

10/5/09 26

Maryjane Kenney

From: Christine Morgan [christine@lawmorgan.com]
Sent: Tuesday, September 29, 2009 4:38 PM
To: Maryjane Kenney
Cc: Authentic Homes Inc
Subject: Fw: eFax message from "19782644805" - 2 page(s), Caller-ID: 978-264-4805
Attachments: 1274204210.pdf; AMENDMENT TO REGULATORY AGREEMENT.doc

Hi Mary Jane,

Attached is a copy of the signed Regulatory Agreement Amendment. I have also attached a new Amendment which has the notary page attached.



Would it be possible to have the three selectmen resign the document in the presence of a notary. I would like to pick up the document as soon as it is available.

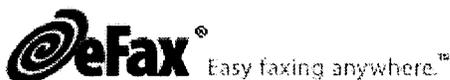
Please let me know if you have an idea how long this will take.

Thank you for your help,

Christine Morgan, Esq.
179 Great Road, Suite 212
Acton, MA 01720
978-263-1402 phone
978-299-5220 fax

----- Original Message -----

From: eFax
To: christine@lawmorgan.com ; karen@lawmorgan.com ; lynne@lawmorgan.com
Sent: Tuesday, September 29, 2009 4:27 PM
Subject: eFax message from "19782644805" - 2 page(s), Caller-ID: 978-264-4805



Fax Message [Caller-ID: 978-264-4805]

You have received a 2 page fax at 2009-09-29 20:27:06 GMT.

* The reference number for this fax is stl1_did18-1254255985-9782995220-10.

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Thank you for using the eFax service!

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of October, 2009, then personally appeared before me, the undersigned notary public, Michael J. Jeanson, proved to me through satisfactory evidence of identification, which was _____ to be the person to whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes as Authorized Signatory of Ellsworth Village, LLC, as aforesaid.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 5th day of October, 2009, then personally appeared before me, the undersigned notary public, _____, proved to me through satisfactory evidence of identification, which was _____ to be the person to whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes as Authorized Signatory for the Town of Acton, as aforesaid.

Notary Public
My commission expires:

AMENDMENT TO REGULATORY AGREEMENT

Reference is hereby made to a Regulatory Agreement dated July 20, 2006 by and between Ellsworth Village, LLC, a Massachusetts Limited Liability Company, having an address at 25 Westford Lane, Acton, MA 01720 ("Developer") and the Town of Acton, acting by and through its Board of Selectmen, having an address of 472 Main Street, Acton, MA 01720 (the "Municipality") and recorded with the Middlesex South District Registry of Deeds, Book 47846, Page 246 ("Regulatory Agreement").

Whereas, said Regulatory Agreement affects and encumbers the Affordable Units 17, 22 and 31 of the Ellsworth Village Condominium pursuant to paragraph 1 (incorrectly now numbered 6 at the top of page 2) contained therein;

Whereas, the Developer has requested the Municipality to re-designate one Affordable Unit to be located in Unit 30 instead of Unit 22;

Whereas, the Municipality has agreed to said re-designation pursuant to Amendment #2 of Decision 05-01, Ellsworth Village Senior Residence Special Permit recorded with the Middlesex South District Registry of Deeds, Book 52403, Page 291;

Now, therefore, paragraph 1 of the Regulatory Agreement is hereby amended as follows:

"1. This Regulatory Agreement affects and encumbers only the Affordable Units being Units numbered 17, 30 and 31 of the Ellsworth Village Condominium.

Unit Distribution. The distribution of the Affordable Units by Unit size shall be as set forth below:

	Unit 17	Unit 30	Unit 31
Initial Certified Sales Price	\$150,000.00	\$150,000.00	\$150,000.00"

In all other regards said Regulatory Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as a sealed instrument as of the date first above written.

DEVELOPER:
ELLSWORTH VILLAGE, LLC



Michael J. Jeanson
Authorized Signatory

MONITORING AGENT AND MUNICIPALITY

The Town of Acton
Board of Selectmen



