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## VILLAGE GREENE CONDOMINIUM

### AMENDMENT TO THE DECLARATION OF TRUST

Reference is hereby made to that certain Declaration of Trust dated December 30, 1986 and recorded with the Hampshire County Registry of Deeds in Book 2916, Page 138, as may be amended, which Declaration of Trust established, pursuant to Massachusetts General Laws, Chapter 183A, the Village Greene Condominium Trust, the organization of Unit Owners of the Village Greene Condominium, a condominium established pursuant to Massachusetts General Laws, Chapter 183A, by a Master Deed dated December 30, 1986 and recorded with the Hampshire County Registry of Deeds in Book 2916, Page 109, as may be amended.

WHEREAS said Declaration of Trust has heretofore been amended.

WHEREAS the Unit Owners entitled to at least sixty-six and two-thirds percent (66 2/3 %) of the Beneficial Interest desire to further amend said Declaration of Trust as provided in Article XII, Section 1, thereof.

WHEREAS no other consents are required.

NOW THEREFORE said Declaration of Trust is hereby further amended in accordance with the provisions of said Article XII, Section 1 as follows:

Article VI, Section 9 is amended by deleting subsection (e) in its entirety, and inserting in place thereof the following new subsection (e):

(e) In order to provide for a predominantly owner-occupied community:

- (1) Unit Owners are prohibited from leasing, renting, licensing or letting (collectively referred to as "leased") their Unit for two (2) years from the date of recording of the deed to said Unit. For the purpose of ownership and application of this two year restriction the transfer of title to family members, heirs, devisees or to Trusts where the Owner is a Trustee or beneficiary of said Trust shall not be deemed a conveyance or interruption of the two year period in which leasing is prohibited;
- (2) At no time may more than four (4) units be leased, rented, licensed or let (collectively referred to as "leased") at any one time. To ensure that this limitation is not exceeded, a Unit Owner who intends to lease his Unit shall first seek the consent of the Trustees to lease, whereupon the Trustees will notify the Unit Owner if this limitation has been met. In such event, the Unit Owner shall not seek to let the Unit. If this limit has not been met, permission shall not be unreasonably withheld. All such requests shall be granted upon a first come/first serve basis; provided, however, that the Trustees shall endeavor to ensure that all Unit Owners who so desire are granted an opportunity to lease their Unit with the aforesaid limitation for which purpose they may establish Rules and Regulations;
- (3) No Unit may be leased unless upon a written agreement for a term of no less than twelve (12) months;
- (4) No subletting is permitted without the written consent of the Board of Trustees;
- (5) In no event shall it be deemed that a landlord/tenant relationship exists between the Trust and the occupant of the Unit;
- (6) A Unit Owner suffering from a financial or personal hardship, which renders the Unit Owner unable to reside in their Unit, may apply to the Trustees to lease their Unit even though the limitation

has been met. In such cases the Trustees, in their sole discretion, shall be authorized to permit the Unit Owner to lease their Unit;

- (7) The provisions within this Section 9(e) shall not apply to any bona fide first mortgage lender who obtains title to or takes possession of any unit by foreclosure or pursuant to any other remedies provided in the mortgage or by applicable law.

IN WITNESS WHEREOF we, the undersigned being a majority of the Trustees of the Village Greene Condominium Trust having first received the vote of the Unit Owners entitled to more at least sixty-six and two-thirds percent (66 2/3 %) of the Beneficial Interest, have set our hands and seals this \_\_\_ day of \_\_\_\_\_, 2010.

John Buchholz  
\_\_\_\_\_, Trustee

Mary G. Avery  
\_\_\_\_\_, Trustee

Judith A. Watum  
\_\_\_\_\_, Trustee

COMMONWEALTH OF MASSACHUSETTS

Hampshire County, ss.

On this 28<sup>th</sup> day of JANUARY, 2010, before me, the undersigned notary public, personally appeared JOHN W. BUCHHOLZ, MARY G. AVERY and JUDITH A. WATTUM, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is

signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose, as Trustees of said Village Greene Condominium Trust.

*Colleen K. Toohill-Berte*

Notary Public Colleen K. Toohill-Berte

My Commission Expires: 12-10-2015

Print Notary Public's Name: Colleen K. Toohill-Berte

Qualified in the State/Commonwealth of MA

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE County, ss

On this 15<sup>th</sup> day of JANUARY, 2013, before me, the undersigned notary public, personally appeared John Buchholz, Jill Ellen Porowski, Mary Avery, and provide to me through satisfactory evidence, being (checked whichever applies)

drivers license or other state or federal governmental document bearing a photographic image

oath or affirmation of a credible witness known to me who knows the above signatory

my personal knowledge of the identity of the signatory, to be the person whose named is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for it stated purpose, as Trustees of said Village Greene Condominium Trust

Notary Public Colleen K Toothill-Berte

My Commission Expires 12-10-2015

Print Notary Public's Name Colleen K. TOOTHILL-BERTE

Qualified in the State/Commonwealth of MASSACHUSETTS

ATTEST: HAMPSHIRE, Mary Olberding, REGISTER  
MARY OLBERDING