

11. **AMENDMENT to the DECLARATION OF TRUST of  
THE THORWALD CONDOMINIUM TRUST**

In accordance with Article XII of the Declaration of Trust of The Thorwald Condominium Trust, which document is dated October 1, 1973 and recorded in the Essex South District Registry of Deeds in Book 6024, at Page 458, said Declaration of Trust is hereby amended as follows:

*Article V. is repealed and replaced by the following:*

**ARTICLE V.**

Effective August 1, 1994 the number of Trustees shall be limited to seven (7) in number.

Trustees shall be elected for a term of two (2) years. Election of the Trustees shall take place at the Annual Meeting of the Unit Owners held each July. Results shall be based on the highest numbers of the actual votes cast. At the Annual Meeting of July 1994 there shall be seven (7) Trustees elected. The four (4) Trustees receiving the highest number of votes cast shall serve for two (2) years and the remaining three (3) Trustees elected shall serve for one (1) year. At the Annual Meeting of July 1995 there shall be three (3) Trustees elected, to serve (2) years. From thence forward, in odd numbered years there shall be three (3) Trustees elected and in even numbered years there shall be four (4) Trustees elected.

Vacancies occurring on the Board during the term of a Trustee may be filled by a majority vote of the Trustees. Vacancies may only be filled until the next election.

Trustees shall be elected at the Annual Meeting of the Unit Owners called for such purpose. Election shall be by written ballot cast by the Unit Owners present at the meeting, with each Unit being entitled to one vote. Absentee Unit Owners may cast a written ballot, properly signed and identified, provided, however, such ballot is delivered to the Secretary one day prior to such meeting.



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Trustee candidates must assent to their nomination, either at the meeting or in writing delivered to the Secretary at least one day prior to the meeting.

Trustees shall obtain fiduciary bonds for themselves and their agents handling or responsible for Trust funds, and such premiums shall be a common expense.

*Article VI., Section 6. is repealed and replaced by the following:*

Section 6. Meetings

A. The Board of Trustees shall meet annually following the Annual Meeting of the Unit Owners and at such meeting shall elect the Chairman, Treasurer, and Secretary hereinbefore provided for. Other meetings may be called by the Chairman and in such other manner as the Trustees may establish, provided, however, that written notice of each meeting stating the place, day and hour thereof shall be given at least four days before such meeting to each member of the Board of Trustees. One half of the number of Trustees shall constitute a quorum at all meetings, and such meetings shall be conducted in accordance with such rules as the Board of Trustees may adopt.

B. There shall be an Annual Meeting of the Unit Owners in July at the Condominium premises or at such other reasonable place and time as may be designated by the Board of Trustees by written notice given to the Unit Owners at least fourteen days prior to the date so designated. Special meetings of the Unit Owners may be called at any time by the Board of Trustees and shall be called by them upon the written request of the Unit Owners entitled to more than thirty-three percent (33%) of the beneficial interest hereunder. Written notice of any such meeting designating the place, day and hour thereof shall be given by the Board of Trustees to the Unit Owners at least fourteen days prior to the date so designated. The owners of at least twenty-five percent (25%) of the beneficial interest shall constitute a quorum. At the Annual Meeting of the Unit Owners the Board of Trustees shall submit reports of the management and finances of the Condominium. Whenever, at any meeting, the Board of Trustees proposes to submit to the Unit Owners any matter with respect to which approval of, or action by, the Unit Owners is necessary or appropriate, the notice of such meeting shall so state and reasonably specify the matter.

*Article VI., Section 11. is repealed and replaced by the following:*

**Section 11. Fiscal Year**

The fiscal year of the Trust shall be the year ending with the last day of October or such other date as may from time to time be determined by the Trustees.

*Article XI. is repealed and replaced by the following:*

**ARTICLE XI.**

The Trustees may establish and replenish a reserve fund for future contingencies. Said fund may not be commingled with the general operating fund(s).

*Article XIV. is repealed and replaced by the following:*

**Article XIV.**

Any Trustee may be removed from his/her office by a majority vote of Unit Owners at a meeting duly called for such purpose on not less than seven (7) days written notice to all Unit Owners. Twenty-five percent (25%) of Unit Owners shall constitute a quorum for such meeting.

*Article XVII. is repealed and replaced by the following:*

**Article XVII.**

A certificate signed by any two (2) persons purporting to be Trustees of this Trust and recorded with the Essex South District Registry of Deeds as to any fact with relation to the Trust, including the names of the then Trustees shall be binding and conclusive as to all persons dealing with the Trust in reliance thereon. A certificate recorded as above provided may be relied on as conclusively establishing that such instrument was the free act of the Trust and shall be binding upon the Trust when recorded.

IN WITNESS WHEREOF, we, the Trustees have set our hands and seals  
this 30<sup>th</sup> day of June, 1994.

[Signature]  
Gertrude B. Brantigan  
Kathie Fieldman  
Carol Penacchia  
Priscilla Collins

Mildred H. Bailey  
Kurt Goldschmidt  
Philip Harnum  
Marion Danahy

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

June 30, 1994

Then personally appeared before me the above named  
Mildred Bailey, Kurt Goldschmidt, Philip Harnum, Marion Danahy  
Richard France, Priscilla Collins, Gertrude Brantigan, Carol Penacchia and Kathie Fieldman  
Trustees as aforesaid and acknowledged the foregoing instrument to be their  
free act and deed.

My Commission Expires  
March 17, 1998

[Signature]  
Notary Public

CERTIFICATE

The undersigned, the Trustees of The Thorwald Condominium Trust, under a Declaration of Trust dated October 1, 1973 and recorded with the Essex South District Registry of Deeds in Book 6024, Page 458, in accordance with the provisions of Article XII of said Declaration of Trust, hereby certify that over seventy-five percent (75%) in interest of the Unit Owners have assented to the AMENDMENT to the DECLARATION OF TRUST of THE THORWALD CONDOMINIUM TRUST recorded herewith.

IN WITNESS WHEREOF, we the Trustees have set our hands and seals this 30<sup>th</sup> day of June, 1994.

[Signature]  
Gertrude B. Broutman  
Priscilla A. Collins  
Carol Penacchio  
Kathy Feldman

Mildred H. Bailey  
Kurt Goldschmidt  
Philip J. Hannon  
Marian Danahy

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

June 30, 1994

Then personally appeared before me the above named Mildred Bailey, Kurt Goldschmidt, Philip Hannon, Marian Danahy, and Richard Freese, Gertrude Broutman, Priscilla Collins, Carol Penacchio, Kathy Feldman, Trustees as aforesaid and acknowledged the foregoing instrument to be their free act and deed.

My Commission Expires  
March 17, 1995

[Signature]  
Notary Public

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