

SECOND AMENDMENT TO CONDOMINIUM DECLARATION

FOR

HAWAIIAN VILLAGE CONDOMINIUM  
An Expanding Condominium

ADDING PHASE III TO THE CONDOMINIUM REGIME

THIS SECOND AMENDMENT TO CONDOMINIUM DECLARATION, herein called "Second Amendment", made this 15th day of July, 1988, by HAWAIIAN VILLAGE ASSOCIATES, a Maryland joint venture, herein called "Developer".

WHEREAS, Developer has previously executed and recorded a Condominium Declaration and First Amendment to Condominium Declaration for Hawaiian Village Condominium, dated July 27, 1987, and December 12, 1987, respectively, and recorded among the Land records of Worcester County, Maryland, in Liber W.C.L. Nos. 1383, folio 291, et seq., and 1397, folio 530, et seq., respectively, herein called "Original Declaration" and "First Amendment", together with the Condominium Plats entitled "Hawaiian Village Condominium, Phase I", and "Hawaiian Village Condominium, Phase II", and recorded among the aforesaid Land Records in Plat Book W.C.L. Nos. 114, folio 73, et seq., and 115, folio 28, respectively, herein called "Phase I Plat" and "Phase II Plat", respectively, 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 "Phase II Property", respectively, and more fully described in the Original Declaration and First Amendment thereto in Exhibits "A-1" and "A-2" thereto, respectively, 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 III", and being more fully described in Exhibit "A-3" [Phase III] to the Original Declaration; and

WHEREAS, Developer now wishes to submit to the condominium regime as "Phase III" thereof, the land, together with the improvements constructed thereon, which is more fully described in Exhibit "A-3" [Phase III] to the Original Declaration.

NOW, THEREFORE, THIS SECOND 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 III property fully described in Exhibit "A-3" [Phase III] 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 III property submitted to the condominium regime by this Second Amendment to Condominium Declaration is improved by construction of one building containing 88 units and common elements, as more fully described herein, and as shown on the plat entitled "Hawaiian Village Condominium, Phase III", herein called "Phase III 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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2. Condominium Building and Units.(a) Condominium Building.

The condominium building [conveniently called the "Royal Hawaiian Building"] is a concrete/masonry building consisting of five stories. The four upper stories contain 4 one-bedroom and 84 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 III 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 III Plat.

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

As provided in the Original Declaration, upon the recording of this Second Amendment thereto, the Phase III property herein submitted, and the Phases I and II 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 Second Amendment is that the condominium in its entirety consists of a total of one hundred forty (140) units contained in four buildings, two of which [Phase I] are two (2) story buildings [conveniently called the "Outrigger Building"] containing twenty-eight (28) one-bedroom units; 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, and the fourth of which [Phase III] is a five (5) story building [conveniently called the "Royal Hawaiian Building"] containing 4 one-bedroom and 84 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 Second 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, the Phase II property, or the Phase III 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, the Phase II property, or the Phase III 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, the Phase II property, and the Phase III 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 Second 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 15th day of July, 1988, 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-3"

[PHASE III]\*

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 Parcel "A" on the plat entitled "Resubdivision of Lots 7 thru 16, Block 21, Fenwick Island Plat; Ocean City, Worcester County, Maryland", made by C. Kenneth Carter, dated November 2, 1981, and recorded on October 5, 1982, among the Land Records of Worcester County, Maryland, in Plat Book W.C.L. No. 75, folio 63.

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 Parcel "B" on the plat entitled "Resubdivision of Lots 7 thru 16, Block 21, Fenwick Island Plat; Ocean City, Worcester County, Maryland", made by C. Kenneth Carter, dated November 2, 1981, and recorded on October 5, 1982, among the Land Records of Worcester County, Maryland, in Plat Book W.C.L. No. 75, folio 63.

\* Ten (10) parking spaces from a portion of Parcel "B, will be allocated for Phase II parking.

Plats recorded in Plot Book RHO 125 Folios 43 thru 53.

4  
14 \*\*

\*\* "Page 14" is the page number in the ORIGINAL DECLARATION.

18 *April 17* The foregoing *Amendment to Plats* filed  
for record and is accordingly recorded among the land records of  
Worcester County, Md. in Lib. R.H.D. No. *1637* folios *260 thru 263*