REGISTRY

012962

1993 OCT -5 PM 1:05

Patricia A Cook

Deputy

REGISTER OF DEEDS

RIVER RUN MOTEL CONDOMINIUM II

FOURTH AMENDMENT TO DECLARATION

This Fourth Amendment to the Declaration of River Run Motel Condominium II is made this 30 day of JULY, 1993, by vote of the owners of Units located at River Run Motel Condominium II (the "Condominium"), pursuant to the provisions of the New Hampshire Condominium Act, Revised Statutes Annotated, Chapter 356-B (the "Condominium Act") and Section 6 of the Declaration of River Run Motel Condominium II (the "Declaration").

WHEREAS, by the Declaration, which is recorded in the Carroll County Registry of Deeds at Book 978, Page 104, River Run Company, Inc. (the "Declarant") submitted to the Condominium certain Units and parcels of land located in the Town of Bartlett, State of New Hampshire and designated certain property adjacent thereto as Additional Land; and

WHEREAS, by First Amendment to the Declaration, recorded in the Carroll County Registry of Deeds at Book 1047, Page 155, the Declarant submitted a portion of the Additional Land to the Condominium; and

WHEREAS, by Second Amendment to the Declaration, recorded in the Carroll County Registry of Deeds at Book 1071, Page 16, as corrected by Correction to Second Amendment to Declaration, recorded in said Registry at Book 1072, Page 320, the Declarant submitted an additional portion of the Additional Land to the Condominium; and

WHEREAS, by Third Amendment to the Declaration, recorded in the Carroll County Registry of Deeds at Book 1167, Page 121, the Declarant submitted an additional portion of the Additional Land to the Condominium; and

WHEREAS, the Declarant retained title to certain portions of the Additional Land and has developed such land independently of the Condominium as an Interval Ownership program, known as Attitash Mountain Village described in the Attitash Mountain Village Declaration of Interval Ownership and Trust recorded in Carroll County Registry of Deeds at Book 1410, Page 915; and

WHEREAS, due to error, oversight or inadvertence, the precise description of the boundary line between the Submitted Land of the Condominium (formerly Additional Land) and Attitash Mountain Village, described in the (i) Third Amendment to the Declaration and

BK1546 PG579

(ii) Attitash Mountain Village Declaration of Interval Ownership and Trust, as shown on the site plans recorded in the Carroll County Registry of Deeds and approved by the Bartlett Planning Board, differ slightly; and

WHEREAS, the owners of Units in the Condominium wish to correct this discrepancy to bring the legal description of their respective real property into conformity with a new boundary line shown on a site plan entitled "Properties of river Run Company & River Run Motel - Condominium II, Bartlett, New Hampshire" prepared by Thaddeus Thorne-Surveys, Inc. and recorded in the Carroll County Registry of Deeds at Plan Book 144, Page 18 (the "Site Plan") and to exchange parcels of land having equal acreage to effect the foregoing;

WHEREAS, the River Run Motel Condominium II Unit Owners' Association has, pursuant to a duly taken vote of Unit owners at the Condominium, quitclaimed to River Run Company, Inc. all of its interests in a certain parcel of property on its northwesterly boundary formerly included in the description of Submitted Land in Exhibit A to the Third Amendment to Declaration; and

WHEREAS, River Run Company, Inc. has quitclaimed to the River Run Motel Condominium II Unit Owners' Association, on behalf of all Unit Owners' within the Condominium, all of its interests in a certain parcel of property adjacent to the northwesterly corner of River Run Motel Condominium II; and

WHEREAS, as a result of the aforementioned, it is necessary to amend the legal description of the Submitted Land of the Condominium.

NOW THEREFORE, the owners of Units at River Run Motel Condominium II hereby amend the Declaration as follows:

1. Amend the legal description of Submitted Land, as set forth in the Declaration, by striking the same in its entirety and replacing it with the property description of the Submitted Land set forth in Exhibit A attached hereto.

