

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
BY G. Y. YORKHAVEN, INC.

G. Y. Yorkhaven, Inc., a Connecticut corporation having an office and place of business at Riverside Drive, Clinton, Connecticut, being the Declarant under a certain Declaration of Condominium by G. Y. Yorkhaven, Inc. dated December 28, 1987 and recorded in Volume 177 at Page 263 and successive pages to the Clinton Land Records (the "Declaration"), pursuant to Section 47-229 of the Connecticut General Statutes, as amended, and pursuant to reservation of Development Rights reserved in Article IX of the Declaration, does hereby further amend the Declaration to correct certain scrivener's errors in the Declaration and declare:

1. Section 5.1 (c) of the Declaration is hereby modified to read as follows:

(c) Boat Storage Units: The boundaries of each Boat Storage Unit which may be built shall be as follows:

1. Upper Boundary: The horizontal plane or planes of the lower surfaces of the beam immediately above each such Unit extended to an intersection with the front, rear and exterior and interior side boundary, except for the top Unit where the upper limit of the Unit shall be the sloping plane of the lower surface of the roof rafters of the building, extended to an intersection with the front, rear and exterior and interior side boundary.
2. Lower Boundary: The horizontal plane or planes of the upper surfaces of the beam immediately below such Unit, or, in the event no beam lies below such Unit, the unfinished upper surface of the floor, extended to an intersection with the front, rear and exterior and interior side boundary.
3. Exterior Side Boundary: The plane defined by the inner surfaces of the beam immediately adjacent to such Unit, extended to an intersection with the upper and lower boundary.

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SEE V 190 P 537
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- 4. Interior Side Boundary: The vertical plane which is parallel to the exterior side boundary and perpendicular to the front, rear and lower boundaries extended to an intersection with the front, rear, upper and lower boundaries as shown on the Plans attached as A-4.
- 5. Front Boundary: The interior surface of the wall of the building immediately adjacent to such Unit, extended to an intersection of the upper, lower and exterior and interior side boundary.
- 6. Rear Boundary: The plane which is located twenty six and three quarters (26.75) feet from the front boundary towards the interior of the building in which such Unit is located, extended to an intersection with the upper, lower and exterior and interior side boundary.

2. Section 6.2 of the Declaration is hereby amended to add a new subsection (g) to such Section 6.2:

- (g) A three and one quarter (3.25) foot wide area defined by a vertical plane parallel to and extending out from the rear boundary of the Boat Storage Units, and extending continuously from the bottom framing of the roof of the building down to the upper surface of the concrete floor, as shown on the plans, the use of which area is limited to the Boat Storage Units located immediately adjacent to such area.

3. Section 8.2 of the Declaration is hereby amended to read as follows:

Section 8.2 The interests allocated to each Unit have been calculated based on the following:

- (a) Undivided Interests in the Common Elements and Liability for Common Expenses: The percentage of the undivided interests in the Common Elements allocated to each Unit is the percentage of liabilities for Common Expenses allocated to each Unit and is based on one share per 36 feet in length or fraction thereof per Marine Unit, one share per 4,955 cubic feet or fraction thereof per Boat Storage Unit, and one share per 1200 square feet of space or fraction thereof per Commercial Unit.

Nothing contained in this section shall prohibit or inhibit assessment of Common Expenses caused by or resulting from Unit Owner misconduct to that Unit.

Each Marine Unit Owner shall be responsible for the payment of submetered power costs for his Unit and for real estate taxes. If separately billed by the Town of Clinton, each Boat Storage Unit Owner shall be responsible for payment of real estate taxes for his Unit. Each Commercial Unit Owner shall be responsible for payment of utility and insurance costs, and for real estate taxes for his Unit.

