FIFTH SUPPLEMENTARY DECLARATION

(for Purposes of Adding Phase 9 to Chesterfield Garden Condominium)

THIS SUPPLEMENTARY DECLARATION, made and entered into this 7th day of under the lasts of the State of Pennsylvania, hereinafter sometimes called the "Declarant":

WHEREAS, the Declarant is the owner in fee simple of certain land and premises and the buildings constructed or to be constructed thereon (hereinafter "the Property"), located in Anne Arundel County, Maryland, and more particularly described on Exhibit A-5 attached hereto and made a part hereof; and

WHEREAS, prior to the recordation hereof, on the 29th day of November, 1984, the Declarant filed for record in the Land Records of Anne Arundel County, Maryland, a certain Declaration, with Exhibits, which Declaration is recorded in Liber 3820 at folio 314 among the aforesaid Land Records; and

WHEREAS, prior to the recordation hereof, on the 26th day of March, 1985, the Declarant filed for record in the Land Records of Anne Arundel County, Maryland, a certain First Supplementary Declaration, with Exhibits, which Declaration is recorded in Liber 3865 at folio 737 among the aforesaid Land Records; and

WHEREAS, prior to the recordation hereof, on the 18th day of September, 1985, the Declarant filed for record in the Land Records of Anne Arundel County, Maryland, 30,00 certain Second Supplementary Declaration, with Exhibits, which Declaration is recorded in Liber 3948 at folio 752 among the aforesaid Land Records; and

WHEREAS, prior to the recordation hereof, on the 29th day of November, 1985, 113:53 the Declarant filed for record in the Land Records of Anne Arundel County, Maryland, al 4 86 certain Third Supplementary Declaration, with Exhibits, which Declaration is recorded in Liber 3985 at folio 833 among the aforesaid Land Records; and

WHEREAS, prior to the recordation hereof, on the 20th day of December, 1985, the Declarant filed for record in the Land Records of Anne Arundel County, Maryland, a certain Fourth Supplementary Declaration, with Exhibits, which Declaration is recorded in Liber 3997 at folio 440 among the aforesaid Land Records; and

WHEREAS, the Declaration, First Supplementary Declaration, Second Supplementary Declaration and Fourth Supplementary Declaration hereinabove identified are hereinafter collectively referred to as the "Declaration"; and

WHEREAS, prior to the recordation hereof, the Declarant has filed for record among the Land Records for Anne Arundel County, Maryland, the following documents hereinafter collectively referred to as the "Condominium Plat":

- (a) a certain Condominium Plat, consisting of two (2) sheets showing Phase 1B of "Chesterfield Garden Condominium", which Condominium Plat is recorded in Condominium Plat Book 26, Page 35, beginning at Plat E-1285 among the Land Records of Anne Arundel County, Maryland; and
- (b) a certain Condominium Plat, consisting of two (2) sheets showing Phase 1A of "Chesterfield Garden Condominium", which Condominium Plat is recorded in Condominium Plat Book 27, Page 8, beginning at Plat E-1328 among the Land Records of Anne Arundel County, Maryland; and

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- (c) a certain Condominium Plat, consisting of two (2) sheets showing Phase 11 of "Chesterfield Garden Condominium", which Condominium Plat is recorded in Condominium Plat Book 29, Pages 20 and 21, beginning at Plat 1420 among the Land Records of Anne Arundel County, Maryland; and
- (d) a certain Condominium Plat, consisting of two (2) sheets showing Phase 10 of "Chesterfield Garden Condominium", which Condominium Plat is recorded in Condominium Plat Book 30, Pages 17 and 18, beginning at Plat E-1467 among the Land Records of Anne Arundel County, Maryland; and
- (e) a certain Condominium Plat, consisting of two (2) sheets showing Phase 8 of "Chesterfield Garden Condominium", which Condominium Plat is recorded in Condominium Plat Book 30, Pages 19 and 20, beginning at Plat E-1469 among the Land Records of Anne Arundel County, Maryland; and
- (f) a certain Condominium Plat, consisting of two (2) sheets showing Phase 9 of "Chesterfield Garden Condominium", which Condominium Plat is recorded in Condominium Plat Book 31, Pages 33434, beginning at Plat E-1533 among the Land Records of Anne Arundel County, Maryland; and

