

0043278

BK T5642PG052

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE
(Testate)
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS THAT ARLENE DIMILLO, of Portland, County of Cumberland, State of Maine, duly appointed and acting personal representative of the estate of ANTONIO DIMILLO, deceased, whose will was duly admitted to probate in the Probate Court for the County of Cumberland, Maine, by the power conferred by law, and every other power, (in distribution of the estate) grants to ARLENE DIMILLO, EUGENE DIMILLO, STEVEN DIMILLO, ANTONIO DIMILLO, JR., DANIEL DIMILLO, JOHN DIMILLO, and CHRISTOPHER DIMILLO, TRUSTEES OF THE DIMILLO MARITAL TRUST, with a mailing address in care of Arlene DiMillo, DiMillo's, Inc., Long Wharf, Portland, Maine 04101, being the persons entitled to distribution, the real property, together with any improvements thereon, situated in Portland, County of Cumberland, State of Maine, and being more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said ARLENE DIMILLO has signed this instrument this 15 day of June, 2000.

WITNESS:

Peter J. Plumb

ESTATE OF ANTONIO DIMILLO

Arlene DiMillo
Arlene DiMillo, Personal Representative

STATE OF MAINE
COUNTY OF CUMBERLAND

June 1, 2000

Then personally appeared the above named Arlene DiMillo, in her said capacity and acknowledged the foregoing instrument to be her free act and deed, before me.

Peter J. Plumb
Attorney at Law/Notary Public
Peter J. Plumb
Print Name

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EXHIBIT A
TO
DEED OF DISTRIBUTION
TO
DIMILLO MARITAL TRUST

All of the Grantor's right, title and interest to all lands, flats, buildings, wharves, structures and improvements situated on the southerly side of Commercial Street in the City of Portland, County of Cumberland and State of Maine, situated within the following bounds:

Commencing at a point in the southerly sideline of Commercial Street at the southerly line of a concrete walk in said southerly sideline of Commercial Street and the property line between Pocahontas and Central Wharves established by deed of Charles Fox, et al. to Proprietors of Long Wharf dated July 18, 1835 recorded in the Cumberland County Registry of Deeds in Book 143, Page 126; thence at an included angle of $85^{\circ} 27'$ with said property line between Pocahontas and Central Wharves by the southerly sideline of said concrete walk in the southerly side of Commercial Street 176.38 feet, more or less, to an angle point; thence at an included angle of 179° with said last described course by the southerly side of said sidewalk and through a stone retaining wall and guardrail 165.61 feet, more or less, to the northwesterly corner of a four story brick building now or formerly owned or occupied by A. R. Bishop & Son; thence by the westerly side of said four story brick building and continuing along said same course over a bituminous parking lot, through a granite wall, and along submerged land a distance of 1,080 feet, more or less, to the harbor line of 1939; thence turning and running in a southwesterly direction by said harbor line of 1939 a distance of 453.60 feet, more or less, to the said property line between Pocahontas and Central Wharves established by deed of Charles Fox, et al. to Proprietors of Long Wharf dated July 18, 1835 recorded in the Cumberland County Registry of Deeds in Book 143, Page 126; thence by said property line between Pocahontas and Central Wharves a distance of 1,172 feet, more or less, to the point of beginning.

Excepted and reserved from the above property is the following:

A certain lot or parcel of land, together with the improvements thereon, situated on the southerly side of Commercial Street, in the City of Portland, the County of Cumberland, State of Maine, being more particularly bounded and described as follows:

Beginning at a point on the southerly side of a brick sidewalk in the assumed southerly sideline of Commercial Street on a bearing of $N 79^{\circ} 46' 26'' W$, a distance of 48.36 feet from the northwesterly corner of a building now occupied by Key Bank situated on the

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parcel being described;

Thence N 76°-20'-54" E, by and along the assumed southerly sideline of Commercial Street and the edge of the sidewalk, a distance of 123.81 feet to a point on a bearing of N 38°-17'-10" E, a distance of 31.66 feet from the northeasterly corner of said building occupied by Key Bank;