- (b) Liability for Limited Common Element Expenses: The percentage of liability for Limited Common Element expenses for each Unit is based upon the following formulas:
- (i) As to Marine Units: The percentage of liability for the Limited Common Element Expenses allocated to each Marine Unit is based on the length of each Marine Unit as compared to the total length in feet of all Marine Units in the Common Interest Community.
 - (ii) As to the Boat Storage Units: The percentage of liability for the Limited Common Element Expenses allocated to each Boat Storage Unit is based on the cubic feet of each Boat Storage Unit as compared to the total cubic feet of all Boat Storage Units in the Common Interest Community.
 - (iii) As to Commercial Units: The percentage of liability for the Limited Common Element Expenses allocated to each Commercial Unit is based on the square feet of each Commercial Unit as compared to the total square feet of all Commercial Units in the Common Interest Community.
- (c) For the purposes of the formulas in subsections 8.2(a) and 8.2(b) the following formulas shall be used.
- (i) As to Marine Units. The length of each 25, 36, 40 (one only), 45 and 50 foot Marine Unit shall be determined by measuring the distance from the main dock to the pilings at the outer-most boundary of each such Marine Unit, and each such Marine Unit shall be deemed to have a length of 25, 36, 40 (one only), 45 or 50 feet.

- (ii) As to Boat Storage Units. The number of cubic feet in a Boat Storage Unit shall be determined by multiplying the length of the Unit in feet by the width of the Unit in feet and multiplying that number times the height of the Unit in feet. This number will then be rounded off to the nearest cubic foot. For purposes of these calculations each Boat Storage Unit shall be deemed to have a length of twenty six and three quarters (26.75) feet, and a width of nine and three quarters (9.75) feet. For purposes of these calculations, each Boat Storage Unit shall have the height shown on the Plans attached as Schedule A-4, except that the height of each of the Boat Storage Units on top of each boat storage rack shall be the average of the height of each such Unit at its front boundary and the height of each such Unit at its rear boundary.
- (iii) As to Commercial Units. The square footage of each Commercial Unit shall be the rentable square feet of the Commercial Unit.
- (d) Votes: Each Marine Unit and each Boat Storage Unit in The Dockminium shall have one equal vote. Each Commercial Unit shall have one vote per 1,200 net rentable square feet of space or portion thereof.

4. Section 9.1 (a) of the Declaration is hereby amended to read as follows:

- (a) The right to add or withdraw real property, and add Units, Limited Common Elements and Common Elements in locations shown as "Development Rights . . . Reserved" on the Survey and Plans, including the right to remove any buildings currently located on the Property.

5. The last paragraph of Section 9.2 of the Declaration is amended to read as follows:

Without limiting the generality of the foregoing, as long as the Declarant is a Unit Owner, the Declarant and his duly authorized agents, representatives and employees may maintain any Unit owned by the Declarant or any portion of the Common Elements as a model Unit or sale or administration

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office. The Declarant reserves the right to lease any boat slips and Boat Storage Units located within the Property described in Schedule A-1 of this Declaration to members of the public. The Declarant further reserves the right to perform repairs and construction work and to store material in secure areas, and Common Elements and the further right to control all such work and repairs, and the right of access thereto, until its completion. All work may be performed by the Declarant without the consent or approval of the Association. The Declarant has an easement through the Common Elements as may be reasonably necessary for the purpose of discharging Declarant's obligations or exercising Declarant Rights. The Declarant reserves the right to post signs and displays in the Common Elements to promote sales of Units and to conduct general sales activities in a manner as will not unreasonably disturb the rights of Unit Owners.

6. Section 9.6 of the Declaration is amended to read as follows:

Section 9.6 Right to Lease: So long as the Declarant is the owner of any Unit, the Declarant reserves the right to lease each Unit, from time to time, under such terms as it may deem appropriate. The Declarant also reserves the right to lease boat slips which are not Marine Units and Boat Storage Units to members of the public.

7. The first paragraph of Section 10.1 of the Declaration is hereby amended to read as follows:

Section 10.1 Use and Occupancy Restrictions: Subject to the Special Rights reserved under Article IX, the following use restrictions apply to all Units and to the Common Elements:

8. Section 10.1 (b) of the Declaration is hereby amended to read as follows:

(b) Each Boat Storage Unit is restricted to storage of a single non-commercial pleasure boat. All boats of Boat Storage Unit Owners must fit within the limits of the boundaries of the Boat Storage Units and the Limited Common Element space adjacent to each Boat Storage Unit, including all projections and overhangs. Additional height, length, width and weight limitations for the Boat Storage Units are set forth in the Rules of the Association.

