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Barnstable Registry District

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AMENDMENT TO MASTER DEED OR DECLARATION OF CONDOMINIUM
JUL 7 - 1972
RECEIVED FOR REGISTRATION
AT 12 O'CLOCK 53 P.M.
NOTED ON 5-21-72
The undersigned, Haim Eliachar and Lawrence J. Sperber, Chief Title Examiner
By Orren P. Rosenberg

General Partners of Yar Associates, a limited partnership organized under General Laws, Chapter 109, being the "Developer" as defined in a Master Deed or Declaration of Condominium dated February 15, 1972 by Yar Associates, and registered as Document No. 157445 with the Barnstable Land Registry District, said Master Deed or Declaration of Condominium covering the premises shown as Lot 7 on Land Court Subdivision Plan No. 32462-D², by virtue of authority vested by Article XVIII, Paragraph 1(d), of said Master Deed or Declaration of Condominium do hereby amend said Master Deed or Declaration of Condominium as follows and do hereby adopt the following as an amendment to the said Master Deed or Declaration of Condominium:

By striking out Article I in its entirety and substituting therefor the following:

I. DEFINITIONS: As used herein or elsewhere in the Condominium Documents, unless otherwise provided, or unless the context requires otherwise, the following terms shall be defined as in this Article provided:

1. Unit: any one of those parts of the FIVE buildings which are separately described on "Architect's Plans" as Unit followed by a number.

2. Unit Owner: the person, persons or entity holding title to a Unit.

3. Assessment: that portion of the cost of maintaining, repairing, and managing the Property which is to be paid by each Unit Owner, which

Amended Master Deed - Doc 157,445

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respective portions, except as herein specifically otherwise provided, are
set forth in Article XVI, Section 1 hereof.

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4. Association: the Horse Pond Corporation and its successors,
a corporation duly organized under the laws of the Commonwealth of
Massachusetts with a principal place of business at West Yarmouth,
Massachusetts, copies of the By-laws of which corporation and of its Rules
and Regulations are annexed hereto and made parts hereof as Exhibits B
and C respectively.

5. Buildings: the entire FIVE structures shown on a
plan entitled "Master Plan in West Yarmouth for 'Halcyon' by Charles N.
Savery, Inc., Registered Engineers and Surveyors", said plan being dated
March 27, 1972 and attached hereto as Exhibit D, located on the
Property which have been built substantially in accordance with the plans
therefor, prepared by Larkin, Glassman and Prager, Architects, attached
hereto as Exhibit A.

6. Common Areas: the common areas and facilities are all that
part of the Property which is not within the Units as such Units are shown
on the Architect's Plans or which exists within Units by virtue of an easement
herein created. Wherever the words "common elements" are used herein,
they shall have the same meaning as common areas.

7. Common Expenses: The actual and estimated costs of

- (a) maintenance, management, operation, repair and replace-
ment of the Common Elements and those parts of the Units
as to which, pursuant to other provisions hereof, it is the
responsibility of the Association to maintain, repair and replace;

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(b) management and administration of the Association, including, without limiting the same, to compensation paid by the Association to a managing agent, accountants, attorneys, and other employees;

(c) any other items held by or in accordance with other provisions of this Declaration or the Condominium Documents to be Common Expense.

8. Common Surplus: the excess of all receipts of the Association including but not limited to assessments, rents, profits and revenues on account of the common elements, over the amount of common expenses.

9. Condominium Documents: this Declaration and the Exhibits annexed hereto as the same from time to time may be amended. Said exhibits are as follows:

Exhibit A: "Architect's Plans": Building and Unit descriptions including a set of floor plans of the Buildings, showing the layout, location unit numbers and dimensions of the units, entitled "HALCYON" and bearing the verified statement of CHARLES N. SAVERY, Professional Engineer, certifying that the plans fully and accurately depict the layout, location, unit number and dimensions of the units as built.

Exhibit B: By-laws of Horse Pond Corporation

Exhibit C: Rules and Regulations of the Association

Exhibit D: Site Plan

10. Developer: YAR ASSOCIATES, its grantees, successors and assigns.

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11. Person: Developer and any individual, firm, corporation, trustee, or other entity capable of holding title to real property.

