

66th Amendment  
66418

YARMOUTH BLUFFS CONDOMINIUMS  
AMENDMENT OF THE DECLARATION AND AGREEMENT

The undersigned being the owners of units in the YARMOUTH BLUFFS CONDOMINIUMS located in the Town of Yarmouth, Maine, the Declaration of which is dated December 31, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7031, Page 317 as amended of record (the "Declaration"), hereby take the following actions in writing pursuant to the Maine Condominium Act and the Declaration:

1. To amend the Declaration by inserting the following additional sentence at the conclusion of Section 19 in order to expressly incorporate the following rights established under the Maine Condominium Act:

"Notwithstanding any other provision of this Section, to permit portions of the common elements to be conveyed by the Association subject to the agreement of persons entitled to cast at least 80% of the votes in the Association, including 80% of the votes allocated to units not owned by the Declarant, all as further permitted by and subject to compliance with the Maine Condominium Act, 33 M.R.S.A. Section 1603-112 and to the requirement that "eligible mortgage holders" be notified and have the right to vote as provided under 33 M.R.S.A. Section 1602-119 (b) and (c). In addition, the approval must be obtained from "eligible mortgage holders" representing at least 51% of the votes of units which are subject to mortgages held by such "eligible mortgage holders," if any. Such approval may be assumed when an eligible mortgage holders fails to respond within 30 days after receipt of proper notice delivered by certified or registered mail, return receipt requested."

2. In accordance with the foregoing amendment to Section 19, to hereby ratify and confirm the prior vote of the members of the Association as evidenced by an undated "Consent Form" signed by the then unit owners in favor of Potter Lewis Builders, Inc. as the original declarant, to hereby agree with W. Scott Fox of Cumberland, Maine as the current owner of the affected property as follows and to hereby direct the Association to take action to implement this agreement:

(i) to convey a portion of the common elements measuring approximately 50 feet by 50 feet fronting on on East Maine Street to W. Scott Fox III abutting his present lot in exchange for the

simultaneous conveyance of good and marketable title from W. Scott Fox of a parcel also measuring approximately 50 feet by 50 feet with the same number of square feet presently comprising the rear of his parcel, all as depicted on the attached Schedule A and to release the parcel so conveyed to W. Scott Fox III from any and all restrictions established by the Condominium Declaration or the Maine Condominium Act;

(ii) to grant the Association all powers necessary or appropriate to effect the foregoing conveyance, including the power to execute deeds or other instruments; and

(iv) to subject said newly acquired parcel to the Condominium Declaration as a part of the common elements,

provided however that unless this Vote is recorded in the Cumberland County Registry of Deeds on or before November 20, 1992 it shall become void.

3. This instrument may be separately signed by unit owners as counterpart originals and either separately recorded or recorded as a single instrument. Once so recorded, the vote of an individual unit owner shall be binding on that unit, notwithstanding the interim conveyance of such a unit.

IN WITNESS WHEREOF, we have signed this amendment and agreement on December 20, 1991

UNIT # 26 :

Robert R. Manell  
(Owner)  
Print Name: ROBERT MANELL

Doreen Merrill  
(Co-Owner, if any)  
Print Name: Doreen Merrill

UNIT # 6 :

Jeffery N. Miller  
(Owner)  
Print Name: JEFFERY N. MILLER

Claudine J. Miller  
(Co-Owner, if any)  
Print Name: CLAUDINE J. MILLER

UNIT # 1 :

William Merier  
(Owner)  
Print Name: William Merier

Colleen Merier  
(Co-Owner, if any)  
Print Name: Colleen Merier

UNIT # 2 :  
William Meier  
(Owner)  
Print Name: WILLIAM MEIER

Calleen Meier  
(Co-Owner, if any)  
Print Name: Calleen Meier

UNIT # 3 :  
William Meier  
(Owner)  
Print Name: William Meier

Calleen Meier  
(Co-Owner, if any)  
Print Name: Calleen Meier

UNIT # 10 :  
Louisa C. Witte  
(Owner)  
Print Name: LOUISA C. WITTE

/  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 15 :  
Ross Martindale  
(Owner)  
Print Name: ROSS MARTINDALE

