

Article 5

Restrictions on Use, Occupancy, and Alienation

Section 5.1. Use. All of the units not owned by the Declarant shall be used only for single-family, residential purposes. No livestock or animals of any kind shall be kept in or about any unit for any purposes, including, but not limited to, breeding or sale or as pets, except for licensed service dogs and licensed pet therapy dogs. No explosive, hazardous, or similarly dangerous materials may be kept inside any unit, including specifically, but not limited to, propane gas cylinders or tanks.

Section 5.2. Occupancy. Each unit may be owned by any person or entity, but may be occupied only by a single family. As used herein, the phrase "single family" means a group of persons all of whom are related to one another as spouses, parent and child, or siblings, with not more than three persons who are not so related occupying a unit. Any questions as to what constitutes a "single family" shall be settled by the executive board, whose decision may be appealed to the association.

Section 5.3. Alienation. If a unit owner other than the Declarant wishes to sell, lease, or otherwise convey an interest in the unit owner's unit, then that unit owner must offer it first to the unit owners' association by delivering a written offer to the executive board, which shall have ten days from receipt of the written offer to accept or reject it. The written offer must include a copy of the proposed sale contract, lease, or other transfer instrument which the unit owner wishes to accept from another party. Should the unit owners' association reject the offer, the unit owner may not sell, lease, or otherwise convey an interest in the unit owner's unit to any other person or entity for a lesser price or upon more favorable terms than those offered to the unit owners' association. This section shall not apply to a conveyance from a unit owner to the unit owner's spouse or children or to a person or entity who will hold the unit in trust for the benefit of the unit owner, the unit owner's spouse, or children. Following any conveyance, however, the unit conveyed shall remain subject to this section.

Section 5.4. Rules and Regulations. The executive board shall adopt rules and regulations that shall further regulate the management of the condominium and the conduct of the unit owners and their employees, invitees, and lessees, which rules and regulations may include limiting the use of and access to the roads or common areas at particular times or during certain weather conditions or other circumstances. In particular, but without limiting the generality of the foregoing, the executive board may regulate parking at the condominium, including the type and number of vehicles which may be parked and the locations where parking is allowed.

Section 5.5. Violations by Unit Owners. The violation of any rules or regulations, the breach of any of the bylaws, or the breach of any provision of this declaration shall give the executive board the right to take whatever action is reasonably necessary to terminate the particular violation or breach, to remedy any damage occasioned by such violation or breach, and to prevent further violation or breach. Such action on the part of the executive board may include entry into any unit where such

violation or breach exists without giving rise to any manner of trespass and may include the bringing of any appropriate legal action. The costs of any such termination, reparation, or prevention, including reasonable attorneys' fees, shall be assessed against the unit of the unit owner in violation or breach. The executive board shall impose reasonable fines for such violations or breaches.

Article 6

Unit Owners' Association

Section 6.1. Membership. Misty Harbor Condominium Association shall be organized to govern and operate the condominium. All unit owners shall be members of the unit owners' association, and no one other than a unit owner shall be a member.

Section 6.2. Powers. The unit owners' association shall have all of the powers allowed by the Maine Condominium Act, but it shall not exercise its powers to acquire real property or to cause additional improvements to be made as a part of the common elements or to alter the outward appearance of the condominium buildings, unless unit owners entitled to cast eighty percent (80%) or more of the votes in the unit owners' association agree to such action, nor shall it make or authorize a non-budgeted expenditure of funds unless unit owners entitled to cast sixty percent (60%) or more of the votes in the unit owners' association agree to such action.

Section 6.3. Meetings. The unit owners' association shall meet at least once in each calendar year. A quorum shall be present if unit owners entitled to cast more than fifty percent (50%) of the votes in the association are present in person or by proxy. The vote allocated to a unit must be cast as one vote; no vote may be divided.

Section 6.4. Executive Board. The executive board shall consist of five members, who shall be elected by the unit owners' association in accordance with its bylaws (except as provided in section 4.3 above). The executive board may act on behalf of the unit owners' association in all instances, subject to the provisions of the Maine Condominium Act and this declaration. The executive board shall not make nor authorize non-budgeted expenditures of funds unless required in cases of emergency.