12. Plans and Specifications: The plans and specifications referred to in Article I, Section 5 hereof.

13. Property: as defined and described in this Declaration.

14. Share: The percentages attributed to each Unit as set forth in Article VI hereof.

By striking out Article IV in its entirety and substituting therefor the following:

IV. DESCRIPTION OF BUILDINGS: There are FIVE buildings which comprise the condominium containing in the aggregate THIRTY-SEVEN (37)

Units, as follows:

<u>BUILDING NO.</u>	<u>STORIES</u>	<u>RES. NOS.</u>	<u>ADDRESSES</u>
1	2 plus basement	1A-1H inclusive	Halcyon Drive West Yarmouth, Mass.
2	2 plus basement	2A-2C inclusive	Halcyon Drive West Yarmouth, Mass.
3	2 plus basement	3A-3I inclusive	Halcyon Drive West Yarmouth, Mass.

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BUILDING NO.

SP Y

RES. NOS.

ADDRESSES

4

2 plus basement

4A - 4H
inclusive

Halcyon Drive
West Yarmouth, Mass.

5

2 plus basement

5A - 5I
inclusive

Halcyon Drive
West Yarmouth, Mass.

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All of said buildings are constructed principally of wood and brick, having poured concrete foundations, wood frame structure, wood siding and panelling, asphalt shingles on roof and brick chimneys.

The locations of all of said buildings are shown on the plan dated March 27 , 1972 by Charles N. Savery, Professional Engineer, and attached hereto as Exhibit D, and the locations thereof and of the above designated street are also shown on said plan.

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By striking out Article VI in its entirety and substituting therefor the

following:

VI. COMMON ELEMENTS: The Common Elements consist of all of the land shown as Lot 78 on Exhibit D, all such land not covered by improvements being common open areas (subject to the exclusive right of each Unit Owner to use certain areas adjacent to his Unit as provided in Article IX hereof), parking areas, tennis courts, a swimming pool, a club house, and the shoreline of Horse Pond as shown on Exhibit D, together with the right to use Horse Pond, subject to such rules and regulations as may be provided from time to time by the Association. The Common Elements also include such additional common areas as are defined in Chapter 183A.

The proportionate interest of each unit in the Common Elements is as follows:

1A - 1/37
1B - 1/37
1C - 1/37
1D - 1/37
1E - 1/37
1F - 1/37
1G - 1/37
1H - 1/37

2A - 1/37
2B - 1/37
2C - 1/37

3A - 1/37
3B - 1/37
3C - 1/37
3D - 1/37
3E - 1/37
3F - 1/37
3G - 1/37
3H - 1/37
3I - 1/37

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4A - 1/37
4B - 1/37
4C - 1/37
4D - 1/37
4E - 1/37
4F - 1/37
4G - 1/37
4H - 1/37

5A - 1/37
5B - 1/37
5C - 1/37
5D - 1/37
5E - 1/37
5F - 1/37
5G - 1/37
5H - 1/37
5I - 1/37

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By striking out Article XVI, Paragraph 1, in its entirety and substituting therefor the following:

1. Share of Expense. Common Expenses. Each Unit Owner shall be liable for his share of the Common Expenses, and any Common Surplus shall be owned by each Unit Owner in a like share.

SHARE OF EXPENSES

<u>UNIT NUMBER</u>	<u>FRACTIONAL SHARE</u>
1A	1/37
1B	1/37
1C	1/37
1D	1/37
1E	1/37
1F	1/37
1G	1/37
1H	1/37

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SHARE OF EXPENSES
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UNIT NUMBER

FRACTIONAL SHARE

2A	1/37
2B	1/37
2C	1/37
3A	1/37
3B	1/37
3C	1/37
3D	1/37
3E	1/37
3F	1/37
3G	1/37
3H	1/37
3I	1/37

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OFFICIAL SHARE OF EXPENSES
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UNIT NUMBER

FRACTIONAL SHARE

4 A	1/37
4 B	1/37
4 C	1/37
4 D	1/37
4 E	1/37
4 F	1/37
4 G	1/37
4 H	1/37
5 A	1/37
5 B	1/37
5 C	1/37
5 D	1/37
5 E	1/37
5 F	1/37
5 G	1/37
5 H	1/37
5 I	1/37

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By deleting the existing Exhibit "A" (Sheet 1) and substituting therefor a new Exhibit "A" (Sheets 1. and 1A) entitled "Halcyon, a Condominium in accordance with the Exhibit "A" (Sheets 1. and 1A) attached hereto.

