

**AMENDMENT TO THE DUNSTAN CROSSING HOMEOWNERS ASSOCIATION
DECLARATION of COVENANTS, CONDITIONS and RESTRICTIONS**

[Submission of Lots #1-18 in Project Phase II, Dunstan Crossing Subdivision, Scarborough, Maine

CHAMBERLAIN CONSTRUCTION, INC., a Maine corporation (“Developer”), being the Developer which established the **Dunstan Crossing Homeowners Association Declaration of Covenants, Conditions and Restrictions** dated May 17, 2007 and recorded in the Cumberland County Registry of Deeds in Book 25113, Page 74 (the “Homeowner Declaration”), as the owner of Lots #1 through #18 inclusive located in the Dunstan Crossing Project Phase II land and related easements and rights as described in the attached Exhibit A located in the Town of Scarborough, County of Cumberland and State of Maine (“Project Phase II Lots”) HEREBY SUBMITS the Project Phase II Lots to the Homeowner Declaration.

The Project Phase II Lots shall be fully incorporated into the Homeowner Declaration as if the Homeowner Declaration had been originally executed and recorded containing the Project Phase II Lots and the Homeowner Declaration shall fully apply to both the Project Phase II Lots and the original Project Phase I Lots #42 through #59 inclusive.

All references to the Master Subdivision Plat shall henceforth be deemed to refer to the Second Amended Subdivision Plan of Dunstan Crossing prepared by Sebago Technics, approved by the Town of Scarborough Planning Board on June 28, 2010, 2010 and recorded in the Cumberland County Registry of Deeds in Plan Book 210, Pages 211-215, which Second Amended Plan did not change the boundaries of the Project Phase I Lots #42 - #59 inclusive.

WITNESS its hand and seal as of October 14, 2010.

CHAMBERLAIN CONSTRUCTION, INC.

Jilly C. Rose
Witness


By: *E Chamberlain*
Elliott Chamberlain, its President

STATE OF MAINE

Maine, ss

October 14, 2010

Personally appeared the above-named Elliott Chamberlain in his said capacity and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said corporation, before me,


Name: Felicia E. Gavett
Notary Public/ ~~Maine Attorney~~ at Law

Amend to Dunstan Homeowner Cov re Phase II.doc
10/14/2010 11:37:00 AM

FELICIA E. GAVETT
Notary Public, Maine
My Commission Expires May 12, 2012

SEAL

EXHIBIT A

Project Phase II Lots #1-18, Dunstan Crossing Subdivision
Waldron Drive and Colby Drive, Scarborough, Maine

Certain lots or parcels of land known as "Project Phase II Lots" situated on Waldron Drive and Colby Drive southerly of Broadturn Road in the Town of Scarborough, County of Cumberland and State of Maine and being **Lots #1 through #18** inclusive (the "Lots") as shown on a subdivision plan entitled Second Amended Subdivision Plan of Dunstan Crossing prepared by Sebago Technics, approved by the Town of Scarborough Planning Board on June 28, 2010 and recorded in the Cumberland County Registry of Deeds in Plan Book 210, Pages 211-215 (collectively the "Master Subdivision Plat").

Subject to and together with the benefit of the Dunstan Crossing Master Declaration of Covenants, Conditions and Restrictions dated May 17, 2007 and recorded in said Registry of Deeds in Book 25113, Page 119 as amended of record in Book 27953, Page 96 to cover the Project Phase II Lots, the Bylaws, Rules and Regulations and Design Guidelines of the Dunstan Crossing Master Association (the "Master Association"), to the Bylaws and to the Rules and Regulations of the Dunstan Crossing Homeowners Association and to the notes, easements and matters set forth or referred to in the Master Subdivision Plat.

Reserving to the Declarant the rights to further amend the Master Subdivision Plat with the approval of the Town of Scarborough and Raynan Properties, LLC, provided that neither the recording of the foregoing Master Subdivision Plat or any prior versions thereof nor the reference to them in this description shall establish any rights in Project Phases III and IV retained by Raynan Properties LLC, whether by implication or otherwise, and all rights to Project Phases III and IV are hereby reserved.

Subject to the requirements of the Town of Scarborough, and to the requirements of the Maine Department of Environmental Protection, including without limitation the matters set forth below: Site Location Order dated October 10, 2007 and recorded in Book 24521, Page 144; transfer approval dated February 16, 2007 and recorded in Book 24850, Page 10; Minor Revision dated February 12, 2007 and recorded in Book 24897, Page 65; Condition Compliance dated May 10, 2007 and recorded in Book 25177, Page 116; Minor Revision dated July 23, 2007 and recorded in Book 25386, Page 131; DEP Transfer dated August 24, 2007 and received in Book 25461, Page 17; Minor Revision dated October 24, 2007 and recorded in Book 25621, Page 173; and DEP Condition Compliance dated January 31, 2007 and recorded in Book 24850, Page 26.

Reference is also made to the "Master Schematic Plans" referenced in said Master Declaration of Covenants, Conditions and Restrictions as amended, provided that the reference to them in this description shall not establish any rights in Project Phases III and IV retained by Raynan Properties LLC, whether by implication or otherwise, and all rights to Project Phases III and IV are hereby reserved.

Excepting and reserving to Raynan Properties LLC those perpetual easements over, under and across Dunstan Crossing Project Phases I and II extending to Broadturn Road set forth in the deed from Raynan Properties LLC to Chamberlain Construction, Inc. dated March 17, 2010 and recorded in said Registry of Deeds in Book 27657, Page

Further continuing to except and reserve to Raynan Properties, LLC, its successor and assigns the perpetual easements and rights over, under and across Project Phases I and II as set forth in its deed to Chamberlain Construction, Inc. dated January 24, 2007 and recorded in the Cumberland County Registry of Deeds in Book 24792, Page 155 and set forth in the deed from Raynan Properties LLC to

Chamberlain Construction, Inc. dated March 17, 2010 and recorded in said Registry of Deeds in Book 27657, Page 82.

Amend To Dunstan Homeowner Cov Re Phase II.Doc
10/14/2010 11:37

Received
Recorded Register of Deeds
Oct 19, 2010 02:56:16P
Cumberland County
Pamela E. Lovley