

jud. H. O. McHitt

Ransmeier
Spellman

One Capitol Street
PO Box 600
Concord, NH 03301-0600

**AMENDMENT TO THE DECLARATION OF
CONDOMINIUM FOR EASTERN SHORE, A CONDOMINIUM**

This Amendment is made as of April 9, 2017 by Eastern Shore Association, a New Hampshire not-for-profit association of unit owners with a place of business at Lake Avenue, Laconia, County of Belknap, State of New Hampshire 03246 (hereinafter the "Association").

Peter DeJager, the Declarant, on September 10, 1986 executed and recorded a Declaration of Condominium at Book 1021, Page 335 in the Belknap County Registry of Deeds. Said Declaration and the Amendments thereto submitted land located at 144 Lake Avenue, Laconia, New Hampshire to condominium ownership pursuant to RSA 356-B.

The control of the condominium is now vested in the Association of unit owners as provided for in the Declaration and RSA 356-B. Pursuant to RSA 356-B:39-a and RSA 356-B:37-a by ballot vote of the unit owners certified on April 9, 2017, the unit owners voted to amend the Declaration of Condominium by deleting Section 2-503 of the Declaration and replacing it as follows:

2-503 Dock Spaces. The nine (9) dock spaces or boat slips designated as dock areas A – I and the mooring field are common area subject to assignment by the Board of Directors in accordance with the provisions of the Declaration and Bylaws.

A. **Assignment.** All present assignments of dock spaces shall remain in place unless and until the unit which the space is assigned is conveyed or otherwise transferred as hereinafter described or defined. Each assignment shall be exclusively for the use of the owner of the unit to which the designated dock is assigned. The boat using the assigned dock must be registered in the name of the Unit Owner, to which it has been assigned. The assigned right to use the dock may not be transferred, sublet or otherwise permitted except as specified herein.

(i) **Rentals.** Unit Owners who have been assigned a dock space may not allow individuals who rent their unit to use the assigned dock space. However, Unit Owners who rent their unit may trade for the duration of the unit rental their assigned dock space with a unit owner who has a mooring in the mooring field. The tenant will then

be permitted to use the mooring in the mooring field. Such a trade or swap must be reported in advance to the dock master and the unit number, name of the tenant and copy of their boat registration must be provided to the dock master.

(ii) Severing. No Unit Owner or tenant of a Unit Owner has a right to sever the right to use their assigned dock space or mooring to anyone who does not have a present possessory interest in a unit in the condominium. This means the assigned dock space cannot be rented, sublet or used by anyone other than a Unit Owner. A mooring can be rented by a Unit Owner to the person or persons who rent the unit. A mooring cannot be rented separately from a unit. For example:

(a) John Doe owns Unit 5 and is assigned dock space C. His brother-in-law Harry Smith has a boat, likes to fish and visits John every weekend. Harry cannot use John's assigned dock space even if John does not keep a boat there.

(b) Larry Howard owns Unit 10 and is assigned mooring 7. He rents his unit to Mary Doe who does not have a boat. Larry cannot rent his mooring to Fred Fisher while Mary is renting Larry's unit. Fred Fisher can only rent the mooring if he is renting Larry's unit or if Fred is renting a unit from someone with a dock space who has arranged a swap with Larry.

B. Transfer. Upon transfer of title to a unit, the right to use an assigned dock space or mooring shall terminate and the Board of Directors shall assign the dock space or mooring to the unit of the Unit Owner next in line of seniority ("Seniority" is measured by how long a Unit Owner has owned their unit in the condominium, it does not refer to the age of the Unit Owner) of ownership who does not then have a dock space or mooring. Assignment shall be determined based upon the length of ownership as evidenced by a deed recorded in the Belknap County Registry of Deeds. A unit which is transferred into trust shall terminate the right to use a "dock space" or mooring unless the following requirements are met:

(i) The transfer is into an inter vivos trust;

(ii) The transfer is for estate planning purposes; and

(iii) The Grantor(s) shall also be a Grantor and beneficiary under the trust.

A unit which is not owned by a natural person shall be considered to have its title transferred whenever there is a transfer of an interest by one internal owner to another person or entity regardless of whether or not a transfer is recorded in the Belknap County Registry of Deeds.

The aforementioned restrictions on transfers of units are intended to prevent the assignment of dock spaces or moorings by a Unit Owner to a trust, another entity or by using another mechanism to circumvent or defeat the principle that dock spaces or moorings are to be assigned to the next Senior Unit Owner in the event of a transfer of title. For these purposes, a transfer of title also includes inheritance by heirs, beneficiaries or devisees of a Unit Owner, whether through testate or intestate succession, as well as receipt of an interest through a trust or other entity, which may hold title to a particular unit. Any transfer of legal, beneficial or equitable interest, unless specifically permitted above shall be deemed a transfer of title for purposes of this section.

C. The Dock System. The Dock System is located on the shore of the condominium. It consists of a main dock approximately 47 feet westerly into Paugus Bay. A dock walkway extends southeasterly from the main dock and three finger docks are constructed from this system and are parallel with the main dock. The dock assignments are as follows:

A is located on the southerly side of the main dock.

B is located southerly and parallel of A on the northerly side of the first finger dock.

C is located on the southerly side of the first finger dock.

D is located southerly and parallel of C on the northerly side of the second finger dock.

E is located on the southerly side of the second finger dock.

F is located southerly and parallel of E on the northerly side of the third finger dock.

G is located on the southerly side of the third finger dock and is the southerly most dock area.

H and I are located on the easterly side of the dock walkway which extends southerly from the main dock. H is the southerly-most one-half of the length of said dock walkway. See Plan for specific locations.

D. Additional Rules. The Board of Directors may make additional rules elaborating on or clarifying these in the Residency Regulations.

In witness hereof, the Eastern Shore Association, by its President and Treasurer, duly authorized and pursuant to RSA 356-B:34 have executed this Amendment of the Declaration of Condominium on the day and year first written above.

Eastern Shore Association

By: John Bellinger
John Bellinger, Its President

By: Michael Mancini
Michael Mancini, Its Treasurer

STATE OF NEW HAMPSHIRE
COUNTY OF Dorchester

This instrument was acknowledged before me on this 4th day of April, 2017 by John Bellinger, as President of Eastern Shore Association. The identity of the subscribing party was determined by (check box that applies and complete blank line, if any):

- ☒ My personal knowledge of the identity of said person OR
☐ The oath or affirmation of a credible witness, _____ (name of witness), the witness being personally known to me OR
☐ The following identification documents:
NOTE: 2, BR 1161 x 116/120 (driver's license, passport, other).

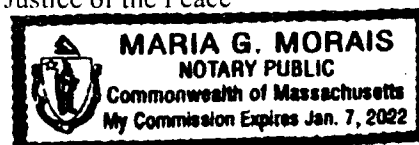
William C Rolfe
Notary Public/Justice of the Peace
My Commission Expires: _____
WILLIAM C ROLFE
Notary Public, New Hampshire
My Commission Expires Sep 17, 2019

~~Massachusetts~~
~~STATE OF NEW HAMPSHIRE~~
COUNTY OF Dorchester

This instrument was acknowledged before me on this 9th day of June, 2017 by Michael Mancini, as Treasurer of Eastern Shore Association. The identity of the subscribing party was determined by (check box that applies and complete blank line, if any):

- ☒ My personal knowledge of the identity of said person OR
☐ The oath or affirmation of a credible witness, _____ (name of witness), the witness being personally known to me OR
☐ The following identification documents:
_____ (driver's license, passport, other).

Maria G. Morais
Notary Public/Justice of the Peace



My Commission Expires: _____

CERTIFICATION PURSUANT TO RSA 356-B:34

The undersigned, being the duly authorized Secretary of Eastern Shore Association, hereby certifies that the Association, by the required majorities voted by ballot pursuant to RSA 356-B:39-a on April 9, 2017 to Amend the Declaration of Condominium of Eastern Shore, A Condominium.

Eastern Shore Association

By: _____

Carrie Fortunato, Its Secretary

MASS
STATE OF NEW HAMPSHIRE
COUNTY OF Middlesex

This instrument was acknowledged before me on this 13th day of June, 2017 by Carrie Fortunato, as Secretary of Eastern Shore Association. The identity of the subscribing party was determined by (check box that applies and complete blank line, if any):

- ☒ My personal knowledge of the identity of said person **OR**
☐ The oath or affirmation of a credible witness, _____ (name of witness), the witness being personally known to me **OR**
☐ The following identification documents: _____ (driver's license, passport, other).

Rosemary Camacho-Desousa
Notary Public/Justice of the Peace

My Commission Expires: 8/11/2017



ROSEMARY CAMACHO-DESOUZA
Notary Public
Commonwealth of Massachusetts
My Commission Expires
August 11, 2017