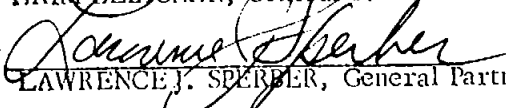
By deleting the existing Exhibit "D" and substituting therefor a new Exhibit "D" entitled "Master Plan in West Yarmouth for 'Halcyon' by Charles N. Savery, Inc., Registered Engineers and Surveyors", said plan being dated March 27, 1972 in accordance with the Exhibit "D" attached hereto.

The undersigned in all other respects do hereby ratify the said Master Deed or Declaration of Condominium including any and all amendments executed prior hereto and filed in said Barnstable Land Registry District and do hereby ratify and affirm the By-Laws of Horse Pond Corporation, as amended.

In Witness Whereof, Yar Associates, the "Developer" has caused this document to be executed as a sealed instrument and has caused these presents to be signed, acknowledged and delivered in its name and on its behalf by Haim Eliachar and Lawrence J. Sperber, the General Partners, this 28th day of March, 1972.

YAR ASSOCIATES

BY: 
HAIM ELIACHAR, General Partner

BY: 
LAWRENCE J. SPERBER, General Partner

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COMMONWEALTH OF MASSACHUSETTS
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Suffolk ss:

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March 28, 1972
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Then personally appeared ~~Philip~~ Eliachar, General Partner as aforesaid,

and acknowledged the foregoing to be his free act and deed and the free act
and deed of Yar Associates.

COMMONWEALTH OF MASSACHUSETTS

Alton L. Horte
NOTARY PUBLIC
MY COMMISSION EXPIRES
December 30, 1976

Suffolk ss:

March 28, 1972

Then personally appeared Lawrence J. Sperber, General Partner, as
aforesaid and acknowledged the foregoing to be his free act and deed and the
free act and deed of Yar Associates.

Alton L. Horte
NOTARY PUBLIC
MY COMMISSION EXPIRES
December 30, 1976

We, the undersigned being two of the officers of Horse Pond Corporation,
a Corporation duly organized under the laws of the Commonwealth of
Massachusetts do hereby certify that the foregoing Amendment to the said
Master Deed or Declaration of Condominium was ratified, approved, and duly
adopted by a unanimous vote of all of the Directors of Horse Pond Corporation,
on behalf of the Corporation and its heirs and assigns, said vote having been
duly adopted at a meeting of the said Directors held at 12:30 P.M. on the
28th day of March, 1972 at the office of Attorney Walter Wekstein, 1 Boston
Place, Boston, Massachusetts.

All of the Directors of said Horse Pond Corporation were present and voting
at said meeting. Said Corporation is otherwise referred to in said Master Deed
or Declaration of Condominium as the Association. For title reference see
Certificate of Title Number 51534 in Book 412, Page 14, Barnstable Registry
District.

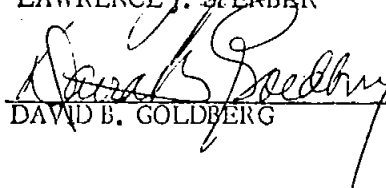
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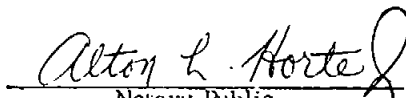
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Signed under penalties of perjury this 28th day of March, 1972


LAWRENCE J. SPERBER

DAVID B. GOLDBERG

Subscribed and sworn to before me this 28th day of March, 1972.

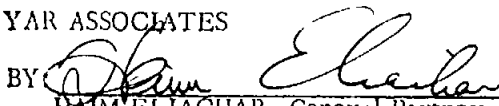

Alton L. Horte
Notary Public

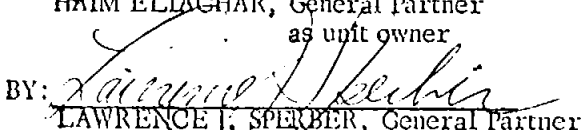
The undersigned, being all of the unit owners under said Master Deed or Declaration of Condominium do hereby for themselves and on behalf of their heirs and assigns consent and give their assent to the foregoing Amendment to the said Master Deed or Declaration of Condominium.

