

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR BALLANTYNE PLACE CONDOMINIUM**

This Second Amendment for the Declaration of Condominium is executed as of this 28th day of August, 2018, 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, as amended by First Amendment to Declaration of Condominium for Ballantyne Place Condominium dated September 22, 2008, and recorded in said Registry in Book 26351, Page 186 (together, the "Declaration").

WHEREAS, Ballantyne Development LLC, as Declarant, intends to exercise its development rights reserved in Section 4.1 the Declaration to withdraw real estate from the Condominium.

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

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

Declarant hereby withdraws and reserves from the Condominium the following real estate:

Perpetual and irrevocable appurtenant easements and perpetual and irrevocable easements in gross, which in-gross easements Declarant may convey and assign in part or in whole to as many other users and beneficiaries as Declarant determines in its sole discretion, including without limitation to any owner or managing agent of any land in the Eastern Village subdivision, for: (i) the flowage and drainage of any and all amounts of storm water (which term shall include the drainage of snow melt and other forms of natural water drainage), provided that the flowage and drainage of such water is done in compliance with applicable law or regulation, to the retention/detention pond on the Condominium land, as such pond now exists or may be enlarged or modified as provided below, and to control and treat such water in the retention pond; (ii) to use, install, create, maintain, repair, and replace underground storm water pipes and drainage swales to convey storm water to and from the retention pond; (iii) to enlarge and modify the perimeter, depth and contours of the retention pond and replace or install inlets, outlet control structures, rip rap and other improvement in and around the retention pond for purposes of draining, conveying, controlling, and treating storm water. Attached hereto as **Exhibit A** is an approximate depiction of the existing retention pond on the Condominium land. Included with the foregoing easements is the right to enter upon the Condominium land with workers and equipment to perform any of the above-described work, provided that the portions of the Condominium land not modified pursuant to the foregoing rights shall be restored to the extent reasonably practical following such work. The owners or managing agents (e.g., homeowners' association) for developed lands that receive assignments of the foregoing easements from Declarant, and which benefit from the foregoing easements by utilization of the foregoing

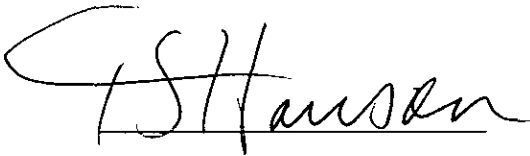
easements, agree to promptly pay or reimburse the Condominium association for their respective prorata shares of the reasonable, actual and verifiable costs of any required maintenance or repair of the retention pond upon delivery of a written statement therefor with supporting evidence of costs, but only to the extent that such maintenance or repair is required by the permits and approvals for the use of the retention pond. The lands to which the foregoing appurtenant easements are appurtenant are the currently-owned lands of Ballantyne Development.

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

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed by its duly authorized agent as of the date written above.

WITNESS:

DECLARANT: BALLANTYNE DEVELOPMENT LLC



By:

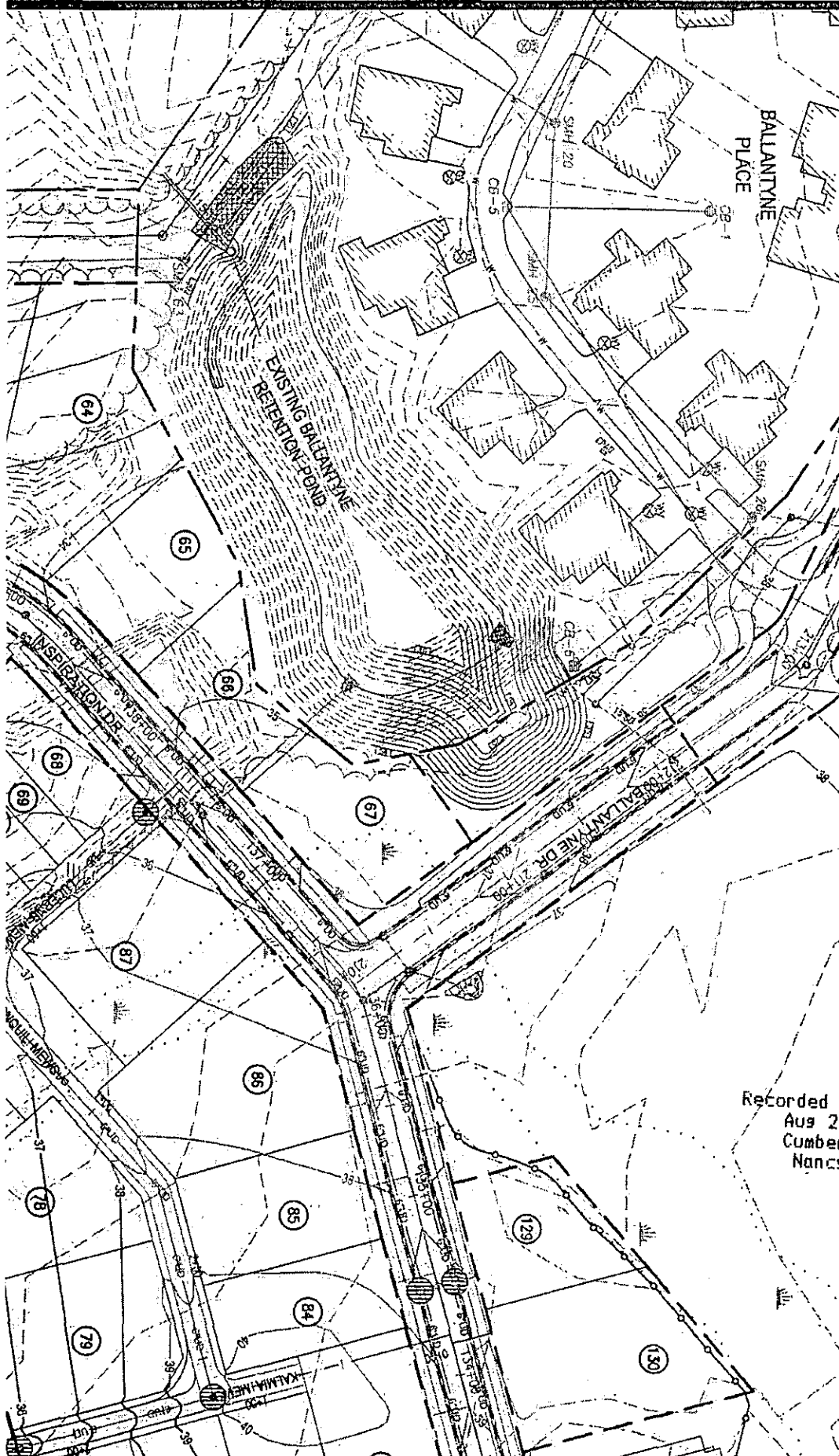

Kerry D. Anderson
Its Sole Member

STATE OF MAINE
COUNTY OF CUMBERLAND

August 28, 2018

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 capacity and the free act and deed of said limited liability company.


Tom Hanson
Attorney at Law



Received
Recorded Register of Deeds
Aug 29, 2018 10:24:11A
Cumberland County
Nancy A. Lane