Also, access to the Boat Storage Units is restricted to the fork lift operator and his assistants. Boat Storage Unit Owners shall be prohibited from entering the Boat Storage Building. Additional limitations for obtaining access to boats in the Boat Storage Units are set forth in the Rules of the Association.

9. Section 10.1 (m) of the Declaration is hereby amended to read as follows:

(m) Notwithstanding the foregoing, as long as the Declarant is a Unit Owner, the Declarant and his duly authorized agents, representatives and employees may maintain any Unit owned by the Declarant or any portion of the Common Elements as a model Unit or sales office, and may lease other boat slips (not Marina Units) and Boat Storage Units on the Property to members of the public. The Declarant may also enter into short-term leases of the Marina Units and Boat Storage Units on a day-to-day basis as a part of providing temporary occupancy to purchasers prior to closing. The Declarant may also maintain management offices and signs and displays advertising the Common Interest Community.

10. Section 10.2 (b) of the Declaration is hereby amended to read as follows:

(b) A Unit may not be leased for a term of less than 30 days, except as herein otherwise set forth. All leases must be in writing, and contain provisions that the Lessee agrees to be bound by the initial Rules of the Association, that failure to abide by the Rules shall be an event of default under the lease, and that the lease be filed with the Association.

11. Schedule A-1 attached hereto is substituted for the current Schedule A-1 of the initial Declaration which is declared null and void. Such Schedule A-1 corrects a scrivener's error in describing the distance of one of the boundaries on the previous legal description of the Property.

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12. Schedule A-2 attached hereto is substituted for the current Schedule A-2 of the initial Declaration which is declared null and void. Such Schedule A-2 adds twenty-one (21) Boat Storage Units, together with their allocated interests, to the Common Interest Community.

13. The revised Plan entitled "PLAN - SCHEDULE A-4 AMENDED DECLARATION CLINTON YACHT HAVEN DOCKOMINIUM PROPERTY OF G.Y. YORKHAVEN, INC. RIVERSIDE DRIVE, CLINTON, CONNECTICUT SCALE: 1" - 50' DATE: NOVEMBER 13, 1987, Last Revised 12-22-88 REVISED UNIT BOUNDARIES DICESARE-BENTLEY ENGINEERS, INC. 100 FORT HILL ROAD GROTON, CONNECTICUT DWG. NO:87-1-20.06 SHEET 1 of 2" and the floor plan entitled "PLAN - SCHEDULE A-4 BOAT STORAGE UNITS AMENDED DECLARATION CLINTON YACHT HAVEN DOCKOMINIUM PROPERTY OF G.Y. YORKHAVEN, INC. RIVERSIDE DRIVE, CLINTON, CONNECTICUT SCALE: 3/32" - 1'-0" DATE: SEPTEMBER 15, 1988, Last Revised 12-22-88 REVISED UNIT BOUNDARIES DICESARE-BENTLEY ENGINEERS, INC. 100 FORT HILL ROAD GROTON, CONNECTICUT DWG. NO:87-1-20.1.01 SHEET 2 of 2" attached hereto is substituted for the current Schedule A-4 of the Declaration which is declared null and void.

14. Schedule A-5 dated _____, surveyor's certificate, is hereby appended to the Declaration.

IN WITNESS WHEREOF, the Declarant has caused this Second Amendment to the Declaration of Condominium by G.Y. Yorkhaven, Inc. to be executed this 30th day of Dec, 1988.

Signed and Delivered in the presence of

G. Y. YORKHAVEN, INC.

Henry M. [Signature]
[Signature]

BY [Signature]
Allan York, Its President
Duly Authorized

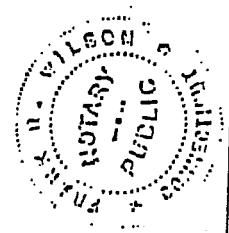
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STATE OF CONNECTICUT)
COUNTY OF New London) ss. Dec. 30th, 1988

Personally appeared ALLAN YORK, President as aforesaid, Signer of the foregoing Instrument, and he acknowledged the same to be his free act and deed and the free act and deed of said corporation, before me.