WHEREAS, the Declarant has retained, in Paragraph Eighth of the aforesaid Declaration, the absolute right to be exercised prior to the 29th day of November, 1991, to annex to the land and improvements described on Exhibit A attached to the Declaration, and thereby to submit to each and every of the provisions of the Declaration, the land described on Exhibit A-5 attached hereto and incorporated herein by this reference, together with the improvements theretofore or thereafter constructed upon such land; and

WHEREAS, the Declarant intends by the execution and recordation of these presents, together with the execution and recordation of the supplements to the Condominium Plat identified above, to exercise that right, as to the land and premises described on said Exhibit A-5;

NOW, THEREFORE, the Declarant hereby declares that all the land and premises described on Exhibit A-5 attached hereto, together with all of the improvements heretofore or hereafter constructed thereon, and all of the appurtenances thereto, shall be held, conveyed, divided or subdivided, leased, rented and occupied, improved, hypothecated and encumbered subject to the covenants, restrictions, uses, limitations, obligations, easements, equitable servitudes, charges and liens (hereinafter sometimes referred to as the "covenants and restrictions") set forth in the aforesaid Declaration including, without limiting the generality of the foregoing, the provisions of the By-Laws of the Council of Unit Owners attached to said Declaration as Exhibit B, and the provisions of each and every of the several Exhibits to the aforesaid Declaration, each and all of which are hereby declared and agreed to be in aid of a plan for the improvement of said land and premises and the division thereof into condominium units and common elements, and shall be deemed to run with and bind the land, shall inure to the benefit of and be enforceable by the Declarant, it successors and assigns, and by any person acquiring or owning an interest in said land and improvements including, again without limiting the generality of the foregoing, any person, group of persons, corporation, partnership, trust or other legal entity, or any combination thereof, who holds such interest solely as security for the performance of an obligation.

The Declarant hereby submits the land and premises described on Exhibit A-5, to each and every of the provisions of the Declaration and to the provisions of Title 11, Real Property Article, Annotated Code of Maryland (1981 Repl. Vol.).

Upon recordation of this Supplementary Declaration, each unit owner in the condominium described in the aforesaid Declaration and identified on the aforesaid Condominium Plat, by operation of law and the provisions of Paragraph Eighth of the Declaration, shall have the percentage interest in the common elements, common expenses, and common profits of the condominium, and shall have the number of votes in the Council of Unit Owners provided for in Exhibit C-5 attached hereto and incorporated herein by this reference; and upon the recordation of this Supplementary Declaration, the percentage interests and voting rights heretofore established and provided for in the aforesaid Declaration shall be reallocated, automatically and protanto, as set forth on Exhibit C-5 attached hereto.

IN WITNESS WHEREOF, the said Ryan Homes, Inc., a corporation organized and existing under the laws of the State of Pennsylvania, has caused these presents to be executed in its corporate name by Ronald M. Airey, its Vice-President, and its corporate seal to be hereunto affixed; and does hereby appoint the officer first above named as its true and lawful attorney-in-fact to acknowledge and deliver these presents in its name and on its behalf, all as of the year and day first above written.

ATTEST:	RYAN HOMES, INC.	M.
Latricia A Sche	By: Ronald M. Airey	Vice-President
STATE OF MARYLAND		
COUNTY OF ANNE ARUNDEL) SS:)	

I HEREBY CERTIFY that on this 2th day of Apacher, 1986, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared in said jurisdiction Ronald M. Airey, personally well known to me (or satisfactorily proven) to be the person named as attorney-in-fact in the foregoing instrument, and by virtue of the authority vested in him by said instrument, and otherwise having the authority so to do, acknowledged the foregoing instrument to be the act and deed of Ryan Homes, Inc., and further acknowledged that the same was executed and delivered for the purposes therein contained.

