----- Forwarded Message -----
**From:** Gary D. Vogel <GVogel@dwmlaw.com>
**To:** 'Tom Landry' <tomlandry@benchmarkmaine.com>; "'jswan@owenhaskell.com'" <jswan@owenhaskell.com>
**Cc:** 'Lauren Reiter' <laurenjreiter@yahoo.com>; 'Ellen Brewer' <ebrewer@owenhaskell.com>
**Sent:** Friday, April 12, 2013 6:32 PM
**Subject:** RE: 227 York

Tom and John:  Attached is the deed from Nathan and Henry Cleaves, well know 19th century Portland lawyers who once owned the property.  The deed from 1887  includes the following language:

Also any right and privilege we have to use in common a passage way from Tate Street to the rear of the real estate above described and to any passage way from the same to said York St.

An earlier deed from 1847 described a 10' ROW for passage by carriage.

It seems clear that the property is benefitted by the right of way for use as a passage way in common with others.  There could be objections to keeping it obstructed with demo materials, if it is being used by others, since use as a passage way in common with others would not seem to permit parking or storage, if that would obstruct others' use.  It may be that it could be use temporarily for demo debris that is removed each day.  Or you could get permission from the neighbor.  Or you could go ahead and use it and wait to see if there are any objections, and then explain the temporary nature.

Gary

-----Original Message-----
From: Tom Landry [mailto:tomlandry@benchmarkmaine.com]
Sent: Thursday, April 11, 2013 9:57 PM
To: jswan@owenhaskell.com
Cc: Lauren Reiter; Ellen Brewer; Gary D. Vogel
Subject: Re: 227 York

Hi John, thanks again for the rush on this. I have forwards to my attorney Gary Vogel. I also cc:ed him on this.  Can you clarify if the row extends to behind the house or does it stop, as it seems to show in the docs, at the yard?  The ability to use this for demo would help and the potential to drive across this to access the property might be cool too. Lmk :-).

Tom Landry
Broker/Owner
BENCHMARK Real Estate
Sent by iPhone 207-939-0185

On Apr 11, 2013, at 4:51 PM, "jswan@owenhaskell.com" <jswan@owenhaskell.com> wrote:

> Attorney should varify but i believe the answer is Yes Sent from my
> U.S. Cellular Android device
>
> ----- Reply message -----
> From: "Tom Landry" <tomlandry@benchmarkmaine.com>
> Date: Thu, Apr 11, 2013 3:21 pm
> Subject: 227 York
> To: "'John Swan'" <jswan@owenhaskell.com>, "'Lauren Reiter'"
> <laurenjreiter@yahoo.com>
> Cc: "'Ellen Brewer'" <ebrewer@owenhaskell.com>
>
>
> Thanks again John!  Question for you, Lauren or maybe my attorney -
> does 227 have rights to that right of way??
>
>
>
> Tom Landry
>
> Broker/Owner
>
> Direct: 207-939-0185
>