

FIRST AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
THE INNS OF WATERVILLE VALLEY,
A TIME-SHARE CONDOMINIUM

THIS FIRST AMENDMENT, made this 23rd day of December, 1982 by Waterville Timeshare Group, a New Hampshire partnership having a principal place of business at Waterville Valley, Grafton County, New Hampshire (hereinafter sometimes called the "Declarant") for the purpose of amending the Declaration of Condominium dated December 1, 1981 and recorded in the Grafton County Registry of Deeds at Book 1438, Page 495, in accordance with the provisions of the aforesaid Declaration and the provisions of the New Hampshire Condominium Act, New Hampshire RSA Chapter 356-B.

WHEREAS, the Declarant wishes to amend the original Declaration to reduce the number of units in the Condominium (said building being also identified as "The Birches") from twenty-one (21) to nineteen (19); to make the remaining units larger than previously provided for in the floor plans of the Condominium; and

WHEREAS, the Declarant wishes to amend Exhibit G "STATEMENT OF VALUES IN COMMON AREAS APPERTAINING TO EACH UNIT" to reflect the amended values of common area appertaining to each such unit, and also to renumber certain units by eliminating unit designations 202, 203, 302, 303, 401 and 402, and by this amendment create new units 306, 307, 308 and 309 as shown on the amended plans; and

WHEREAS, Article 22-100 of the Declaration provides that the Declaration may be amended by the vote of three-fourths (3/4) or more of the total voting power of all unit owners; and

WHEREAS, any such vote must, by the provisions of Article 22-100 of said Declaration, be cast in accordance with the provisions of the Declaration and the By-Laws; and

WHEREAS, Article 2-400, 2-500, and 2-600 of the By-laws provide that a special meeting may be called by the President of The Inns of Waterville Valley Association upon seven (7) days written notice to all members of the Association; and

WHEREAS, Gerard Noonan serves as President of the Association, and as such has certified by an affidavit to be recorded herewith that the requisite notice and vote has been taken; and

PLAN #1595

1463

54

WHEREAS, over three-fourths (3/4ths) of the required owners have voted in support of the proposed amendment,

NOW THEREFORE, the Declaration is hereby amended as follows:

1. The units described in the original Declaration as 202, 203, 302, 303, 401 and 402 shall be consolidated as shown on the floor plans contained on five (5) separate sheets numbered 1-5 by Samyn-D'ella Architects dated November 1, 1982 and entitled "The Birches Triplex, The Waterville Timeshare Group, The Inns of Waterville Valley" and further identified as:
"Drawing 1 Lower Level Plan, Horizontal Boundaries, Units 306, 307, 308, 309",
"Drawing 2 Middle Level Plan, Horizontal Boundaries, Units 306, 307, 308, 309",
"Drawing 3, Top Level Plan, Horizontal Boundaries, Units 306, 307, 308, 309",
"Drawing 4, Loft Level Plan, Horizontal Boundaries, Units 306, 307, 308, 309",
"Drawing 5, Triplex Section, Vertical Boundaries, Units 306, 307, 308, 309".
2. The drawings referenced in paragraph 1 are incorporated as a part of this amendment to the Declaration of Condominium and the exhibits thereto.
3. The consolidation of the aforementioned six (6) units into four (4) units shall result in the elimination of the pre-existing units designated on the original floor plans and in Exhibit G to the original Declaration, and the creation of new units 306, 307, 308 and 309.
4. The "Statement of Values in Common Areas Appertaining to Each Unit" which applied to previously existing units 202, 203, 302, 303, 401 and 402 are now divided among only units 306, 307, 308 and 309, and each shall bear a value of 7.40 as the value appertaining to each such unit.
5. The amendment shall not affect any other unit in the Condominium nor shall it alter the percentage ownership of common area, or voting rights or the method of assessment of any fees, appertaining to any other unit.

IN WITNESS WHEREOF, WATERVILLE TIMESHARE GROUP, by its duly authorized Agent, Gerard Noonan, has executed this FIRST AMENDMENT this 23rd day of December, 1982.

