

## **AMENDMENT TO MORTGAGE**

**Whereas**, WINDHAM ECONOMIC DEVELOPMENT CORPORATION, a Maine nonprofit corporation having a mailing address of 8 School Street, Windham, ME 04062 ("Borrower") granted a certain Mortgage to the TOWN OF WINDHAM, a Maine municipality having a mailing address of 8 School Street, Windham, ME 04062 (the "Holder") dated December 30, 2009 and recorded in the Cumberland County Registry of Deeds in Book 27503, Page 228, as amended (the "Mortgage"); and

**Whereas**, the Mortgage secures a certain promissory note from Borrower to Holder dated December 30, 2009, as amended (the "Note"); and

**Whereas**, as of December 1, 2018, the current principal balance owed by Borrower to Holder under the Note is Three Hundred Fifty-Five Thousand Five Hundred and 00/100 Dollars (\$355,500.00); and

**Whereas**, Borrower and Holder have amended the Note secured by the Mortgage to extend the term of the Note to December 31, 2019.

**Now Therefore**, for good and valuable consideration acknowledged by Borrower and Holder, the Maturity Date of the Mortgage is hereby changed to December 31, 2019.

IN WITNESS WHEREOF, Borrower and Holder have signed and sealed this AMENDMENT TO MORTGAGE as of the date first stated above.

BORROWER:                      WINDHAM ECONOMIC  
   DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Its: Executive Director  
Printed Name: Thomas H. Bartell

HOLDER:                        TOWN OF WINDHAM

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2019

Personally appeared the above-named Thomas H. Bartell, Executive Director, of Windham Economic Development Corporation, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Windham Economic Development Corporation.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print name:

## **SCHEDULE A TO MORTGAGE AND SECURITY AGREEMENT**

The real estate in the Town of Windham, County of Cumberland and State of Maine, bounded and described, viz:

### **Parcel A – 905 Roosevelt Trail – identified on tax records as Map 80, Lot 66:**

A certain lot or parcel of land situated on the easterly side of U. S. Route #302 and the southerly side of Anglers Road in the Town of Windham, in the County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the intersection of the southerly sideline of said Anglers Road with the easterly sideline of said U. S. Route #302; thence southerly along the easterly sideline of said U. S. Route #302 one hundred twenty-six (126) feet, more or less, to a point; thence easterly one hundred sixty-eight (168) feet to a point; thence northerly one hundred fifty-nine (159) feet to a point on the southerly sideline of said Anglers Road; thence westerly along the southerly sideline of said Anglers Road one hundred sixty-eight (168) feet to the point of beginning.

The above-described premises are conveyed subject however to, and exception is hereby made to the incorporated statutory covenant of “free of all encumbrances” for, rights and easements conveyed by Hazel G. Kilgore and Arthur W. Kilgore to Portland Water District by deed dated June 11, 1963 and recorded in Cumberland County Registry of Deeds in Book 2759, Page 362, and rights and easements conveyed by Robert J. Donnelly, Sr. and Edith I. Donnelly to Robert J. Donnelly, Jr. by deed dated June 2, 2003 and recorded in said Registry of Deeds in Book 19579, Page 107.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from Edith I. Donnelly also known as Edith S. Donnelly, and Robert J. Donnelly, Sr., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22193, Page 338.

### **Parcel B – Anglers Road – identified on tax records as Map 80, Lot 15-1:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number One (1) as shown on Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 12.

**Parcel C – Anglers Road – identified on tax records as Map 80, Lot 15-2:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number Two (2) as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 14.

**Parcel D – Anglers Road - identified on tax records as Map 80, Lot 15-3:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number Three (3) as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the

Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 16.

**Parcel E – Anglers Road - identified on tax records as Map 80, Lot 15-4:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number Four (4) as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 18.

**Parcel F – Anglers Road - - identified on tax records as part of Map 80, Lots 15-1, 15-2, 15-3 and 15-4:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Being that parcel reserved for conveyance to the Town of Windham for road and utility purposes as shown on a Plan entitled "Plan of Calder Property Anglers Road" in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 20.

**Parcel G – Anglers Road – identified on tax records as Map 18, Lot 18:**

A certain lot or parcel of land situated in the Town of Windham, Cumberland County, State of Maine, off the easterly side of Roosevelt Trail, so-called (aka Route 302), consisting of six and three-tenths acres, more or less, bounded and described as follows:

Said parcel of land being bounded on the north and west by land now or formerly of Charles M. Phinney; Bounded on the east and south by land now or formerly of the Portland Water District and recorded in the Cumberland County Registry of Deeds in Book 1350, Page 306.

This is a portion of the same parcel of land as described in the second paragraph of a Warranty Deed of Elbridge Johnson to Lula Gerry and Mrs. Ella Gerry, dated November 5, 1923, and recorded in Cumberland County Registry of Deeds in Book 1153, Page 227, as follows: A piece or parcel of land situated in said Windham, bounded and described as follows, to wit: Commencing at a pine tree at the north west corner of the Edwin Strout land; thence northwesterly to the line of the Somes lot to a stone; thence southeasterly on the line of the Bracket lot to a pine tree; thence westerly on the line of the Edwin Strout land to the first mentioned bounds, containing seven acres, more or less. Being the same land purchased by Elbridge Johnson from Odell F. Fellows, with the said deed being recorded at the referenced Registry in Book 1002, Page 347. Excepting from the foregoing seven acre parcel, that portion conveyed by Lula Gerry to Murray E. Edes, dated April 8, 1946 and recorded in said Registry in Book 1815, Page 101.

This conveyance is made together with an easement for ingress and egress as granted in Easement Deed from Remarkable Homes, Inc. to Sidney N. Page, dated May 8, 2002 and recorded in Cumberland County Registry of Deeds in Book 17660, Page 205.

Parcel G is conveyed subject to the apparent encroachment of buildings into the north-northeasterly boundary from land now or formerly of Saucier.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from Sidney N. Page and Sally J. Page, dated September 26, 2005 and recorded in Cumberland County Registry of Deeds in Book 23200, Page 134.

References in this document to town tax map and lot numbers are provided for convenience and reference purposes only.

Parcels A through G being all of the same premises as conveyed to Windham Economic Development Corporation by virtue of a Warranty Deed of R & T Enterprises dated December 30, 2009 and duly recorded herewith.

**Excepting and Reserving** from the above-described premises:

- Premises conveyed to Chaffin Pond Abode, LLC by Warranty Deed dated June 9, 2019 and recorded in the Cumberland County Registry of Deeds in Book 31554, Page 49. Reference is made to a Partial Release recorded in Book 31554, Page 46.
- Premises conveyed to Anglers Corner Realty, LLC by Warranty Deed dated June 25, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32435, Page 149. Reference is made to a Partial Release recorded in Book 32436, Page 151.
- Premises conveyed to the Town of Windham by Warranty Deed dated January 5, 2016 and recorded in the Cumberland County Registry of Deeds in Book 32853, Page 226. Reference is made to a Partial Release recorded in Book 32853, Page 218.
- Premises conveyed to the DTP Realty, LLC by Warranty Deed dated January 5, 2016 and recorded in the Cumberland County Registry of Deeds in Book 33053, Page 264. Reference is made to a Partial Release recorded in Book 32853, Page 218.