

Recording Date 2/6/2014
Recording Time 2:22 P.M
Book 31324
Page 206

RELEASE AND EASEMENT AGREEMENT

This Release and Easement Agreement (the "Agreement") is by and between **REDFERN MUNJOY, LLC**, a Maine limited liability company ("Redfern"), with a place of business in Portland, Maine and a mailing address of PO Box 8816, Portland, Maine 04104, owner of premises described in deeds recorded in the Cumberland County Registry of Deeds set forth on Exhibit A attached hereto and made a part hereof, and **THOMAS J. MCADAM** ("McAdam"), an individual with a mailing address of 92 Exchange Street, Portland, Maine 04101, owner of premises conveyed McAdam by deed from Walnut Street Corporation dated March 29, 2000 and recorded in said Registry in Book 15392, Page 54 (the "McAdam Parcel").

Whereas, Redfern is acquiring property on the northeasterly and southwesterly sides of Sheridan Street in Portland including property abutting the McAdam Parcel for the development of a residential condominium/subdivision ("Munjoy Heights").

Whereas, McAdam and owners of residential units ("Units" or individually, a "Unit") in the Munjoy Heights subdivision ("Unit Owners" or individually, a "Unit Owner") will use a portion of Sheridan Street jointly and wish to clarify their respective ownership rights and easement rights.

Now Therefore, Redfern and McAdam, for one dollar and other sufficient consideration paid and received including the grants and covenants hereinafter set forth, do hereby make the following grants of real property interests and agreements:

1. Grants from McAdam to Redfern:
 - a. McAdam releases to Redfern all interest in Sheridan Street westerly of the westerly sideline of Walnut Street, excepting and reserving:

- i. The rights and easements expressly granted in Paragraph 2 herein.
- ii. Certain land that is a portion of Sheridan Street abutting the northeasterly sideline of the McAdam Parcel on which the brick patio and fence existing in 2013 are located, more particularly described on Exhibit B attached hereto and made a part hereof.

2. Grants from Redfern to McAdam:

- a. Redfern grants to McAdam an easement in common with others for ingress and egress on foot and with vehicles in the portion of Sheridan Street lying westerly of Walnut Street and easterly of the extension northeasterly of the northwesterly sideline of the McAdam Parcel. The easement is appurtenant to the McAdam Parcel and shall run with the land. Redfern shall construct, repair and maintain the driveway in accordance with the condominium declaration and plats and plans to be recorded regarding Munjoy Heights (the "Condominium Documents") and McAdam agrees to use the driveway as designed and constructed for the condominium. Redfern will be responsible for all costs of construction, repair and maintenance related to the easement granted herein, including snowplowing and landscaping. The easement will be subject to a public Trail Easement granted to Portland Trails.
3. The terms of this Agreement, including all obligations and rights of the parties hereto, are intended to run with ownership of the affected lands. The acceptance of a deed or mortgage to any portion of the affected lands, or the entering into a lease or other occupancy of any such portion shall constitute an agreement that the covenants and restrictions set forth in this Agreement are accepted and ratified by such grantee, mortgagee, tenant, or occupant. All of such provisions shall be covenants running with the land and shall bind any persons having at any time any interest or estate in the affected lands or any portion thereof as though such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.
4. Each owner of all or any portion of the affected lands and its heirs, successors and assigns shall be liable for the performance of all covenants, obligations and undertakings set forth in this Agreement, but only to the extent such covenants, obligations or undertakings accrue during the period in which such party owns the affected lands or any portion thereof.
5. Invalidity of any of the provisions contained in this Agreement, or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

IN WITNESS WHEREOF, the said Redfern Munjoy, LLC has caused this instrument to be executed by Jonathan Culley, its Manager, hereunto duly authorized, as of the 6th day of February, 2014.

Redfern Munjoy, LLC, a Maine limited liability company

Witness: Eben Adams

By: [Signature]
Jonathan Culley
Its Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

Feb 6, 2014

Then personally appeared Jonathan Culley, Manager of Redfern Munjoy, LLC, and acknowledged the foregoing instrument to be his free act in his said capacity and the free act and deed of the limited liability company.

