

AMENDED DECLARATIONS OF COWPET BAY WEST
(Formerly Cowpet Bay Village, Stages I and II)

Amended Declaration of Cowpet Bay Village Stage One

Amended Declaration of Cowpet Bay Village Stage Two

WHEREAS, On October 31, 1968 the TRACY LEIGH DEVELOPMENT COMPANY submitted a DECLARATION OF COWPET BAY CONDOMINIUM STAGE ONE, providing for condominium structures on certain land on the Island of St. Thomas, Virgin Islands, said property, thereafter, referred to as "Stage One," said declaration having been recorded on October 31, 1968, in the office of the Recorder of Deeds, St. Thomas, Virgin Islands, at Book 9Z, Page 125.

WHEREAS, on September 19, 1969 the TARA WALKER CORPORATION submitted a DECLARATION OF COWPET BAY CONDOMINIUM STAGE TWO, providing for condominium structures on certain land in the island of St. Thomas, Virgin Islands, said property, hereinafter, referred to as "Stage Two", Cowpet Bay Condominium, said declaration dated September 19, 1969 and recorded on September 21, 1969 at the office of the Recorder of Deeds, St. Thomas, Virgin Islands, at Book 11B, Page 330.

WHEREAS, that document titled, DECLARATION OF COWPET BAY WEST (Formerly Cowpet Bay Village, Stages I and II) DECLARATION ESTABLISHING A PLAN OF WORKING AGREEMENT BETWEEN STAGES ONE AND TWO COWPET BAY CONDOMINIUM was recorded in the recorder's office for the District of St. Thomas and St. John, Virgin Islands of the USA in Book Number 16-b Page 77 Sub No. 367, and entered in the real property register on October 22, 1974, (hereinafter referred to as "Merger Document").

WHEREAS, it is stated in the Merger Document that a meeting was called for the property and/or unit owners of Stage Two for the purpose of considering a merger on March 16, 1972 combining Stage One and Stage Two into one condominium complex known as "Cowpet Bay West." Legal notice of said meeting having been satisfied under the requirements of the By-Laws of Stage Two a vote was taken of the owners of property or units located in Stage Two, approving the proposed merger of Stages One and Two into one condominium complex known as Cowpet Bay West, by a vote of two-thirds (2/3), approving the merger as presented.

WHEREAS, it is stated in the Merger Document that a meeting was called for the property and/or unit owners of Stage One for the purpose of considering a merger on March 15, 1973, combining Stage One and Stage Two into one condominium complex known as "Cowpet Bay West." Legal notice of said meeting having been satisfied under the requirements of the By-Laws of Stage One, a vote was taken of the owners of the property or units located in Stage Two, approving the proposed merger of Stages One and Two into one condominium complex known as "Cowpet Bay West," by a vote of two-thirds (2/3), approving the merger as presented.

WHEREAS, the Declarations of Cowpet Bay Village; Stage One Condominium, paragraph 17 states, in pertinent part, "This Declaration may be amended by the vote of at least seventy-five (75) percent in number, and in common interest of all unit owners, cast in person or by proxy at a meeting duly held in accordance with the provisions of the By-Laws." Any such amendment shall have been approved in writing by all mortgagees who are the holders of mortgages compromising first liens on six (6) or more units. No such amendment shall be effective until recorded.

WHEREAS, the Declarations of Cowpet Bay Village; Stage Two Condominium, paragraph 17 states in pertinent part, "This Declaration may be amended by the vote of at least seventy-five (75) percent in number, and in common interest of all unit owners, cast in person or by proxy at a meeting duly held in accordance with the provisions of the By-laws." Any such amendment shall have been approved, in writing, by all mortgagees who are the holders of mortgages compromising first liens on six (6) or more units. No such amendment shall be effective until recorded.

FURTHER WHEREAS, the purpose and intention of the merger, as stated in the Merger Document paragraph 5, is as follows:

1. Create one association of owners in substitution of the two existing associations;
2. Change of name;
3. Continued weighted voting in the Associations matters;
4. Adopt new By-laws for the new Associations, supplanting the existing two sets of By-laws;
5. Change resident agent for service of process.

All other rights and responsibilities of the unit owners, their heirs, distributes, successors and assigns, whether real or personal, tangible or intangible, legal or equitable, to remain and to be in full force and effect as heretofore and as set forth in the existing and recorded Declaration.

NOWHEREFORE, this Amendment is to correct the error in voting of the merger of the Declaration of Cowpet Bay Condominiums Stage One and Declaration of Cowpet Bay Condominiums Stage Two, so as to form a merged Owners' Association designated as "Cowpet Bay West," per 28 V. I. C. § 905(b) (2019) that requires a One Hundred (100) percent approval of each property or unit owner to alter and/or amend the Declarations.

It is further resolved and affirmed that all other portions of the 1974 Merger Document recorded with the office of the Recorder of Deeds on October 22, 1974 as well as the Original Declarations of Stage One and Stage Two of Cowpet Bay Village Condominium recorded with the office of the Recorder of Deeds on October 31, 1968 and September 21, 1969, respectively, shall remain in full force and effect and shall be binding on the property and unit owners.