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Nov. 12 2003

ALLOWED

Charles W. Trombly, Jr.  
Justice

**OLDE SMITH FARM CONDOMINIUM**

**FOURTH AMENDMENT TO MASTER DEED  
(PHASE V)**

BOTH WAYS

28

**STABILE HOMES AT LEXINGTON, INC.**, having its principal place of business at 21 Manchester Street, Merrimack, New Hampshire (the "Declarant") hereby executes this Fourth Amendment to the Master Deed creating the Olde Smith Farm Condominium in Lexington, Massachusetts (the "Condominium"), which Master Deed was executed by the Declarant on July 24, 2002 and filed with the Middlesex Registry District of the Land Court on August 12, 2002 as Document No. 1222646 and noted on Certificate No. 0220783 Book 1234 Page 33 (See, new Certificate created - Certificate No. C0000469 Book C 29, Page 24), and also recorded with the Middlesex South Registry of Deeds on August 16, 2002 as Instrument No. 428. Initial capitalized terms used herein but not defined shall have the respective meanings ascribed to such terms in the Master Deed. The Declarant executes this Amendment both for itself and as attorney-in-fact for all Unit Owners in the Condominium, in exercise of the rights expressly conferred upon the Declarant in the Master Deed.

**RECITALS:**

Whereas, the Declarant executed, filed and recorded the Master Deed as set forth above;

Whereas, the Master Deed expressly provided that the Condominium was to be created in Phases, and expressly reserved the rights of the Declarant to record amendments to the Master Deed creating said additional phases;

Whereas, the original Master Deed created six (6) dwelling units in Phase I;

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Whereas, the Declarant amended the Master Deed by that certain First Amendment to Master Deed (Phase II) dated November 21, 2002, filed with the Middlesex Registry District of the Land Court on December 9, 2002 as Document No. 1243504 and also recorded with the Middlesex South Registry of Deeds on December 9, 2002 as Instrument No. 1292, creating two (2) additional dwelling units.;

Whereas, the Declarant amended the Master Deed by that certain Second Amendment to Master Deed (Phase III) dated April 10, 2003, filed with the Middlesex Registry District of the Land Court on April 18, 2003 as Document No. <sup>1266901</sup>(12669) and also recorded with the Middlesex South Registry of Deeds on April 18, 2003 as Instrument No. 712, creating three (3) additional dwelling units;

Whereas, the Declarant amended the Master Deed by that certain Third Amendment to Master Deed (Phase IV) dated July 21, 2003, filed with the Middlesex Registry District of the Land Court on October 23, 2003 as Document No. 1296839 and also recorded with the Middlesex South Registry of Deeds on October 23, 2003 as Instrument No. 1307, creating four (4) additional dwelling units;

Whereas, the Declarant now wishes to and hereby does add one (1) additional dwelling unit to the Condominium in this Phase V, bringing the total number of dwelling units in the Condominium by this Fourth Amendment to sixteen (16) dwelling units;

Whereas, the units being added by this Fourth Amendment have been completed by the Declarant, as evidenced by "as built" drawings conforming to G.L. c. 183A;

Whereas, the layout, location and dimensions of the one (1) unit being added by this Fourth Amendment are as shown on the Olde Smith Farm Site Plan – Phase V dated October 8, 2003 and on the unit plans for Unit 10 being recorded herewith;

Whereas, said unit plans contain the certifications of a registered architect as required by G.L. c. 183A sec. 8(f) as to Unit 10;

NOW THEREFORE, in consideration of the foregoing the Declarant hereby executes and declares this Phasing Amendment to the Master Deed establishing Phase V of the Condominium, and amends the Master Deed in the following respects:

1. Exhibits B, C, D and E-1 of the Master Deed (the "Original Exhibits") are hereby deleted, and said Original Exhibits are hereby replaced with Exhibits B, C, D and E-1 as attached hereto (the "Phase V Exhibits"), and the substantive provisions contained in the Phase V Exhibits shall govern. All other Exhibits of the Master Deed not replaced by the Phase V Exhibits shall continue in full force and effect.
2. As of the date of recording this Fourth Amendment, by the addition of Unit 10 the Condominium shall consist of sixteen (16) dwelling units in Phase V.

In all other respects, the Master Deed remains unchanged and is hereby ratified and reaffirmed.

For authority, see Vote filed with the Middlesex Registry District of the Land Court on August 15, 2002 as Document No. 1223424, and also recorded with the Middlesex South Registry of Deeds on August 15, 2002 as Instrument No. 1284.