Nancy Martindale  
(Co-Owner, if any)  
Print Name: NANCY MARTINDALE

UNIT # 18 :  
Cornelia Mary Kayser  
(Owner)  
Print Name: Cornelia Mary Kayser

/  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 20 :  
Donald S. MacLear  
(Owner)  
Print Name: DONALD S. MacLEARN

Beatrice T. MacLear  
(Co-Owner, if any)  
Print Name: BEATRICE T. MacLEARN

UNIT # 19 :  
Joseph G. Shuman  
(Owner)  
Print Name: JOSEPH G. SHUMAN

Lillian Shuman  
(Co-Owner, if any)  
Print Name: LILLIAN SHUMAN  
Lillian Shuman

UNIT # 21 :  
Harry B. Down  
(Owner)  
Print Name: HARRY B. DOWN

Harry B. Down  
(Co-Owner, if any)  
Print Name: Harry B. Down

UNIT # 34 :

Jean P. Simonds  
(Owner) \_\_\_\_\_ (Co-Owner, if any) \_\_\_\_\_  
Print Name: JOAN P. SIMONDS Print Name: \_\_\_\_\_

UNIT # 35 :

Barbara J. Burr  
(Owner) \_\_\_\_\_ (Co-Owner, if any) \_\_\_\_\_  
Print Name: BARBARA BURR Print Name: PAUL W. BURR

UNIT # 37 :

Dan S. Edgerton  
(Owner) \_\_\_\_\_ (Co-Owner, if any) \_\_\_\_\_  
Print Name: DAN S. EDGERTON Print Name: \_\_\_\_\_

UNIT # 38 :

Gloria MacDonnell  
(Owner) \_\_\_\_\_ (Co-Owner, if any) \_\_\_\_\_  
Print Name: Gloria MacDonnell Print Name: PAUL A. MACDONNELL

UNIT # 53 :

William D. Dyer  
(Owner) \_\_\_\_\_ (Co-Owner, if any) \_\_\_\_\_  
Print Name: William Dyer Print Name: \_\_\_\_\_

UNIT # 36 :

Roger B. Price  
(Owner) \_\_\_\_\_ (Co-Owner, if any) \_\_\_\_\_  
Print Name: ROGER PRICE Print Name: MARY MCGEE

State of Maine  
County of Cumberland, ss \_\_\_\_\_, 1992

Then personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing to be his/her free  
act and deed.

Notary Public/Attorney at Law  
Name: \_\_\_\_\_

6874H

UNIT # 49 :

Roger B. Conant  
(Owner)  
Print Name: ROGER B. CONANT

ON other page  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 50 :

mark Cianchette  
(Owner)  
Print Name: mark Cianchette

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 47 :

John G. Liddell  
(Owner)  
Print Name: JOHN G. LIDDELL

Joanne C. Liddell  
(Co-Owner, if any)  
Print Name: JOANNE C. LIDDELL

UNIT # 48 :

Brian B Barlow  
(Owner)  
Print Name: Brian B Barlow

Marie R. Barlow  
(Co-Owner, if any)  
Print Name: MARIE R. BARLOW

UNIT # 39 :

Helen Robbins  
(Owner)  
Print Name: Helen Robbins

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 12 :

Helen Robbins  
(Owner)  
Print Name: Helen Robbins

Richard E. Robbins  
(Co-Owner, if any)  
Print Name: Richard E. Robbins

State of Maine  
County of Cumberland, ss

\_\_\_\_\_, 1991

Then personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing to be his/her free  
act and deed.