This Amendment shall become effective immediately upon its recordation at the Carroll County Registry of Deeds. Capitalized terms not otherwise defined in this Amendment shall have the meaning specified in the Declaration and in Section 3 of the Condominium Act.

IN WITNESS WHEREOF, and pursuant to the provisions of the Condominium Act and Section 6 of the Declaration, the owners of Units at River Run Motel Condominium II have caused this Fourth

Amendment to be executed by the duly authorized agents of the River Run Motel Condominium II Unit Owners' Association on the first date written above.

RIVER RUN MOTEL CONDOMINIUM II
UNIT OWNERS' ASSOCIATION

By: Charles M Bennett
, President

By: Anthony R Shields
, Treasurer

STATE OF MASSACHUSETTS
COUNTY OF ESSEX

On this 30 day of July, 1993, before me, the undersigned officer, personally appeared Charles M Bennett, President of the River Run Motel Condominium II Unit Owners' Association, and acknowledged that, being duly authorized so to do by the Unit Owners of River Run Motel Condominium II, he executed the same on behalf of the Owners' Association, for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

DAWN MANCHESTER CROWE NOTARY PUBLIC

Dawn Manchester Crowe
Notary Public/~~Justice of the Peace~~

Commission Expires:

My Commission Expires Aug. 9, 1996

STATE OF MASSACHUSETTS
COUNTY OF ESSEX

On this 30 day of July, 1993, before me, the undersigned officer, personally appeared Anthony R Shields, Treasurer of the River Run Motel Condominium II Unit Owners' Association, and acknowledged that, being duly authorized so to do by the Unit Owners of River Run Motel Condominium II, he executed the same on behalf of the Owners' Association, for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

MANCHESTER CROWE NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

Dawn Manchester Crowe
Notary Public/Justice of the Peace

Commission Expires:

My Commission Expires Aug. 9, 1996

BK 1546 PG 581

CERTIFICATE OF VOTE OF UNIT OWNERS

I, Michael J. WALOR, Secretary of the River Run Motel Condominium II Unit Owners' Association (the "Association"), hereby certify that (i) at a special meeting of the members of the Association, which meeting was duly called, noticed and conducted, the owners of Units to which at least two-thirds (2/3) of the votes in the Association appertain voted in favor of the foregoing Fourth Amendment to Declaration and authorized the President and Treasurer of the Association, on their behalf and as their agents, to execute said Amendment and (ii) at least 75 percent (75%) of the mortgagees holding mortgages recorded at the Carroll County Registry of Deeds constituting first liens on condominium units have given their prior written approval to the foregoing Fourth Amendment to Declaration.

Date: July 29, 1993

By: Michael J. Walor, Secretary

BK1546 PG1582

#1477

EXHIBIT A

RIVER RUN MOTEL CONDOMINIUM II

LEGAL DESCRIPTION OF SUBMITTED LAND

Beginning at a point along land owned by the Maine Central Railroad, which point is the southeasterly corner of the premises herein described, thence North 88° 49' 20" West, a distance of 1,136 feet to an iron pin set at the Southwesterly corner of the premises herein described, and at land now or formerly of Garland; thence North 17° 15' 20" East a distance of 176.55 feet; thence North 04° 20' 00" East a distance of 216.05 feet to a point, said point being the Northwest corner of the parcel herein described; thence South 87° 40' 00" East, a distance of 280.20 feet to a point; thence North 71° 39' 00" East a distance of 51.31 feet, to a point; thence South 74° 00' 00" East, a distance of 64.80 feet along the right-of-way for the access road, to a point; thence North 67° 41' 00" East a distance of 120.00 feet, to a point; thence North 31° 41' 10" East a distance of 44.00 feet, to an iron pipe; thence South 88° 49' 20" East along land of Mt. Attitash Lift Corp. and Murphy a distance of 686.32 feet to an iron pin found at the Northwesterly corner of land of the River Run Motel Condominium and at the Northeasterly corner of the premises herein described; thence South 17° 02' 20" West a distance of 241.68 feet along said land of River Run Motel Condominium to a stone bound found; thence South 17° 28' 10" West, a distance of 243.32 feet to the point of beginning.