WITNESS my hand and Notarial Seal the year and day first above

My Commission Expires: 7-1-84

EXHIBIT A-5

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JOHN E. HARMS, JR. AND ASSOCIATES, INC. Consulting Engineers - Architects - Surveyors

PASADENA, MARYLAND

12/23/85 RK/SS DESCRIPTION OF PHASE 9
CHESTERFIELD GARDEN CONDOMINIUM
THIRD DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

BEGINNING for the same at a point on the North side of Leeds Drive,
60.00 feet wide, said point shown as number 3249 on the subdivision plat
entitled "Chesterfield", a Condominium Plat Two, Section 2D, Revised,
entitled "Chesterfield", a Condominium Plat Two, Section 2D, Revised,
entitled among the Plat Records of Anne Arundel County, Maryland in Plat
recorded among the Plat Records of Anne Arundel County, Maryland in Plat
Book E26, Page 30, thence binding on said North side of Leeds Drive and
referring the courses of this description to the Maryland State Grid
Meridian,

- (1) With a curve to the left having a radius of 445.00 feet, an arc length of 73.94 feet, and being subtended by a chord North 77 degrees 10 minutes 40 seconds West 73.85 feet, thence binding reversely on the East, South, East and North boundary lines of Phase 8 as shown on subdivision Plat Chesterfield Garden Condominium Plat Two, Section 2-D, revised Condominium Plat, Phase 8 recorded among the aforesaid Plat Records in Plat Book 30, Page 19, the four (4) following courses,
 - (2) North 02 degrees 00 minutes 17 seconds East 115.00 feet, thence
 - (3) South 87 degrees 59 minutes 43 seconds East 71.00 feet, thence
 - (4) North 02 degrees 00 minutes 17 seconds East 121.00 feet, thence
 - (5) North 87 degrees 59 minutes 43 seconds West 106.09 feet, thence binding on part of the East boundary line of Phase 10 as shown on subdivision plat Chesterfield Garden Condominium Plat Two, Section 2-D Revised, Condominium Plat Phase 10 recorded among the aforesaid Plat

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Records in Plat Book 30, Page 17, and running northerly through Davenport Court,

- (6) North O2 degrees OO minutes 17 seconds East 242.49 feet, thence
- (7) North 87 degrees 59 minutes 43 seconds West 58.91 feet, thence binding on part of the East boundary line of a Recreational Area as shown on the first mentioned record plat,
- (8) North 02 degrees 00 minutes 17 seconds East 59.48 feet, thence binding on the South and Southwest boundary lines of the subdivision plat entitled "Chesterfield", Plat Two, Phase 2-C recorded among the aforesaid Plat Records in Plat Book 85, Pages 19 and 20,
 - (9) South 75 degrees 05 minutes 29 seconds East 112.64 feet, thence
- (10) South 37 degrees 36 minutes 41 seconds East 238.86 feet, thence binding on part of the West boundary line of subdivision plat entitled Chesterfield, Plat One, Section 2-D Revised, recorded among the aforesaid Plat Records in Plat Book 25, Page 29,
- (11) South 17 degrees 35 minutes 15 seconds West 355.75 feet to the point of beginning.

CONTAINING 1.426 acres of land, more or less,

SUBJECT TO a Utility Easement, 25 feet wide, and a variable width storm drain easement, all as shown on subdivision plat entitled "Chesterfield Garden Condominium Plat Two - Section 2-D - Revised Condominium Plat - Phase 10, recorded among the aforesaid Plat Records in Plat Book E30, Page 17.

