

LIBER 2414 FOLIO 069

BEV\BAYWATCH.II\AMEND.DEC/bct

FIRST AMENDMENT TO DECLARATION

OF

BAY WATCH III CONDOMINIUM

Horizontal Property Regime (an Expanding Condominium)

WOT MSA H (SEM)

THIS AMENDMENT TO DECLARATION made and entered into this 10th day of July, 1997 by MARIANI DEVELOPMENT COMPANY, LTD., and COUNCIL OF UNIT OWNERS OF BAY WATCH III CONDOMINIUM, witnesseth:

1. On December 30, 1994, Mariani Development Company, Ltd., a Maryland corporation, entered into a Declaration of Bay Watch III Condominium, which said Declaration is recorded in the Land Records of Worcester County, Maryland in Liber R 2266, folio 538 et seq.

THE FILING OF THE RECORDING FEE \$ 2.00
JETA No. No. 28.00
Ref # 4001 Rpt # 38905
RHO 9219 Bk # 1246
Jul 22, 1997 02:29 PM

2. The Declaration submitted Phase I of Bay Watch III Condominium to the provisions thereof, and in said Declaration, pursuant to Article VI thereof, said Mariani Development Company, Ltd. reserved unto itself the right, but not the obligation, to expand and to annex certain land and improvements to the condominium by virtue of expansion in the manner set forth therein.

FILED
JUL 22 2 35 PM '97
RICHARD H. QUITEH
CLERK OF COURT
WOR. CO.

NOW, THEREFORE, THIS AMENDMENT TO CONDOMINIUM DECLARATION WITNESSETH: That for and in consideration of the mutual promises herein set forth, and for other good and valuable considerations (but for no monetary consideration), the Declaration of Bay Watch III Condominium is hereby amended to provide that Phase Two, Bay Watch III Condominium shall be as described in Exhibit A-1 hereof,

LIBER 2414 FOLIO 70

BEV\BAYWATCH.II\AMEND.DEC/bct

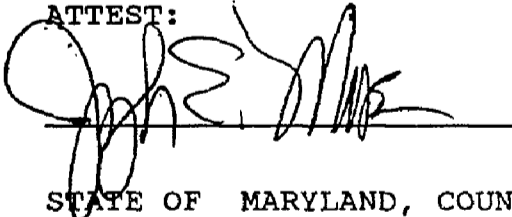
which said property description shall replace the property described in Exhibit A-1 of Bay Watch III Condominium as recorded with the original Declaration of Bay Watch III Condominium; thereby allowing twelve (12) additional units within Phase II.

FURTHER, the said Declaration is hereby amended to provide that the percentage of ownership of each unit in common elements and expenses and common profits shall be as described in Exhibit "C-1" hereof, which said percentages of ownership shall replace the percentages described in Exhibit "C-1" as recorded with the original Declaration of Bay Watch III Condominium.

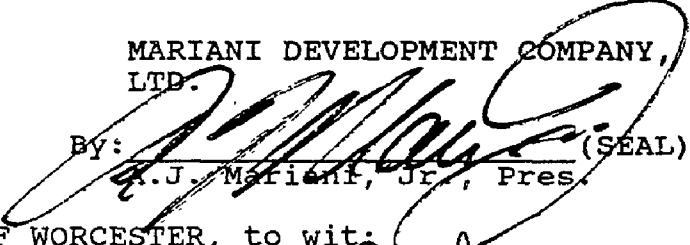
FURTHER, the said Declaration is amended to provide in all instances, where applicable, that the total number of units in the Condominium shall be twenty four (24).

AS WITNESS the hand and seal of the developer, as of the day and year first herein written.

ATTEST:



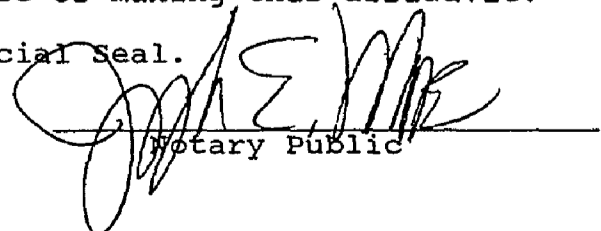
MARIANI DEVELOPMENT COMPANY,
LTD.

By:  (SEAL)
A.J. Mariani, Jr., Pres.

STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that on this 16th day of July, 1997, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ANTHONY J. MARIANI, JR., the President of MARIANI DEVELOPMENT COMPANY, LTD., who acknowledged the foregoing instrument to be the corporate act and deed of said corporation, and who further certified that he is the duly authorized officer for the purpose of making this affidavit.

AS WITNESS my hand and Official Seal.