Meaning and intending to describe those parcels of land shown as "River Run Motel Condominium II" on the site plan entitled "Properties of River Run Company & River Run Motel - Condominium II, Bartlett, New Hampshire," prepared by Thaddeus Thorne-Surveys, Inc., which site plan is recorded in the Carroll County Registry of Deeds at Plan Book 144, Page 18.

Also including a right to use a 30 foot wide licensed private crossing as shown on the plan of River Run Motel Condominium, recorded at Carroll County Registry of Deeds at Plan Book 41, Page 29 more particularly bounded and described as follows:

Beginning at a point on the southerly side of land of Maine Central Railroad, said point marking the southeast corner of the private crossing and which point is located 196.0 feet on a bearing of North 88° 49' 20" West from an iron pin marking the northwest corner of land now or formerly of Gramsdorff; thence North 88° 49' 20" West along the southerly line of the Maine Central Railroad a distance of 30 feet to a point, said point marking the southwest corner of the crossing herein described; thence North 17° 16' East a distance of 103.04 feet across the Maine Central Railroad to a point on the northerly line of said Railroad, said

BK 1546 PG 583

point marking the northwest corner of the crossing herein described; thence South 88° 49' 20" East a distance of 30 feet along said Railroad to a point, said point marking the northeast corner of the crossing herein described. Thence, South 17° 16' West a distance of 103.04 feet to the point of beginning.

Also including a right of ingress and egress to and from the Condominium over that portion of the River Run Motel Condominium 66 feet in width shown on the site plan recorded simultaneously with the Declaration as the road from Route 302 through the River Run Motel Condominium and River Run Motel Condominium II to the Additional Land.

Also including the right and easement to enter upon the common area of the River Run Motel Condominium, located in Bartlett, Carroll County, State of New Hampshire, as shown on the site plans accompanying the River Run Motel Condominium Declaration, recorded at Book 711, Page 253, as amended by instruments recorded at Book 729, Page 329, Book 772, Page 330, Book 800, Page 261, and Book 899, Page 246 in the Carroll County Registry of Deeds, in order to lay, install, replace and repair water lines, pipes and fixtures and to connect the same to an existing water system on land which is common area of the River Run Motel Condominium, and to connect to existing utilities and to extend such utilities to all portions of the Submitted Land and to any land which may be annexed to the River Run Motel Condominium II by expansion pursuant to Paragraph 4 of the Declaration.

Also including a right-of-way for ingress and egress to and from the Condominium over that portion of the Additional Land shown on the Site Plan recorded simultaneously with the Declaration as (i) the 30 foot wide right-of-way; (ii) the "Proposed Road"; and (iii) the driveway leading westerly from the parking lot north of Building VI.

Subject to a right of ingress and egress reserved for Declarant, its successors and assigns to and from the Additional Land for any lawful purpose not inconsistent with the provisions of Paragraph 4 of the Declaration over that portion of the Submitted Land shown as "Proposed Road" on the Site Plan recorded simultaneously with the Declaration, and also a portion of the Submitted Land 30 feet in width, shown on the aforesaid Site Plan as the road from Route 302 through River Run Motel Condominium and River Run Motel Condominium II to the Additional Land.

Also subject to a right-of-way twenty (20) feet in width over and across a portion of the Premises from the northerly side of Route 302 to the Saco River for the purpose of constructing and maintaining a pipeline and other equipment in connection with a snowmaking system and for other uses of water from the Saco River as

BK 1546 PG 584

Exhibit A
River Run Motel Condominium II
Legal Description of Submitted Land

described and reserved in Warranty Deed of Mt. Attitash Lift Corp. to Joseph L. Berry and Edward T. Moore, dated September 30, 1977, recorded at Book 682, Page 165, Carroll County Registry of Deeds.