[Signature]
Notary Public
My Commission Expires: Mar 31, 1991



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SCHEDULE A-1

All that certain piece or parcel of land together with the buildings and all other improvements thereon, situated in the Town of Clinton, County of Middlesex and State of Connecticut, containing 10.74 acres, more or less, and including a portion of a channel, designated as "Phase I", and being shown on a map entitled, "Survey - Schedule A-3 Plan Showing Property of G.Y. Yorkhaven, Inc., Riverside Drive, Clinton, Connecticut Scale 1" = 50' Date: July 23, 1987 last revised 12/24/87 DiCesare-Bentley Engineers, Inc. 100 Fort Hill Road Groton, Connecticut." Said map is on file in the Clinton Town Clerk's Office.

Said parcel is more particularly bounded as follows:

- NORTHERLY: By land to be conveyed to Clinton Land Conservation Trust, Inc., a meandering line 1230 feet, more or less;
- EASTERLY: By line crossing channel, 22.00 feet, more or less;
- NORTHERLY AGAIN: By line through channel, 75.00 feet, more or less;
- EASTERLY AGAIN: By line crossing channel, and by land now or formerly of G.Y. Yorkhaven, Inc., 403.74 feet, more or less;
- SOUTHERLY: By land now or formerly of the Trustees of the Seymour and Jeffrey Shapiro Spray Trust, 909.09 feet; and
- WESTERLY: By land now or formerly of the Trustees of the Seymour and Jeffrey Shapiro Spray Trust, a total of 512.00 feet more or less.

Together with a right of way to be used in common with and subject to the rights of others, for the purposes of ingress and egress and installation of utilities, over said strip of land fifty (50) feet in width designated "Riverside Drive Ext." on said map.

Together with any and all rights of way which Declarant may have gained by prescription or other means over land from the southerly terminus of said strip of land to Riverside Drive, said rights to be used in common with others.

Said premises are subject to the following encumbrances:

1. An easement in favor of the Connecticut Light and Power Company to erect and maintain utility poles, etc. as such rights are set out in an instrument dated January 5, 1962 and recorded in the Clinton Land Records in Volume 62 at Page 176.
2. Taxes due to the Town of Clinton, not yet due and payable.
3. Any and all provisions of any municipal ordinance, regulation or any federal, state or local, public or private laws, with special reference to the provisions of any zoning rules and regulations governing the subject premises and subject to the provisions, if applicable, of any inland wetlands or coastal wetland statute, ordinances, rules and regulations, and riparian rights.

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SCHEDULE A - 2

ALLOCATED INTERESTS

Marine Unit No.	Percentage Share of Common Elements and Common Element Expenses	Percentage Share of Marine Unit Limited Common Elements and Limited Common Element Expenses	Votes
A-5	2.4543	3.333	1
A-6	2.4543	3.333	1
A-7	2.4543	3.333	1
A-8	2.4543	3.333	1
A-9	2.4543	3.333	1
A-10	2.4543	3.333	1
A-11	2.4543	3.333	1
A-12	2.4543	3.333	1
A-13	2.4543	3.333	1
A-14	2.4543	3.333	1
A-15	2.4543	3.333	1
A-16	2.4543	3.333	1
A-17	2.4543	3.333	1
A-18	2.4543	3.333	1
A-19	2.4543	3.333	1
A-20	2.4543	3.333	1
A-21	2.4543	3.333	1
A-22	2.4543	3.34	1
A-23	2.4543	3.333	1
A-24	2.4543	3.333	1
A-25	2.4543	3.333	1
A-26	2.4543	3.333	1

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Marine Unit No.	Percentage Share of Common Elements and Common Element Expenses	Percentage Share of Marine Unit Limited Common Elements and Limited Common Element Expenses	Votes
A-27	2.4543	3.333	1
A-28	2.4543	3.333	1
A-29	2.4543	3.333	1
A-30	2.4543	3.333	1
A-31	2.4543	3.333	1
A-32	2.4543	3.333	1
A-33	2.4543	3.333	1
A-34	2.4543	<u>3.333</u>	1
		100.00	

Boat Storage Unit
No.