Notary Public/Attorney at Law  
Name: \_\_\_\_\_

6874H

UNIT # 23 :  
Louis E. Wyman  
(Owner)  
Print Name: LOUIS E. WYMAN

Marjorie Wyman  
(Co-Owner, if any)  
Print Name: MARJORIE WYMAN

UNIT # 24 :  
Robert C. Mattox  
(Owner)  
Print Name: ROBERT C. MATTOX

Evelyn M. Mattox  
(Co-Owner, if any)  
Print Name: EVELYN M. MATTOX

UNIT # 27 :  
Angela Byrne  
(Owner)  
Print Name: Angela Byrne

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 30 :  
Norman W. Neil Jr  
(Owner)  
Print Name: Norman W. Neil Jr.

Betty M. Neil  
(Co-Owner, if any)  
Print Name: Betty M. Neil

UNIT # 31 :  
Honey M. Hampton  
(Owner)  
Print Name: Honey M. Hampton

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 32 :  
Gerald L. Young  
(Owner)  
Print Name: Gerald L. Young

Paula G. Young  
(Co-Owner, if any)  
Print Name: PAULA G. YOUNG

State of Maine  
County of Cumberland, ss

\_\_\_\_\_, 1991

~~Then personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing to be his/her free  
act and deed.~~

Notary Public/Attorney at Law  
Name: \_\_\_\_\_

6874H



UNIT # 9:  
Steven Paak  
(Owner)  
Print Name: STEVEN Paak

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 52:  
Carolyn J Swann  
(Owner)  
Print Name: Carolyn Swann

William F Swann  
(Co-Owner, if any)  
Print Name: William F Swann

UNIT # 54:  
Edith Y Madden  
(Owner)  
Print Name: Edith Madden

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 45:  
Heldon E. White  
(Owner)  
Print Name: HELDON E. WHITE

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 46:  
Anita D Koss  
(Owner)  
Print Name: ANITA D. Koss

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

UNIT # 4:  
Virginia L. Westgaard  
(Owner)  
Print Name: Virginia L. Westgaard

\_\_\_\_\_  
(Co-Owner, if any)  
Print Name: \_\_\_\_\_

State of Maine  
County of Cumberland, ss \_\_\_\_\_, 1991

~~Then personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing to be his/her free  
act and deed.~~

~~Notary Public/Attorney at Law  
Name: \_\_\_\_\_~~

6874H

UNIT # 16 :

Richard A. Sawyer  
(Owner)

Print Name: Richard A. Sawyer

(Co-Owner, if any)

Print Name: \_\_\_\_\_

UNIT # 14 :

Courtney E. Foster  
(Owner)

Print Name: E. Foster

(Co-Owner, if any)

Print Name: \_\_\_\_\_

UNIT # 22 :

Janet H. Zebrowski  
(Owner)

Print Name: Janet H. Zebrowski

(Co-Owner, if any)

Print Name: \_\_\_\_\_

UNIT # 19 :

N. Catherine Conant  
(Owner)

Print Name: N. CATH. CONANT

Co-owner on different page  
(Co-Owner, if any)

Print Name: \_\_\_\_\_

UNIT # 25 :

Sandra L. Young  
(Owner)

Print Name: Sandra L. Young

(Co-Owner, if any)

Print Name: \_\_\_\_\_

UNIT # \_\_\_\_\_ :

\_\_\_\_\_  
(Owner)  
Print Name: \_\_\_\_\_

(Co-Owner, if any)

Print Name: \_\_\_\_\_

State of Maine  
County of Cumberland, ss

December 19, 1991

Then personally appeared the above named Claudine & Jeff Miller and acknowledged the foregoing to be his/her free act and deed.