Also subject to an easement for Mt. Attitash Lift Corp. to develop amenities for recreational purposes including tennis courts, cross-country ski trails, etc. in that portion of the Premises which is within the so-called ten (10) year flood plain, as described in its deed to Joseph L. Berry and Edward T. Moore, dated September 30, 1977, recorded at Book 682, Page 165, Carroll County Registry of Deeds.

Also subject to rights-of-way sixty-six and two-thirds (66-2/3) feet in width in favor of Mt. Attitash Lift Corporation as described in its deed to Joseph L. Berry and Edward T. Moore, dated September 30, 1978, recorded at Book 682, Page 165.

BK 1516 PG 1585

CARROLL COUNTY
REGISTRY
Patricia A. Brown, Dep'y
1993 OCT -5 PM 1:05

012963

AFFIDAVIT CONCERNING CONSENT OF MORTGAGEES TO FOURTH AMENDMENT

TO DECLARATION OF RIVER RUN MOTEL CONDOMINIUM II

REGISTER OF DEEDS

STATE OF NEW HAMPSHIRE

COUNTY OF CARROLL, SS.

John F. Connolly, Jr. being duly sworn upon his oath deposes and says:

1. I am an attorney at law of the State of New Hampshire and the duly appointed attorney to represent River Run Motel Condominium II Owners Association concerning the Fourth Amendment to it's Declaration of Condominium.

2. In accordance with the requirements of the declaration, I undertook to forward Mortgagees Consent to Fourth Amendment To Declaration River Run Motel Condominium II to all institutional mortgagees holding first mortgages on units at River Run Motel Condominium II.

3. Attached hereto and made a part of this affidavit is a Summary of Consents Received From Institutional Mortgagees Holding First Mortgages On Units in River Run Motel Condominium II.

4. As set forth in said summary, there were 51 units on which institutional mortgagees held mortgages and which had a total percentage interest of 55.18%. The total amount of written consents received from institutional mortgagees is from 41 units, with a total percentage of 45.96%.

5. As required by Paragraph 6 of the Declaration of Condominium, institutional mortgagees holding first liens on 75% or more of the condominium units subject to such institutional mortgages have consented in writing to the Fourth Amendment to the Declaration of Condominium.

Dated: March 1, 1993

John F. Connolly, Jr.
[BLACK INK ONLY]

Sworn to and subscribed before me this 1st day of March, 1993.

Deborah A Shackford
Notary Public/Justice of the Peace
[BLACK INK ONLY]

[SEAL]

NOTARY PUBLIC

My Commission Expires:

DEBORAH A. SHACKFORD, Notary Public
My Commission Expires June 13, 1995

BK 1546 PG 586

JOHN F. CONNOLLY, JR., ATTORNEY AT LAW
P.O. BOX 1447, CONWAY, N.H. 03818

SUMMARY OF CONSENTS RECEIVED FROM INSTITUTIONAL MORTGAGEES

FIRST HOLDING MORTGAGES ON UNITS IN RIVER RUN MOTEL CONDOMINIUM II

MORTGAGEE	TOTAL PERCENTAGE	TOTAL UNITS	CONSENTS RECEIVED PERCENTAGE	CONSENTS RECEIVED UNITS
Home Bank FSB	10.10	9		
Mortgages held by Home Bank were assigned to the following:				
Home Bank FSA			4.48	4
Standard Federal Savings Bank			1.45	1
GMAC Mortgage Corp.			0	0
First NH Mortgage Corp.	6.33	7	6.33	7
First NH Mortgage Corp. as assignee of the following:				
First NH White Mountain Bank	12.30	13	12.30	13
White Mountain National Bank	3.37	3	3.37	3
Wolfeboro National Bank	1.04	1	1.04	1
Berlin City Bank	13.29	10	11.12	7
New Dartmouth Bank	3.10	3	2.50	2
Citi Corp.	2.74	2	2.74	2
Monarch Savings Bank FSB	.93	1	0	0
Bay Bank	1.35	1	0	0
North Conway Bank	.63	1	.63	1
TOTALS	55.18	51		
75% =	41.385	38.25	45.96	41

BK1546 PG587