Alvin J. Sullivan
Witness

WATERVILLE TIMESHARE GROUP

By: Gerard Noonan
Gerard Noonan,
duly authorized

Alvin J. Sullivan
Witness

THE INNS OF WATERVILLE VALLEY
ASSOCIATION

By: Gerard Noonan
Gerard Noonan, its President

The State of New Hampshire
County of Grafton

The foregoing instrument was acknowledged before me this 23rd day of December, 1982 by Gerard Noonan as President of The Inns of Waterville Valley Association and as agent for Waterville Timeshare Group.

John M. Quinn
Justice of the Peace/Notary Public


1463

56

CONSENT AND JOINDER OF MORTGAGEE

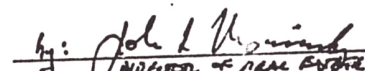
The Trustees of Columbia University in the City of New York, a New York corporation having an office at 225 Broadway, New York, N.Y. 10017, holder of mortgage liens on all of the premises described in Exhibit A to the Declaration of Condominium conveyed by a mortgage of Waterville Timeshare Group, dated July 9, 1981 recorded in the Grafton County Registry of Deeds at Book 1426, Pages 233 et seq. and also by two mortgages dated December 22, 1982, recorded in the Grafton County Registry of Deeds at Book 1462, Pages 227 et seq., and Book 1462, Pages 317 et seq. joins herein for the purposes of assenting to the recordation of the within FIRST AMENDMENT, to the legal effect and operation thereof. Provided, however, that until separately released by appropriate instrument hereafter, each of the within units and the common area appertenant thereto shall remain subject to the aforesaid mortgages pursuant to the terms set forth therein.

Witness



Stephen M. Duprey

State of New York
County of New York

The Trustees of Columbia
University, City of New York

by: 
John L. Moriarty
Director of Real Estate
Duly Authorized

On the ^{22nd} day of December, 1982, before me, personally appeared ^{John L. Moriarty} ~~John L. Moriarty~~, who acknowledged himself to be the ^{Director of Real Estate} ~~Director~~ of Columbia University in the City of New York, and that he, as such, ^{Director} ~~Director~~, being authorized to do so executed the foregoing instrument for the purposes therein contained.

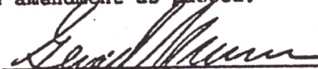

Justice of the Record
Notary Public

MARGARET SMILEY
NOTARY PUBLIC, State of New York
No. 41-3712437
Qualified in Queens County
Certificate Filed in New York County
Term Expires March 30, 1983

AFRDAVIT

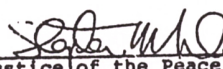
Gerard Noonan, being duly sworn states as follows:

1. I am the President of The Inns of Waterville Valley Association, an association of timeshare unit owners at The Inns of Waterville Valley.
2. The Association's Articles of Agreement and By-Laws are on record at the Grafton County Registry of Deeds, recorded as an exhibit to the Declaration of Condominium of The Inns of Waterville Valley at Book 1438, Page 495, et seq.
3. Pursuant to the By-Laws and in my capacity as President I called a special meeting of the Association on December 23, 1982. Seven (7) days written notice was afforded every interval owner.
4. Owners were given the opportunity to vote either by proxy (given in writing or telephonically) or in person.
5. The Declarant, Waterville Timeshare Group, holders of in excess of sixty (60%) percent of all intervals was in attendance at the meeting.
6. At the appointed hour, I conducted the meeting and requested a vote on the proposed amendment, a copy of which this affidavit is affixed to.
7. All votes cast were in the affirmative, supporting the amendment.
8. I thereupon certified the amendment as passed.

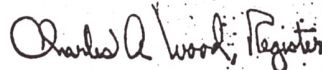

Gerard Noonan

State of New Hampshire
County of Grafton

Gerard Noonan, being personally known to me, appeared and gave his oath that the above statements are true and correct.


Justice of the Peace, Notary Public

Received and recorded: January 6, 1983 11:30 AM

 Charles A. Wood, Register

1463

57