Section 6.5. Notice. The executive board shall cause notice of matters affecting the condominium to be given to all unit owners by sending a written statement thereof by the United States Postal Service, postage prepaid, return receipt requested, to each unit owner at the address last given in writing to the executive board by the unit owner or by delivering a written statement thereof in hand to each unit owner and obtaining a receipt therefor from the unit owner. If a unit is owned by more than one person, then notice given to one of the unit owners shall be sufficient to serve as notice to all of the owners of that unit. If the notice is of a meeting at which a unit owner has the right to vote or of an action to be taken to which a unit owner has the right to consent or refuse consent, then the notice shall be given to such unit owner at least fifteen days prior to such meeting or the taking of such action. Such notices shall also be posted on the bulletin board in the

AMENDMENT TO
"DECLARATION OF CONDOMINIUM FOR MISTY HARBOR, A CONDOMINIUM"

Now comes, MISTY HARBOR, A CONDOMINIUM, and hereby records an amendment to Article 5, Section 5.1, of the Declaration of Condominium for Misty Harbor, A Condominium as follows:

Section 5.1. Use. All of the units not owned by the Declarant shall be used only for single-family, residential purposes. No livestock or animals of any kind shall be kept in or about any unit for any purpose, including, but not limited to, breeding or sale. Notwithstanding the foregoing, dogs and cats will be allowed as pets under the following conditions:

1. Dogs: Licensed service dogs and licensed pet therapy dogs are permissible. In addition to licensed service dogs and licensed pet therapy dogs, dogs may be allowed as pets if the following conditions are met: (1) at all times the owner will control and attend to the dog to assure that it will not be a nuisance to other owners, tenants, or guests, and will adhere to the leash law in accordance with those laws of the State of Maine; and (2) owners are responsible for immediately cleaning up after their dogs at all times and repairing any damage caused to the common or limited common areas.

2. Cats: Cats may be allowed as pets if the following conditions are met: (1) if they are not strictly indoor cats, then at all times the owner will control and attend to the cat to assure that it will not be a nuisance to other owners, tenants or guests; and (2) owners are responsible for immediately cleaning up after their cats at all times and repairing any damage caused to the common or limited common areas.

NO explosive, hazardous, or similarly dangerous materials may be kept inside any unit, including specifically, but not limited to, propane gas cylinders or tanks.

The above language replaces the original Article 5, Section 5.1 that was incorporated into the Declaration of Condominium for Misty Harbor, A Condominium, recorded on May 24, 2005, in Book 4202 on Page 57. Except as explicitly described above, the Declaration of Condominium for Misty Harbor, A Condominium remains otherwise unchanged.

In witness whereof Misty Harbor Properties, LLC, has caused this instrument to be signed and sealed in its corporate name by its undersigned officer, hereunto duly authorized, this 2nd day of June, 2006.

Witness:

Melanie D. Mores

MISTY HARBOR PROPERTIES, LLC

By

Eben Marsh

Eben Marsh

Its:

Manager

TO BE RECORDED

SECOND AMENDMENT TO **"DECLARATION OF CONDOMINIUM FOR MISTY HARBOR, A CONDOMINIUM"**

Now come the owners of units in the MISTY HARBOR, A CONDOMINIUM, by and through the Misty Harbor Condominium Association, and hereby record an amendment to Article 5, Section 5.1, of the Declaration of Condominium for Misty Harbor, A Condominium as follows:

Section 5.1. Use. All of the units not owned by the Declarant shall be used only for single-family, residential purposes. No livestock or animals of any kind shall be kept in or about any unit for any purpose, including, but not limited to, breeding or sale. Notwithstanding the foregoing, dogs and cats will be allowed as pets under the following conditions:

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NO explosive, hazardous, or similarly dangerous materials may be kept inside any unit, including specifically, but not limited to, propane gas cylinders or tanks.

The above language replaces the original Article 5, Section 5.1 that was incorporated into the Declaration of Condominium for Misty Harbor, A Condominium, dated May 14, 2005, recorded at the Hancock County Registry of Deeds in Book 4202 on Page 57, as amended on June 30, 2005, by Amendment to Declaration recorded at said Registry in Book 4234, Page 262. Except as explicitly described above, the Declaration of Condominium for Misty Harbor, A Condominium remains otherwise unchanged.

August 9, 2018

Good morning to Owners,

This is just to clarify and advise folks of the Condominium Declaration pertaining to Leasing units.

At its annual meeting of July 24, 2010 the Condominium Board voted to set one week as the minimum period of time that a unit may be leased (rented).

If you as an owner are considering renting your unit, most likely in the summertime, just know that there is this requirement.

Also, notify Roseanne that you are renting your unit. Include the name and contact information of the person to whom you are renting. This is important for several possible reasons that you would recognize. Notification to Roseanne may be by email to:

MistyHarbor@myfairpoint.net

Thanks. – Eben Marsh, for the Board