

**FIRST AMENDMENT TO DECLARATION**

**AMENDED AND RESTATED DECLARATION OF CONDOMINIUM  
48 STATE STREET CONDOMINIUM  
48 State Street, Portland, Maine**

WHEREAS, Vail Properties, LLC ("Declarant"), a Maine limited liability company with a place of business in Portland, Maine, is the owner in fee simple of certain land located in Portland, Cumberland County, Maine (the "Land"), which Land has been submitted by Declarant, together with all improvements, easements, rights and appurtenances thereunto belonging, to the provisions of Chapter 31 of Title 33 of the Maine Revised Statutes Annotated, as amended, known as the Maine Condominium Act ("Condominium Act") and thereby creating with respect to the Property a condominium, known as the "48 State Street Condominium" (the "Condominium"), all as more particularly set forth in the Forty-Eight State Street Associates Condominium Declaration dated July 9, 1981 and recorded in the Cumberland County Registry of Deeds in Book 4816, Page 293, as amended and restated by the Amended and Restated Declaration of Condominium, 48 State Street Condominium dated July 1, 2002, recorded in the Cumberland County Registry of Deeds in Book 17818, Page 21 (collectively the "Declaration"). The Condominium is shown on the plat recorded on July 8, 2002, in the Cumberland County Registry of Deeds in Plan Book 202, Page 443 identified as follows: "Condominium Plat, 48 State Street Condominium," dated May 1, 2002, and on the plan recorded on July 8, 2002, in the Cumberland County Registry of Deeds in Plan Book 202, Page 444 identified as follows: "Horizontal and Vertical Boundaries, 48 State Street Condominium," dated May 1, 2002.

NOW THEREFORE, in accordance with the Development Rights reserved by the Declarant pursuant to the Declaration, and in accordance with Sections 1602-110 and 1602-117 of the Condominium Act, the Declarant hereby amends the Declaration as follows:

1. **Plats and Plans.** Section 2.2(y). **Plats and Plans.** Is amended as follows, in accordance with Section 1602-109(f) of the Condominium Act:

"(y) 'Plats and Plans' means the following plats and plans recorded in the Cumberland County Registry of Deeds, as such may be amended from time to time: (1) the plat recorded on July 8, 2002, in the Cumberland County Registry of Deeds in Plan Book 202, Page 443 identified as follows: "Condominium Plat, 48 State Street Condominium," dated May 1, 2002, and (2) the plan recorded on July 8, 2002, in the Cumberland County Registry of Deeds in Plan Book 202, Page 444 identified as follows: "Horizontal and Vertical Boundaries, 48 State Street Condominium," dated May 1, 2002, *as amended by* the plan recorded on December 5, 2002, in the Cumberland County Registry of Deeds in Plan Book 202, Page 719 identified as follows: "Horizontal and Vertical Boundaries, 48 State Street Condominium," dated May 1, 2002."

2. **Section 4.3. Specified Limited Common Elements.** The last sentence of Section 4.3 is hereby amended as follows: "Additionally, certain specified Limited Common Elements are allocated to particular Units as designated on the Plats and Plans, which specified Limited Common Elements expressly include without limitation the following:

(a) **Parking Spaces.** Each Unit shall be allocated one (1) parking space as a limited common element, as designated on the Plans, or otherwise as designated by the Executive Board.

(b) **Unit 1:** Two (2) basement storage areas as shown on the Plats and Plans.

Received  
Recorded Register of Deeds  
Dec 05 2002 03:10:34P  
Cumberland County  
John B. O'Brien

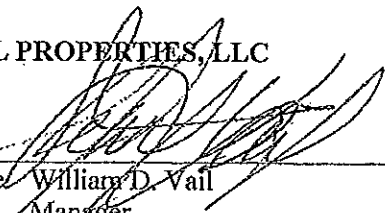
- (c) Unit 2: Basement storage area as shown on the Plats and Plans.
- (d) Unit 3: Two (2) storage areas as shown on the Plats and Plans, and stairway identified as "LCE-A" as shown on the Plats and Plans.
- (e) Unit 4: Basement storage area as shown on the Plats and Plans.
- (f) Unit 21: Basement storage area as shown on the Plats and Plans.
- (g) Unit 22: Basement storage area as shown on the Plats and Plans.
- (h) Unit 23: Basement storage area as shown on the Plats and Plans.
- (i) Unit 24: Basement storage area as shown on the Plats and Plans.
- (j) Unit 31: Basement storage area as shown on the Plats and Plans.
- (k) Unit 32: Basement storage area as shown on the Plats and Plans.
- (l) Unit 33: Basement storage area as shown on the Plats and Plans.
- (m) Unit 34: Basement storage area as shown on the Plats and Plans."

3. **Section 8.3. Additional Easements, Covenants, and Restrictions.** Section 8.3 is amended to as follows: Section 8.3(b) is deleted in its entirety. By this deletion of Section 8.3(b), the Declarant hereby releases and terminates the easement formerly provided for the benefit of Declarant therein.

IN WITNESS WHEREOF, VAIL PROPERTIES, LLC has caused this instrument to be sealed with its corporate seal and signed in its corporate name by William D. Vail, its authorized Manager, thereunto duly authorized, this 5<sup>th</sup> day of the month of November, 2002.

SIGNED, SEALED AND DELIVERED  
In the presence of:

VAIL PROPERTIES, LLC

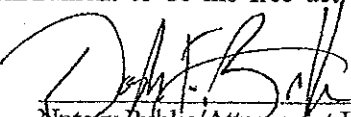
By: 

Name: William D. Vail  
Its: Manager

STATE OF MAINE  
CUMBERLAND, ss

November 5<sup>th</sup>, 2002

Then personally appeared the above-named William D. Vail, the authorized Manager of Vail Properties, LLC, and acknowledged the foregoing instrument to be his free act, and deed in his said capacity and the free act and deed of said company.

Before me, 

Notary Public/Attorney at Law  
Name: DOUGLAS F. BRITTON, ESQ.  
Commission Expires: \_\_\_\_\_