

AMENDMENT TO DECLARATION

(for Purposes of Adding Phase 3 to
"Greencastle Manor Condominium No. 2")

THIS AMENDMENT, made and entered into this 23rd day of February, 1983, by CAPITAL HOMES, INC., a corporation organized and existing under the laws of the State of Maryland, hereinafter sometimes called the "Declarant":

WHEREAS, prior to the recordation hereof, namely, on the 21st day of September, 1982, the Declarant filed for record in the Land Records for Montgomery County, Maryland, a certain Declaration dated the 20th day of September, 1982, with Exhibits which Declaration is recorded in Liber 5932 at folio 252 among the aforesaid Land Records; and

WHEREAS, prior to the recordation hereof, namely, on the 24th day of September, 1982, the Declarant filed for record in the Land Records for Montgomery County, Maryland, a certain Amendment to Declaration dated the 23rd day of September, 1982, with Exhibits, which Amendment to Declaration is recorded in Liber 5933 at folio 684 among the aforesaid Land Records; and

WHEREAS, the Declaration dated the 20th day of September, 1982 and recorded the 21st day of September, 1982 in Liber 5932 at folio 252 among the Land Records for Montgomery County, Maryland, as amended by the Amendment to Declaration dated the 23rd day of September, 1982 and recorded the 24th day of September, 1982 in Liber 5933 at folio 684 among the aforesaid Land Records, and as further amended to the date of these presents, is hereinafter in this Amendment referred to as the "Declaration"; and

WHEREAS, prior to the recordation hereof, the Declarant has filed for record among the Land Records for Montgomery County, Maryland, the following documents hereinafter collectively referred to as the "Condominium Plat":

- (a) a certain Condominium Plat, consisting of five (5) sheets, showing Phase I of "GREENCASTLE MANOR CONDOMINIUM NO. 2", which Condominium Plat is recorded in Condominium Plat Book 27 beginning at plat 2881 among the Land Records for Montgomery County, Maryland; and
- (b) a certain Plat of Correction of the Condominium Plat, consisting of five (5) sheets, also showing Phase I of "GREENCASTLE MANOR CONDOMINIUM NO. 2", which Plat of Correction of Condominium Plat is recorded in Condominium Plat Book 27, beginning at plat 2891 among the aforesaid Land Records; and
- (c) a certain Condominium Plat, consisting of five (5) sheets, showing Phase 2 of "GREENCASTLE MANOR CONDOMINIUM NO. 2", which Condominium Plat is recorded in Condominium Plat Book 27, beginning at plat 2899 among the aforesaid Land Records; and

1983 FEB 24 AM 11:21
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

LAW OFFICES
MILES & STODOLSKY
342 HUNGERFORD COURT
ROCKVILLE, MD. 20850
301 762-1600

REC.
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- (d) A certain Condominium Plat, consisting of four (4) sheets, showing Phase 3 of "GREEN-CASTLE MANOR CONDOMINIUM NO. 2", which Condominium Plat is recorded in Condominium Plat Book 29 beginning at plat 3031 among the aforesaid Land Records.

WHEREAS, the Declarant has retained, in Article VI of the aforesaid Declaration, the absolute right to be exercised prior to the 21st day of September, 1992, to annex to the land and premises described on "EXHIBIT A" attached to the Declaration, and thereby to submit to each and every of the provisions of the Declaration, the land described on "EXHIBIT A-3" attached hereto and incorporated herein by this reference, together with the improvements theretofore or thereafter constructed upon such land; and

WHEREAS, the Declarant intends by the execution and recordation of these presents, together with the execution and recordation of the supplements to the Condominium Plat identified above, to exercise that right, as to the land and premises described on said "EXHIBIT A-3";

