



2023 00009650
Bk: 14897Pg: 174 Page: 1 of 4
Recorded: 06/30/2023 09:59 AM

**FIRST AMENDMENT TO
THE UPPER RIDGE CONDOMINIUM TRUST**

This First Amendment to The Upper Ridge Condominium Trust (the "Trust") is made by a majority of the Board of Trustees of the Trust (the "Board"), who hereby certify and acknowledge that unit owners entitled to more than seventy five percent (75%) of the beneficial interest in The Upper Ridge Condominium Trust consented, in writing, to amend the Trust as set forth herein.

WHEREAS, the Trust, established under declaration dated August 18, 2014, and recorded with the Hampshire County Registry of Deeds at Book 11728, Page 278, is the organization of unit owners of the Upper Ridge Condominium (the "Condominium"), was created pursuant to M.G.L. c. 183A and established by a Master Deed recorded with said Registry of Deeds at Book 11728, Page 246, as amended;

WHEREAS, Article VII of the Trust provides that the Trust may be amended by the Board with the consent in writing of Unit Owners entitled to more than seventy five percent (75%) of the beneficial interest in the Trust;

WHEREAS, said Trust does not contain provisions regarding the eligibility of Trustees or procedures and policies for holding elections;

WHEREAS, the evolution of online technology can address the limitations of using face-to-face communication and paper documents in relation to meetings, notifications, and voting;

WHEREAS, the Trustees desire to amend the Trust to improve the procedures and policies for meetings and voting, and the Unit Owners voted and consented to such changes, set forth below, by ballot at a meeting duly called and held on November 5, 2020;

NOW THEREFORE, pursuant to the power and authority set forth under the Trust, the Trust is hereby amended as follows:

1. Article III, Section 1 of the Trust is deleted in its entirety and replaced with the following new Article III, Section 1:

"Section 1. The Trustees shall establish, and modify when they determine the need, a set of procedures by which community votes will be made, whether that be for elections or other matters requiring community approval. Those procedures shall encompass, but not be limited to, the following: eligibility requirements for Trustees, the method for determining whether the Board will consist of three or five members, term limits for Trustees, a method for staggering term, and methods of notification, meeting, and voting that encompass online participation and processing, and procedures for collecting and counting ballots that maximize accuracy and privacy."

2. Article IV, Section 3 of the Trust is deleted in its entirety and replaced with the following new Article IV, Section 3:

“Section 3. A Unit Owner may vote in person or by a written proxy dated no earlier than six (6) months prior to the date of the meeting at which such vote is taken or by Trustee-approved online methods. A proxy purporting to be executed by or on behalf of a Unit Owner shall be deemed valid unless challenged at or prior to its exercise. A proxy with respect to a Unit held in the names of two or more persons shall be valid if executed by one of them, unless at or prior to the exercise of the proxy, the Trustees receive specific notice to the contrary from any one of said persons.”

3. Article V, Section 2(C) of the Trust is deleted in its entirety and replaced with the following new Article V, Section 2(C):

“C. Within thirty (30) days of the close of each fiscal year of this Trust, the Board of Trustees shall evaluate the common expenses incurred during such fiscal year. They will estimate common expenses for the new year, and, together with a reasonable provision for contingencies and reserves, and after taking into account any undistributed common profits from prior years, shall determine the assessment to be made for the upcoming twelve months.”

4. Article V, Section 6(A) of the Trust is deleted in its entirety and replaced with the following new Article V, Section 6(A):

“A. The Board of Trustees shall meet in person or online, as determined by the Trustees, annually on the date of (and immediately following) the annual meeting of the Unit Owners and at such meeting shall elect the Chairman, Treasurer, and Secretary herein before provided for. Other meetings may be called by the Chairman and in such other manner as the Trustees may establish, provided, however, that written or online notice of each meeting, stating the place, day and hour thereof, shall be given at least four (4) days before such meeting to each member of the Board of Trustees.”

5. Article V, Section 6(B) of the Trust is deleted in its entirety and replaced with the following new Article V, Section 6(B):

“B. There shall be an annual meeting of the Unit Owners scheduled at the discretion of the Board near the last day of January at the Condominium premises, or at such other reasonable place, or online, and at a time as may be designated by the Board of Trustees by written or online notice given to the Unit Owners at least fourteen (14) days prior to the date so designated. Special meetings of the Unit Owners may be called by the Board of Trustees or by the Unit Owners upon the written or online request of Unit Owners entitled to more than thirty-three percent (33%) of the beneficial interest hereunder. Written or online notice of any such meeting designating the place, day and hour thereof shall be given by the Board of Trustees to the Unit Owners at least fourteen (14) days prior to the date so designated. At the annual meeting of the Unit Owners, the Board of Trustees shall submit reports of the management and finances of the Condominium. Whenever at any meeting the Board of Trustees proposes to submit to the Unit Owners any matter with respect to which approval of or action by the Unit Owners is necessary or appropriate, the notice of such meeting shall so state and reasonably specify such matter. A quorum of Unit Owners shall consist of the holders of at least fifty percent (50%) of the beneficial interest hereunder.”

6. Article V, Section 7 of the Trust is deleted in its entirety and replaced with the following new Article V, Section 7:

“Section 7. Notices to Unit Owners.

Every notice to any Unit Owner required under the provisions hereof, or which may be deemed by the Trustees necessary or desirable in connection with the execution of the trust created hereby or which may be ordered in any judicial proceeding, shall be deemed sufficient and binding if a written, or printed, or online copy of such notice shall be given by one or more of the Trustees to such Unit Owner by leaving such notice with him at his residence in the Condominium or by mailing it, postage prepaid, addressed to such Unit Owner at his address as it appears upon the records of the Trustees, or by online method at least five (5) days prior to the date fixed for the happening of the matter, thing or event of which such notice is given, or such longer period of time as may be required by the specific terms of this instrument. Unit Owners may waive notice by duly executing an appropriate written or online waiver of notice.”

7. *Except as set forth herein, the Trust is hereby ratified and affirmed.*

[Signatures Appear on the Following Page(s)]

IN WITNESS WHEREOF, the undersigned, as the Board of Trustees hereby certify and acknowledge that unit owners entitled to more than seventy five percent (75%) of the beneficial interest in The Upper Ridge Condominium Trust, consented in writing, to amend the Trust as set forth above.

Executed under seal this 30th day of June, 2023.

Nicholas Papouchis
By: Nicholas Papouchis-President

Charles Brummer
By: Charles Brummer-Treasurer

Larry Picard
By: Larry Picard-Secretary

Sura Levine
By: Sura Levine-Trustee

Trish Callard
By: Trish Callard-Trustee

COMMONWEALTH OF MASSACHUSETTS

Hampshire County, ss. June 30, 2023

On this 30th day of June, 2023, before me, the undersigned notary public, personally appeared Nicholas Papouchis, Charles Brummer, Larry Picard, Trish Callard and Sura Levine, to be the people whose names are sign on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as a duly authorized member of the Board of The Upper Ridge Condominium Trust.

Barbara Cahillane
Official Signature and Seal of Notary
My Commission Expires:

