

RECORDS & DEEDS
MOUNTAIN RIVER EAST
DEC 1 1988

FIFTH AMENDMENT TO
DECLARATION OF MOUNTAIN RIVER EAST CONDOMINIUM

Amendment BK 1826 Pg 158, 160
" 2172 Pg 705

WHEREAS, Mountain River East Associates, a New Hampshire partnership with a principal place of business in the Town of Thornton, County of Grafton and State of New Hampshire (hereinafter referred to as "Declarant") has caused to be recorded in the Grafton County Registry of Deeds a certain Declaration of Mountain River East Condominium, dated December 1, 1986, at Volume 1642, Page 476, later re-recorded at Volume 1650, Page 829 (hereinafter referred as "Declaration"), and a certain First Amendment of Declaration of Mountain River East Condominium, dated November 4, 1987, at Volume 1706, Page 956; a Second Amendment of Declaration of Mountain River East Condominium, dated December 23, 1987, at Volume 1717, Page 416, a Third Amendment of Declaration of Mountain River East Condominium, dated March 7, 1988, at Volume 1727, Page 491, and a Fourth Amendment, together with certain site and floor plans pursuant thereto, and

WHEREAS, Mountain River East Condominium presently consists of common area together with eighty (80) condominium units as described in the Declaration, as amended, and as depicted on the site and floor plans recorded pursuant thereto, and

WHEREAS, through inadvertance there was unintentionally omitted from said Declaration a certain provision regarding the allocation of certain common areas as limited common area as permitted by the Condominium Act (New Hampshire RSA 356-B);

NOW THEREFORE, the Declaration is and hereby shall be amended by the recording of the within Amendment to the Declaration of Mountain River East Condominium, as follows:

1. That Subparagraph F of Paragraph 2 entitled "Description of Common Area", shall be amended by adding thereto the following:

See BK 2181 Pg 194
" " 2252 " 646
" " 2323 " 576

017863

BK 1826 Pg 0761

"Portions of the Common Area not previously assigned as Limited Common Area may be assigned in the manner provided by New Hampshire RSA 356-B:19. Any such assignment shall be accomplished by the recording of an amendment to the Declaration making such an assignment, which shall be prepared and executed by any director or officer of the Association. Such amendment shall be delivered to the unit owner or owners of the unit or units concerned upon payment by him or them of all reasonable costs for the preparation and acknowledgment thereof. Said amendment shall become effective when the aforesaid unit owner or owners have executed and recorded it, and the recordation thereof shall be conclusive evidence that the method prescribed pursuant to RSA 356-B:16 (1)(f) was adhered to. Any such assignment of portions of the Common Area as Limited Common Area shall not be deemed to constitute an act which requires the consent of any mortgagee pursuant to Paragraph 22 of the within Declaration."

IN WITNESS WHEREOF, MOUNTAIN RIVER EAST ASSOCIATES has caused these presents to be executed in its name and behalf by Herbert G. Ingram, a General Partner, duly authorized, this 12th day of June, 1989.

MOUNTAIN RIVER EAST ASSOCIATES

Carlyle J. Post
Witness

By [Signature],
General Partner
Duly Authorized

STATE/Commonwealth of Maine
COUNTY OF Waldo

June 12, 1989.

BEFORE ME, the undersigned officer, personally appeared Herbert G. Ingram who acknowledged himself/herself to be a General Partner of MOUNTAIN RIVER EAST ASSOCIATES, a partnership, and that he/she as such General Partner executed the foregoing instrument for the purposes therein contained as her voluntary act and deed.

[Signature]
Notary Public

My Commission expires: 4/1/1990



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89 OCT -5 PM 3:14
GRAFTON COUNTY
REGISTRY OF DEEDS

EXAMINED, ATTEST Carol O. Elliott
GRAFTON COUNTY REGISTRY OF DEEDS

BK 1826 PG 0762