

Tax map
No
51-230
(In Part)

CORRECTIVE AMENDMENT
OR SUPPLEMENT TO STORAGE UNITS
AMENDMENT TO DECLARATION
DOCKSIDE CONDOMINIUM

THIS CORRECTIVE AMENDMENT OR SUPPLEMENT to the Declaration of Dockside Condominium is made this 30th day of October, 2001, by Sherrill C. Steed, President of the Dockside Condominium Owners Association, Inc.

WHEREAS, an Amendment to the Declaration of Dockside Condominium dated the 5th day of January, 2000, was recorded in the Circuit Court Clerk's Office of the County of Gloucester, Virginia, as instrument number 010000900 on February 23, 2001, (hereinafter referred to as the Storage Unit Amendment) with plats, plans, drawings, and diagrams attached thereto;

WHEREAS, the Storage Unit Amendment and the plats, plans, drawings, and diagrams attached as exhibits hereto contain certain inconsistencies, scrivener's errors or ambiguities;

WHEREAS, Sherrill Steed as President of Dockside Condominium Owners Association, Inc. serves as the principal officer of the unit owner's association;

WHEREAS, by a vote of two-thirds of the members of the Board of Directors, the executive organ of the Dockside Condominium Owners Association, Inc. has authorized the President to unilaterally execute and record this Corrective Amendment or Supplement;

NOW, THEREFORE, pursuant to §55-79.71 of the Code of Virginia (1950, as amended) the above referenced Storage Unit Amendment is amended and supplemented as follows:

Bradley Barrant
P.O. Box 800
Yorktown, Va 23692

Prepared by:

ONE. The attached exhibits marked as "Exhibits to Corrective Amendment or Supplement to Storage Units Amendment" are deemed substituted for the exhibits attached thereto and referred to therein.

TWO. The Storage Unit Amendment is further amended to state as follows:

STORAGE UNITS
AMENDMENT TO DECLARATION
DOCKSIDE CONDOMINIUM

THIS AMENDMENT to the Declaration of Dockside Condominium is made this 5th day of January, 2000, by the Unit Owners of record of seventy-five percent (75%) or more of the Common Elements as specified by the Condominium Instruments.

WHEREAS, by the Declaration of Dockside Condominium dated June 14, 1984, and recorded in the Office of the Clerk of the Circuit Court for the County of Gloucester, in Deed Book 280, page 615 (hereinafter referred to as the "Declaration"), the Declaration therein submitted certain real property situate, lying and being in the County of Gloucester, Virginia, to the regime established by the Condominium Act, Title 55, Chapter 4.2 Va. Code §55-79.39 et seq. (1950, as amended) (hereinafter the Act). Thus, the Declaration created and established a condominium form of ownership for the property known as Dockside Condominium (hereinafter referred to as the ("Condominium")); and

WHEREAS, Article XIV Section One permits amendment of the Declaration by an instrument in writing signed and acknowledged by the Unit Owners of record of seventy-five

percent (75%) or more of the Common Elements;

WHEREAS, there are ninety (90) Unit Owners (although the instrument dated the 15th day of March, 1986 entitled PHASE SIX AMENDMENT TO THE BYLAWS OF DOCKSIDE CONDOMINIUM OWNERS ASSOCIATION, INC., recorded in deed book 317 at page 492 and the instrument dated the 15th day of March, 1986 entitled PHASE SIX AMENDMENT TO DECLARATION DOCKSIDE CONDOMINIUM recites that twelve (12) Units were added to the Condominium, in fact, only six (6) Units were added).

WHEREAS, the Declaration defines a Unit Owner as one or more persons who own a condominium unit;

WHEREAS, the instrument has been executed or acknowledged by sixty-eight (68) or more Unit Owners of the Condominium;

WHEREAS, these Unit Owners desire to amend the Declaration to permit the Dockside Condominium Association to construct and sell storage units as limited common elements.

NOW, THEREFORE, pursuant to Article XIV Section One of the Declaration, the undersigned constituting seventy-five percent (75%) or more of the Unit Owners amend the Declaration as follows:

The following paragraphs are added to Section Three of Article IV of the Declaration:

That portion of the Association's property which is shown and designated as Storage Units on the Exhibits attached hereto and marked as "Exhibits to Corrective Amendment or Supplement to Storage Units Amendment" may subsequently be

assigned, in whole or part, at any time or times as Limited Common Elements appurtenant to Condominium Units. The Association may keep one (1) of the storage units for the purposes of carrying on its functions or may assign to Unit Owners as Limited Common Elements up to thirty-three (33) storage units. The above referenced plat marked as "Exhibits to Corrective Amendment or Supplement to Storage Units Amendment" shows the locations and dimensions of these thirty-three (33) storage units. Assignments shall be made pursuant to Va Code § 55-79.57 (1950, as amended) of the Act by amendment to the Declaration. The Amendment shall designate by reference to the plat attached hereto and marked as "Exhibit to Corrective Amendment or Supplement to Storage Units Amendment" or any new plat recorded with the amendment, the portion of the Limited Common Element assigned to a Unit Owner as a Limited Common Element appurtenant to that Condominium Unit. The Unit Owner may assign his interest in the Storage Unit to other Unit Owners or a subsequent transferee of his Condominium Unit.