Before me,

[Signature]
Notary Public/Attorney at Law
Eben Adams

IN WITNESS WHEREOF, the said Thomas J. McAdam has executed this instrument, as of the 5th day of Feb, 2014.

Witness: Judy M Gregory

Thomas J. McAdam
Thomas J. McAdam

STATE OF MAINE
COUNTY OF CUMBERLAND

Feb 5, 2014

Then personally appeared Thomas J. McAdam and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Judy M Gregory
Notary Public/Attorney at Law

Judy M. Gregory
Notary Public
State of Maine
My Commission Expires
April 29, 2018

TM

Exhibit A
Source Deeds for Redfern Munjoy LLC

1. Deed from Four Sills LLC to Redfern Munjoy, LLC dated December 4, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31207, Page 48.
2. Deed from Francis O'Connor and Nelson Nadeau to Redfern Munjoy, LLC dated December 4, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31207, Page 50.
3. Deed from Craig G. Coffin, Trustee of the North Street Realty Trust to Redfern Munjoy, LLC dated December 11, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31222, Page 224.
4. Deed from Katherine P. Richman and Nikki Lee Green to Redfern Munjoy, LLC dated December 30, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31262, Page 266.
5. Deed from Dennis E. Lovejoy and Gladys A. Lovejoy to Redfern Munjoy, LLC dated January 10, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31281, Page 281.
6. Deed from Raymond C. Maxwell to Redfern Munjoy, LLC dated January 31, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31317, Page 116.
7. Deed from Raymond H. Waterhouse and Alina Waterhouse to Redfern Munjoy, LLC dated January 23, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31302, Page 177.



Exhibit B
Reserved Land
Abutting the northeasterly sideline of the McAdam Parcel

A certain lot or parcel of land with any improvements thereon, situated on the northwesterly sideline of Walnut Street at its intersection with the southwesterly sideline of Sheridan Street (f/k/a Poplar Street), in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Beginning at the intersection of the apparent northwesterly sideline of Walnut Street and apparent southwesterly sideline of Sheridan Street, at the easterly corner of land described in a deed from Walnut St. Corporation to Thomas J. McAdam, dated March 29, 2000, and recorded at the Cumberland County Registry of Deeds (CCRD) in Book 15392, Page 54;

Thence North $33^{\circ}09'53''$ West along said southwesterly sideline of Sheridan Street and the northeasterly sideline of said land of McAdam, a distance of fifty-six (56) feet, more or less, to the northerly corner of said land of McAdam, and the easterly corner of land described in a deed from Bruce W. Shoebottom and Kim Shoebottom to Phillip J. Rando Jr., dated September 3, 1999 and recorded in CCRD Book 15029, Page 300;

Thence North $56^{\circ}50'07''$ East through said Sheridan Street, a distance of eleven and seventy-five hundredths (11.75) feet to the northerly corner of the herein described parcel;

Thence South $33^{\circ}09'53''$ East continuing through said Sheridan Street, a distance of fifty-five (55) feet, more or less, to the easterly corner of the herein described parcel on said northwesterly sideline of Walnut Street;

Thence South $50^{\circ}17'33''$ West along said northwesterly sideline of Walnut Street, a distance of eleven and eighty-three hundredths (11.83) feet to the point of beginning.

Total area of the herein described parcel equals 650 square feet, more or less. The bearings in this description are based on Grid North, MSPC NAD83, 1802 (West Zone).

Meaning and intending to describe a portion of Sheridan Street, which was "Statutorily Vacated by Omission from the City Council Order #84 in 1997", to be reserved by Thomas J. McAdam, as depicted on a plan entitled "*Plan Depicting A Proposed Subdivision Made For Redfern Munjoy LLC, P. O. Box 8816, Portland, ME 04104, Munjoy Heights, Sheridan Street, East Cove Street, And Walnut Street, Portland, Maine*", dated December 11, 2013, by Nadeau Land Surveys, Portland, Maine.