NOW, THEREFORE, the Declarant hereby declares that all of the land and premises described on "EXHIBIT A-3" attached hereto, together with all of the improvements heretofore or hereafter constructed thereon, and all of the appurtenances thereto, shall be held, conveyed, divided or subdivided, leased, rented and occupied, improved, hypothecated and encumbered subject to the covenants, restrictions, uses, limitations, obligations, easements, equitable servitudes, charges and liens (hereinafter sometimes referred to as the "covenants and restrictions") set forth in the aforesaid Declaration including, without limiting the generality of the foregoing, the provisions of the By-Laws of the Council of Unit Owners attached to said Declaration as "EXHIBIT B", and the provisions of each and every of the several Exhibits to the aforesaid Declaration, each and all of which are hereby declared and agreed to be in aid of a plan for the improvement of said land and premises and the division thereof into condominium units and common elements, and shall be deemed to run with and bind the land, and shall inure to the benefit of and be enforceable by the Declarant, its successors and assigns, and by any person acquiring or owning an interest in said land and improvements including, again without limiting the generality of the foregoing, any person, group of persons, corporation, partnership, trust or other legal entity, or any combination thereof, who holds such interest solely as security for the performance of an obligation.

The Declarant hereby submits the land and premises described on "EXHIBIT A-3", attached hereto and incorporated herein by this reference as if set forth in full, to each and every of the provisions of the Declaration and to the provisions of Title 11, Real Property Article, Annotated Code of Maryland (1981 Repl. Vol.).

Pursuant to the provisions of Section 3-501 of Subtitle 5, Real Property Article, Annotated Code of Maryland (1981 Repl. Vol.), the following additional information is declared by the parties hereto to be contained within this instrument:

(a) the address of the parties of the first part:

6500 Rock Spring Drive - Suite 200
Bethesda, Maryland 20817

(b) the address of the party of the second part:

NONE

(c) the name of any title insurer insuring this instrument or otherwise involved in the transaction in which this instrument is relevant:

NONE

(d) the street address of the land and premises described in this instrument, if any:

NONE - not yet assigned

(e) the parcel identifier:

Part of 5-1-2010157

"EXHIBIT A-3"

BEING part of Parcel B, as shown on a plat of subdivision entitled "Parcel B, Greencastle Woods" recorded among the Land Records for Montgomery County, Maryland in Plat Book 115 as Plat No. 13675; and being more particularly described as follows:

BEGINNING for the same at a point on the southerly or North 78° 28' 00" West 485.39 foot line of said Parcel B, as shown on said plat, 106.14 feet from the end thereof; running thence with the outline of said Parcel B

1. North 78° 28' 00" West 106.14 feet to a point; thence
2. North 33° 57' 50" West 62.97 feet to a point; thence leaving said outline and running through said Parcel B
3. North 03° 14' 00" East 171.47 feet to a point; thence
4. South 86° 46' 00" East 98.00 feet to a point; thence
5. North 03° 14' 00" East 116.50 feet to a point on the southerly line of Phase 1, as shown on a plat of condominium entitled "Plat of Correction of Condominium Plat, Greencastle Manor Condominium No. 2" recorded among the aforesaid Land Records in Condominium Plat Book 27 as Plat No. 2891 through 2895; running thence with said Phase 1
6. 56.75 feet along the arc of a curve deflecting to the left, having a radius of 125.00 feet and a chord bearing South 60° 17' 35" East 56.26 feet to a point; thence
7. South 73° 18' 00" East 20.22 feet to a point; thence
8. 54.71 feet along the arc of a curve deflecting to the right, having a radius of 128.00 feet and a chord bearing South 61° 03' 20" East 54.29 feet to a point; thence leaving the outline of said Phase 1 and running
9. South 41° 11' 20" West 44.23 feet to a point; thence
10. 16.07 feet along the arc of a curve deflecting to the left, having a radius of 75.00 feet and a chord bearing North 80° 38' 00" West 16.04 feet to a point; thence
11. North 86° 46' 00" West 30.69 feet to a point; thence
12. South 03° 14' 00" West 266.95 feet to the point of beginning; CONTAINING 39,570 square feet or 0.9084 acre, per description prepared by Clark, Finefrock & Sackett, Engineers and Surveyors, Silver Spring, Maryland, dated February 8, 1983.