Thence S 13°-51'-10" E, following along an existing guard rail, a distance of 160.44 feet to a point near the corner of the guard rail;

Thence S 75°-21'-16" W, following along an existing guard rail, a distance of 125.58 feet to a point approximately 6 inches from the easterly face of a concrete retaining wall;

Thence N 17°-53'-47" W, keeping a distance of 6 inches, more or less, from the easterly face of the concrete retaining wall, a distance of 112.38 feet to a point;

Thence N 42°-33'-18" E, a distance of 11.62 feet to a point;

Thence N 13°-51'-10" W, a distance of 44.08 feet to the point of beginning.

Together with all of Grantor's right, title and interest in any rights, privileges, consents, and approvals to maintain said buildings, wharves, structures and improvements.

Also excepting and reserving from the foregoing conveyance the parcel described in the deed from Helen B. Sullivan to James M. Sullivan dated August 23, 1976 recorded in said Registry of Deeds in Book 3936, Page 282.

The premises are conveyed subject to:

1. Sewer easement held by the City of Portland and described in a communication from the Proprietors of Long Wharf to the City of Portland dated September 7, 1882;
2. Easement granted to Central Maine Power Company by Long Wharf, Inc. dated April 24, 1968 recorded in said Registry of Deeds in Book 3046, Page 713;
3. The rights of James H. Sullivan described in the deed from Helen B. Sullivan dated August 23, 1976 recorded in said Registry of Deeds in Book 3936, Page 282;
4. Easement granted by Canal National Bank to Central Maine Power Company and New England Telegraph and Telephone Company dated October 29, 1973 recorded in said Registry of Deeds in Book 3496, Page 108;

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5. Easement granted by Canal National Bank to Portland Water District dated September 29, 1976 recorded in said Registry of Deeds in Book 3917, Page 59;
 6. Easement granted by Antonio DiMillo and Arlene B. DiMillo to Central Maine Power Company and New England Telephone and Telegraph Company dated April 3, 1979 and recorded in said Registry of Deeds in Book 4417, Page 77;
 7. Easement granted by Antonio DiMillo to New England Telephone and Telegraph Company dated June 1, 1979 and recorded in said Registry of Deeds in Book 4441, Page 9;
 8. Easement granted by Antonio DiMillo and Arlene DiMillo to Portland Water District dated January 12, 1981 and recorded in said Registry of Deeds in Book 4728, Page 27;
 9. Easement granted by Antonio DiMillo to Portland Water District dated March 30, 1981 and recorded in said Registry of Deeds in Book 4765, Page 41.
 10. Easement granted by Antonio DiMillo and Arlene B. DiMillo to Central Maine Power Company and New England Telephone and Telegraph Company dated March 27, 1981 and recorded in said Registry of Deeds in Book 4811, Page 77.
 11. Easement granted by Antonio DiMillo and Arlene B. DiMillo to Central Maine Power Company dated October 17, 1978 and recorded in said Registry of Deeds in Book 5061, Page 218.
 12. Notice of Layout and Taking by the State of Maine Department of Transportation, recorded March 11, 1986 in said Registry of Deeds in Book 7093, Page 275, as affected by Supplemental Notice of Taking dated October 14, 1986 and recorded in said Registry of Deeds in Book 7444, Page 331.
- Being all of the remaining premises conveyed to Antonio DiMillo by deed of Canal National Bank, dated October 17, 1978 and recorded in said Registry of Deeds in Book 4323, Page 334.

