

FIRST AMENDMENT TO CONDOMINIUM DECLARATION
FOR
HAWAIIAN VILLAGE CONDOMINIUM
An Expanding Condominium
ADDING PHASE II TO THE CONDOMINIUM REGIME

THIS FIRST AMENDMENT TO CONDOMINIUM DECLARATION, made this 12th day of December, 1987, by HAWAIIAN VILLAGE ASSOCIATES, a Maryland joint venture, herein called "Developer".

WHEREAS, Developer has previously executed and recorded a Condominium Declaration for Hawaiian Village Condominium, dated July 27, 1987, and recorded among the Land records of Worcester County, Maryland, in Liber W.C.L. No. 1383, folio 291, et seq., herein called "Original Declaration", together with the Condominium Plat entitled "Hawaiian Village Condominium, Phase I", and recorded among the aforesaid Land Records in Plat Book W.C.L. No. 114, folio 73, et seq., herein called "Phase I Plat", thereby submitting certain lands lying and being situate in the Town of Ocean City, in the Tenth Election District of Worcester County, Maryland, together with improvements constructed thereon, herein called "Phase I Property", and more fully described therein in Exhibit "A-1" thereto, to a condominium regime pursuant to §§11-101, et seq., of the Real Property Article of the Annotated Code of Maryland, as amended from time to time;

WHEREAS, Developer reserved the right in said Declaration, pursuant to §11-120 of the aforesaid Real Property Article, to submit certain additional lands in said Town, County, and State to the condominium regime established by said Declaration, the additional property being referred to as "Phase II", and being more fully described in Exhibit "A-2" [Phase II] to the Original Declaration; and

WHEREAS, Developer now wishes to submit to the condominium regime as "Phase II" thereof, the land, together with the improvements constructed thereon, which is more fully described in Exhibit "A-2" [Phase II] to the Original Declaration.

NOW, THEREFORE, THIS FIRST AMENDMENT TO CONDOMINIUM DECLARATION, WITNESSETH: Developer, for itself, its successors and/or assigns, does hereby expressly establish and declare the following:

- 1. Submission of Additional Property to the Condominium Regime.

Developer hereby submits the Phase II property, more fully described in Exhibit "A-2" [Phase II] to the Original Declaration, a copy of which is attached, and incorporated herein by reference, together with the improvements thereon, and all the rights and appurtenances thereto belonging to, or in any manner appertaining, to the condominium regime established by the Original Declaration. The Phase II property submitted to the condominium regime by this First Amendment to Condominium Declaration is improved by construction of one building containing 24 units and common elements, as more fully described herein, and as shown on the plat entitled "Hawaiian Village Condominium, Phase II", herein called "Phase II Plat", and intended to be recorded among the aforesaid Land Records simultaneously herewith, which said Plat is attached, and which is incorporated herein by reference.

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Clubb and Clubb
Attorneys at Law
108 N. 8th Street
Ocean City, MD 21842
(301) 288-2323

2. Condominium Building and Units.

(a) Condominium Building.

The condominium building [conveniently called the Waikiki Building] is a concrete/masonry building consisting of five stories. The four upper stories contain 24 two-bedroom units. Parking is located on the first level of said building. The location of the building is more fully shown on the aforesaid Phase II Plat.

(b) Condominium Units.

Each unit consists of a three dimensional area, the lower boundary of which is the plane of the floor elevation of the floor on which the unit is located, and the upper boundary of which is the plane of the ceiling elevation immediately above it. The side perimeters are as shown by the bold lines surrounding each of the units as shown on the Phase II Plat.

(c) Additional Parking.

Outdoor parking is provided on Lot 22, Block 21, Section A, as laid down and described on "Plat of Fenwick Island City", and recorded among the aforesaid Land Records in Plat Book O.D.C. No. 1, folio 12, and as shown on the Phase II Plat. Furthermore, additional offsite parking is provided pursuant to Covenant for Additional Parking for Hawaiian Village Condominium, Phase II, dated December 12, 1987, made by Hawaiian Village Associates, a Maryland joint venture, and David M. Blum and Richard J. Potts, substitute Trustees under that certain Deed of Trust from Hawaiian Village Associates, a Maryland joint venture, dated May 4, 1984, and recorded among the Land Records of Worcester County, Maryland, in Liber W.C.L. No. 973, folio 555, et seq., which said Covenant is intended to be recorded among the aforesaid Land Records simultaneously with the recording of this First Amendment to Condominium Declaration.