"EXHIBIT C-3"

PHASE 1 - Building 26 - 9 UNITS

<u>Bldg. No.</u>	<u>Unit No.</u>	<u>Unit Type</u>	<u>Percentage Interests in Common Elements, Common Expenses and Common Profits</u>	<u>Votes</u>
26	180	PB	1/25th	1
26	174	PB	1/25th	1
26	175	PB	1/25th	1
26	181	PB	1/25th	1
26	176	PB	1/25th	1
26	177	PB	1/25th	1
26	182	PB	1/25th	1
26	178	PB	1/25th	1
26	179	PB	1/25th	1

PHASE 2 - BUILDING 25 - 9 UNITS

25	165	PB	1/25th	1
25	166	PB	1/25th	1
25	167	PB	1/25th	1
25	168	PB	1/25th	1
25	169	PB	1/25th	1
25	170	PB	1/25th	1
25	171	PB	1/25th	1
25	172	PB	1/25th	1
25	173	PB	1/25th	1

PHASE 3 - BUILDING 14 - 7 UNITS

14	95	TH	1/25th	1
14	96	TH	1/25th	1
14	97	TH	1/25th	1
14	98	TH	1/25th	1
14	99	TH	1/25th	1
14	100	TH	1/25th	1
14	101	TH	1/25th	1

AMENDMENT TO DECLARATION

THIS AMENDMENT TO DECLARATION, made and entered into this 23rd day of September, 1982, by CAPITAL HOMES, INC., a corporation organized and existing under the laws of the State of Maryland, hereinafter and in the Exhibits hereto sometimes called the "Declarant":

WHEREAS, prior to the recordation hereof, namely, on the 21st day of September, 1982, the Declarant filed for record in the Land Records for Montgomery County, Maryland, a certain Declaration dated the 20th day of September, 1982, with Exhibits which Declaration is recorded in Liber 5932 at folio 252 among the aforesaid Land Records and is hereinafter in this Amendment referred to as the "Declaration"; and

WHEREAS, the Declarant is the owner, in fee simple, of every condominium unit in "GREENCASTLE MANOR CONDOMINIUM NO. 2", i.e., every condominium described in the Declaration, and the Declarant is the owner, in fee simple, of all of the land and premises described on "EXHIBIT A" attached to the Declaration; and

WHEREAS, prior to the recordation hereof, the Declarant has filed for record among the Land Records for Montgomery County, Maryland, a certain Condominium Plat, consisting of five (5) sheets, showing Phase 1 of "Greencastle Manor Condominium No. 2", which Condominium Plat is recorded in Condominium Plat Book 27 beginning at Plat 2881 among the aforesaid Land Records; and

WHEREAS, in order to correct an inadvertent administrative error associated with the numerical designations assigned to the several condominium units in Phase 1 of "Greencastle Manor Condominium No. 2" in the Declaration and on the aforesaid Condominium Plat, the Declarant desires and intends, by the execution and recordation of these presents, together with the execution and recordation of a certain Plat of Correction of the aforesaid Condominium Plat, to amend the Declaration and the aforesaid Condominium Plat; and

WHEREAS, simultaneously with the recordation hereof, the Declarant has filed for record in the Office of the Clerk of Court for the Circuit Court for Montgomery County, Maryland, a certain Plat of Correction, which Plat of Correction, consisting of five (5) sheets, is recorded in Condominium Plat Book 27, beginning at Plat 2881;

NOW, THEREFORE, the Declarant hereby amends that certain Declaration dated the 20th day of September, 1982 and recorded the 21st day of September, 1982 in Liber 5932 at folio 252 among the Land Records for Montgomery County, Maryland, as follows:

1. "EXHIBIT C" attached to the aforesaid Declaration is hereby deleted in its entirety and "EXHIBIT C - REVISED", attached hereto and incorporated herein by this reference, is hereby substituted in its place and stead.

LAW OFFICES
MILES & STOCKBRIDGE
111 HUNGERFORD COURT
ROCKVILLE, MD. 20850
3011 782-1400

CERTIFIED TRUE COPY
MILES & STOCKBRIDGE
BY: *[Signature]*

2. Any and all references to the Condominium Plat in the aforesaid Declaration shall refer to the Plat of Correction of the Condominium Plat of "Greencastle Manor Condominium No. 2", consisting of five (5) sheets, recorded in Condominium Plat Book 27, beginning at plat 2891 among the Land Records for Montgomery County, Maryland.

