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# 37 BEACON ST. CONDOMINIUM

## AMENDMENT TO THE DECLARATION OF TRUST

Reference is hereby made to that certain Declaration of Trust, dated October 31, 1984, and recorded with the Suffolk County Registry of Deeds in Book 11233, Page 307, as amended, which Declaration of Trust established, pursuant to Massachusetts General Laws, Chapter 183A, the 37 Beacon St. Condominium Trust, the organization of Unit Owners of the 37 Beacon St. Condominium, a condominium established, pursuant to Massachusetts General Laws, Chapter 183A, by a Master Deed dated, October 31, 1984, and recorded with the Suffolk County Registry of Deeds in Book 11234, Page 001, as amended.

WHEREAS the Unit Owners entitled to no less than sixty-seven percent (67%) of the Beneficial Interest desire to amend said Declaration of Trust as provided in Article VII, Section 7.1, thereof.

WHEREAS no other consents are required therefore.

NOW THEREFORE said Declaration of Trust is hereby amended in accordance with the provisions of said Article VII, Section 7.1, as follows:

By deleting Section 3.6 of the Declaration of Trust in its entirety and inserting the following paragraph in place thereof:

Section 3.6 Bond or Surety. All Trustees, employees of the Trust, and volunteers responsible for handling funds belonging to or administered by the Trust shall be bonded against dishonest acts on their part in an amount not less than one quarter of the estimated annual assessments of the Trust, excluding special assessments, which bonds shall name as the named insured, and provide for loss proceeds payable to the Trustees of the Trust, as Insurance Trustees for all of the Unit Owners. Such bonds shall include a provision that calls for ten (10) days' written notice to the Trustees and the holder of each first mortgage on an individual Unit before the bond

can be cancelled or substantially modified for any reason. All expenses incident to any such bonds shall be charged as a Common Expense of the Condominium.

And by deleting Section 5.8.3 of the Declaration of Trust in its entirety and inserting the following paragraph in place thereof:

Section 5.8.3 Other Provisions. In addition to the coverage and provisions set forth in Section 5.8.1, the Trustees shall, in their discretion, see that all policies of physical damage insurance: (1) shall contain waivers of subrogation by the insurer as to claims against the Condominium, the Trustees, their employees, Unit Owners and members of the family of any Unit Owner who reside with said Unit Owner, except in cases of arson and fraud; (2) shall contain a waiver of defense of invalidity on account of the conduct of any of the Unit Owners over which the Trustees have "no control"; (3) shall provide that in no event shall the insurance under said policies be brought into contribution with insurance purchased individually by Unit Owners or their mortgagees; and (4) shall exclude policies obtained by individual Unit Owners from consideration under any "no other insurance" clause. The Trustees may include a deductible provision in such amount as they, in their own discretion, may determine, in any of such insurance policies.

IN WITNESS WHEREOF we, as Trustees of the 37 Beacon St. Condominium Trust, having first received the written consent of the Unit Owners entitled to no less than sixty-seven (67%) of the Beneficial Interest have set out hands and seals this 2nd day of February, 2005.

Anne T. Almy  
Trustee of the 37 Beacon St. Condominium Trust  
James A. Day  
Trustee of the 37 Beacon St. Condominium Trust

STATE/Commonwealth of MASSACHUSETTS

Suffolk County, ss.

On this 2nd day of February, 2005, before me, the undersigned notary public, personally appeared Anne T. Almy, proved to me through satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

MY COMMISSION EXPIRES  
JANUARY 13, 2006

Notary Public: [Signature]  
My Commission Expires: January 13, 2006  
Print Notary Public's Name: Robert Weintraub  
Qualified in the State/Commonwealth of Mass.

STATE/Commonwealth of MASSACHUSETTS

Suffolk County, ss.

On this 2nd day of February, 2005, before me, the undersigned notary public, personally appeared Patricia A. Day, proved to me through satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

MY COMMISSION EXPIRES  
JANUARY 13, 2006

Notary Public: [Signature]  
My Commission Expires: January 13, 2006  
Print Notary Public's Name: Robert Weintraub  
Qualified in the State/Commonwealth of Mass.