

CANAL PLACE II CONDOMINIUM  
AMENDMENT OF MASTER DEED  
TO ADD PHASE II

This Amendment of the Master Deed of Canal Place II Condominium, a Condominium created by Master Deed dated September 21, 1988 and recorded in Middlesex North District Registry of Deeds in Book 4664, Page 1, Witnesseth. That:

Whereas, it is provided in Section 6 of said Master Deed that the Declarant reserves and shall have the right, without consent of any Unit Owner or Mortgagee, upon completion of construction of a certain building as therein specified on the land described in Section 2 and Exhibit "A", and shown as Building 17 on the Site Plan of Canal Place II Condominium recorded in said Registry of Deeds in Book of Plans 166, Page 72; and as it is provided in Section 6 and Exhibit "C" of said Master Deed that, from and after the inclusion of said Phase II in said Condominium, the percentage of undivided interest in the common areas and facilities of the Condominium of Units in Phase I and Phase II shall be as specified in Exhibit "C" to the Master Deed and the amended Exhibit "C" to be recorded herewith, and,

Whereas, the construction of Building 17 has now been completed, and the Declarant desires to include said Phase II in said Canal Place II Condominium:

Now, therefore, we, Jon H. Graham and Howard F. Graham, Trustees of Canal Place II Trust under a Declaration of Trust dated December 2, 1986, recorded in Middlesex North District Registry of Deeds in Book 3810, Page 44, being the Declarant as aforesaid, by duly executing and recording this Amendment to the Master Deed, do hereby submit Building 17, the units contained therein and the improvements thereon all as shown on the Site Plan of Canal Place II Condominium recorded in said Registry of Deeds in Book of Plans 166, Page 72, to the provisions of Chapter 183A of the General Laws of Massachusetts, as amended, and do hereby state that We propose to create Phase II of the Canal Place II Condominium and do hereby include said Phase II in said Canal Place II Condominium, to be governed by and subject to the provisions of said Chapter 183A, Massachusetts General Laws, as amended. Said Phase II shall be subject to and shall have the benefit of said Master Deed and by-laws of the Canal Place II Condominium Trust.

I. Description of Buildings in Phase II

The units of Phase II of the Condominium shall be those included within the Building of Phase II (Building 17) as shown on the Site Plan. The Building of Phase II contains three (3) floors and a basement. The building is constructed of exterior load-bearing masonry walls on interior heavy timber beams and floors; the foundation is constructed of masonry and concrete; and the roof is single-ply rubber membrane on heavy timber.

06/05/90 PLAN BOOK: 173 PAGE: 4

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## II. Designation of Units and their Boundaries

The designation of each residential unit in Phase II of the Condominium and a statement of their designation, location, approximate area, number and composition of rooms and the immediate common areas to which each has access, are as set forth on Exhibit "A" attached to this Amendment and incorporated herein by reference.

The Boundaries of each of the Units in Phase II are the same as stated in Section 4 of the Master Deed with respect to the Units in Phase I of the Condominium.

## III. Common Areas and Facilities

The common areas and facilities of the Condominium, including Phase I and Phase II, comprise and consist of (a) the land described in Section 2 of the Master Deed, together with the benefit of and subject to the rights and easements referred to in said Master Deed, and all parts of the Buildings, other than the units themselves, in Phase I and Phase II and the improvements thereon and (b) all of the same elements, features and facilities of the buildings and grounds, which are described, defined, and referred to in Section 5 of said Master Deed as common areas and facilities. As provided in said Section 5 of the Master Deed, said common areas and facilities shall be subject to the provisions of the by-laws of the Canal Place II Condominium Trust under Declaration of Trust dated September 21, 1988, recorded in Middlesex North District Registry of Deeds in Book 4664, Page 33, and to all rules and regulations promulgated pursuant thereto with respect to the use and maintenance thereof.

## IV. Floor Plans of Units

Simultaneously with the recording hereof, there has been recorded a set of the floor plans of the Building in Phase II, showing the layout, location, unit numbers, and dimensions of the units in Phase II, stating the designation of the Building, and bearing the verified statement of a registered land surveyor certifying that said plans fully and accurately depict the layout, location, unit numbers, and dimensions of the units in Phase II, as built. Said plans consisting of Three (3) sheets are entitled Canal Place II Condominium, 200 Market Street, Lowell, Massachusetts, Phase I, Building 17, Drawn by MGIA Inc., Dated November 18, 1988.

## V. Percentage Interests in Common Areas and Facilities

Upon the recording of the Amendment to the Master Deed creating Phase II of the Condominium, the units in Phase I and Phase II of the Condominium shall be entitled to an undivided interest in the common areas and facilities of the Condominium in the percentages herein specified as set forth in Exhibit "B" attached hereto and made a part hereof by reference, which percentages are the same as the percentages specified in the list set forth in Exhibit "C" of said Master Deed adjusted to account for the reserved common area in Building 17. The determination of the percentage interests of the

respective units in the common areas and facilities have been made upon the basis of the approximate relation that the fair value of each unit bears to the aggregate fair value of all the units in Phase I and Phase II.

VI. Purposes of Units: Restrictions on Use of Units

The provisions set forth and incorporated in the Master Deed with respect to Restrictions on Use of Units (Section 9) shall also apply to the units of said Phase II as well as Phase I.

VII. Amendments to Master Deed

The Master Deed may be further amended in accordance with the provisions of Section 12, 13 and 10 of said Master Deed and any other applicable section of the Master Deed.

