

LIBER 2822 FOLIO 200

THIRD AMENDMENT TO DECLARATION

OF

BAY WATCH III CONDOMINIUM

Horizontal Property Regime (an Expanding Condominium)

00 MAR 10 PM 2:54
STEPHEN V. HALES
CLK. CT. CT.
WOR. CO.

FILED

THIS THIRD AMENDMENT TO DECLARATION made and entered into this 2nd day of March, 2000, by MARIANI DEVELOPMENT COMPANY, LTD., and COUNCIL OF UNIT OWNERS OF BAY WATCH III CONDOMINIUM, witnesseth:

W3SWHM

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 One 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.

4. On July 20, 1999, said Mariani Development Company, Ltd , submitted Phase Three of Bay Watch III to the Condominium by Second Amendment to Declaration recorded among the aforesaid Land Records in S.V.H. No. 2727 folio 033 et seq.

NOW, THEREFORE, THIS THIRD 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 Four, Bay

LIBER 2822 FOLIO 201

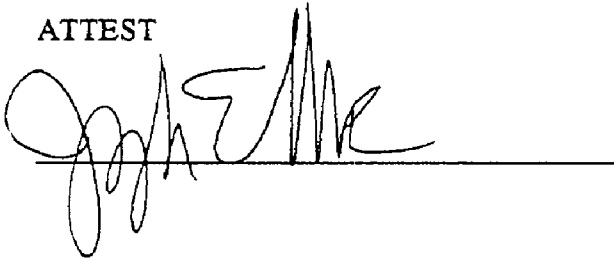
Watch III Condominium shall be as described in Exhibit A-1 hereof, designated as "Description of Bay Watch III, Phase Four" which said property is added to the description in Exhibit A-1 of Bay Watch III Condominium as recorded with the original Declaration of Bay Watch III Condominium and Exhibit A-1 of the First Amendment to Declaration adding Phase Two and Exhibit A-1 of the Second Amendment to Declaration adding Phase Three, all recorded as aforesaid; thereby allowing twelve (12) additional units within Phase Four, for a total of forty eight 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-3" hereof, which said percentages of ownership shall replace the percentages described in Exhibit "C-2" 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 forty eight (48).

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

ATTEST



MARIANI DEVELOPMENT COMPANY,
LTD.

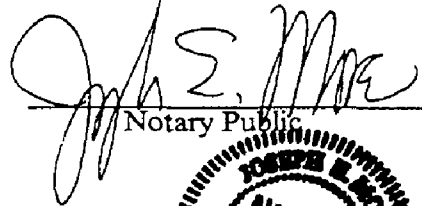
By:  (SEAL)
A.J. Mariani, Jr., President

LIBER 2822 FOLIO 202

STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

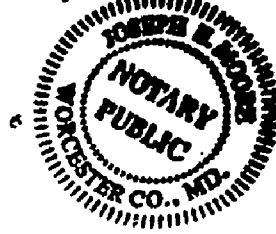
I HEREBY CERTIFY that on this 3rd day of March, 2000, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **ANTHONY J. MARIANI, JR.**, the President of **MARIANI DEVELOPMENT COMPANY, LTD.**, who acknowledged the foregoing instrument to be the corporate act 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



P:\Donna Work\Thurd Amendment To Declaration.wpd

IMP FD SURE \$	2.00
RECORDING FEE	20.00
TOTAL	22.00
Res# N082	Rcpt # 53172
SVH 7991	Blk # 797
Mar 10, 2000	03:05 PM

LIBER 2822 FOLIO 203



Bafitis & Associates, Inc.

