

**CERTIFICATE OF AMENDMENT TO DECLARATIONS OF
COVENANTS AND RESTRICTIONS AND EASEMENTS**

THIS AMENDMENT, made this 11th day of October, 2018, by Patrick E. Malloy, III, on behalf of himself and M and R Land Associates, Ltd., with an address of 1 Bay Street, Sag Harbor, New York 11963 (hereinafter referred to as the "**Developer**" or the "**Declarant**") to (A) that certain Declaration of Covenants and Restrictions and Easements, dated December 21, 1999, and recorded on January 5, 2000 in the Suffolk County Clerk's Office in Liber 12011, page 667 (hereinafter the "**First Declaration**"); and (B) that certain Declaration of Covenants and Restrictions and Easements dated May 1, 2001, and recorded on August 24, 2001 in the Suffolk County Clerk's Office in Liber 012138 page 043 (hereinafter the "**Second Declaration**") (the First Declaration and the Second Declaration are hereinafter collectively referred to as the "**Declarations**").

WITNESSETH THAT:

WHEREAS, the real property subject to the First Declaration is all that certain plot, piece or parcel of land situate, lying and being at East Quogue, in the Town of Southampton, County of Suffolk and State of New York, being Lots number "18" through "114", as designated on that certain map entitled "Map of the Pines Easterly Parcel", prepared by John J. Raynor, P.E. & L.S., filed on January 16, 1990 in the Suffolk County Clerk's Office, as Map. No. 8889 (hereinafter the "**First Subdivision Map**"); and

WHEREAS, the real property subject to the Second Declaration is all that certain plot, piece or parcel of land situate, lying and being at East Quogue, in the Town of Southampton, County of Suffolk and State of New York, being Lots number "1" through "59", as designated on those certain maps entitled (A) "Subdivision Map of Chardonnay Acres, Section One", prepared by Edward A. Bullock, Jr., P.E. & L.S., filed on April 29, 1991 in the Suffolk County Clerk's Office, as Map. No. 9089; and (B) "Subdivision Map of Chardonnay Acres, Section 2", prepared by Edward A. Bullock, Jr., P.E. & L.S., filed on April 27, 2001 in the Suffolk County Clerk's Office, as Map. No. 10613 (hereinafter collectively the "**Second Subdivision Maps**"); and

WHEREAS, Declarant imposed certain covenants and restrictions on the real property subject to the Declarations; and

WHEREAS, as set forth in Article VI, Section 2 of each of the Declarations, the Developer may, in its sole discretion, modify, amend, renew or abolish the Declarations or any portion thereof at any time prior to the Cutoff Date (which date is defined in Article I(e) of the Declarations as "December 31, 2025"); and

WHEREAS, in furtherance of Declarant's right to modify and/or amend the Declarations, the Declarations are hereby amended by the Declarant as set forth herein; and

WHEREAS, Article VI, Section 4 of the First Declaration further provides as follows:

“Designation by Developer. The authority conferred herein upon the Developer of the consent required herein to be obtained from the Developer shall be exercised by or obtained from Patrick E. Malloy, III or his heirs, personal representative or, alternatively by a successor or assign as he may designate by written instrument recorded and making reference to this Declaration.”

WHEREAS, Article VI, Section 4, of the Second Declaration further provides as follows:

“Designation by Developer. The authority conferred herein upon the Developer of the consent required herein to be obtained from the Developer shall be exercised by or obtained from Patrick E. Malloy, III, or Neil M. Rego, or their heirs, personal representative or, alternatively by a successor or assign as they may designate by written instrument recorded and making reference to this Declaration.”

WHEREAS, the Declarant desires to designate a New York Not-for-Profit Corporation known as “Southampton Pines Association, Inc.” (hereinafter the “**Association**”) as his/its successor; and

NOW, THEREFORE, Declarant declares and confirms that, effective as of the date hereof, Southampton Pines Association, Inc., having an address of 10 Henry’s Hollow Court and P.O. Box 776, East Quogue, New York 11942, is hereby designated as successor Declarant under the Declarations, with all of the authority, right and power of Declarant as set forth in the Declarations; and

NOW, FURTHERMORE, the Declarant, pursuant to Article VI, Section 2 of each of the Declarations, amends the Declarations to incorporate a new set of By-Laws to govern the Association, which By-Laws are annexed hereto as Exhibit “A”; and

NOW, FURTHERMORE, the Declarant, pursuant to Article VI, Section 2 of each of the Declarations, amends the Declarations so that a new Section 8 shall be added to Article VI of each of the Declarations, which new Section 8 shall read as follows:

Section 8. Future Amendments. Notwithstanding anything herein to the contrary, the covenants and restrictions of this Declaration shall run with, and bind the land, and shall inure to the benefit of, and be enforceable by the Association, any Member, or the Owner of any Home or Lot subject to this Declaration, their respective legal representatives, heirs, successors and assigns, until December 31, 2099, unless otherwise expressly limited herein, after which time, said covenants and restrictions shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by sixty six and two thirds (66-2/3) of the Members, then subject to this Declaration consent to same in writing and said amendment, has been recorded, agreeing to change said covenants and restrictions in whole or in part.

Notwithstanding the foregoing, the easements, licenses, rights and privileges established and created with respect to the Properties by Article III hereof shall be perpetual, run with the land, and shall survive any deconstruction, deconstruction and relocation of the physical structure, unless said provision is abrogated by the unanimous written consent of all the Members.

Unless specifically prohibited or different requirements are provided herein, this Declaration may also be amended by an instrument signed by Members of the Association holding not less than sixty six and two thirds (66-2/3) of then existing membership. Any amendment must be properly recorded to be effective.

There shall be a presumption for a period of sixty (60) days subsequent to the recording of any amendment (other than an amendment to this Declaration by the Declarant prior to the Cutoff Date) that the vote of the Home Owners was made at a duly called meeting and that the requisite voting percentage was obtained. After the sixty (60) day period, such presumption will be deemed conclusive.

NOW, FURTHERMORE, the Declarant, pursuant to Article VI, Section 2 of each of the Declarations, amends Article I, subparagraph (g) thereof, to provide that the Cutoff Date shall now be the date of this Certificate of Amendment; and

NOW, FURTHERMORE, the Declarant hereby assigns all rights to any Assessments or other monies collected from any Owner after December 21, 2005 to the Association.

IN WITNESS WHEREOF, the Declarant has executed this Amendment to the Declarations on the day and year set forth below.

Date: October 11, 2018



PATRICK E. MALLOY, III, as
Developer/Declarant, and on behalf of M AND R
LAND ASSOCIATES, LTD.


UNIFORM FORM CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)

: ss.:

COUNTY OF SUFFOLK)

On the 11 day of October, 2018, before me, the undersigned, personally appeared PATRICK E. MALLOY, III, personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, he executed the instrument.



Notary Public



Brittny L. Scagel
Notary Public, State of New York
No. 01SC6315527
Qualified in Suffolk County
Commission Expires 11/24/2018