

LIBER 2727 FOLIO 33

SECOND AMENDMENT TO DECLARATION

OF

BAY WATCH III CONDOMINIUM

Horizontal Property Regime (an Expanding Condominium)

THIS SECOND AMENDMENT TO DECLARATION made and entered into this  
*20<sup>th</sup>* day of *July*, 1999, by MARIANI DEVELOPMENT COMPANY,  
LTD., and COUNCIL OF UNIT OWNERS OF BAY WATCH III CONDOMINIUM,  
witnesseth:

*W. H. MS 5/11*

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 among the Land Records of Worcester County, Maryland in Liber R.H.O. No. 2266, folio 538 et seq.

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 on land to annex certain land and improvements to the condominium by virtue of expansion in the manner set forth therein.

3. On July 16, 1997, said Mariani Development Company, Ltd, submitted Phase Two of Bay Watch III to the Condominium by First Amendment to Declaration recorded among the aforesaid Land Records in R.H.O. No. 2414 folio 69 et seq.

FILED

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STEPHEN V. HALES  
CLK. CT. CT.  
WOR. CO.

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NOW, THEREFORE, THIS SECOND 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 Three, Bay Watch III Condominium shall be as described in Exhibit A-1 hereof, designated as "Description of Bay Watch III, Phase Three" which said property is added to the description in Exhibit A-1 of Bay Watch III Condominium as recorded with the original Declaration of Bay Watch III Condominium and Exhibit A-1 of the First Amendment to Declaration adding Phase Two, recorded as aforesaid; thereby allowing twelve (12) additional units within Phase Three, for a total of thirty six units in Bay Watch III.

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-2" hereof, which said percentages of ownership shall replace the percentages described in Exhibit "C-1" as recorded with the First Amendment to the original Declaration of Bay Watch III Condominium.

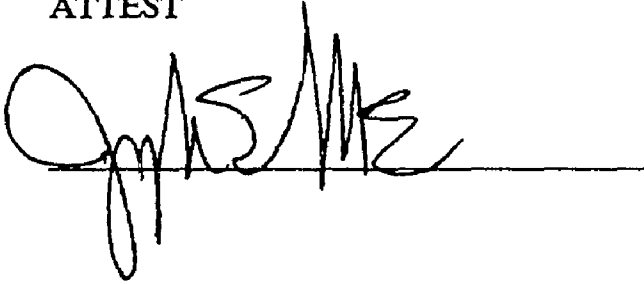
FURTHER, the said Declaration is amended to provide in all instances, where applicable, that the total number of units in the Condominium shall be thirty six (36).

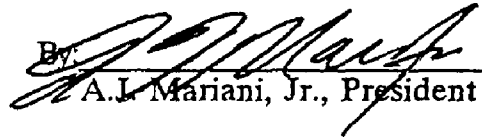
LIBER 2727 FOLIO 035

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

ATTEST

MARIANI DEVELOPMENT COMPANY, LTD.

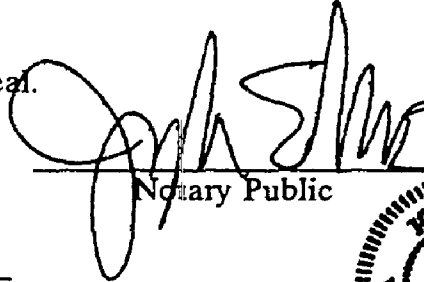


By:  (SEAL)  
A.L. Mariani, Jr., President

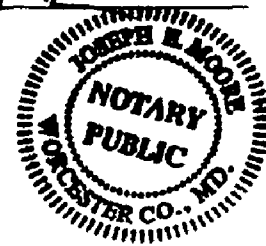
STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that on this 20th day of July, 1999, 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: 1-1-02



IMP FD SURE \$ 2.00  
RECORDING FEE 20.00  
TOTAL 22.00  
Res# MD02 Rcpt # 52884  
SVH 3681 Rik # 1364  
Jul 21, 1999 04:17 PM

C:\WP60\JEMDC\MARIAN\LLTD\DECLAR\2ND\DAMD\BW.III

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Bafitis & Associates, Inc.