March 28, 1972

Assented to By:

YAR ASSOCIATES

BY: 
HAIM ELIAGHAR, General Partner
as unit owner

BY: 
LAWRENCE J. SPERBER, General Partner
as unit owner

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Assented to By:

Felix A. O'Connor
FELIX A. O'CONNOR, Unit Owner

Marion G. O'Connor
MARION G. O'CONNOR, Unit Owner

Barnstable
~~Suffolk~~

SS:

COMMONWEALTH OF MASSACHUSETTS

JUNE 16 1972

Then personally appeared the aforesaid Felix A. O'Connor and MARION
G. O'CONNOR before me and acknowledged the foregoing
to be their free act and deed.

Alton L. Horte
Notary Public

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Assented to By:

April 5, 1972

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Joseph Adelson
Unit Owner
Rose Adelson
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

April 5, 1972

Then personally appeared the aforesaid JOSEPH ADELSON AND ROSE ADELSON before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

April 5, 1972

Alvin Sperber
Unit Owner
Gertrude Sperber
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

April 5, 1972

Then personally appeared the aforesaid ALVIN SPERBER AND GERTRUDE SPERBER before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

April 5, 1972

Haskell Daner
Unit Owner
Lorna L. Daner
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

April 5, 1972

Then personally appeared the aforesaid HASKELL DANER AND LORNA L. DANER before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

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April 5 1972
Wayne C. Miles
Unit Owner
Martha S. Miles
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

April 5 1972

Then personally appeared the aforesaid Wayne C. Miles and Martha D Miles before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

April 18 1972

Unit Owner

Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

April 18 1972

Then personally appeared the aforesaid SARAH A. SCHAN before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

MAY 1, 1972

Gertrude P. Lupton
Unit Owner
Lloyd E. Lupton
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

MAY 1, 1972

Then personally appeared the aforesaid Gertrude P. Lupton and Lloyd E. Lupton before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

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Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

MAY 5 1972

Then personally appeared the aforesaid HARRY J. REYNOLDS
before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

June 1 1972

Leo Rabinowitz
Unit Owner

Ethel L. Rabinowitz
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

June 1 1972

Then personally appeared the aforesaid Leo Rabinowitz and Ethel S Rabinowitz
before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte
Notary Public

Assented to By:

1972

Unit Owner

Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

1972

Then personally appeared the aforesaid
before me and acknowledged the foregoing to be their free act and deed.

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Unit Owner

Berns Table
Suffolk, ss:

COMMONWEALTH OF MASSACHUSETTS

May 10, 1972

Then personally appeared the aforesaid ALICIA G. REYNOLDS before me and acknowledged the foregoing to be their free act and deed.

William J. Butler Jr.
Notary Public

Assented to By:

June 15 1972

Wm. J. Wilson
Unit Owner

Clair L. Wilson
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

June 15 1972

Then personally appeared the aforesaid VANCE L. WILSON AND CLAIRE L. WILSON before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte Jr.
Notary Public

Assented to By:

June 16 1972

Jacole Clark
Unit Owner

Eva F. Clark
Unit Owner

COMMONWEALTH OF MASSACHUSETTS

EARNSTABLE
Suffolk, ss:

June 16 1972

Then personally appeared the aforesaid JACK CLARK AND EVA F. CLARK before me and acknowledged the foregoing to be their free act and deed.

Alton L. Horte Jr.
Notary Public

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The undersigned, being the mortgagee of several units of the condominium does hereby give its approval to the assent by its mortgagors to the foregoing Amendment to the said Master Deed or Declaration of Condominium and does hereby give its own assent and consent to the foregoing Amendment to the said Master Deed or Declaration of Condominium.

IN WITNESS WHEREOF, the said DORCHESTER SAVINGS BANK has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by ALTON L. HORTE, its Assistant Vice President this 16th day of June, 1972.

DORCHESTER SAVINGS BANK

BY:

Alton L. Horte

Assistant Vice President

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk ss.

