

Hampshire County - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 9/11/2011 7:31:15 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
16743	AMENDMENT		03238/21	08/22/1988	
Property-Street Address and/or Description					
CLARKE AVE CLARK AVENUE					
Grantors					
FIFTY-TWO FIFTY-THREE CLARK AVENUE ASSOCIATES INC, CLARK AVENUE CONDOMINIUM					
Grantees					
AMENDMENT TO MASTER DEED					
References-Book/Pg Description Recorded Year					
04537/260 CERT 1994, 04538/261 CERT 1994, 04576/61 CERT 1994, 04686/311 MLC 1995, 04762/313 6D 1995, 04767/31 CERT 1995, 04815/267 MTG 1996, 05124/38 MLC 1997, 05229/39 CERT 1997, 05818/115 CERT 1999, 06401/193 CERT 2001, 06401/196 AMEND 2001, 06734/125 MLC 2002, 06894/90 AMEND 2002, 07755/317 HOME 2004, 03237/246 MD 1988, 04055/177 CERT 1992, 04065/296 CERT 1992, 04220/49 6D 1993, 04279/297 6D 1993, 04311/307 CERT 1993, 04311/308 CERT 1993, 06655/94 6D 2002, 05331/212 6D 1998, 05596/35 6D 1999, 05962/238 6D 2000, 06070/269 6D 2000, 05124/39 6D 1997					
Registered Land Certificate(s)-Cert# Book/Pg					

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CLARK AVENUE CONDOMINIUM
AMENDMENT TO MASTER DEED
TO ADD PHASE II

This AMENDMENT of the MASTER DEED of the CLARK AVENUE CONDOMINIUM, a CONDOMINIUM, DATED August 17, 1988, recorded with the Hampshire County Registry of Deeds under Master Deed dated August 17th, 1988 as Document Number 16111, Witnesseth, that:

WHEREAS, FIFTY-TWO/FIFTY-THREE CLARK AVENUE ASSOCIATES, INC., a Massachusetts Corporation with its principal place of business located in Northampton, Massachusetts did by said Master Deed, as the Sponsor thereof, create the Clark Avenue Condominium, a Condominium, situated in Northampton, Hampshire County, Massachusetts; and

WHEREAS, it is provided in Article XIV of said Master Deed that said Sponsor reserves and shall have the right, without the consent of any Unit Owner or Mortgagee, upon the completion of construction, which is as of this date completed, of a certain building as therein specified on the land described in Article II of said Master Deed and shown as Phase II on the Site Plan for Clark Avenue Condominiums, Phase I and Phase II, filed with said Master Deed, to amend said Master Deed so as to include in said Condominium as Phase II thereof, the Land, the Building, the units contained therein and the improvements thereon and shown as Phase II on the Site Plan for Clark Avenue Condominiums, Phase I and Phase II, filed with said Master Deed; and it is provided in Article XI and Exhibit C of said Master Deed that, from and after the inclusion of said Phase II in said Condominium, the percentage of undivided interests in the common areas and facilities of the Condominium of units in Phase I and Phase II shall be specified in Exhibit C to said Master Deed, and

WHEREAS, the construction of such building on said land is now is completed sufficiently for the certification of plans provided for in Section 8(f) of said Chapter 183A and the Sponsor desires so to include said Phase II in said Clark Avenue Condominium;

NOW, THEREFORE, FIFTY-TWO/FIFTY-THREE CLARK AVENUE ASSOCIATES, INC., being the Sponsor as aforesaid, by duly executing and recording this Amendment of Master Deed, does hereby submit the land, the Building, the units contained therein and the improvements thereon show as Phase II on the Site Plan for Clark Avenue Condominiums, Phase I and Phase II, filed with said Master Deed, to the provisions of Chapter 183A of the General Laws of Massachusetts, as amended, and does hereby state that it proposes to create, and does hereby create, Phase II of the Clark Avenue Condominium and does hereby include said Phase II in said Clark Avenue Condominium, to be governed by and subject to the provisions of said Chapter 183A,

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Massachusetts General Laws, as amended. Said Phase II shall be subject to and shall have the benefit of the provisions of said Master Deed and the Articles of Association and By-laws of the Clark Avenue Condominium Association (hereinafter known as By-laws).

