

February 12, 2008

Doverbrook Estates Condominium Trust
c/o Appleton Corporation
Attn: Joanne C. Gagnon
57 Suffolk Street, Suite 200
Holyoke, MA 01040

RE: Doverbrook Estates

Dear Joanne:

I have been asked to render an opinion with respect to the Board of Trustee's ability to approve moving windows and doors to a different location.

I have reviewed the Master Deed and By-Laws and M.G.L. Ch. 183A and it is my opinion as follows: Provided that the changes are deemed to be "de minimis changes", then I believe the Board under Section 9 of the Master Deed had the authority to grant waivers to the Unit Owner to allow the Unit Owner to relocate windows and doors on his Unit.

However, if the court decides the changes are not "de minimis", then the Board would not have the authority under the Master Deed or By-Laws to allow a Unit owner to move its windows and doors. Under the definitions of Units in Paragraph 5 of the Master Deed as to exterior walls, the boundary of the Unit is the surface of the wall studs facing the Unit and as to doors and windows to the exterior surface of doors and door frames and exterior of glass and window frame. Therefore, the Unit Owner owns the door and windows and their frames and the exterior walls outside of the windows and doors are common elements.

Therefore, when one proposes to move the location of doors and windows to another location that is not deemed de minimis, what a Unit Owner is in essence asking to do is to convert the area where the new doors and windows are to be located from common area to unit and to convert the area where the old doors and windows are located from unit to common areas. In order to do this the Board of Trustees would need to do one of the following:

1. Convey the common areas where the new windows and doors are located to the Unit Owner and received a Deed from the Unit Owner of the space where the old doors and windows were located. This would require the consent of all Unit Owners to a Deed since the Board does not have the ability to convey common areas without a Deed from all Unit Owners of the percentage interest in such common areas to the Unit Owner.

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The Trust would also need a partial release of the area conveyed by the Unit Owner to the Condominium Trust from the Unit Owner's existing mortgage; or

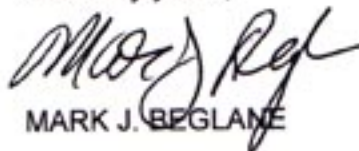
2. Convey a limited common area easement to the Unit Owner where the new windows and doors are located and receive back a Deed from the Unit Owner of the space where the old windows and doors are located. Under M.G.L. Ch. 183A Section 5(b)(2)(ii), the Board has the ability to grant a designated Unit Owner the right to use, whether exclusively or in common with other Unit Owners, any limited common area on such terms as deemed appropriate by the Board, provided, however, that consent has been granted by (1) all owners and first mortgagees of Units shown on the recorded Condominium Plans as immediately adjoining the limited common area and (2) 51% of the number of all mortgages holding first mortgages on units in the Condominium who have given notice of their desire to be notified of such grants. Such grant shall be effective thirty (30) days following the recording in the chain of title of the Master Deed of an instrument duly executed by the Board of Trustees and the Unit Owner and his mortgagees which instrument accurately designate, depict and describe the area granted and the rights granted and shall recite compliance with the requirements of M.G.L. Ch. 183A Sec. 5.

I enclose herewith a letter previously sent to you on October 1, 2007, regarding Exclusive use areas and the precautions the Board should require which are set forth in Page 3 of said letter and substitute the word windows and doors in place of sun rooms. These procedures should be followed whether approving a de minimis change or granting of an exclusive use easement.

If the change is not de minimis, we should obtain a Deed from the Unit Owner of the area where the old doors and windows were located and a release from such Unit Owner's mortgage holder of the area conveyed to the Condominium.

Please call me with any questions.

Sincerely yours,


MARK J. BEPLANE

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