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AMENDMENT TO DEED

MSD 05/19/93 02:23:21 580 10.00

This instrument is entered into by and between the TOWN OF LEXINGTON, County of Middlesex, Commonwealth of Massachusetts, a municipal corporation (the "Grantor") having offices at 1625 Massachusetts Avenue, Lexington, Massachusetts, acting by and through its Board of Selectmen, and the Trustees of the Muzzey High Condominium Trust of the MUZZEY HIGH CONDOMINIUM (the "Condominium"), created by Master Deed dated May 1, 1985, recorded with the Middlesex County (South) Registry of Deeds at Book 16174, Page 561, as amended, of 1475 Massachusetts Avenue, Lexington, Massachusetts (the "Trustees").

Reference is made to a certain Quitclaim Deed dated June 11, 1984 from the Grantor to R. Kirk Noyes, as Trustee of Muzzey Realty Trust under declaration of trust dated June 11, 1984, said Quitclaim Deed being recorded in said Registry of Deeds at Book 15624, Page 537 (the "Deed").

Pursuant to the Deed, the property described therein (the "Property"), now comprising the Condominium, was conveyed by the Grantor subject to certain restrictions described in the Deed for the benefit of the Grantor, its successors and assigns.

The Grantor and the Trustees have agreed to modify the restrictions contained in the Deed, as hereafter provided.

Now therefore, for good and valuable consideration received, the Grantor and the Trustees hereby agree, for themselves and their successors and assigns, as follows:

1. In the second sentence of the paragraph contained in the Deed entitled "(a) Resale Restrictions", the annual rate of increase to be applied for purposes of determining the "Maximum Resale Price" for any "Restricted Unit" (as such terms are defined in the Deed)

MARGINAL REFERENCE REQUESTED
BOOK <u>15624</u> PAGE <u>537</u>

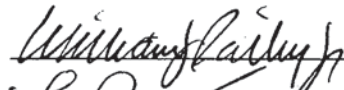
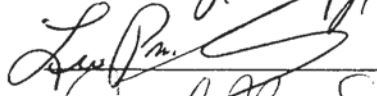
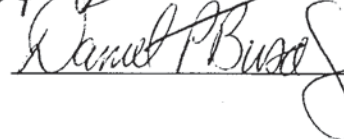
shall be increased from four percent (4%) to five percent (5%), except as provided in Paragraph 2 below. Such five percent (5%) increase may be applied and compounded annually from the date on which any such unit was conveyed to the current owner thereof, in the manner provided in the Deed.

2. Any owner holding title to a Restricted Unit at the time this Amendment to Deed is executed may elect to continue at 4% the annual rate of increase in that unit's Maximum Resale Price, such election to be made within 90 days of the Amendment's execution. Any subsequent owner of a unit whose annual rate of increase is thereby limited to 4% shall have 90 days from the date of taking title to elect to raise the rate to 5%. All elections exercised pursuant to this paragraph must be made within the indicated time limitations, and made in writing to the Lexington Housing Assistance Board, Inc. (LEXHAB).

3. Except as modified herein, the terms and conditions of the Deed shall remain in full force and effect.

Witness our hands and seals this 3 day of May, 1993.

TOWN OF LEXINGTON,  
Acting by a majority of its  
Board of Selectman

  
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TRUSTEES:

Leo Feldman

Sylvia F. Galbitz

Thomas O. Fenn, Esq.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

May 3, 1993

Then personally appeared the above named William J. Darter Jr, and acknowledged the foregoing instrument to be their free act and deed as Selectmen of the Town of Lexington, before me

Elizabeth A. Calario  
Notary Public

My Commission Expires:

ELIZABETH A. CALARIO, Notary Public  
My Commission Expires November 5, 1993

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

May 5, 1993

Then personally appeared the above named Leo Feldman, Thomas O. Fenn & Sylvia Galbitz, and acknowledged the foregoing instrument to be their free act and deed as Trustees of the Muzzey High Condominium, before me

Mark Lichtenstein  
Notary Public

My Commission Expires: 9/7/95