**DESCRIPTION OF BAY WATCH III
PHASE FOUR, BAY WATCH CONDOMINIUMS
OCEAN CITY, MARYLAND
TENTH ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND**

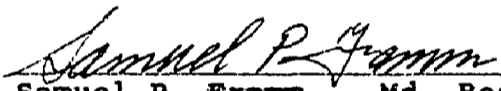
Beginning for the same at a point, situated on the Southern most right-of-way line of South Heron Drive, 50.00 feet wide, said point of beginning being at the Western most end of the North 64° 18' 04" West 155.27 foot line as shown on the Record Plat for Parcel 'B' and 'C', Harbourside at Heron Harbour, as recorded among the Land Records of Worcester County, Maryland in Plat Book RHO138, Folio 25. (1) Thence running and binding reversely on part of said right-of-way line of South Heron Drive; South 64° 18' 04" east 150.00 feet to a point; Thence leaving said right-of-way line of South Heron Drive and running for the four following courses and distances: (2) South 25° 41' 56" West 14.06 feet to a point; (3) North 64° 16' 51" West 32.99 feet to a point; (4) South 25° 43' 09" West 34.55 feet to a point; and (5) South 00° 32' 05" West 75.56 feet to a point on an existing bulkhead, (6) Thence running along the said bulkhead, North 89° 38' 30" West 123.66 feet to a point; (7) Thence leaving said bulkhead and running North 00° 32' 05" East 154.76 feet to a point on the right-of-way line of Heron Gull Court, 50 feet wide; Thence running along the right-of-way line of said Heron Gull Court, the two following courses and distances; (8) North 28° 18' 16" East 9.83 feet to a point and (9) North 25° 41' 56" East 30.00 feet to a point; (10) Thence with a curve to the right, having a radius 25.00 feet and arc distance of 39.27 feet, and subtended by a chord bearing and distance of North 70° 41' 56" East 35.36 feet to the point of beginning. Containing 26,223.12 square feet of land, or 0.602 acre more or less.

Subject to an easement, 10.00 feet wide, lying East of and South of and adjacent to part of the above described seventh (7th) line and all of the eighth (8th) ninth (9th) tenth (10th) and first (1st) lines, to be used in common for the installation and maintenance 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 2822 FOLIO 204

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. #5817



LIBER 2822 FOLIO 205

"EXHIBIT C-3"

BAY WATCH III CONDOMINIUM
PHASES 1, 2, 3 AND 4 (AFTER CONSTRUCTION OF BUILDING "D")

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	2.22%	1
102	1.93%	1
103	1.93%	1
104	2.22%	1
201	2.22%	1
202	1.93%	1
203	1.93%	1
204	2.22%	1
301	2.32%	1
302	1.93%	1
303	1.93%	1
304	<u>2.22%</u>	<u>1</u>
	25.00%	12

Phase 2
Building B

Unit 101	2.22%	1
102	1.93%	1
103	1.93%	1
104	2.22%	1
201	2.22%	1
202	1.93%	1
203	1.93%	1
204	2.22%	1
301	2.32%	1
302	1.93%	1
303	1.93%	1
304	<u>2.22%</u>	<u>1</u>
	25.00%	12

LIBER 2822 FOLIO 206

**Phase 3
Building C**

Unit	101	2.22%	1
	102	1.93%	1
	103	1.93%	1
	104	2.22%	1
	201	2.22%	1
	202	1.93%	1
	203	1.93%	1
	204	2.22%	1
	301	2.32%	1
	302	1.93%	1
	303	1.93%	1
	304	<u>2.22%</u>	<u>1</u>
		25.00%	12

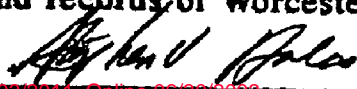
**Phase 4
Building D**

Unit	101	2.22%	1
	102	1.93%	1
	103	1.93%	1
	104	2.22%	1
	201	2.22%	1
	202	1.93%	1
	203	1.93%	1
	204	2.22%	1
	301	2.32%	1
	302	1.93%	1
	303	1.93%	1
	304	<u>2.22%</u>	<u>1</u>
		25.00%	12
		100.0%	

PLAT RECORDED IN BOOK S.V.H. 162, folios 74 thru 76.

P:\Donna Work\Exhibit C-3.wpd

MAR 10 2000 The foregoing instrument
filed for record and is accordingly recorded
among the land records of Worcester County,
Maryland.



Clerk