EXECUTED AS OF THE 21<sup>st</sup> DAY OF July, 2003.

**DECLARANT:**

**STABILE HOMES AT LEXINGTON, INC.**


By:   
**John Pavan, its duly authorized President**

STATE OF NEW HAMPSHIRE

Hillsborough County

7/21, 2003

Then personally appeared before me the above named John Pavan, duly authorized President of Stabile Homes at Lexington, Inc., and acknowledged the foregoing to be his free act and deed and the free act and deed of said corporation.

  
Notary Public  
My Commission Expires:

BETH RICHARDSON, Justice of the Peace  
My Commission Expires May 7, 2008

**OLDE SMITH FARM**

**EXHIBIT B  
FOURTH AMENDMENT TO THE MASTER DEED  
(PHASE V)  
JULY 21, 2003**

The buildings currently included in this Phase V are as shown on the Site Plan – Phase V and unit plans filed and recorded herewith, and described in Exhibits C and D attached hereto.

The buildings to be added in additional future phases shall be described in future amendments to the Master Deed on Exhibit B.

# **OLDE SMITH FARM**

## **EXHIBIT C FOURTH AMENDMENT TO THE MASTER DEED (PHASE V) JULY 21, 2003**

### **Buildings:**

See Site Plan – Phase V for specific location of all sixteen (16) units as a result of the Phase V amendment. Specifically, Units 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16 from the original Site Plan are also shown on Site Plan – Phase V, and Unit 10 having been added and is depicted thereon as well.

### **Number of Stories:**

All buildings as a result of the Phase V amendment are 2 to 2 ½ stories and are built on a concrete foundation and slab. Specifically:

Units 1 and 2 are in buildings which are 2 ½ stories.

Units 3,4,5,6,7,8,9,10,11,12,13,14,15 and 16 are in buildings which are 2 stories.

### **Principal Materials of Construction:**

Each of the Buildings are constructed of wood frame structure, wood siding and asphalt shingle roofing.

# OLDE SMITH FARM

## EXHIBIT D

### (DESCRIPTION OF UNITS - ALL PHASES)

Unit No.	Approx. Area (Sq. Ft.)	Vestibule	Kitchen	Dining Room	Great Room	Den	Gathering Room	Loft	Bedroom	Bathroom	Enclosed Garage Spaces
1	2,246	1	1	1	1	0	0	1	2	2.5	1
2	2,117	1	1	1	1	0	0	1	2	2.5	1
3	2,209	1	1	1	1	0	1	0	3	2.5	2
4	2,357	1	1	1	0	1	0	0	2	2.5	2
5	2,259	1	1	1	1	0	0	1	3	2.5	2
6	2,186	1	1	1	1	0	0	1	3	2.5	2
7	2,688	1	1	1	1	0	1	0	3	2.5	2
8	2,558	1	1	1	1	0	1	1	2	2.5	2
9	2,667	1	1	1	1	0	1	1	3	2.5	2
10	2,634	1	1	1	1	1	1	1	3	2.5	2
11	2,688	1	1	1	1	1	1	0	3	2.5	2
12	2,668	1	1	1	1	0	1	0	3	2.5	2
13	2,688	1	1	1	1	0	1	0	3	2.5	2
14	2,303	1	1	1	1	1	1	0	2	2.5	1
15	1,589	Shared	1	1	1	0	0	0	2	1.5	1
16	1,296	Shared	1	1	1	0	0	0	2	1.5	0

#### NOTES:

1. Approximate square footage does not include decks, porches, patios, terraces, balconies, basements, but does include garages (as applicable).
2. All Units are immediately accessible to exterior common areas immediately adjacent to such Unit, all as shown on the Condominium Plans recorded with this Master Deed.
3. Each Unit has a garage attached except Unit 16 (which has no garage) and Units 1 and 2 (which have garages beneath the Units).
4. Each Unit has a mechanical area in the basement or attic areas.
5. Unit numbering corresponds to the Site Plan.
6. Units 15 and 16 have a vestibule which is shared by only those two units.

**OLDE SMITH FARM**

**EXHIBIT E-1  
FOURTH AMENDMENT TO THE MASTER DEED  
(PHASE V)**

**(REVISED PERCENTAGE INTEREST IN COMMON ELEMENTS)**

**(PHASE V)  
JULY 21, 2003**

Unit No.	Percentage Interest
1	5.691
2	5.506
3	6.893
4	7.171
5	5.922
6	6.153
7	6.431
8	6.431
9	8.189
10	8.004
11	6.523
12	6.523
13	6.523
14	6.246
15	3.959
16	3.835
	100.00