

**AMENDMENT TO DECLARATION OF
WINDSWEPT CONDOMINIUM**

THIS AMENDMENT TO DECLARATION OF WINDSWEPT CONDOMINIUM is dated as of the 22nd day of August 2024 (the "Amendment") and is entered into and executed by and among the undersigned Unit Owners of WINDSWEPT CONDOMINIUM, and WINDSWEPT CONDOMINIUM ASSOCIATION, a Maine nonprofit corporation (the "Association").

RECITALS

WHEREAS, reference is made to a certain Declaration of Windswept Condominium dated April 12, 2022, and recorded in the Cumberland County Registry of Deeds in Book 39341, Page 89 (the "Declaration"); and

WHEREAS, the Unit Owners, representing 77.7 percent of the allocated votes in the Association, have agreed to amend the Declaration;

WHEREAS, this Amendment is entered into for the purpose of (i) amending the definition of Limited Common Elements; (ii) defining Added Limited Common Elements; and (iii) correcting a clerical error in the Declaration.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Unit Owners and the Association hereby covenant and agree to supplement and amend the Declaration as follows:

1. The Declaration is hereby amended by deleting Paragraph 5(B) in its entirety and replacing it with the following:
 - B. **Specific Limited Common Elements.** Certain areas of the Property are hereby designated as Limited Common Elements associated with a Unit as follows: the area extending from the exterior surface of the building within which two Units are situated at every point along such surface from the as-built midpoint between the two Units in the front of the building to the as-built midpoint between the two Units in the back of the building outward to the edge of the building envelope or to an exterior midway point between the Unit and the nearest Unit in the adjacent duplex, all as more particularly depicted on the Plats and Plans. The following portions of the buildings or the Property are also hereby designated as Limited Common Elements: natural or LP gas lines and storage tanks, fire suppression sprinkler systems, satellite dishes, solar collectors, geothermal wells, HVAC equipment installed as an Added Limited Common Element, as defined below, emergency generators, or other alternative energy devices and service lines, exterior doors, storm doors, garage doors, windows and skylights, gutters, shutters, awnings, window boxes, doorsteps, stoops, balconies, porches including associated railings, decks, privacy fencing and patios and vegetative screening, garden beds and other landscaping, if any, which are not part of the Unit but which are adjacent to the Unit and located within the building envelope shown on the plans and serve only such Unit. Also, pipes, wires, conduits, flues, ducts, or other heating and utility lines running through a Unit which serve more than one Unit, or which serve the Common Elements or another Unit are designated Limited Common Elements, together with any other place, area, or thing designated as a Limited Common Element elsewhere in this Declaration. With respect to any chutes, flues, ducts, wires, conduits,

bearing walls, bearing columns, or other fixture lying partially within and partially outside a Unit, any portion serving only that Unit is designated a Limited Common Element allocated solely to that Unit and any portion serving more than one Unit or any portion of the Common Elements is a part of the Common Elements. Bulkhead access to the full foundation basements shall be treated as a Limited Common Element as above, except that in the instances where a "doghouse" provides access to said basements, as shown on the typical Diagrammatic Floor Plans recorded and specifically noted on the amendment creating the actual Units, it shall be treated as a part of the Unit itself rather than as a Limited Common Element and in such instances the Unit boundaries referred to Section 3 above shall control.

2. The Declaration is hereby amended by deleting Paragraph 5(C) in its entirety and replacing it with the following:

- C. Addition of Limited Common Elements. The Executive Board shall have the authority to approve additions to Limited Common Elements listed in Section 5(B) when the addition does not involve the conversion of Common Elements to Limited Common Elements and when the addition does not narrow the benefit of the Limited Common Element to fewer units ("Added Limited Common Elements").

The Association shall establish standards, specifications, and processes, as needed, that Unit owners shall follow to add, replace and/or remove Limited Common Elements. The process shall:

- (1) Require Unit Owners to obtain approval from the Executive Board before installing an Added Limited Common Element.
- (2) Require Unit Owners to pay for the purchase, installation, maintenance and repair of Added Limited Common Element(s) with the understanding that these Added Limited Common Element(s) are not part of their Unit.
- (3) Require that the installation of Added Limited Common Elements is completed in a professional manner which does not alter, damage, or degrade existing common elements and complies with all applicable federal, state and municipal codes and regulations.
- (4) Specify whether and under what circumstances a Unit Owner may remove or replace certain Added Limited Common Element(s).

3. The Declaration is hereby amended by adding Paragraph 5(D):

- D. **Easement for Access and Utilities.** Notwithstanding the location of Limited Common Elements, all Units shall have an appurtenant easement as required to use and improve said Limited Common Elements and to connect to utility installations within the condominium, however, the owner of the Unit so benefitted shall be responsible for the cost of installation, maintenance and repair of the Limited Common Element and Added Limited Common Elements. The placement of Added Limited Common Elements and relocation of existing Limited Common Elements shall be subject to reasonable regulation by the Association.

4. The Declaration is hereby amended by deleting Paragraph 21 in its entirety and replacing it with the following:

21. **Name and Address:** The name of the Condominium is Windswept Condominium as shown on the survey, located on Windswept Drive, Gorham, Maine 04038.

IN WITNESS WHEREOF, the undersigned President of the Association hereby certify that this Amendment was adopted by written agreement of 77% of the Unit Owners in accordance with Paragraph 19 of the Declaration.

WITNESS:

Manon Lagana

WINDSWEPT CONDOMINIUM
ASSOCIATION

By: [Signature]

Its: President

Printed Name: Shaon Vieira

STATE OF MAINE

COUNTY OF CUMBERLAND

September 19th, 2024

Personally appeared before me the above-named Shaon Vieira, President of Windswept Condominium Association, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of said Windswept Condominium Association.

[Signature: Karen M. Walker]
Notary Public/~~Attorney at Law~~
Print Name: KAREN M. WALKER
My Commission Expires: 11/27/2025

Karen M. Walker
Notary Public, State of Maine
My Commission Expires Nov. 27, 2025

SEAL

Received
Recorded Register of Deeds
Nov 08, 2024 11:37:46A
Cumberland County
Jessica M. Spaulding