David G. Fleury  
Notary Public/Attorney at Law  
Name: DAVID G. FLEURY

NOTARY PUBLIC MAINE  
MY COMMISSION EXPIRES OCTOBER 13, 1997

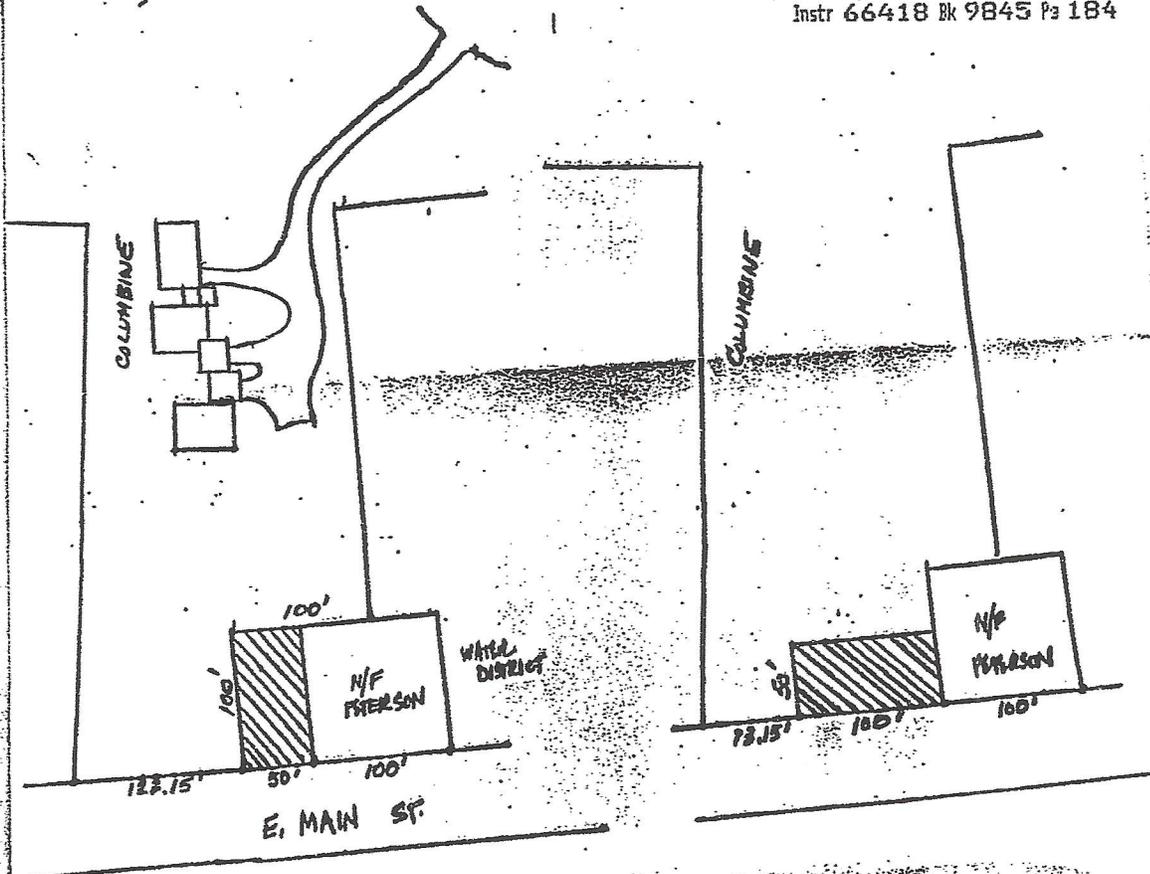
6874H

-9-

DAVID G. FLEURY  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES OCTOBER 13, 1997

SEAL

Instr 66418 Bk 9845 Pg 184



EXISTING

PROPOSED

Recorded  
Cumberland County  
Registry of Deeds  
12/30/91 04:13:55PM  
Robert P. Titcomb  
Register

CH86

WARRANTY DEED  
(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS, that I, W. SCOTT FOX III of Cumberland, Maine, for consideration paid, GRANT TO YARMOUTH BLUFFS CONDOMINIUMS ASSOCIATION, a Maine nonstock corporation with a principal place of business in Yarmouth, Maine whose mailing address is c/o Robert Morrill, 26 Bluff Road, Yarmouth, Maine 04096, with WARRANTY COVENANTS, the land in the Town of Yarmouth, Maine, described as follows:

A certain lot or parcel of land situated northwesterly of East Main Street in the Town of Yarmouth, County of Cumberland, State of Maine, bounded and described as follows:

- Beginning at a point at the most westerly corner of land now or formerly of John A. and Deeda D. Burgess as described in the Cumberland County Registry of Deeds in Book 7691, Page 29, said point being North 45 degrees 52'55" East a distance of ninety-nine and 61/100 (99.61) feet from an iron pin found on the northwesterly sideline of East Main Street.
- Thence South 45 degrees 52 minutes 55 seconds East along the southwesterly line of Burgess a distance of Fifty and 00/100 feet (50.00') to a point and other retained land of the Grantor herein;
- Thence South 44 degrees 11 minutes 42 seconds West along other land of the Grantor a distance of Fifty and 07/100 feet (50.07') to an iron pin set (5/8" rebar) and land presently subject to the Yarmouth Bluffs Condominiums Declaration;
- Thence North 45 degrees 48 minutes 18 seconds West along said Yarmouth Bluffs Condominiums land a distance of fifty and 00/100 feet (50.00') to a point;
- Thence North 44 degrees 11 minutes 42" East along said Yarmouth Bluffs Condominium land a distance of fifty and 00/100 (50.00) feet to the point of beginning.

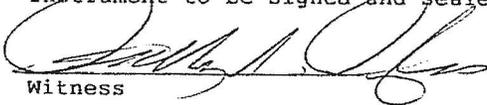
The above described parcel of land contains 2,502 square feet. Bearings are based on magnetic north 1979.

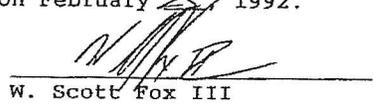
Being a portion of property formerly of Potter-Lewis Builders, Inc. as described in the Cumberland County Registry of Deeds in Book 8048, Page 222. Reference is made to a deed from Fleet Bank of Maine to the Grantor herein dated November 29, 1989 and recorded in said Registry of Deeds in Book 9004, Page 32.

This deed is executed and delivered as one part of an exchange

with the Grantee herein for the conveyance of a parcel of abutting land of the Grantor, reference being made to a certain "Amendment to Declaration and Agreement" dated December 20, 1991 duly recorded. The Grantee herein by its acceptance of this deed subjects the parcel conveyed herein to the Declaration of Condominium dated December 31, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7031, Page 317 as amended of record.

IN WITNESS WHEREOF, the said W. Scott Fox <sup>III</sup> has caused this instrument to be signed and sealed on February 25, 1992.

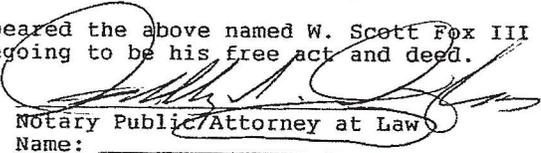
  
Witness

  
W. Scott Fox III

State of Maine  
County of Cumberland, ss

February 25, 1992

Then personally appeared the above named W. Scott Fox III and acknowledged the foregoing to be his free act and deed.

  
Notary Public/Attorney at Law

Name: Donnelly S. Douglas

6951H.02  
2.15.92

Recorded  
Cumberland County  
Registry of Deeds  
02/26/92 01:27:45PM  
Robert P. Titcomb  
Register

9846

WARRANTY DEED  
(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS, that it YARMOUTH BLUFFS CONDOMINIUMS ASSOCIATION, a Maine nonstock corporation with a principal place of business in Yarmouth, Maine whose mailing address is c/o Robert Morrill, 26 Bluff Road, Yarmouth, Maine 04096, for consideration paid, GRANT to W. SCOTT FOX III of Cumberland, Maine with a mailing address of 6 Friar Lane, Cumberland, Maine 04021, with WARRANTY COVENANTS, the land in the Town of Yarmouth, Maine, described as follows:

