

5th Amendment

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December 5, 1989

Mr. Brian Barlow
48 Bluff Road
Yarmouth, Maine

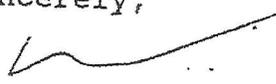
RE: Amendment to Condominium Declaration

Dear Brian:

The Amendment to the Yarmouth Bluffs Condominium Declaration has been filed at the Registry. I note that the book and page number of the original and First Amended Declaration were typed in on Page 1 for reference purposes. For your records, the Amendment was recorded on December 4, 1989 at 2:04 p.m. It has been designated Instrument No. 59833. At some point, they will file it and give it a book and page number, and then return the original duly stamped, etc., to this office. At that time I will forward it to you for inclusion with the Association's records.

I've enclosed a copy of the document as recorded for your records. You can now notify the unit owners and mortgagees.

Sincerely,


Michael Kaplan

MK:kmb
Enclosure

AMENDMENT TO DECLARATION OF YARMOUTH BLUFFS CONDOMINIUM
PURSUANT TO TITLE 33, CHAPTER 31, SECTION 1602-117
OF TO THE MAINE CONDOMINIUM ACT

I, Brian Barlow, duly elected President of Yarmouth Bluffs Condominium Association, an association of unit owners pursuant to the Maine Condominium Act, hereby certify that the Amendment to the Declaration of Condominium set forth below was duly approved by vote and/or written approval of the unit owners of units to which greater than sixty-seven percent of the votes in the Association are allocated, pursuant to Paragraph 19 of the Declaration of the Yarmouth Bluffs Condominium. The Amendment received approval of 67% of the unit owners, each of whom has one vote per unit, out of a total of 51 units owned. I further certify that no holder of a recorded first mortgage on a unit has delivered written notice to the Association by pre-paid United States mail, return receipt requested, or by delivery in hand securing a receipt therefor, which notice states the mortgagee's name and address, the unit owner's name and address, and the identifying number of the unit, and further states that the mortgage is a recorded first mortgage. In the absence of such written notices to the Association, there are no "eligible mortgage holders" as defined by Section 1602-119 of the Maine Condominium Act, and, therefore, approval of eligible mortgage holders is not necessary for amendment of declaration of the Yarmouth Bluffs Condominium.

On or about October 31, 1989, the aforementioned number of unit owners voted to adopt the following amendment to the Declaration:

The Board shall have the power to impose reasonable fines, which shall constitute a lien upon the property of the violating owner, to suspend an owner's right to vote, or to suspend provision of some or all of the following enumerated services to the unit and limited common elements of the unit, namely (snowplowing, lawn care, landscaping, repairs, etc.), for violation of any duty imposed under the Declaration, the Bylaws, or any rules and regulations of the Condominium duly adopted thereunder. In the event that any occupant of a unit violates the Declaration, Bylaws, or a rule and regulation, the Board, prior to the imposition of any sanction, shall serve the alleged violator with written notice describing (1) the nature of the alleged violation; (2) the proposed sanction to be imposed; (3) a period of not less than ten days within which the alleged violator may present a written request to the Board for a hearing; and (4) a statement that the proposed sanctions shall be imposed as contained in the notice unless a challenge is begun within ten days of the notice. If a timely challenge is not made, the sanctions stated in the notice shall be imposed. If a hearing is requested in a timely manner, the hearing shall be held in

executive session of the Board affording the owner a reasonable opportunity to be heard. Prior to the imposition of any sanction hereunder, proof of proper notice shall be placed in the Minutes of the meeting of the Board. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent of the Board who delivered such notice. The Minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any imposed. If the alleged violator fails to appear at the scheduled hearing, the Board may conduct the hearing in the violator's absence and impose the appropriate sanction for the violation. The Board may conduct the hearing in the violator's absence and impose the appropriate sanction for the violation. The Board may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the ten day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any unit owner or unit occupant.

Notwithstanding anything to the contrary in the Declaration or Bylaws, the Association, acting through the Board of Directors, may enforce any provision of the Declaration, the Bylaws, or the rules and regulations of the Association by self-help (including but not limited to the towing of vehicles that are in violation of parking rules and regulations) or by suit at law or in equity to enjoin any violation or recover monetary damages or both without the necessity or compliance with the procedures set forth above. In any such action, the owner or occupant responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney's fees actually incurred, in addition to any remedies to which the Association may be entitled at law or equity.

The aforementioned majority of unit owners having voted to accept this Amendment, the provisions thereof are hereby incorporated

within the Declaration of the Yarmouth Bluffs Condominium.

IN WITNESS WHEREOF, I, Brian Barlow, duly elected President of Yarmouth Bluffs Condominium Association, hereby set my hand and seal this 29 day of NOVEMBER, 1989.

YARMOUTH BLUFFS CONDOMINIUM
ASSOCIATION

Heather L. O'Neil
Witness

Brian Barlow
By: Brian Barlow
Its President

STATE OF MAINE
CUMBERLAND, SS.

Date: November 29, 1989

Personally appeared the above-named Brian Barlow, known to me, and made oath that he is the duly elected President of Yarmouth Bluffs Condominium Association, and that the foregoing certification made by him is true and correct to the best of his knowledge and belief.

Before me,

Andrew H. Jensen
Notary Public

My commission expires:
December 13, 1992

NOTARY PUBLIC
MY COMMISSION EXPIRES 12/13/92