

LIBER 2873 FOLIO 501

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

(An Expanding Condominium)

**ADDING "PHASE VIII", "BUILDING H"
(ALSO KNOWN AS THE "MAUI BUILDING")
AND ADDING CERTAIN GENERAL COMMON ELEMENT PROPERTY
TO THE CONDOMINIUM REGIME**

Raws & Lawo.

THIS EIGHTH AMENDMENT TO THE CONDOMINIUM DECLARATION, made this 15th day of June, 2000, 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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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

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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 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 VIII" thereof the land and property together with certain buildings and improvements constructed thereon which are more fully set forth in Exhibit "A-8" attached hereto. The "Phase VIII" property description is similar to but not identical to the property described in Exhibit "A-8" to the Original Condominium Declaration, the Developer having reserved the right in ¶11(b) of the

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Declaration to make changes in the boundaries of the phase parcels to be added to the condominium regime; and

WHEREAS, Developer also now submits to the condominium regime as a part of the general common elements of the condominium, the lands described in Exhibit "A" hereto.

NOW, THEREFORE, THIS EIGHTH 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.**

(a) **Phase VIII, Building "H".**

The Developer hereby submits the "Phase VIII" property as set forth and described in Exhibit "A-8" 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 VIII" property submitted to the condominium regime by this Eighth Amendment contains one (1) 3-1/2 story building (designated as "Building H", also known as the "Maui Building", on the plat hereinafter mentioned) containing a total of eighteen (18) units and common 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 'Maui' Building - The Island At Hidden Harbour (A Condominium)-Phase VIII, Building, 'H'", prepared by John H.

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Plummer and Associates, Inc., Registered Land Surveyors, dated June 13, 2000, a copy of which is recorded or intended to be recorded among the Worcester County Land Records simultaneously herewith.

(b) General Common Element Property.

The Developer hereby submits the property set forth and described in Exhibit "A" attached hereto and incorporated by reference, together with any 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 "Exhibit A" property submitted to the condominium regime by this Eighth Amendment consists of land or real property lying generally west of the lands included or to be included in the Island at Hidden Harbour Condominium, as more particularly set forth in Exhibits "A-1" through "A-12" inclusive to the Original Condominium Declaration and consists of 11.61 acres of marshland, more or less, as more particularly described in Exhibit "A" hereto. Said lands shall be held and enjoyed as general common element property annexed and appurtenant to the condominium regime.

2. Condominium Buildings and Units.

(a) **Condominium Building.** The condominium units within "Phase VIII" ("Building H", also known as the "Maui Building") are contained in one (1) building containing a total of eighteen (18) units, as follows:

(i) **"Phase VIII" Building.** The condominium units in the "Phase VIII" building are contained in a 3-1/2 story building (designated as "Building H", also known as the

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“Maui Building”, on the plat hereinafter mentioned) containing a total of eighteen (18) units. The location and configuration of the Condominium building is more fully shown and designated on the Condominium Plats. The units in the “Phase VIII” building are numbered as follows: six (6) units on the first floor thereof designated by unit numbers M-149 through M-154; six (6) units on the second floor thereof designated by unit numbers M-249 through M-254; and six (6) units on the third floor thereof (including four (4) loft-type townhouse units on the third floor) designated by unit numbers M-349 through M-354.

(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.

(d) **Dock Limited Common Elements.** Ten (10) additional Dock Limited Common Elements bearing numbers 424 through 433 are hereby added to the condominium regime by this Amendment and the Amendments to the Condominium Plat recorded or intended to be recorded among the aforesaid Land Records simultaneously herewith. The Original Condominium Declaration specifies the rights and duties of grantees of Dock Limited Common Elements in the condominium.

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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.

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

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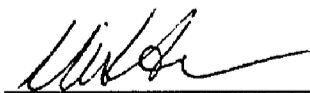
the property previously submitted to the condominium regime or the additional property added hereby) shall have one (1) vote at meetings of the Council of Unit Owners and said one (1) vote is appurtenant to each unit.

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, 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 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 Eighth 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.

By: 
_____ (SEAL)
William B. Rinnier
President

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STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY, that on this 15th day of June, 2000, 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.