IN WITNESS WHEREOF, the said CAPITAL HOMES, INC., a corporation organized and existing under the laws of the State of Maryland, has caused these presents to be executed in its corporate name by DOUGLAS W. McLEOD, its Vice President, attested by WYNETTA M. KELLY, its Assistant Secretary and its corporate seal to be hereunto affixed; and does hereby constitute and appoint the officer first above named as its true and lawful attorney-in-fact to acknowledge and deliver these presents in its name and on its behalf, all as of the year and day first above written.

ATTEST:

William J. Clark
William J. Clark, Vice Pres.

CAPITAL HOMES, INC.

By: Douglas W. McLeod
Douglas W. McLeod, Vice President

STATE OF MARYLAND)
COUNTY OF MONTGOMERY) §§

I HEREBY CERTIFY that on this 23rd day of September, 1982, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared in said jurisdiction, DOUGLAS W. McLEOD, personally well known to me (or satisfactorily proven) to be the person who executed the foregoing instrument on behalf of CAPITAL HOMES, INC., a corporation organized and existing under the laws of the State of Maryland, and by virtue of the authority vested in him by said instrument, and otherwise having authority so to do, acknowledged the foregoing instrument to be the act and deed of said corporation and acknowledged that the same was executed for the purposes therein contained.

WITNESS my hand and Notarial Seal the year and day first above written.

James C. [Signature]
NOTARY PUBLIC
MONTGOMERY COUNTY, MARYLAND

My Commission expires: July 1, 1986

The undersigned, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that the within instrument was prepared by him or under his immediate supervision.

[Signature]
Barry M. Fitzpatrick

LAW OFFICES
HILES & STOCKBRIDGE
112 HUNGERFORD COURT
ROCKVILLE, MD. 20850
3011 742-1400

LIBER 5933 F0410686

Pursuant to the provisions of Section 3-501 of Subtitle 5, Real Property Article, Annotated Code of Maryland (1981 Repl. Vol.), the following additional information is declared by the Declarant to be contained within this instrument:

- (a) the address of the party of the first part:
6500 Rock Spring Drive - Suite 200
Bethesda, Maryland 20817
- (b) the address of the party of the second part:
NONE
- (c) the name of any title insurer insuring this instrument or otherwise involved in the transaction in which this instrument is relevant:
NONE
- (d) the street address of the land and premises described in this instrument, if any:
NONE - not yet assigned
- (e) the parcel identifier:
Part of 5-1-2010157

USER 5933 FOLIO 687

"EXHIBIT C - REVISED"

PHASE 1 - Building 26 - 9 UNITS

<u>Bldg. No.</u>	<u>Unit No.</u>	<u>Unit Type</u>	<u>Percentage interest in Common Elements, Common Expenses and Common Profits</u>	<u>Votes</u>
26	180	PB	1/9th	1
26	174	PB	1/9th	1
26	175	PB	1/9th	1
26	181	PB	1/9th	1
26	176	PB	1/9th	1
26	177	PB	1/9th	1
26	182	PB	1/9th	1
26	178	PB	1/9th	1
26	179	PB	1/9th	1

NOTE:

"PB" indicates piggy-back unit

"TH" indicates townhouse unit

AMENDMENT TO DECLARATION

(for Purposes of Adding Phase 3 to
"Greencastle Manor Condominium No. 2")

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WHEREAS, prior to the recordation hereof, namely, on the 21st day of September, 1982, the Declarant filed for record in the Land Records for Montgomery County, Maryland, a certain Declaration dated the 20th day of September, 1982, with Exhibit which Declaration is recorded in Liber 5932 at folio 252 among the aforesaid Land Records; and

WHEREAS, prior to the recordation hereof, namely, on the 24th day of September, 1982, the Declarant filed for record in the Land Records for Montgomery County, Maryland, a certain Amendment to Declaration dated the 23rd day of September, 1982, with Exhibits, which Amendment to Declaration is recorded in Liber 5933 at folio 684 among the aforesaid Land Records; and

