

8<sup>th</sup>  
Amendment

AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
OF  
YARMOUTH BLUFFS CONDOMINIUMS

I, Susanne Easton, duly elected President of Yarmouth Bluffs Condominium Association, an association of unit owners pursuant to the Maine Condominium Act, hereby certify that the Amendment set forth below to the Declaration of Condominium of Yarmouth Bluffs Condominiums, said Declaration dated December 31, 1985 and recorded in the Cumberland County Registry of Deeds in Book 7031, Page 317, as previously amended of record (the "Declaration"), was duly approved by vote and/or written approval of the unit owners of units to which greater than sixty-seven percent (67%) of the votes in the Association are allocated, pursuant to Paragraph 19 of the Declaration of the Yarmouth Bluffs Condominiums. The Amendment received approval of more than sixty-seven percent (67%) of the unit owners, each of whom has one vote per unit, out of a total of 54 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 Condominiums.

On or about January 15, 2022, the aforementioned number of Unit Owners voted to adopt the following:

1. To amend the Declaration, Section 3 Unit Numbers and Boundaries, by deleting it in its entirety and inserting the following in its place:

"Reference is made to the recorded plat and plans referred to in Section 1 hereof for the identification number of each unit showing the location and dimensions of its boundaries. The boundaries of each unit are the plane of the stud walls of the perimeter walls of the unit and the underside of the ceiling joists of the top floor of the unit and the top surface of the subfloor of the lowest level of the unit. All sheetrock and flooring, and all floor, ceiling and wall coverings, including linoleum, polyurethane, carpeting, tile and hardwood flooring,

wallpaper and ceiling tile, etc. are included within the boundaries of a unit. The provisions of Section 1602-112 of the Maine Condominium Act shall govern relocation of boundaries between units. The subdivision of a unit into two or more units is prohibited. The buildings will be of wood frame construction, having either one or two stories. The units at minimum will contain either two bedrooms or two bedrooms and a den. Each unit will include a two-car garage as part of the unit. The units will be provided at a minimum with electric heat on a separately metered basis and will also contain a chimney designed for use with a wood, gas or coal-burning stove or fireplace, and appropriate venting via chimney or otherwise for furnaces where installed. The building exteriors will be a stained wood siding. Each building will have either a poured concrete foundation or a poured concrete basement. The Declarant reserves the right, until completion and sale of all units or unit seven years from the date of recordation of this Declaration, to amend the plans to show which units will have foundations and which will have basements. In those units having basements, the unit will include the basement, as shown on the plans, subject to the description of unit boundaries contained in Section 3 hereof.”

2. To amend the Declaration, Section 12 Maintenance, by adding the following as the last two sentences:

“If due to the negligent act or omission of a Unit Owner or of a member of his family or of a guest or other authorized occupant or visitor of such Unit Owner, damage shall be caused to a unit or common elements that is not covered by a Unit Owner’s insurance and maintenance, repairs or replacements shall be required, then such Unit Owner shall be responsible for payment thereof or to reimburse the Association for the cost of any repairs incurred by the Association, including the amount of any insurance deductible incurred by the Association. If not due to the negligent act or omission of a Unit Owner or of a member of his family or of a guest or other authorized occupant or visitor of such Unit Owner damage shall be caused to a unit and maintenance, repairs or replacements shall be required, then such maintenance, repairs or replacements shall be furnished by the Association, but only to the extent of the Association’s insurance coverage.”

3. To amend the Declaration, Section 14 Notice, by deleting it in its entirety and replacing it with a new Section 14 to read as follows:

“14. Notice. The Association’s Secretary shall cause notice of all meetings of members and of all proposed actions requiring vote or approval of a specified percentage of Unit Owners and/or mortgagees to be sent in writing to all Unit Owners and all eligible mortgage holders at the email or U.S. Mail address filed with the Secretary by said Unit Owners and said eligible mortgage holders not less than ten (10) days and not more than thirty (30) days prior to the proposed meeting or action. Such Notice shall be sent to Unit Owners by electronic mail unless a Unit Owner has requested in writing that such notices be sent by U. S. Mail, in which case such notice shall be sent to such Unit Owner by U.S. Mail, postage prepaid, to such Unit Owner. All notices required to be sent to eligible mortgage holders shall be sent by U.S. Mail, postage prepaid, to such eligible mortgage holders at the addresses provided to the Association in writing. Such notice may, however, set a later deadline for any proposed action, if such longer period of time is deemed necessary to

obtain the required number of written approvals. Notice of meetings shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment(s) to the declaration and bylaws, any budget changes and any proposal to remove a director or officer. Meetings may be held virtually or by telephonic conference call service, so long as all attendees can hear all participants and can be heard by all participants, and Unit Owners shall be provided with sufficient information to join any virtual meetings by telephone or videoconference.

4. To amend the Declaration, Section 16 Insurance by eliminating the last sentence of the first paragraph of Section 16 that starts with the words "Each Unit Owner;" and replacing such sentence with the following sentences:

"Each Unit Owner, at his own cost, shall be responsible for his own adequate insurance on the contents of his own unit and his and any prior Unit Owner's additions and improvements thereto and decorations and furnishings, personal property therein or stored elsewhere on the property, and for his personal liability to the extent not covered by the liability insurance provided by the Association. At the Association's request, each Unit Owner shall timely provide the Association with a copy of such Unit Owner's current condominium unit owner's insurance coverage by means of a copy of the policy or declaration page of such policy or by a certificate of insurance stating policy coverage limits. Yarmouth Bluffs Condominium Association shall be listed as an Additional Named Insured ATIMA on the Unit Owner's policy."

5. As modified hereby, the Declaration remains in full force and effect. Capitalized terms used but not defined herein shall have the meanings set forth in the Declaration.

IN WITNESS WHEREOF, I, Susanne Easton, duly elected President of Yarmouth Bluffs Condominium Association, hereby set my hand and seal this 31<sup>st</sup> day of January, 2022.

YARMOUTH BLUFFS CONDOMINIUM  
ASSOCIATION

Bruce C. Drown  
Witness

By: Susanne Easton  
Susanne Easton  
Its: President

STATE OF MAINE  
CUMBERLAND, SS.

January 31, 2022

Personally, appeared the above-named Susanne Easton, duly elected President of Yarmouth Bluffs Condominium Association, and acknowledged the foregoing to be her free act and deed.

Before me,

Bart Gillespie  
Notary Public/Attorney-at-Law

Print name: BART GILLESPIE

BART GILLESPIE  
Notary Public - Maine  
My Commission Expires Apr 10, 2026

