

RRR:Jr./dc 4/8/81
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THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR ELLICOTT MILLS

~~RECORDING FEE 5.00~~
~~TOTAL 5.00~~
~~Rest # DAB1 Rcpt # 22716~~
~~SM SR BIK # 939~~
~~Nov 13, 1996 12:59 PM~~

THIS THIRD AMENDMENT dated April 22, 1981, by ARUNDEL LUMBER COMPANY, INC., a Maryland corporation (Arundel) and ELLICOTT MILLS HOMEOWNERS ASSOCIATION, INC., a Maryland corporation (the "Association").

RECITALS

A. By instrument entitled Declaration of Covenants, Conditions and Restrictions for Ellicott Mills dated June 23, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5903, Folio 524, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions for Ellicott Mills dated May 9, 1979 and recorded among the Land Records aforesaid, at Liber E.H.K., Jr. No. 6022, Folio 543, and as further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions for Ellicott Mills dated October 31, 1979 and recorded among the Land Records aforesaid, at Liber E.H.K., Jr. No. 6096, Folio 1, (collectively called the "Declaration"), Arundel imposed the covenants, conditions and restrictions therein set forth on the 152.52 acre tract of land (except for an approximately 3.2 acre portion thereof designated as "Commercial Area" on the Plat hereinafter referred to) designated as Parcel 1 on the Plat entitled "First Amended Zoning and Density Distribution Plat Dickey Property" which is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 43, Folio 22.

~~RECORDING FEE 45.50~~
~~TOTAL 45.50~~
~~Rest # DAB1 Rcpt # 22716~~
~~SM SR BIK # 939~~
~~Nov 13, 1996 12:58 PM~~

TRANSFER TAX NOT REQUIRED
Rudolph B. Rosencrantz
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per /s/ E. DeLuca
Authorized Signature
5-8-81

~~RECORDING FEE 0.50~~
~~TOTAL 0.50~~
~~Rest # DAB1 Rcpt # 22716~~
~~SM SR BIK # 937~~
~~Nov 13, 1996 12:57 PM~~

RECORDING FEE 50.00
TOTAL 50.00
Rest # DAB1 Rcpt # 22717
SM SR BIK # 941
Nov 13, 1996 01:00 PM

BALTIMORE COUNTY CIRCUIT COURT (Homeowners Association Record) 22, p. 0377, MSA_CE539_22. Date available 02/06/2015. Printed 04/07/2016.

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B. Under the provisions of Article X of the Declaration, entitled "Architectural Control", the Association was given the right, by a vote of two-thirds of its members, to amend the Declaration to impose and enforce reasonable architectural controls with respect to the exterior design and landscaping of any dwelling to be constructed on a lot which was a replacement for the dwelling initially constructed thereon or was a reconstruction thereof, or which is in addition to a dwelling initially constructed thereon, or to a replacement dwelling, all to insure that such reconstruction or replacement dwellings or additions would be in harmony with dwellings initially constructed on the lots.

C. At a meeting of the Association held on Wednesday, February 4, 1981, at which a quorum was present, the Association by a vote of 315 to 1, amended the provisions of Article X to impose the architectural control set forth below.

NOW, THEREFORE, pursuant to the vote of more than two-thirds of the members of the Association, taken in accordance with the provisions of Section 4 of Article XII, the Declaration is hereby amended in the following respects:

The provisions of Article X of the Declaration entitled "Architectural Control" are hereby deleted and the following new Article X inserted in lieu thereof:

"ARTICLE X

ARCHITECTURAL CONTROL

No building, fence, wall, garage, greenhouse, shed or structure of any kind (collectively called 'structures') shall be commenced, erected, or maintained on any Lot, nor shall any addition (including awnings) change or alteration to any structure (including alterations in exterior colors or design) or any change in the landscaping of any Lot be made, until the plans and specifications showing the nature, kind, shape, height, materials and exterior color thereof have been submitted to and approved

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by the Board of Directors of the Association, or by an architectural Committee composed of three or more representatives, if such an Architectural Committee is appointed by the Board of Directors.

The Board of Directors, or the Architectural committee, as the case may be, shall consider applications for approval of plans and specifications upon the basis of conformity with this Declaration, and shall be guided by the extent to which the proposed structure, addition or alteration will insure conformity and harmony in exterior design and appearance with other structures within Ellicott Mills based upon, among other things, the following factors: (i) quality of workmanship, (ii) nature and durability of materials, (iii) harmony of external design with existing structures, colors, topography, grade elevations and drainage, (iv) public health and safety, (v) the outlook or view from adjacent or neighboring properties, and (vi) the general aesthetic values of the surrounding area.

The provisions of this ARTICLE X shall not apply to the plans and specifications for the dwelling and other structures initially constructed on a Lot or the site construction and landscaping plans therefore, if the same are constructed by Declarant, or if the same are not constructed by Declarant, the Declarant in the deed conveying the Lot to the entity constructing such initial dwelling, has reserved the right to approve the plans and specifications therefor. The provisions of this ARTICLE X shall, however, be applicable to any subsequent additions to or changes or alterations in such initial dwelling, to any such structures erected on a Lot, and to any subsequent change to the site construction and landscaping from that shown on the Plan approved by the Declarant.

In all other respects the Declaration, as modified by this Third Amendment to Declaration is ratified and confirmed and the Declaration as so amended shall remain in full force and effect.

IN WITNESS WHEREOF the undersigned have each duly executed this Third Amendment to Declaration of Covenants, Conditions and Restrictions for Ellicott Mills.

WITNESS:

ARUNDEL LUMBER COMPANY, INC.

/s/ Connie J. O'ConnellBy: /s/ Jonathan W. Kolker
Jonathan W. Kolker, President

WITNESS:

ELLICOTT MILLS HOMEOWNERS ASSOCIATION, INC.

/s/ Connie J. O'Connell

By: /s/ John S. Startt
John S. Startt, President

STATE OF MARYLAND)
) to wit:
COUNTY OF HARFORD)

I HEREBY CERTIFY that on this 22nd day of April, 1981, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JONATHAN W. KOLKER, who acknowledged himself to be the President of ARUNDEL LUMBER COMPANY, INC., a corporation, and that he, as such President, being authorized so to do, executed the foregoing Amendment for the purposes therein contained, by signing the name of the Corporation by himself as such President.

AS WITNESS my hand and Notarial Seal.

/s/ Connie J. O'Connell
Notary Public
My Commission Expires: 7/1/82

STATE OF MARYLAND)
) to wit:
COUNTY OF HARFORD)

I HEREBY CERTIFY that on this 22nd day of April, 1981, before me the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOHN S. STARTT, who acknowledged himself to be the President of ELLICOTT MILLS HOMEOWNERS ASSOCIATION, INC., a corporation, and that he, as such President, being authorized so to do, executed the foregoing Amendment for the purposes therein contained, by signing the name of the Corporation by himself as such President.

AS WITNESS my hand and Notarial Seal.

/s/ Connie J. O'Connell
Notary Public
My Commission Expires: 7/1/82

The undersigned hereby consents to the above Third Amendment to Declaration of Covenants, Conditions and Restrictions.

/s/ Paul Silberman,
Paul Silberman, Esquire
Assistant District Counsel for
the Veterans Administration,
Baltimore, Maryland

BALTIMORE COUNTY CIRCUIT COURT (Homeowners Association Record) 22, p. 0380, MSA_CE539_22. Date available 02/06/2015. Printed 04/07/2016.