I. Description of Building in Phase II

Phase II of the Condominium consists of one (1) Building being a section of the same building contained in Phase I and shall be composed of sixteen (16) units. The Building of Phase II consists of three (3) stories plus a basement. The materials of which said Building is principally constructed are as set forth in Article IV of the Master Deed with respect to that portion of the Building within Phase II.

II. Description of Units and Their Boundaries in Phase II

The designation of each unit in Phase II of the condominium and a statement of its location, approximate area, number of rooms, and common area accessed, are shown on Exhibit A attached hereto and made a part hereof by reference.

All of the units in Phase II of the Condominium are of the same residence type and each of the Units contain and include the following rooms:

bedroom(s), living/dining area, kitchen, bathroom, and deck.

The boundaries of the units in Phase II are the same as are stated in Article V of the Master Deed with respect to the units in Phase I of the Condominium.

The provisions set forth and incorporated in said Master Deed with respect to Modification of Units (Article VI) and with respect to Unit Appurtenances (Article VII) shall also apply to units in Phase II as well as Units in Phase I.

III. Common Areas and Facilities

The common areas and facilities of the Condominium, under Phase I and Phase II, comprise and consist of (a) the land described in Article II of the Master Deed, together with the benefit of and subject to the rights and easements referred to in said Master Deed, and all parts of the Buildings, other than the units themselves, in Phase I and Phase II and the improvements thereon and (b) all of the same elements, features and facilities of the buildings and grounds and recreational facilities, which are described, defined and referred to in Article VIII of said Master Deed as common areas and facilities. As provided in said Article VIII of the Master Deed, said common areas and facilities shall be subject to the

provisions of the By-Laws of the Clark Avenue Condominium Association dated August 19, 1988, recorded with the Hampshire County Registry of Deeds as Document Number 016727, and to all rules and regulations promulgated pursuant thereto with respect to the use and maintenance thereof.

IV. Floor Plans of Units

Simultaneously with the recording hereof, there has been recorded a set of the floor plans of the Building in Phase II, showing the layout, location, unit numbers, and dimensions of the units in Phase II, stating the designation of the Buildings and bearing the verified statement of a registered land surveyor certifying that said plans fully and accurately depict the layout, location, unit numbers, and dimensions of the units in Phase II, as built.

V. Percentage Interests in Common Areas and Facilities

Upon the recording of this Amendment to the Master Deed creating Phase II of the Condominium, the units in Phase I and Phase II of the Condominium shall be entitled to an undivided interest in the common areas and facilities of the Condominium in the percentages herein specified as set forth in Exhibit B attached hereto and made a part hereof by reference, which percentages are the same as the percentages specified in Column B of the list set forth in Exhibit C of said Master Deed. The determination of the percentage interests of the respective Units in the common areas and facilities have been made upon the basis of the approximate relation that the fair value of each unit bears to aggregate fair value of all the Units in Phase I and Phase II.

VI. Purposes of Units, Restrictions on Use of Town Homes

The provisions set forth and incorporated in the Master Deed with respect to Purposes of Units (Article XII) and with respect to Restrictions on Use of Units (Article XIII) shall also apply to the Units of said Phase II as well as Phase I.

VII. Amendments to Master Deed

The Master Deed may be further amended in accordance with the provisions of Article XV of said Master Deed.

VIII. Organization on Unit Owners

The Condominium will be managed and regulated by the Clark Avenue Condominium Association as set forth in Article XVI of said Master Deed.

IX. Master Deed Incorporated by Reference

Each of the Units and the common areas and facilities in

Phase II shall be subject to the terms and provisions of the Master Deed and the By-laws of the Clark Avenue Condominium Association as they may be amended from time to time, and any and all rules and regulations promulgated pursuant thereto. Except as herein expressly amended, all terms and provisions of said Master Deed of Clark Avenue Condominium shall remain in full force and effect and shall be applicable to and shall govern all units, and the owners thereof, and all common areas and facilities in Phase I as well as in Phase II of the Clark Avenue Condominium and the provisions of said Master Deed, except as the context thereof clearly restricts portions of said Master Deed to Phase I, are hereby incorporated by reference into this Amendment and shall apply to Phase II and the units and common areas and facilities included in said Phase II, as well as Phase I, as if they had been completely set forth herein.