WHEREAS, the Declaration dated the 20th day of September, 1982 and recorded the 21st day of September, 1982 in Liber 5932 at folio 252 among the Land Records for Montgomery County, Maryland, as amended by the Amendment to Declaration dated the 23rd day of September, 1982 and recorded the 24th day of September, 1982 in Liber 5933 at folio 684 among the aforesaid Land Records, and as further amended to the date of these presents, is hereinafter in this Amendment referred to as the "Declaration"; and

WHEREAS, prior to the recordation hereof, the Declarant has filed for record among the Land Records for Montgomery County, Maryland, the following documents hereinafter collectively referred to as the "Condominium Plat":

- (a) a certain Condominium Plat, consisting of five (5) sheets, showing Phase I of "GREENCASTLE MANOR CONDOMINIUM NO. 2", which Condominium Plat is recorded in Condominium Plat Book 27 beginning at plat 2881 among the Land Records for Montgomery County, Maryland; and
- (b) a certain Plat of Correction of the Condominium Plat, consisting of five (5) sheets, also showing Phase I of "GREENCASTLE MANOR CONDOMINIUM NO. 2", which Plat of Correction of Condominium Plat is recorded in Condominium Plat Book 27, beginning at plat 2891 among the aforesaid Land Records; and
- (c) a certain Condominium Plat, consisting of five (5) sheets, showing Phase 2 of "GREENCASTLE MANOR CONDOMINIUM NO. 2", which Condominium Plat is recorded in Condominium Plat Book 27, beginning at plat 2899 among the aforesaid Land Records; and

1983 FEB 24 AM 11: 21
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

- (d) A certain Condominium Plat, consisting of four (4) sheets, showing Phase 3 of "GREEN-CASTLE MANOR CONDOMINIUM NO. 2", which Condominium Plat is recorded in Condominium Plat Book 29 beginning at plat 3031 among the aforesaid Land Records.

WHEREAS, the Declarant has retained, in Article VI of the aforesaid Declaration, the absolute right to be exercised prior to the 21st day of September, 1992, to annex to the land and premises described on "EXHIBIT A" attached to the Declaration, and thereby to submit to each and every of the provisions of the Declaration, the land described on "EXHIBIT A-3" attached hereto and incorporated herein by this reference, together with the improvements theretofore or thereafter constructed upon such land; and

WHEREAS, the Declarant intends by the execution and recordation of these presents, together with the execution and recordation of the supplements to the Condominium Plat identified above, to exercise that right, as to the land and premises described on said "EXHIBIT A-3";

NOW, THEREFORE, the Declarant hereby declares that all of the land and premises described on "EXHIBIT A-3" attached hereto, together with all of the improvements heretofore or hereafter constructed thereon, and all of the appurtenances thereto, shall be held, conveyed, divided or subdivided, leased, rented and occupied, improved, hypothecated and encumbered subject to the covenants, restrictions, uses, limitations, obligations, easements, equitable servitudes, charges and liens (hereinafter sometimes referred to as the "covenants and restrictions") set forth in the aforesaid Declaration including, without limiting the generality of the foregoing, the provisions of the By-Laws of the Council of Unit Owners attached to said Declaration as "EXHIBIT B", and the provisions of each and every of the several Exhibits to the aforesaid Declaration, each and all of which are hereby declared and agreed to be in aid of a plan for the improvement of said land and premises and the division thereof into condominium units and common elements, and shall be deemed to run with and bind the land, and shall inure to the benefit of and be enforceable by the Declarant, its successors and assigns, and by any person acquiring or owning an interest in said land and improvements including, again without limiting the generality of the foregoing, any person, group of persons, corporation, partnership, trust or other legal entity, or any combination thereof, who holds such interest solely as security for the performance of an obligation.

The Declarant hereby submits the land and premises described on "EXHIBIT A-3", attached hereto and incorporated herein by this reference as if set forth in full, to each and every of the provisions of the Declaration and to the provisions of Title 11, Real Property Article, Annotated Code of Maryland (1981 Repl. Vol.).

