

COPY

**AMENDMENT TO THE MASTER DEED  
FORTY SIX ASHFORD CONDOMINIUM**

The undersigned Trustees hereby certify under oath that in accordance with Master Deed Section 14 the Unit Owners representing not less than fifty per cent (50%) of the undivided beneficial interest of all unit owners in the common areas and facilities of the FORTY SIX ASHFORD CONDOMINIUM, created by Master Deed dated February 17, 2005 and recorded at the Essex North District Registry of Deeds at Book 9354, Page 129, as may be amended, and Declaration of Trust and bylaws recorded at Book 9354, Page 152. ("the Condominium") have voted pursuant to paragraph 14 of the Master Deed to approve the following:

The purpose of this amendment is to add provisions that prohibit smoking within the building units, common area and limited common area.

This amendment has been determined by the owners that have approved this amendment to be reasonable and not burdensome.

This amendment does not impair the security of any mortgagee of record or any successor or assigns of said mortgagee.

Now therefore, pursuant to paragraph 14 of the Master Deed, the undersigned do hereby approve an amendment to the Master Deed to insert in paragraph 8, "Restrictions on Use", the following subparagraph (s):

(s) **Smoking Prohibition.**

The unit owners note that:

- (1) a 2006 Report of the Surgeon General of the United States concluded that exposure to another person's cigarette smoke may be harmful to the health of nonsmokers who breathe air affected by that smoke;
- (2) in a condominium, such smoke cannot be confined to the smoker's unit, thus creating a nuisance to other occupants in the condominium;
- (3) Forty Six Ashford Condominium is an older building – with a shared heating system, ventilation, and older construction methods, which fail to prevent the infiltration of smoke into the common area and other units; and
- (4) insurers cite a reduced fire risk in smoke-free buildings.

(a) For the purposes of this paragraph "smoking" shall mean and include the inhaling, exhaling, burning or carrying of any lighted cigarette, cigar or other tobacco product, marijuana or any substance to be used for smoking.

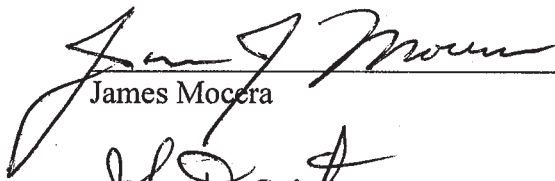
(c) Smoking of cigarettes, cigars, other tobacco product, marijuana, or any substance to be used for smoking within the building, including all units, common elements and limited common elements therein, shall be prohibited.


(d) Any Owner who rents his or her unit or otherwise allows someone other than the Owner to reside in or occupy the unit shall, prior to that person's residency or occupancy, disclose to all persons intending to reside in or occupy the unit that smoking is prohibited everywhere within the building including the unit.

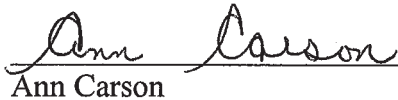
Finally, the following individuals are the Agents for the Trustees who are authorized, either individually and/or together, to execute Certificates pursuant to M.G.L. c. 183A, 6(d):

CATHERINE DELOGE  
MICHELE DIBIASIO  
ROYAL MANAGEMENT COMPANY  
POST OFFICE BOX 850  
METHUEN, MASSACHUSETTS 01844

Signed and sealed on this 27<sup>h</sup> day of June 2017

  
James Mocera

  
John Daveta


  
Ann Carson

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

June 27, 2017

Before me the undersigned notary public, personally appeared James Mocera, John Daveta, and Ann Carson proved to me through satisfactory evidence of identification, being my own personal knowledge of the identity of the signatory to be the person whose name is signed above, as they are duly authorized Board of Trustees of Forty Six Ashford Condominium Association and acknowledged the foregoing instrument to be their free act and deed, before me.

  
Notary Public  
My Commission Expires: 9/07/2023