TOWN OF CUMBERLAND

First Amendment to

Affordable Housing Agreement and

Declaration of Covenants, Conditions, Restrictions

This first Amendment to the Affordable Housing Agreement and Declaration of Covenants, Conditions, and Restrictions (the "**Amendment**") is entered into by and between the **TOWN OF CUMBERLAND,** a municipal corporation organized and existing under the laws of the State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 (the "**Town**") and **B.R. PROPERTY, LLC**, a Maine limited liability company with a mailing address of 39 Nubbin Reach, Yarmouth, ME 04096 (the "**Developer**").

WITNESETH

WHEREAS, the Town and the Developer entered into that Affordable Housing Agreement and Declaration of Covenants, Conditions, and Restrictions dated May 14, 2025 and recorded at the Cumberland County Registry of Deeds in Book 41517, Page 337 (the "**Declaration**");

WHEREAS, the Town and the Developer desire to amend Exhibit B attached to the Declaration to substitute Unit 3 with Unit 31 and declare Unit 31 an Affordable Housing Unit (as that term is defined under the Declaration);

NOW THEREFORE, in consideration of the mutual undertaking set forth herein, the Town and the Developer hereby agree as follows:

1. Exhibit B attached to the Declaration is hereby deleted and replaced with the Exhibit B attached to this Amendment.

2. Except as set forth in above, the Declaration is otherwise unaffected and shall continue in full force and effect in accordance with its terms. If there is any conflict between this Amendment and the Declaration or any earlier amendment, the terms of this Amendment will prevail.

[*signatures on following page*]

IN WITNESS WHEREOF, this Declaration has been duly executed by the Town of Cumberland and B.R. Property, LLC as of this 22 day of January, 2026.

TOWN OF CUMBERLAND

Witness

BY: Matthew Sturgis
ITS: Town Manager

STATE OF MAINE
CUMBERLAND, ss.

1-22-, 2026

Personally appeared before the above-named Matthew Sturgis, duly authorized Town Manager of the Town of Cumberland, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said Town of Cumberland.

Before me,

Notary Public/ Attorney at Law

Christina A. Silberman

Name:

Christina A. Silberman
Notary Public of Maine
My Commission Expires September 10, 2029

B.R. PROPERTY, LLC

Witness

Matthew Simone, Its Duly Authorized Agent

STATE OF MAINE
CUMBERLAND, ss.

January 29, 2026

Personally appeared before the above-named Matthew Simone, Duly Authorized Agent of the B.R. Property, LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said B.R. Property, LLC.

Before me,

~~Notary Public~~ Attorney at Law

Scott Herrick

Name:

DOC :3877 BK:42023 PG:76
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/29/2026, 02:53:32P
Register of Deeds Jessica M. Spaulding E-RECORDED

EXHIBIT B

Affordable Housing Units

The following units are hereby designated as Affordable Housing Units, as further defined in this Declaration:

- Unit 2
- Unit 4
- Unit 6
- Unit 7
- Unit 9
- Unit 10
- Unit 12
- Unit 14
- Unit 15
- Unit 17
- Unit 18
- Unit 24
- Unit 25
- Unit 27
- Unit 29
- Unit 31
- Unit 34
- Unit 35
- Unit 36
- Unit 38
- Unit 39
- Unit 41
- Unit 50
- Unit 52
- Unit 53
- Unit 54
- Unit 55
- Unit 56
- Unit 58
- Unit 59
- Unit 61
- Unit 63
- Unit 64
- Unit 65
- Unit 66
- Unit 67