

### THIRD AMENDED AND RESTATED BY-LAWS OF MOORINGS ON THE MAGOTHY CONDOMINIUM

EXPLANATORY STATEMENT: The original Bylaws of Moorings on the Magothy Condominium were recorded among the Land Records of Anne Arundel County, Maryland as Exhibit B to the Declaration of Moorings on the Magothy Condominium on September 24, 1984, in Book 3793, pages 449 *et seq.* and re-recorded as Exhibit B to the Amended Declaration of Moorings on the Magothy Condominium on February 20, 1985 in Book 3853, pages 655 *et seq.* at page 683 *et seq.* The said Bylaws were amended and restated by adoption of the First Amended By-Laws of Moorings on the Magothy Condominium, recorded among the said Land Records in Book 5403, pages 229 *et seq.* The said Bylaws were further amended and restated by adoption of the Second Amended By-Laws of Moorings on the Magothy Condominium, recorded among said Land Records in Book 6619, pages 358 *et seq.*, and by adoption of the Amendment to Second Amended By-Laws of Moorings on the Magothy Condominium, recorded May 11, 1994 among the said Land Records in Book 6619, pages 383 *et seq.* and by the adoption of Moorings on the Magothy Condominium Council, Inc. Second Amendment to Second Amended Bylaws recorded April 25, 2000 among the said Land Records in Book 9730, pages 357 *et seq.*

WHEREAS, the Council of Unit Owners of Moorings on the Magothy Condominium by the affirmative vote of unit owners having at least sixty-six and two thirds (66 2/3%) percent or more of the votes held by all of the Unit Owners (as provided in Article X of the Second Amended By-Laws) and by the affirmative vote of unit owners having at least 66 2/3 percent of the votes in the council of unit owners as provided in Section 11-104(e)(2) of title 11 of the Real Prop. Code Ann.), now hereby amends its said Bylaws as hereinafter provided.

NOW THEREFORE as of the 21<sup>ST</sup> day of MAY, 2009, the said Second Amended By-Laws of Moorings on the Magothy Condominium as amended are hereby amended and restated by this Third Amended and Restated Bylaws of Moorings on the Magothy Condominium as follows:

#### ARTICLE I

##### Plan of Unit Ownership

Section 1. Unit Ownership. The community, located at Mago Vista Road and Cottage Drive, in Anne Arundel County, State of Maryland, known as Moorings on the Magothy Condominium, is subject to the provisions of the Maryland Condominium Act, Title 11 of the Real Property Article of the Annotated Code of Maryland, hereinafter referred to as the "Act" as amended from time to time.

Section 2. By-Laws Applicability. The provisions of these By-Laws are

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applicable to the Condominium as from time to time constituted. The term "Condominium" as used herein shall include the land, the buildings, and all improvements and structures thereon, as well as all easements, rights and appurtenances belonging thereto. All owners of any Unit, all occupants or users of the premises, and the agents and servants of any of them are subject to the provisions of the Declaration, these By-Laws and the applicable laws of the State of Maryland.

Section 3. Personal Application. All present or future owners, mortgagees, tenants, future tenants, their guests, licensees, servants, agents or their employees, or any other person(s) that might be present on the premises or use the facilities of the Condominium in any manner, are subject to the rules and regulations set forth in these By-Laws, and the rules and regulations duly adopted by the Board of Directors to govern the conduct of its members. The mere acquisition or rental of any of the condominium units (hereinafter referred to as "Unit" or "Units") of the Condominium or the mere act of occupancy of any of said Units will signify conclusively that these By-Laws and the provisions of the rules and regulations of the Condominium are accepted, ratified, and will be complied with.

## ARTICLE II

### Council of Unit Owners

Section 1. Constitution. There is hereby constituted the Council of Unit Owners, sometimes herein referred to as the "Council," or the "Association" which shall be comprised of every person, firm or corporation which owns, severally or with others, any Unit. The Council may be incorporated.

Section 2. Name, etc. The name of the Condominium shall be the Council of Unit Owners of Moorings on the Magothy Condominium. Any incorporation shall be named the Moorings on the Magothy Condominium Council, Inc. The principal place of business of the Council shall be 5 Riggs Avenue, Severna Park, Maryland 21146, or such other place as designated by the Board of Directors among the records of the Maryland State Department of Assessments and Taxation from time to time.

Section 3. Powers of Council. The Council, shall have all of those powers enumerated in the Act, as the same may be amended from time to time. All powers, except as in the Act are expressly reserved to the Council of Unit Owners, shall be delegated to and exercised by the Board of Directors of the Council and/or the managing agent employed by the Board of Directors on behalf of the Council.

Section 4. Members. The Council shall have as its members every person, corporation, trust or other legal entity, or any combination thereof, who or which owns a Unit (hereinafter called "Unit Owner"); provided, however, that any person, corporation, trust or other legal entity, or any combination thereof, who or which holds such interest solely as security for the performance of an obligation shall not be a member.