June 16, 1972

Then personally appeared the above named ALTON L. HORTE as aforesaid and acknowledged the foregoing instrument to be the free act and deed of DORCHESTER SAVINGS BANK, before me

Alton L. Horte

Notary Public

MY COMMISSION EXPIRES December 30, 1976

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EXHIBIT A

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HALCON, A CONDOMINIUM
Exhibit "A" (Sheet 1)

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BUILDING DESCRIPTION AND FEATURES							
Bldg. No.	No. of Stories	No. of Units	OFFICIAL COPY	DESCRIPTION	No. of Rooms (1)	CA No. R. Y(2) Sq. Ft. Area	Code of Features
1	2	8	1-A	2 + base.	4	1908	CR
			1-B	2 + base.	4	1908	A
			1-C	2 + base.	4	1908	AR
			1-D	2 + base.	4	1908	A
			1-E	2 + base.	4	1908	AR
			1-F	2 + base.	4	1923	BR
			1-G	2 + base.	4	1923	B
2	2	3	1-H	2 + base.	4	1908	C
			2-A	2 + base.	4	1908	CR
			2-B	2 + base.	4	1908	AR
			2-C	2 + base.	4	1908	CR1
3	2	9	3-A	2 + base.	4	1908	CR
			3-B	2 + base.	4	1908	AR
			3-C	2 + base.	4	1908	A
			3-D	2 + base.	4	1923	BR
			3-E	2 + base.	4	1923	B
			3-F	2 + base.	4	1908	AR
			3-G	2 + base.	4	1908	A
			3-H	2 + base.	4	1908	A
			3-I	2 + base.	4	1908	C
4	2	8	4-A	2 + base.	4	1923	DR
			4-B	2 + base.	4	1923	B
			4-C	2 + base.	4	1908	AR
			4-D	2 + base.	4	1908	A
			4-E	2 + base.	4	1923	BR
			4-F	2 + base.	4	1923	B
			4-G	2 + base.	4	1923	BR
5	2	9	4-H	2 + base.	4	1923	D
			5-A	2 + base.	4	1908	CR
			5-B	2 + base.	4	1923	BR
			5-C	2 + base.	4	1923	B
			5-D	2 + base.	4	1908	A
			5-E	2 + base.	4	1923	BR
			5-F	2 + base.	4	1923	B
			5-G	2 + base.	4	1908	AR
			5-H	2 + base.	4	1923	BR
			5-I	2 + base.	4	1923	D

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PLAN CONDOMINIUM
EXHIBIT "A" (Sheet 1-A)

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1. Number of Rooms does not include baths, lavatories, closets, balconies or basement.

2. The A, AR, C, CR, and CR1 designated units contain 1908 square feet, including basement, but excluding balcony. The B, BR, D and DR designated units contain 1923 square feet, including basement, but excluding balcony.

3. All units contain living room with dining area, kitchen, two bedrooms, one bath, two lavatories, balcony and basement, entrance area, closets and an interior stairway. The units designated A, AR, B, and BR have direct accessibility to a front yard and a rear yard. The units designated C, CR, CR1, D and DR have direct accessibility to a front yard and a rear yard and are adjacent to a side yard. These front and rear yards while in part for the exclusive use of the owners of the Units which they abut, are common areas and, in turn give access, in each instance to a common walkway, common parking areas, and green areas.

A This is an intermediate unit with the entrance on the left side of the unit.

AR This is an intermediate unit with the entrance on the right side of the unit.

B This is an intermediate unit with the entrance on the left side of the unit.

BR This is an intermediate unit with the entrance on the right side of the unit.

C This is an end unit on the right end of the building with the entrance on the left side of the unit.

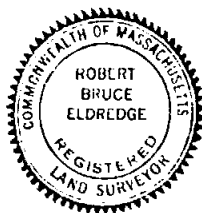
CR This is an end unit on the left end of the building with the entrance on the right side of the unit.

CR1 This is an end unit on the right end of the building with the entrance on the right side of the unit.

D This is an end unit on the right end of the building with the entrance on the left side of the unit.

DR This is an end unit on the left end of the building with the entrance on the right side of the unit.

I have verified and certify that the above fully and accurately depicts the building descriptions, unit numbers, unit descriptions, unit type and unit features, as built.



Robert Bruce Eldredge
RCS #19367

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"MASTER PLAN IN WEST YARMOUTH FOR
'HALCYON' BY CHARLES N. SAVERY, INC..
REGISTERED ENGINEERS AND SURVEYORS"

EXHIBIT D