FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, RESERVATIONS, RESTRICTIONS AND COMMON EASEMENTS WEST COVE SUBDIVISION FREEPORT, MAINE

This First Amendment to the Declaration of Protective Covenants, Reservations, Restrictions and Common Easements of the West Cove Subdivision, dated this 15 day of May, 2012 by the West Cove Homeowners Association, a nonprofit corporation organized under the laws of the State of Maine and having an address of 84 Middle St., Portland, ~~Freeport~~, ME 04101

WITNESSETH

WHEREAS, the West Cove Homeowners Association is comprised of members being owners of certain numbered lots or parcels of land in the Town of Freeport, Cumberland County, Maine depicted on a set of plats entitled "West Cove Subdivision" dated March 11, 2007 and revised through December 22, 2007 and recorded in the Cumberland County Registry of Deeds ("CCRD") in Plan Book 208, Pages 100, 101 and 102, including Newfield Road and all buffers and Open Space areas (excepting Open Space Area #1) associated with said subdivision and depicted on said plans, as the same may be amended from time to time (together, hereinafter referred to as the "Plan"); and

WHEREAS, the original Declarant, West Cove, LLC, by Declaration of Protective covenants, Reservations, Restrictions and Common Easements dated April 2, 2008 and recorded in the CCRD at Book 25961, Page 219 (hereinafter, and as the same may be amended from time to time, the "Declaration"), subjected those certain lots or parcels of land to certain restrictions, conditions, reservations, servitudes, covenants, agreement and easements; and

WHEREAS, Article III of said Declaration provides for a process for amending the provision of said Declaration; and

WHEREAS, the original Declarant, West Cove, LLC, conveyed its development rights to its lender in its mortgage to Butler Bank recorded in the CCRD at Book 26141, Page 1, which said mortgage was foreclosed as described in that instrument recorded in the CCRD at Book 29037, Page 265; and

WHEREAS, Flying Point Ventures, LLC purchased all right, title and interest which the foreclosing lender held in and to the mortgaged real estate by its deed recorded in the CCRD at Book 29229, page 139; and

WHEREAS, the original Declarant failed to incorporate the West Cove Homeowners Association prior to said foreclosure and Flying Point Ventures, LLC has recently incorporated the West Cove Homeowners Association to hold the rights and carry out the responsibilities for said entity as set forth in the original Declaration; and

WHEREAS, by a vote of more than two-thirds of the members of the West Cove Homeowners Association, being the requisite number of votes to effectuate the within amendment per Article III of the Declaration, the West Cove Homeowners Association has determined that it is desirous of amending said Declaration;

NOW, THEREFORE, in consideration of these premises, the West Cove Homeowners Association hereby approves in writing the following Amendments to the Declaration:

1. That Flying Point Ventures, LLC, shall assume the responsibility of successor Declarant for the purpose of deeding the roads and easements of the Subdivision to the West Cove Homeowners Association; and

2. ARTICLE V (c.) shall be entitled Road and Driveway Maintenance, and the following sentence shall be added as the last sentence to said provision: "All driveways shall be paved within six (6) months of completion of any dwelling or issuance of the certificate of occupancy for such dwelling and Lot owners shall install and maintain said driveways in a proper manner."

3.. ARTICLE V (d.) Design of Dwelling; Approval process shall be amended to provide as follows:

" No modular or manufactured homes shall be permitted. All dwellings must be single family residences having at least 1,200 square feet of gross living area above grade. No building shall exceed thirty-five (35) feet in height. Chimneys are to be brick or stone. Buildings shall have exterior siding of either painted or stained wood clapboards, shingles, vinyl, brick or stone. Roofs shall be wood shakes, standing seam metal or asphalt shingle and be of an architectural style or look. No dwelling or other building erected on any lot shall be covered with tarpaper, asphalt siding or corrugated metal siding.

All building plans and specifications shall be submitted to the West Cove Homeowners Association for review and written approval prior to the initiation of construction. Building design, including but not limited to roof shapes, building orientation, exterior color, materials texture and window treatment shall be of a character harmonious with the natural rural setting of the land. Construction shall be of a type that will not detract from the value of other property on adjacent parcels or of the other Lots in the Subdivision."

IN WITNESS WHEREOF, the said West Cove Homeowners Association, and the following Lot Owners, being owners of more than two-thirds of the Lots in the subdivision, have caused this instrument to be signed in their name this 15th day of May, 2012.

WEST COVE HOMEOWNERS ASSOCIATION

M. C Lalumiere

By: Melissa Lalumiere
Its: President

FLYING POINT VENTURES, LLC
(Owner of Lots 1, 5-9, 11-21, 28-29, 31)

By: Scott Lalumiere
Its: Manager-Member

JUSTIN M. FLETCHER, INC.
(Owner of Lots 2 & 30)

By: Justin M. Fletcher
Its: President

STATE OF MAINE
CUMBERLAND, SS

Date: May 16, 2012

Personally appeared the above-named Melissa Lalumiere, in her capacity as President of the West Cove Homeowners Association and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public
Printed name: _____
My Commission expires: _____

STEVEN D. MATTHEWS
Notary Public, Maine
My Commission Expires
July 1, 2013

SEAL

Received
Recorded Register of Deeds
May 24,2012 02:03:19P
Cumberland County
Pamela E. Lovley