EXHIBIT "C-5"

CHESTERFIELD GARDEN CONDOMINIUM

	UNIT		
BUILDING	NUMBER	SQUARE FOOTAGE	% OWNERSHIP
		- DOLLING	* OWNERDITE
	A	889 sq. ft.	1.3901
	B	The state of the s	
Phase 1B		889 sq. ft.	1.3901
rnase 1b	C	642 sq. ft.	1.0039
	D	640 sq. ft.	1.0008
3500	E	927 sq. ft.	1.4496
Lochearn	F	927 sq. ft.	1.4496
Court	G	671 sq. ft.	1.0493
	H	671 sq. ft.	1.0493
	J	927 sq. ft.	1.4496
	K	915 sq. ft.	1.4308
	L	668 sq. ft.	1.0446
	M	671 sq. ft.	1.0493
	A	881 sq. ft.	1.3776
	В	881 sq. ft.	1.3776
Phase 1A	C	881 sq. ft.	1.3776
	D	881 sq. ft.	1.3776
			1.0
3502	E	920 sq. ft.	1.4386
Lochearn	F	920 sq. ft.	1.4386
Court	G	920 sq. ft.	1.4386
	H	920 sq. ft.	1.4386
		220 34. 10.	1.4300
	J	920 sq. ft.	1.4386
	K	920 sq. ft.	1.4386
	L	920 sq. ft.	1.4386
	M	920 sq. ft.	1.4386
		Jeu sq. It.	1.4300
	A	887 sq. ft.	1.3870
	B	887 sq. ft.	1.3870
Phase 11	C	883 sq. ft.	1.3808
	D	881 sq. ft.	1.3776
	E	920 sq. ft.	1.4386
3500	F	920 sq. ft.	1.4386
Davenport	G	918 sq. ft.	1.4355
Court	H	920 sq. ft.	1.4386
	J	920 sq. ft.	1.4386
	K	920 sq. ft.	1.4386
	L	918 sq. ft.	1.4355
	M	918 sq. ft.	1.4355

	UNIT		
BUILDING	NUMBER	COHADE POOTACE	a our
DOLLDING	HOMBER	SQUARE FOOTAGE	% OWNERSHIP
	A	887 sq. ft.	1.3870
	В	883 sq. ft.	1.3808
Phase 10	C	885 sq. ft.	1.3839
	D	885 sq. ft.	1.3839
			1.303
	E	920 sq. ft.	1.4386
3502	F	920 sq. ft.	1.4386
Davenport	G	920 sq. ft.	1.4386
Court	H	920 sq. ft.	1.4386
	J	920 sq. ft.	1.4386
	K	920 sq. ft.	1.4386
	L	920 sq. ft.	1.4386
	M	920 sq. ft.	1.4386
	A	887 sq. ft.	1.3870
	В	887 sq. ft.	1.3870
Phase 8	C	885 sq. ft.	1.3839
	D	887 sq. ft.	1.3870
	E	922 sq. ft.	1.4418
3501	F	927 sq. ft.	1.4496
Davenport	G	922 sq. ft.	1.4418
Court	H	922 sq. ft.	1.4418
	J	922 sq. ft.	1.4418
	K	922 sq. ft.	1.4418
	L	922 sq. ft.	1.4418
	M	922 sq. ft.	1.4418
		002	1 2000
	B	883 sq. ft.	1.3808
Phase 9	c	885 sq. ft.	1.3839
- II a b c	D	883 sq. ft.	1.3808
		887 sq. ft.	1.3870
	E	922 sq. ft.	1.4418
3503	F	920 sq. ft.	1.4386
Davenport	G	922 sq. ft.	1.4418
Court	H	923 sq. ft.	1.4433
		922 sq. ft.	1.4418
	K	922 sq. ft.	1.4418
	L	922 sq. ft.	1.4418
	M	919 sq. ft.	1.4371
		63,950 sq. ft.	100.0001%

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