X. Preservation of Phase I Rights, etc.

Nothing in this Amendment shall be construed to limit, restrict, modify or impair any of the rights, benefits, easements, or appurtenances, or exclusive uses belonging to, held by, or inuring to the benefit of, the Owners of the Units now or hereafter existing in Phase I of the Condominium, including without limitation certain rights pertaining to parking spaces, subdivision of Unit 1, and the addition of a second or second and third story to Unit 1, all as more fully set forth in the Master Deed.

IN WITNESS WHEREOF, FIFTY-TWO/FIFTY-THREE CLARK AVENUE ASSOCIATES, INC., the Sponsor, has executed this Amendment to the Master Deed of Clark Avenue Condominium this 19th day of August, 1988.

FIFTY-TWO/FIFTY-THREE CLARK AVENUE ASSOCIATES, INC.

By Donald W. Todrin
Donald W. Todrin, its President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, SS.

August 19, 1988

Then personally appeared the above-named DONALD W. TODRIN, President and Treasurer of FIFTY-TWO/FIFTY-THREE CLARK AVENUE ASSOCIATES, INC., and acknowledged the foregoing instrument to be the free act and deed of FIFTY-TWO/FIFTY-THREE CLARK AVENUE ASSOCIATES, INC., before me.

Janet R. Smargie
Notary Public - Janet R. Smargie
My commission expires: December 9, 1994

EXHIBIT A
Phase II
CLARK AVENUE CONDOMINIUMS

<u>Unit Designation</u>	<u>Location</u>	<u>Approximate Area Square Footage</u>	<u># rooms</u>	<u>Common Area Accessed</u>
1	First floor west side	606	3	1st floor Hallways
2	First floor west side	636	3	Front & Back Entrances
3	First floor west side	601	3	
4	First floor east side	845	4	Staircases to Basement
5	First floor east side	866	4	Front, Back, Side Grounds of Phase II
6	First floor east side	865	4	
7	Second floor west side	897	5	2nd floor Halls & Stairs
8	Second floor west side	911	5	Staircases to Basement
9	Second floor west side	845	5	Front & Back Entrances
10	Second floor east side	866	5	Front, Back Side Grounds of Phase II
11	Second floor east side	865	4	
12	Third floor west side	878	5	3rd floor Halls & Stairs
13	Third floor west side	865	5	Staircases to Basement
14	Third floor west side	708	3	Front & Back Entrances
15	Third floor east side	708	3	Front, Back Side Grounds of Phase II
16	Third floor east side	<u>780</u> 12,742	3	

"CLARK AVENUE CONDOMINIUM MASTER DEED"

EXHIBIT B

PERCENTAGE INTERESTS IN
COMMON AREAS AND FACILITIES

<u>Phase</u>	<u>Unit Designation</u>	<u>Column A</u> <u>Percentage</u> <u>Interest</u> <u>Phase I</u>	<u>Column B</u> <u>Percentage</u> <u>Interest</u> <u>Phase II Completed</u>
I	1	86%	12.00%
I	2	14%	3.00%
II	1		3.95%
II	2		4.15%
II	3		3.92%
II	4		5.51%
II	5		5.64%
II	6		5.64%
II	7		6.50%
II	8		6.59%
II	9		5.51%
II	10		5.64%
II	11		5.64%
II	12		6.37%
II	13		5.64%
II	14		4.61%
II	15		4.61%
II	16		5.08%

Hampshire co.
August 22 1988 at 1 o'clock and 12 minutes P.M., Rec'd, ent'd and
 (MONTH) (DAY)
 exam'd with Hampshire Reg. of Deeds, Book 3238 Page 21

4872

Attest _____
 REGISTER