RESURGAM. CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 08/19/14

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS, that PETER C. LINCOLN, an individual, of New York, in the County of New York, and State of New York, for consideration paid, grants to DWIGHT H. BREW, TRUSTEE OF THE DWIGHT H. BREW REVOCABLE TRUST under Indenture dated January 8, 1996, of Amherst, County of Hillsborough, State of New Hampshire, whose mailing address is 56 Chestnut Hill Road, Amherst, NH 03031, with **WARRANTY COVENANTS,** the land together with the improvements thereon, located in Whitehead Passage Subdivision, Cushing Island, City of Portland, County of Cumberland and State of Maine, and more particularly as follows:

A certain lot or parcel of land located on that portion thereof known as Whitehead and being Lot "1" on Plan of Whitehead Passage Subdivision, Cushing Island, Portland, Maine, made for the Whitehead Associates by Land Use Consultants, Inc., under date of September, 1974, which said plan is duly recorded in Cumberland County Registry of Deeds, Plan Book 106, Page 9, to which Plan reference is hereby made for a more particular description. Reference is also made to that certain Agreement between the Island Company and Peter L. Murray and Martin R. Johnson, Trustees under Declaration of Trust dated July 27, 1970, dated August 7, 1970 and recorded at the Cumberland County Registry of Deeds at Book 3459, Page 324.

This conveyance also includes the following rights and easements insofar as Grantor may lawfully convey the same:

a. The right to reasonable use, in common with Martin R. Johnson and Peter L. Murray, Trustees under a Declaration of Trust, dated July 27, 1970 and recorded in said Registry of Deeds in Book 3137, Page 47 ("Trustees"), their successors and assigns, of the "Government Pier" at Spring Cove and the "Mule Barn" adjacent thereto.

b. The right in common with the Trustees, their successors and assigns, to pass over the shores and beaches of Cushing Island, including those not owned by the Trustees.

c. The right to use, in common with the Trustees, their successors and assigns, the roads, avenues, ways, landings, wharfs, piers and public grounds on Cushing Island.

This conveyance is subject to the following exceptions, restrictions,

MAINE REAL ESTATE TAX PAID

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covenants and reservations:

a. Any exceptions, restrictions, covenants, or reservation: deed from Fort Christopher Levett Company to Martin R. . Peter L. Murray, Trustees, dated August 7, 1970, and recorded at the Cumberland County Registry of Deeds, Book 3138, Page 467, and an easement to Central Maine Power Company dated September 17, 1970, and recorded at said Registry of Deeds, Book 3152, Page 774.

b. The Trustees reserved for themselves, their successors and assigns, in the Deed from the Trustees to the Grantor herein, dated April 17, 1975 and recorded in said Registry of Deeds in Book 3669, Page 203, an easement over, on and in the premises hereby conveyed for a distance of fifteen (15) feet to either side of the center line of Whitehead Avenue, as it may exist from time to time, on said premises so that Trustees, their successors and assigns, may continue to use said Whitehead Avenue, and may enter on to and excavate said lands within said bounds for the purpose of installing, maintaining, repairing, examining, improving and replacing sewers, storm drains, water pipes, utility lines and poles from time to time as Trustees, their successors and assigns, shall determine to be reasonably necessary in order to service Grantee's premises and the remaining lots of said Whitehead Passage Subdivision, and in such reservation Trustees agreed to repair any damage to Grantee's property as a result of such entry. Grantee, for himself, his successors and assigns, agrees and covenants that he will not do or suffer to be done any act which interferes with the use and maintenance of said Whitehead Avenue by Trustees, their successors and assigns, and by other persons lawfully using the same, nor will he prevent access to said utilities within the above-mentioned bounds for the purposes aforementioned.

c. The Trustees, for themselves, their successors and assigns, further reserved in said deed, the right to pass on foot, along any shores and beaches on the premises herein conveyed. The area of the premises herein conveyed upon which such right may be exercised is set forth on a certain plan recorded at the Cumberland County Registry of Deeds, Plan Book 104, Page 25. See agreement of Peter L. Murray and Martin R. Johnson, Trustees, dated April 17, 1975, and recorded at said Registry of Deeds.

d. The Grantee, in his capacity as trustee of the Dwight H. Brew

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Revocable Trust, covenants for himself, his successors anc

(1) So long as he shall own the premises her he will become a member of the Cushing Island Associ successors and pay the annual dues and assessments thereof so long as said Associates, its successors and assigns, remain constituted and so long as Seventy-Five Per Cent (75%) of the members of said Associates shall pay said annual dues and assessments, and that he will contribute his fair and reasonable portion of:

(a) any expense incurred by the Trustees, their successors and assigns, to maintain land for common use, but not for capital improvements.

(b) any expense incurred by the Trustees, their successors and assigns, to maintain and install utility systems or devices servicing Grantee's property.

Such fair and reasonable portion of said expense shall be determined by dividing the total of such expense by the number of property owners benefitting from and responsible for such expense.

(2) The premises shall be used for no other purpose than one single-family dwelling.

(3) Any building or structure of any kind that shall be erected upon the premises conveyed hereunder shall have the prior approval of the Trustees, their successors and assigns, as to the specific plans of the structure proposed and the location thereof which approval will not unreasonably be withheld. It is the intent of the Trustees, their successors and assigns, and Grantee that the aesthetic and environmental characteristics of the site be maintained.

(4) Any dwelling that shall be built upon the premises shall, as of the date of the construction of said dwelling, have a minimum cost of no less than Twenty Thousand Dollars ($20,000).

(5) No motor vehicle shall be kept or used upon the premises or elsewhere on Cushing Island.

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Meaning and intending to convey and hereby conveying the same pr
conveyed to Peter C. Lincoln by Trustee Deed of Martin R. Johnson and Pe
Trustees under Declaration of Trust dated July 27, 1970 and recorded in sai
Deeds in Book 3137, Page 47, which deed is dated April 17, 1975 and reco
Registry of Deeds in Book 3669, Page 203 with all rights appurtenant thereto.

IN WITNESS WHEREOF, the said Peter C. Lincoln has signed this instrument this 5th day of December, 2008.

WITNESS:

Marilyn Meyers

Peter C Lincoln
PETER C. LINCOLN

STATE OF NEW YORK
COUNTY OF NEW YORK

December 5th, 2008

Personally appeared the above-named Peter C. Lincoln and acknowledged the foregoing to be his free act and deed, before me.

Vivian Tudela
Notary Public

Vivian Tudela
Printed Name

VIVIAN TUDELA
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01TU6002082
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES APRIL 7, 2010

S:\L\LIPE01\Warranty Deed final 12-2-08.doc

Received
Recorded Register of Deeds
Dec 15,2008 09:27:34A
Cumberland County
Pamela E. Lovley