Notary Public

My Commission Expires: 1-1-98

LIBER 2414 FOLIO 71



EXHIBIT "A-1" Future Phases

DESCRIPTION OF BAYWATCH III
PHASE TWO, BAYWATCH CONDOMINIUMS
OCEAN CITY, MARYLAND
TENTH ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND


Beginning for the same at a point, situated on the Southern most right-of-way line of South Heron Drive, 50.00 feet wide, said point of beginning being situated Southwesterly by a curve to the right with a radius of 171.52 feet, the arc distance of 92.11 feet, which arc is subtended by a chord bearing South 75°09'01" West the distance of 92.01 feet and North 89° 27' 55" West 132.68 feet measured along said Southern most right-of-way line from the Northeastern most corner of parcel "B" as shown on the Record Plat for Parcel B and C, Harbourside at Heron Harbour as recorded among the land records of Worcester County, Maryland in Plat Book RHO 138, Folio 25. Thence running and leaving said right-of-way line of South Heron Drive, the three following courses and distances: 1) South 00° 32' 05" West 68.00 feet to a point; 2) South 89° 27' 55" East 32.00 feet to a point; and 3) South 00° 32' 05" West 46.21 feet to a point on an existing bulkhead, 4) Thence running with and binding on said bulkhead; North 89° 38' 30" West 250.42 feet to a point, on said bulkhead. Thence running and leaving said bulkhead, the five following courses and distances: 5) North 00° 32' 05" East 10.00 feet to a point, 6) South 89° 38' 30" East 1.74 feet to a point, 7) North 00° 32' 05" East 31.97 feet to a point; 8) South 89° 27' 55" East 32.00 feet to a point; and 9) North 00° 32' 05" East 73.00 feet to a point on the above mentioned right-of-way line of South Heron Drive, 10) Thence running with and binding on said right-of-way of South Heron Drive, South 89° 27' 55" East 184.67 feet to the point of beginning. Containing 24,001.56 square feet of land or 0.551 acre more or less.

Subject to an easement, 10.00 feet wide, lying South of and adjacent to the above described tenth (10th) line, to be used in common for the installation and main tenance of utilities.

Also subject to an easement, 10.00 feet wide, for an infiltration basin as shown on the "Record Plat for parcel B and C, Harbourside at Heron Harbour" which plat is recorded among the Land Records of Worcester County, Maryland in Plat Book RHO 138, Folio 25.

LIBER 2414 FOLIO 72

Being part of that parcel of land known as parcel "B" shown on said "Record Plat for parcel B and C, Harbourside at Heron Harbour."



Samuel P. Framm Md. Reg. L.S. No. 5817



LIBER 2414 FOLIO 73

BEV\BAYWATCH.11\AMEND.DEC/bct

"EXHIBIT C-1"

BAY WATCH III CONDOMINIUM
PHASES 1 AND 2 (AFTER CONSTRUCTION OF BUILDING "B")

UNIT NUMBER	PERCENTAGE OF OWNERSHIP OF EACH UNIT IN COMMON ELEMENTS AND COMMON EXPENSES AND COMMON PROFITS	VOTING RIGHTS
----------------	--	------------------

Phase 1
Building A

Unit 101	4.45%	1
102	3.85%	1
103	3.85%	1
104	4.45%	1
201	4.45%	1
202	3.85%	1
203	3.85%	1
204	4.45%	1
301	4.65%	1
302	3.85%	1
303	3.85%	1
304	<u>4.45%</u>	<u>1</u>
	50%	12

Phase 2
Building B

Unit 101	4.45%	1
102	3.85%	1
103	3.85%	1
104	4.45%	1
201	4.45%	1
202	3.85%	1
203	3.85%	1
204	4.45%	1
301	4.65%	1
302	3.85%	1
303	3.85%	1
304	<u>4.45%</u>	<u>1</u>
	<u>50%</u>	<u>12</u>

100.00%

LIBER 2414 FOLIO 74

BEV\BAYWATCH.II\AMEND.DEC/bct

"EXHIBIT C-1" (Cont'd.)

Provision for Expanding Condominium

Each unit owner which is added to the Condominium Project, which has the expressed right to expand, shall be entitled to one (1) vote and the total number of votes shall be equal to the total number of units in the condominium project.

The percentage of ownership of each unit and the common element and in the common expenses and profits shall be determined by the following formula: one hundred (100) divided by the total number of units existing in the condominium project and added in each particular phase. The Declarant reserves the right to arbitrarily "round-off" to insure that the total percentage equals 100%.

Plat recorded in Plat records R.H.O. 151, folios 60 thru 67.

JUL 22 1997

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

Richard H. Dutton Clerk