3. Effect of Amendment; Percentage Interests, and Votes Appurtenant to Units.

As provided in the Original Declaration, upon the recording of this First Amendment thereto, the Phase II property herein submitted, and the Phase I property previously submitted to the condominium regime, shall be one and the same condominium regime, subject to, and in accordance with, the terms and provisions of the Original Declaration in all respects. The effect of this First Amendment is that the condominium in its entirety consists of a total of fifty-two (52) units contained in three buildings, two of which [Phase I] are two (2) story buildings [conveniently called the Outrigger Building] containing twenty-eight (28) one-bedroom units; and the third of which [Phase II] is a five (5) story building [conveniently called the Waikiki Building] containing twenty-four (24) two-bedroom units, and common elements.

As provided in ¶5 and ¶11(c) of the Original Declaration, the undivided percentage interests in the common

elements of the regime shall be automatically reallocated upon recordation of this First Amendment, and each unit owner in the condominium regime, irrespective as to whether his unit was submitted to the regime as part of the Phase I property, or the Phase II property added hereby, shall own an undivided percentage interest in the common elements, shall pay common expenses, and share in common profits of the condominium, as set forth in Exhibit "B" to the Original Declaration. Pursuant to ¶8(b) of the Original Declaration, each unit owner, irrespective as to whether his unit is a part of the Phase I property, or the Phase II 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.

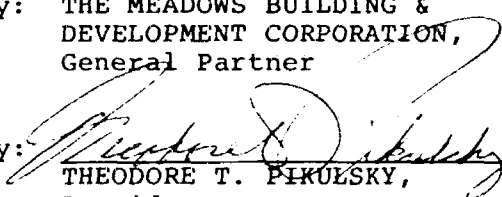
Except as modified or amended by express provision herein, or by necessary implication, the terms and provisions of the Original Declaration and By-Laws of the condominium shall apply to the entire condominium regime, consisting of the Phase I property, and the Phase II property added hereby, and shall be controlling as to all matters and issues in the condominium regime, as thus expanded, from and after the date of recordation of this First Amendment.

AS WITNESS the hand and seal of the Developer herein, by its duly authorized General Partner, as of the day and year first above written.

WITNESS:

HAWAIIAN VILLAGE ASSOCIATES,  
a Maryland joint venture

By: THE MEADOWS BUILDING &  
DEVELOPMENT CORPORATION,  
General Partner


By:  (SEAL)  
THEODORE T. PIKULSKY,  
President

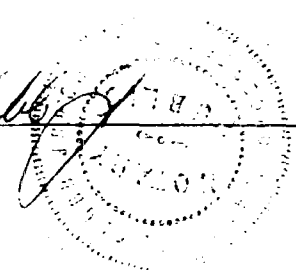


STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that, on this 12th day of December, 1987, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Theodore T. Pikulsky, who acknowledged himself to be the President of The Meadows Building & Development Corporation, General Partner of Hawaiian Village Associates, a Maryland joint venture, and as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the said Hawaiian Village Associates.

AS WITNESS my hand and official seal.

  
Notary Public



My Commission expires July 1, 1990.

EXHIBIT "A-2"

[PHASE II] \*

Item 1.

ALL that property lying and being situate in the Town of Ocean City, in the Tenth Election District of Worcester County, Maryland, designated and distinguished as Lots 4, 5, and 6 in Block 21, Section A, as laid down and described on Plat of Fenwick Island City, and recorded among the Land Records of Worcester County, Maryland, in Liber F.H.P. No. 23, folio 362, and also in Plat Book O.D.C. No. 1, folio 12.

Item 2.

ALL that property lying and being situate in the Town of Ocean City, in the Tenth Election District of Worcester County, Maryland, designated and distinguished as Lot 22, Block 21, Section A, as laid down and described on Plat of Fenwick Island City, and recorded among the Land Records of Worcester County, Maryland, in Plat Book O.D.C. No. 1, folio 12; said property lying and being on the North side of, and fronting on, Lea Avenue a distance of fifty (50) feet, as laid down on said plat, and running back therefrom a uniform depth, in a Northerly direction of one hundred forty-five (145.00) feet.

\* In addition, ten (10) parking spaces allocated to Phase II parking will be located on a portion of Parcel "B", Phase III.

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ORIGINAL DECLARATION 533  
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