Boat Storage Unit No.	Percentage Share of Common Elements and Common Element Expenses	Percentage Share of Boat Storage Unit Limited Common Elements and Limited Common Element Expenses	Votes
S2 A	1.5503	5.8788	1
S2 B	.9688	3.6738	1
S2 C	1.2482	4.7331	1
S3 A	1.5503	5.8788	1
S3 B	.9688	3.6738	1
S3 C	1.2482	4.7331	1
S4 A	1.5503	5.8788	1
S4 B	.9688	3.6738	1
S4 C	1.2482	4.7331	1

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Boat Storage Unit No.	Percentage Share of Common Elements and Limited Common Element Expenses	Percentage Share of Boat Votes Storage Unit Limited Common Elements and Expenses	
S5 A	1.5503	5.8788	1
S5 B	.9688	3.6738	1
S5 C	1.2482	4.7331	1
S6 A	1.5503	5.8788	1
S6 B	.9688	3.6738	1
S6 C	1.2482	4.7331	1
S7 A	1.5503	5.8788	1
S7 B	.9688	3.6738	1
S7 C	1.2482	4.7331	1
S8 A	1.5503	5.8788	1
S8 B	.9688	3.6738	1
S8 C	1.2481	4.7332	1
	<u>100.00</u>	<u>100.00</u>	

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SCHEDULE A-4

The Schedule A-4 is being recorded simultaneously herewith in the Clinton, Connecticut Land Records.

CLINTON YACHT HAVEN

SCHEDULE A-5

SURVEYOR'S CERTIFICATE

Unit Nos. S2 A-C, S3 A-C, S4 A-C, S5 A-C, S6 A-C, S7 A-C, S8 A-C

Re: Clinton Yacht Haven, a Dockominium situated in the Town of Clinton, County of Middlesex and State of Connecticut, which premises are more particularly shown on a site plan entitled "PLAN - SCHEDULE A-4 AMENDED DECLARATION CLINTON YACHT HAVEN DOCKOMINIUM PROPERTY OF G.Y. YORKHAVEN, INC. RIVERSIDE DRIVE, CLINTON, CONNECTICUT SCALE: 1"=50' DATE: NOVEMBER 13, 1987, Last Revised 12-22-88 REVISED UNIT BOUNDARIES DICESARE-BENTLEY ENGINEERS, INC. 100 FORT HILL ROAD, GROTON, CONNECTICUT DWG. NO: 87-1-20.06 SHEET 1 of 2" and the floor plan entitled "PLAN - SCHEDULE A-4 BOAT STORAGE UNITS AMENDED DECLARATION CLINTON YACHT HAVEN DOCKOMINIUM PROPERTY OF G.Y. YORKHAVEN, INC. RIVERSIDE DRIVE, CLINTON, CONNECTICUT SCALE: 3/32" - 1' -0" DATE: SEPTEMBER 15, 1988, Last Revised 12-22-88 REVISED UNIT BOUNDARIES DICESARE-BENTLEY ENGINEERS, INC. 100 FORT HILL ROAD GROTON, CONNECTICUT DWG. NO: 87-1-20.1.01 SHEET 2 of 2"

The undersigned hereby certifies that:

1. The architect, surveyor or engineer is certified by the State of Connecticut under Certification No. LS 14662.

2. To the best of his knowledge, information and belief, the Units are substantially complete in accordance with the plans on file and shown as Exhibit A-4 to the Declaration.

3. This certificate is made pursuant to the provisions of Section 47-220 of the Connecticut General Statutes.

[Handwritten Signature]
Licensed Surveyor

Dated: 12-30-88

Received for record January 4 1989
at 3:00 pm and recorded by
Benjamin B. [Signature] Town Clerk
[Signature]

