West, 15.12 feet to a point; thence

LIBER 3258 FOLIO 550

- (17) Along a curve having a radius of 45 feet, an arc or distance of 31.57 feet to a point; thence
- (18) South 16°29'03" East, 12.09 feet to a point; thence
- (19) Along a curve having a radius of 45 feet, an arc or distance of 16.27 feet to a point; thence
- (20) South 37°11'42" East, 50.62 feet to a point; thence
- (21) Along a curve having a radius of 73.00 feet, an arc or distance of 24.85 feet to a point and the lands previously incorporated into the Condominium as Phase VIII aforesaid; thence
- (22) Continuing by and with the Phase VIII Property aforesaid along a curve having a radius of 6.70 feet, an arc or distance of 7.64 feet to a point; thence
- (23) North 37°11'42" West, 50.86 feet to a point; thence
- (24) Along a curve having a radius of 65.00 feet, an arc or distance of 23.50 feet to a point; thence
- (25) North 16°29'03" West, 5.18 feet; thence
- (26) South 73°30'57" West, a distance of 23.00 feet to a point; thence
- (27) North 16°29'03" West, 17.50 feet to a point; thence
- (28) South 73°30'57" West, 34.00 feet to a point; thence
- (29) South 66°05'25" West, 52.88 feet to a point and the place of the beginning.

The within-described property being shown as the "Phase X Property" on Sheet 2 of 8 of that certain Condominium Plat entitled "The Islamorada Building - The Island at Hidden Harbour

LIBER 3258 FOLIO 551

(A Condominium) - Phase X Building "I" prepared by John H. Plummer and Associates, Inc., Registered Land Surveyors, dated January 18, 2002, a copy of which is recorded or intended to be recorded among the Worcester County Land Records simultaneously herewith; 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.

**FEB 22 2002** The foregoing instrument  
filed for record and is accordingly recorded  
among the land records of Worcester County,  
Maryland.

*Alfred D. Baker* Clerk