A. The top surface of the concrete slab shall constitute the lower boundary of the Storage Unit and the underface of the roof and the rafters shall constitute the upper boundary of the Storage Unit. The planes of the exterior face of the access doors, interior unfinished surface of the interior surface of the studs of the party walls separating one Storage Unit from another and the interior face of the block exterior walls shall constitute the vertical boundaries of the Storage Unit.

The dimensions of the Units are as shown on the plans which are titled, "Exhibits to Corrective Amendment or Supplement to Storage Units Amendment" and attached hereto and recorded in Plat book 24 at page 169, 169A, 169B in the Gloucester Circuit Court Clerk's Office. All boundaries shall be the physical as-built boundaries. To the extent that walls, floors, and/or ceiling are designated as the boundaries of the Storage Units, any lath, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, flooring (other than the concrete slab) and any other materials constituting any part of the finishing surfaces thereof, shall be deemed a part of the Storage Unit while all other portions of such walls, floors, roofs and/or ceilings shall be deemed a part of the Storage Unit Building.

B. If any chutes, flues, ducts, conduits, wires, bearing walls, bearing columns or any other apparatus lies partially within and partially outside of the designated boundaries of the Storage Unit, any portions thereof serving only that Storage Unit shall be deemed a part of that Storage Unit, while any portions thereof serving more than one Storage Unit or any portion of the Storage Building shall be deemed a part of the Storage Building.

C. Subject to the provisions of subsection B hereof, all space, interior partitions and other fixtures and improvements within the boundaries of a Storage Unit shall be deemed a part of that Storage Unit.

D. Notwithstanding any of the provisions of this

Article IV to the contrary, any air conditioning, refrigerating, heating and electrical lines within the Storage Unit, and the heating/air conditioning unit (heat pump), fan units and other apparatus in connection therewith, which serve an individual Storage Unit (wherever located), shall be owned by the Storage Unit Owner as a part of the Unit and are not part of the Building.

The following paragraph is added to Section Two of Article IX:

Any common expenses associated with the maintenance, repair, renovation, restoration, or replacement of any Storage Unit shall be specially assessed against the condominium Unit to which that Storage Unit was assigned as a Limited Common Element at the time such expenses were made or incurred. Any common expenses associated with the Storage Building or benefiting those to whom the Storage Units were assigned as a Limited Common Element at the time expenses were made or incurred, shall be specially assessed against the condominium Units to which Storage Units were assigned. This assessment shall be proportionate to the size of the Storage Unit based the square footage of the Storage Unit.

The portion of the assessment related to any Storage Units not assigned to a specific condominium Unit shall be assessed as any expense for Common Elements.

Except as specifically modified by this Amendment, all terms and provisions of the Declaration shall remain in full force and effect and shall be applicable to the Limited Common

Elements and Common Elements created hereby.

THREE. To further clarify the below described real property is submitted by this Corrective Amendment or Supplement to constitute limited common elements for the purposes of storage units is:

All that certain lot, piece or parcel of land situate, lying and being in the County of Gloucester, Virginia, designated as "PHASE TEN 70865 SQ. FT. 1.6268 AC.," as shown on that certain plat entitled, "DOCKSIDE CONDOMINIUM, STORAGE UNITS PHASE TEN OWNED BY DOCKSIDE CONDOMINIUM OWNER'S ASSOCIATION LOCATED IN THE YORK DISTRICT OF GLOUCESTER COUNTY, VIRGINIA," dated JANUARY 5, 2000, and made by LANDMARK DESIGN GROUP, said plat being attached hereto and made a part hereof as Exhibits to Corrective Amendment or Supplement to Storage Units Amendment, recorded in Plat Book _____, page _____, in the Clerk's Office of the Circuit Court for the County of Gloucester, Virginia; said property being more particularly described as follows:

Beginning at a point which marks the common corner between the property designated as "ADDITIONAL LAND 74491 SQ. FT. 1.7101 AC.," land "N/F DOROTHY N. GENTIL D.B. 218, PG. 380" and "PHASE TEN 70865 SQ. FT. 1.6268 AC.," all as shown on the plat of survey attached hereto, the point or place of beginning thus established, running thence S 74° 48'47" E a distance of 114.93 feet; thence running S 1° 33'47" E a distance of 118.32 feet; thence S 72° 54'00" W a distance of 396.37 feet; thence N 19° 24'54" W a distance of 175.26 feet; thence N 72° 51'10" E a distance of 337.98 feet to the point or place of beginning.

Witness the following signature and seal this 30th day of

October _____, 2001.

DOCKSIDE CONDOMINIUM
ASSOCIATION, INC.

By Sherrill C. Steed
Sherrill C. Steed, President

10/30/01


Date

STATE OF VIRGINIA

COUNTY OF YORK

I, Susan D. Berrane, a Notary Public for the State and County aforesaid do hereby certify Sherrill C. Steed, President of Dockside Condominium Association, Inc. whose name is signed to the foregoing writing bearing date on the 30th day of October, 2001, has acknowledged the same before me.

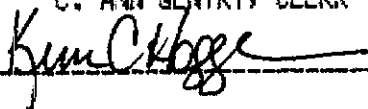
Given under my hand this 30th day of October, 2001.



Notary Public

My Commission Expires: 2/28/2005

INSTRUMENT #010006922
RECORDED IN THE CLERK'S OFFICE OF
GLOUCESTER COUNTY ON
NOVEMBER 8, 2001 AT 01:14PM
C. ANN GENTRY, CLERK

BY:  (DC)