BER 6016 FOLIO 144 MC # 2601

Pursuant to the provisions of Section 3-501 of Subtitle 5, Real Property Article, Annotated Code of Maryland (1981 Repl. Vol.), the following additional information is declared by the parties hereto to be contained within this instrument:

(a) the address of the parties of the first part:

6500 Rock Spring Drive - Suite 200
Bethesda, Maryland 20817

(b) the address of the party of the second part:

NONE

(c) the name of any title insurer insuring this instrument or otherwise involved in the transaction in which this instrument is relevant:

NONE

(d) the street address of the land and premises described in this instrument, if any:

NONE - not yet assigned

(e) the parcel identifier:

Part of 5-1-2010157

"EXHIBIT A-3"

BEING part of Parcel B, as shown on a plat of subdivision entitled "Parcel B, Greencastle Woods" recorded among the Land Records for Montgomery County, Maryland in Plat Book 115 as Plat No. 13675; and being more particularly described as follows:

BEGINNING for the same at a point on the southerly or North 78° 28' 00" West 485.39 foot line of said Parcel B, as shown on said plat, 106.14 feet from the end thereof; running thence with the outline of said Parcel B

1. North 78° 28' 00" West 106.14 feet to a point; thence
2. North 33° 57' 50" West 62.97 feet to a point; thence leaving said outline and running through said Parcel B
3. North 03° 14' 00" East 171.47 feet to a point; thence
4. South 86° 46' 00" East 98.00 feet to a point; thence
5. North 03° 14' 00" East 116.50 feet to a point on the southerly line of Phase 1, as shown on a plat of condominium entitled "Plat of Correction of Condominium Plat, Greencastle Manor Condominium No. 2" recorded among the aforesaid Land Records in Condominium Plat Book 27 as Plat No. 2891 through 2895; running thence with said Phase 1
6. 56.75 feet along the arc of a curve deflecting to the left, having a radius of 125.00 feet and a chord bearing South 60° 17' 35" East 56.26 feet to a point; thence
7. South 73° 18' 00" East 20.22 feet to a point; thence
8. 54.71 feet along the arc of a curve deflecting to the right, having a radius of 128.00 feet and a chord bearing South 61° 03' 20" East 54.29 feet to a point; thence leaving the outline of said Phase 1 and running
9. South 41° 11' 20" West 44.23 feet to a point; thence
10. 16.07 feet along the arc of a curve deflecting to the left, having a radius of 75.00 feet and a chord bearing North 80° 38' 00" West 16.04 feet to a point; thence
11. North 86° 46' 00" West 30.69 feet to a point; thence
12. South 03° 14' 00" West 266.95 feet to the point of beginning; CONTAINING 39,570 square feet or 0.9084 acre, per description prepared by Clark, Finefrock & Sackett, Engineers and Surveyors, Silver Spring, Maryland, dated February 8, 1983.

"EXHIBIT C-3"

PHASE 1 - Building 26 - 9 UNITS

<u>Bldg. No.</u>	<u>Unit No.</u>	<u>Unit Type</u>	<u>Percentage Interests in Common Elements, Common Expenses and Common Profits</u>	<u>Votes</u>
26	180	PB	1/25th	1
26	174	PB	1/25th	1
26	175	PB	1/25th	1
26	181	PB	1/25th	1
26	176	PB	1/25th	1
26	177	PB	1/25th	1
26	182	PB	1/25th	1
26	178	PB	1/25th	1
26	179	PB	1/25th	1

PHASE 2 - BUILDING 25 - 9 UNITS

25	165	PB	1/25th	1
25	166	PB	1/25th	1
25	167	PB	1/25th	1
25	168	PB	1/25th	1
25	169	PB	1/25th	1
25	170	PB	1/25th	1
25	171	PB	1/25th	1
25	172	PB	1/25th	1
25	173	PB	1/25th	1

PHASE 3 - BUILDING 14 - 7 UNITS

14	95	TH	1/25th	1
14	96	TH	1/25th	1
14	97	TH	1/25th	1
14	98	TH	1/25th	1
14	99	TH	1/25th	1
14	100	TH	1/25th	1
14	101	TH	1/25th	1