EXHIBIT "A-1" Future Phases

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

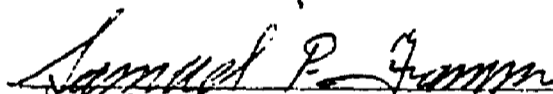
Beginning for the same at a point, situated on the Southern most right-of-way line of South Heron Drive, 50.00 feet wide, said point of beginning being situated southwesterly by a curve to the right with a radius of 171.52 feet, the arc distance of 92.11 feet, which arc is subtended by a chord bearing South 75° 09' 01" West the distance of 92.01 feet and North 89° 27' 55" West 317.35 feet measured along said Southernmost 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 five following courses and distances; (1) South 00° 32' 05" West 73.00 feet to a point; (2) North 89° 27' 55" West 32.00 feet to a point; (3) South 00° 32' 05" West 31.97 feet to a point; (4) North 89° 38' 30" West 1.74 feet to a point; and (5) South 00° 32' 05" West 10.00 feet to a point on an existing bulkhead; (6) Thence running with and binding on said bulkhead, North 89° 38' 30" West 210.75 feet to a point on said bulkhead; Thence running and leaving said bulkhead, the four following courses and distances, (7) North 00° 32' 05" East 75.54 feet to a point; (8) North 25° 41' 56" East 31.02 feet to a point; (9) South 89° 27' 56" East 33.15 feet to a point; and (10) North 25° 41' 56" East 38.50 feet to a point on the above mentioned right-of-way line of South Heron Drive; Thence running with and binding on said right-of-way line of South Heron Drive, the three following courses and distances; (11) South 64° 19' 04" East 5.27 feet to a cross cut in said sidewalk; (12) On a curve to the left, having a radius of 217.04 feet, an arc distance of 95.32 feet and being subtended by a chord bearing and distance of South 76° 53' 00" East 94.56 feet to a cross cut in said side walk; and (13) South 89° 27' 55" East 84.72 feet to the point of beginning. Containing 26,876.52 square feet of land or 0.617 acres, more or less.

Subject to an easement, 10.00 feet wide, lying South of and adjacent to the above described eleventh (11th) twelfth (12th) and thirteenth (13th) lines, to be used in common for the installation and maintenance of utilities.

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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.

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."

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



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"EXHIBIT C-2"

BAY WATCH III CONDOMINIUM  
PHASES 1, 2 AND 3 (AFTER CONSTRUCTION OF BUILDING "C")

UNIT NUMBER	PERCENTAGE OF OWNERSHIP OF EACH UNIT IN COMMON ELEMENTS AND COMMON EXPENSES AND COMMON PROFITS	VOTING RIGHTS
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Phase 1  
Building A

Unit 101	2.96%	1
102	2.57%	1
103	2.57%	1
104	2.96%	1
201	2.96%	1
202	2.57%	1
203	2.57%	1
204	2.96%	1
301	3.11%	1
302	2.57%	1
303	2.57%	1
304	<u>2.96%</u>	<u>1</u>
	33.33%	12

Phase 2  
Building B

Unit 101	2.96%	1
102	2.57%	1
103	2.57%	1
104	2.96%	1
201	2.96%	1
202	2.57%	1
203	2.57%	1
204	2.96%	1
301	3.11%	1
302	2.57%	1
303	2.57%	1
304	<u>2.96%</u>	<u>1</u>
	33.33%	12

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JEM\BAYWATCH.III\DECLARATION/bct

"EXHIBIT C-2" (Cont'd)

Phase 3  
Building C

Unit 101	2.96%	1
102	2.57%	1
103	2.57%	1
104	2.97%	1
201	2.97%	1
202	2.57%	1
203	2.57%	1
204	2.97%	1
301	3.11%	1
302	2.57%	1
303	2.57%	1
304	2.97%	1
	<u>33.33%</u>	<u>12</u>
	99.99%	

PLAT RECORD S.V.H. 159 FOLIOS 49 thru 57.

JUL 21 1999  
The foregoing instrument  
filed for record and is accordingly recorded  
among the land records of Worcester County,  
Maryland.

Richard D. Baker Clerk