FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR BALLANTYNE PLACE CONDOMINIUM

This First Amendment for the Declaration of Condominium is executed as of this 22nd day of September, 2008, with respect to a condominium known as Ballantyne Place Condominium located at or near Ballantyne Drive, Scarborough, Cumberland County, Maine (the "Condominium"), such Condominium being created pursuant to a certain Declaration of Condominium for Ballantyne Place Condominium dated as of September 23, 2003, and recorded in the Cumberland County Registry of Deeds in Book 20265, Page 134 (the "Declaration").

WHEREAS, the Declarant intends to partially exercise its development rights reserved in Section 4.1 the Declaration to withdraw land.

WHEREAS, the Declarant wishes to amend the Declaration so that the Declaration reflects the partial exercise of the Declarant's development rights.

NOW, THEREFORE, the Declaration is hereby amended as follows:

Declarant hereby withdraws from the Condominium the land that is the right of way for "Ballantyne Drive," such land being more particularly described on **Exhibit A** attached hereto. The access and utility easements in such land intended for the benefit of all units in the Condominium and the driveway easements in such land intended for the benefit of Units 1, 13, 14 and 15 are intended by Declarant to remain in effect notwithstanding the foregoing withdrawal of land. By way of confirmation, Declarant hereby grants the easements described on **Exhibit B** attached hereto.

Except as amended by this First Amendment, the Declaration shall remain in full force and effect.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed by their duly authorized agents as of the date written above.

WITNESS:

Tom S. Hanson

DECLARANT: BALLANTYNE DEVELOPMENT LLC

By: _____
Kerry D. Anderson
Its Sole Member

STATE OF MAINE
COUNTY OF CUMBERLAND

~~July~~ September 22, 2008

Personally appeared before me the above-named Kerry D. Anderson, Sole Member of Ballantyne Development LLC as aforesaid, and acknowledged the foregoing to be his free act and deed in said capacities and the free act and deed of said limited liability company.

Print name: Tom S. Hanson
~~Notary Public~~ Attorney
My commission expires: N/A

Exhibit A

A certain lot of parcel of land situated on the easterly side of Commerce Drive in the Town of Scarborough, County of Cumberland and State of Maine bounded and described as follows:

Beginning at the northwesterly corner of the intersection of Ballantyne Drive and Commerce Drive as shown on "Subdivision Plan of Ballantyne Place Phase One, Commerce Drive, Scarborough, Maine for Ballantyne Development, LLC" recorded in the Cumberland County Registry of Deed Plan Book 203 Page 74,

Thence southeasterly along the northerly sideline of Ballantyne Drive along a curve to the left with a radius of 10.00 feet, a length of 16.84 feet;

Thence N 78° 25' 40" E along the northerly sideline of said Ballantyne Drive 431.10 feet;

Thence easterly and southeasterly along a curve to the right with a radius of 445.00 feet an arc length of 252.12 feet to the northeasterly corner of Ballantyne Drive;

Thence S 20° 53' 26" W along the end of said Ballantyne Drive 50.00 feet to the southerly sideline of said Ballantyne Drive and land now or formerly of Ballantyne Development, LLC;

Thence northwesterly and westerly along the southerly sideline of said Ballantyne Drive along a curve to the left with a radius of 395.00 feet, an arc distance of 223.80 feet;

Thence S 78° 25' 40" W along the southerly sideline of said Ballantyne Drive 440.33 feet;

Thence southwesterly along the southerly sideline of said Ballantyne Drive along a curve to the left with a radius of 10.00 an arc length of 14.23 feet to the easterly sideline of Commerce Drive;

Thence northerly along the easterly sideline of Commerce Drive along a curve to the left with a radius of 2030.00 feet an arc length of 70.26 feet to the point of beginning.

Exhibit B

An appurtenant, non-exclusive easement for all Units in the Condominium for access to and from the Property and Commerce Drive by vehicles and pedestrians on Ballantyne Drive as shown on the Plat, subject to the Condominium's obligation to share prorata, according to the number of dwelling units, on the Property and the Additional Land, using the road, the costs to operate, maintain, repair and replace such road and curbing and subject to the Declarant's, or its successors' and assigns', right to use and improve Ballantyne Drive for any purposes whatsoever with respect to the Declarant's Additional Land and any abutting land that may be later acquired by Declarant.

An appurtenant, non-exclusive easement for all Units in the Condominium to use and maintain underground lines, pipes, wires, conduits, and cables for the provision of storm water drainage, water, electricity, telephone and cable television between the Property and Commerce Drive, the approximate locations as shown on the Plat as lines labeled "SD", "W", "UGE&T", subject to the Condominium's obligation to share prorata, according to the number of dwelling units, on the Property and the Additional Land, using the such lines, pipes, wires, conduits and cable, the costs to operate, maintain, repair and replace such underground lines, pipes, wires, conduits, and cables and subject to the Declarant's, or its successors' and assigns', right to use and improve such underground lines, pipes, wires, conduits, and cables for any purposes whatsoever with respect to the Declarant's Additional Land and any abutting land that may be later acquired by Declarant.

An appurtenant, non-exclusive easement across the Ballantyne Drive right of way in the areas shown on the Plat as driveways accessing units 1, 13, 14 and 15 from Ballantyne Drive, such easements being for access by vehicles and pedestrians to and from such units, together with the right to maintain and repair such driveways.

Received
Recorded Register of Deeds
Sep 23,2008 09:51:13A
Cumberland County
Pamela E. Lovley