Kelly L. Collins
Notary Public

My Commission Expires:

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IMP FD SURE \$	2.00
RECORDING FEE	75.00
TOTAL	77.00
Res# W001	Rept # 62501
SVH 3219	Blk # 1433
Jun 22, 2000	04:05 PM

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EXHIBIT "A-8"

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

Property Description for
the "Phase VIII 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 northerly boundary line of the "Phase VII Property" of "The Island at Hidden Harbour" (A Condominium) as set forth in Exhibit "A-7" to the Condominium Declaration for that condominium, said point of beginning being the point at the end of the 14th course of the "Phase VII Property" description aforesaid; thence from said point of beginning: (1) North 67°11'42" West a distance of 155.94 feet to a point; thence (2) North 16°14'32" West a distance of 20.97 feet to a point; thence (3) North 00°12'44" East a distance of 33.61 feet to a point; thence (4) North 59°03'03" East a distance of 25.95 feet to a point; thence (5) North 53°03'53" East a distance of 45.23 feet to a point; thence (6) North 21°29'19" West a distance of 28.08 feet to a point; thence (7) North 14°04'09" West a distance of 31.74 feet to a point; thence (8) North 66°05'25" East a distance of 52.88 feet to a point; thence (9) North 73°30'57" East a distance of 34.00 feet to a point; thence (10) South 16°29'03" East a distance of 17.50 feet to a point; thence (11) North 73°30'57" East a distance of 23.00 feet to a point; thence (12) South 16°29'03" East a distance of 5.18 feet to a point; thence (13) along a curve described as curve 1 on the plat hereinafter referred to with a radius of 65.00 feet along a chord bearing of South 26°50'22" East an arc or distance of 23.50 feet to a point; thence (14) South 37°11'42" East a distance of 40.41 feet to a point; thence (15) along the curve described as curve 2 in the plat hereinafter referred to having a radius of 6.70 feet along a chord bearing of South 04°29'06" East an arc or distance of 7.64 feet to a point; thence (16) along the curve designated as curve 3 in the plat hereinafter referred to having a radius of 73.00 feet along a chord bearing of North 37°58'42" East and arc or distance of 24.85 feet to a point; thence (17) South 37°11'42" East a distance of 23.13 feet to a point; thence (18) along the curve described as curve 4 in the plat hereinafter referred to having a radius of 50.00 feet along a chord bearing of North 52°59'54" East an arc or distance of 13.28 feet to a point; thence (19) South 29°23'25" East a distance of 20.00 feet to a point; thence (20) along the curve designated as curve 5 in the plat hereinafter referred to having a radius of 30.00 feet along a chord bearing of South

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41°42'26" West an arc or distance of 19.79 feet to a point; thence (21) South 22°48'18" West for a distance of 75.28 feet to a point; thence (22) South 83°11'42" East for a distance of 80.76 feet to a point; thence (23) South 06°48'18" West for a distance of 49.00 feet to a point; thence (24) North 83°11'42" West for a distance of 9.00 feet to a point; thence (25) South 06°48'18" West for a distance of 20.00 feet to a point; thence (26) North 83°11'42" West for a distance of 112.35 feet to a point; thence (27) South 22°48'18" West 3.15 feet to a point and place of beginning.

The within-described property being shown as the "Phase VIII" property consisting of 41,493.186 square feet, more or less, on that certain condominium plat for "The Island at Hidden Harbour" (a Condominium), prepared by John H. Plummer and Associates, Inc., Registered Land Surveyors, dated May 19, 2000, 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 at 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.

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EXHIBIT "A"

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

Property Description for Certain General Common Element Property
Dedicated to the Condominium

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, and located generally west and north of the lands included or to be included in the Island at Hidden Harbour Condominium as more particularly described in Exhibits "A-1" through "A-12" inclusive as set forth in the Condominium Declaration for the Island at Hidden Harbour, 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., and the several amendments to that condominium declaration and the original and amended plats for said condominium; and being more particularly described as the marsh or wetland areas depicted on the subdivision plat entitled "Lands of Larmar Corporation-Subdivision", dated April 29, 1993, prepared by John H. Plummer and Associates, Inc., Registered Land Surveyors, which subdivision plat has been recorded among the Plat Records of Worcester County, Maryland in Plat Book No. R.H.O. No. 135, Folio 68, which said marsh or wetland areas are in, on, or about Assawoman Bay to the West of the high water line depicted on the aforesaid plat and which areas consist of 11.61 acres of marsh land, more or less, as more particularly shown and designated on the aforesaid subdivision plat, the land and real property described herein to be held and enjoyed as general common elements appurtenant to the aforesaid Island at Hidden Harbour Condominium.

The within described property 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 in Plat Book S.V.H. 164, Folios 20 thru 27.

JUN 22 2000 The foregoing instrument
filed for record and is accordingly recorded
among the land records of Worcester County,
Maryland.

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Richard J. DeLoe
Clerk