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RECORDED REGISTRY OF DEEDS

2000 AUG -7 AM 10:36

CUMBERLAND COUNTY

John B. O'Brien

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ASSIGNMENT

FOR VALUE RECEIVED, ARLENE DIMILLO, duly appointed and acting personal representative of the estate of ANTONIO DIMILLO, deceased, whose will was duly admitted to probate in the Probate Court for the County of Cumberland, Maine, by the power conferred by law, and every other power (in distribution of the estate) (the "Assignor"), assigns to ARLENE DIMILLO, EUGENE DIMILLO, STEVEN DIMILLO, ANTONIO DIMILLO, JR., DANIEL DIMILLO, JOHN DIMILLO and CHRISTOPHER DIMILLO, TRUSTEES OF THE DIMILLO MARITAL TRUST, with a mailing address in care of Arlene DiMillo, DiMillo's, Inc., Long Wharf, Portland, Maine 04101 (the "Assignee"), all right, title and interest in and to any and all leases and tenancies affecting the property described in a deed of even date from the Assignor to the Assignee and recorded in the Cumberland County Registry of Deeds herewith, including without limitation, the following:

1. Submerged Lands Lease by and between Bureau of Public Lands, an agency of the State of Maine Department of Conservation and Antonio DiMillo, dated January 1, 1994, a memorandum of which is attached hereto as Exhibit A.
2. Lease of Marina Operations by and between Antonio DiMillo d/b/a DiMillo's Marina and Christopher DiMillo, dated May 13, 1996, a memorandum of which is attached hereto as Exhibit B.
3. Lease of the vessel known as "DiMillo's Floating Restaurant", including the submerged lands under said floating restaurant; the parking spaces in the Long Wharf parking lot adjacent to said floating restaurant sufficient for the parking of 150 motor vehicles; and the so-called wharf section of the property, including but not limited to adequate space for ingress and egress to the restaurant and a motor vehicle turnaround by and between Antonio DiMillo and DiMillo's Inc., dated July 1, 1993.

DATED at Portland, Maine this 18 day of June, 2000.

ESTATE OF ANTONIO DIMILLO

By Arlene DiMillo
Arlene DiMillo, Personal
Representative

STATE OF MAINE
COUNTY OF CUMBERLAND

June 1, 2000

Then personally appeared the above named Arlene DiMillo, in her said capacity and acknowledged the foregoing instrument to be her free act and deed, before me.

Peter S. Pluzar
Attorney at Law/Notary Public
Print Name Peter S. Pluzar

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EXHIBIT A
TO
ASSIGNMENT

Memorandum of Lease

LANDLORD: Bureau of Public Lands, an agency of the State of Maine,
Department of Conservation.

TENANT: Antonio DiMillo.

DESCRIPTION OF PREMISES: A certain parcel of public land located in PORTLAND,
HARBOR, PORTLAND, MAINE, totaling 188,792 + square
feet, to be used for the purposes of operating a marina and
floating restaurant, and for no other purpose.

DATE OF COMMENCEMENT
OF LEASE: The lease commenced on January 1, 1994.

TERM OF LEASE: The term of this Lease shall be for a period of thirty (30) years
beginning on January 1, 1994 and ending December 31, 2023.

PROVISIONS RELATING
TO RENEWALS OR
EXTENSIONS: None.

PROVISIONS RELATING
TO OPTIONS TO PURCHASE
RIGHTS OF FIRST REFUSAL
OR THE TRANSFER OF
TITLE: None.

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EXHIBIT B
TO
ASSIGNMENT

Memorandum of Lease

LANDLORD: Antonio DiMillo d/b/a DiMillo's Marina.

TENANT: Christopher DiMillo.

DESCRIPTION OF PREMISES: Portions of the marina operations known as "DiMillo's Marina", Long Wharf, Portland, Maine, including the right to receive all slip rental income from transient boat rentals during the operating season and the right to operate and to receive all income from the marina store, laundry, showers, fuel sales and any service or repair work performed by Tenant's personnel.

DATE OF COMMENCEMENT OF LEASE: The Lease commenced on May 13, 1996.

TERM OF LEASE: The term of this Lease shall be for a period of two (2) years.

PROVISIONS RELATING TO RENEWALS OR EXTENSIONS: Two (2) additional terms of five (5) years each.

PROVISIONS RELATING TO OPTIONS TO PURCHASE RIGHTS OF FIRST REFUSAL OR THE TRANSFER OF TITLE: None.

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CUKBERLAND COUNTY

John B O'Brien