A certain lot or parcel of land situated on the northwesterly side of East Main Street in the Town of Yarmouth, County of Cumberland, State of Maine, bounded and described as follows:

- Beginning at a point at the most southerly corner of land now of W. Scott Fox, the Grantee herein, and formerly of Potter-Lewis Builders, Inc. as described in the Cumberland County Registry of Deeds in Book 3048, Page 222 and the northwesterly sideline of East Main Street.
- Thence South 46 degrees 44 minutes 17 seconds West along the northwesterly sideline of East Main Street a distance of Fifty and 07/100 feet (50.07') to an iron pin set (5/8" rebar) and remaining land subject to the Yarmouth Bluffs Condominium Declaration ;
- Thence North 45 degrees 44 minutes 10 seconds West along said Yarmouth Bluffs Condominium land a distance of Fifty and 00/100 feet (50.00') to an iron pin set (5/8" rebar);
- Thence North 46 degrees 44 minutes 44 seconds East along said Yarmouth Bluffs Condominium land a distance of fifty and 01/100 feet (50.01') to an iron pin set (5/8" rebar) and said land of the Grantee herein;
- Thence South 45 degrees 48 minutes 18" East along said land of the Grantee a distance of fifty and 00/100 (50.00) feet to the point of beginning.

The above described parcel of land contains 2,500 square feet. Bearings are based on magnetic north 1979.

Being a portion of property as shown on a plan recorded in the Cumberland County Registry of Deeds in Plan Book 147, Page 27.

This deed is executed and delivered as one part of an exchange with the grantee herein for the conveyance of another parcel

abutting land of the Grantor, reference being made to a certain "Amendment to Declaration and Agreement" dated December 20, 1991 duly recorded. The Grantor herein also releases the parcel conveyed herein from the Declaration of Condominium dated December 31, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7031, Page 317 as amended of record.

Reference is made to the approvals from the Town of Yarmouth's Board of Appeals dated May 28, 1987 and to the approval of the Planning Board dated August 26, 1987 authorizing the foregoing exchange. Further reference is made to the plan prepared by Titcomb Associates for W. Scott Fox III dated December 19, 1991, an excerpt of which is attached hereto as Exhibit A.

IN WITNESS WHEREOF, the said Yarmouth Bluffs Condominiums Association has caused this instrument to be signed and sealed on February 19, 1992.

Yarmouth Bluffs Condominiums Association

by: Robert R Morrill  
Robert Morrill, its President

[Signature]  
Witness

State of Maine  
County of Cumberland, ss

February 19, 1992

Then personally appeared the above named Robert Morrill, in his said capacity and acknowledged the foregoing to be his free act and deed and the free act and deed of said corporation.

[Signature]  
Notary Public/Attorney at Law  
Name: \_\_\_\_\_

HEATHER K. WARREN  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES DECEMBER 17, 1998

6952H

SEAL

**"YARMOUTH BLUFFS"  
CONDOMINIUMS**

EXHIBIT A

*Exhibit A*

MARIPOSA

N/F  
YARMO  
2112/

R/W to Yarmouth Water District  
(See 2112/345)

Formerly  
POTTER-LEWIS  
BUILDERS, INC.  
to  
YARMOUTH BLUFFS  
CONDOMINIUMS  
Area = 2,502 sf

Recorded  
Cumberland County  
Registry of Deeds  
02/26/92 01:25:55PM  
Robert P. Titcomb  
Register

N/F  
JOHN A. & DEEDA D.  
BURGESS. 7691/29

Proposed Lot  
to  
W. Scott Fox III  
Area = 2,500 sf

1/2" rebar pipe

1/2" hollow pipe  
disturbed

Possible iron pipe  
buried

APPARENT R/W

← To North Road

**EAST MAIN STREET**