VIII. Organization of Unit Owners

The Condominium will be managed and regulated by the Canal Place II Condominium Trust as set forth in Section 14 of said Master Deed.

IX. Master Deed Incorporated by Reference

Each of the units and the common areas and facilities in Phase II shall be subject to the terms and provisions of the Master Deed and the Trust and by-laws of the Canal Place II Condominium Trust, as they may be amended from time to time, and any and all rules and regulations promulgated pursuant thereto. Except as herein expressly amended, all terms and provisions of said Master Deed of Canal Place II Condominium shall remain in full force and effect and shall be applicable to and shall govern all units, and the owners thereof, and all common areas and facilities in Phase II as well as in Phase I of the Canal Place II Condominium and the provisions of said Master Deed, except as the context thereof clearly restricts portions of said Master Deed to Phase I, are hereby incorporated by reference into this Amendment and shall apply to Phase II and the units and common areas and facilities included in said Phase II, as well as Phase I, as if they had been completely set forth herein.

IN WITNESS WHEREOF, Jon H. Graham and Howard F. Graham, the Declarant, has executed this Amendment to the Master Deed of Canal Place II Condominium this 1<sup>st</sup> day of June, 1990.

Jon H. Graham, Trustee Canal Place II Trust

*Jon H. Graham*

Howard F. Graham, Trustee Canal Place II Trust

*Howard F. Graham*

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 1, 1990

Then personally appeared the above-named Jon H. Graham and Howard F. Graham, Trustees of the aforesaid, and acknowledged the foregoing instrument to be their free act and deed, before me.

*James M. Harrington*  
James M. Harrington, Notary Public

My Commission Expires: Feb. 20, 1990

## EXHIBIT "A"

CANAL PLACE II CONDOMINIUM

Amendment of Master Deed to Add Phase II

Amended Exhibit "B"

## Phase II

BUILDING	UNIT DESIGNATION	NUMBER OF ROOMS	APPROXIMATE SQUARE FOOTAGE
17	B-32	3	661
17	B-33	4	772
17	B-34	4	775
17	B-35	4	774
17	B-36	4	773
17	B-37	4	771
17	B-38	4	768
17	B-39	4	769
17	B-40	4	765
17	B-41	4	769
17	B-42	4	768
17	B-43	5	1,109
17	B-44	4	1,777
17	B-45	6	1,723
17	B-46	6	1,736
17	B-47	6	1,719
17	B-48	6	1,717
17	B-49	6	1,718
17	B-50	6	1,701
17	B-51	6	1,700

BUILDING	UNIT DESIGNATION	NUMBER OF ROOMS <sup>1</sup>	APPROXIMATE <sup>2</sup> SQUARE FOOTAGE
17	B-52	6	1,698
17	B-53	6	1,698
17	B-54	6	1,721
17	B-55	4	1,990
17	B-56	3	743

<sup>1</sup>The number of rooms stated include a kitchen, living room and bedroom. In addition to the number of rooms stated, each unit contains and includes one full bath, hallways and closets. In addition, all units except Units B-32, B-44, B-55, and B-56 include a dining room.

In addition, Units B-44 through B-55 inclusive contain an additional full bath and laundry room.

In addition, Units B-43, B-44, and B-55 contain an additional bedroom. Units B-45 through B-54 contain two additional bedrooms.

Units B-44 through B-55 inclusive are located on three (3) levels including a mezzanine level. Unit B-56 is located on two (2) levels including a mezzanine level.

<sup>2</sup>The immediate common area to which each unit has access is the common corridor for all units.

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EXHIBIT "B"

CANAL PLACE II CONDOMINIUM  
AMENDMENT TO MASTER DEED TO  
ADD PHASE II

Amended Exhibit "C"  
PHASE II

Building	Unit Designation	Approximate Square Footage	Percentage Interest
18	A- 1	523	.009952
18	A- 2	592	.011265
18	A- 3	573	.010903
18	A- 4	577	.010980
18	A- 5	820	.015604
18	A- 6	605	.011512
18	A- 7	584	.011113
18	A- 8	672	.012787
18	A- 9	533	.010142
18	A-10	470	.008945
18	A-11	812	.015451
18	A-12	601	.011436
18	A-13	584	.011113
18	A-14	668	.012711
18	A-15	456	.008678
18	A-16	499	.009495
18	A-17	476	.009058
18	A-18	604	.011493
18	A-19	615	.011703
18	A-20	602	.011455
18	A-21	678	.012902
18	A-22	470	.008945
18	A-23	508	.009667
18	A-24	499	.009495
18	A-25	736	.014005
18	A-26	1330	.025308
18	A-27	610	.011608
18	A-28	1387	.026393
18	A-29	1313	.024985
18	A-30	497	.009457
18	A-31	1543	.029361
17	B-32	661	.012578
17	B-33	772	.014690
17	B-34	775	.014747
17	B-35	774	.014728
17	B-36	773	.014709
17	B-37	771	.014671
17	B-38	768	.014614
17	B-39	769	.014633
17	B-40	765	.014557
17	B-41	769	.014633
17	B-42	768	.014614
17	B-43	1109	.021103
17	B-44	1777	.033814

17	B-45	1723	.032787
17	B-46	1736	.033034
17	B-47	1719	.032710
17	B-48	1717	.032672
17	B-49	1718	.032691
17	B-50	1701	.032368
17	B-51	1700	.032349
17	B-52	1698	.032311
17	B-53	1698	.032311
17	B-54	1721	.032749
17	B-55	1990	.037867
17	B-56	<u>743</u>	<u>.014138</u>

TOTAL

52552

1.0