

Ainsworth Thelin
Counselors at Law

Michael F. Vaillancourt, Esq.

November 1, 2013

Susan Small
24 Cypress Street
Portland, ME 04103

RE: 29 & 0 Mayfield Street
Our File No. 130294

Dear Susan:

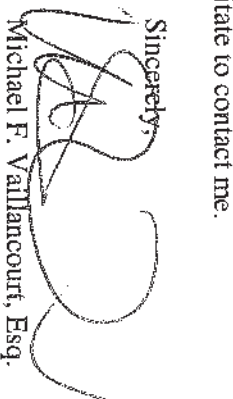
As you will recall, we have worked together over the past several months for the purpose of determining your interest in and to the street now known as Mayfield Street, as this roadway serves as your only current means of ingress and egress with respect to your Mayfield Street property. You'll also recall that our firm worked with title abstractor Dick McLain who conducted title research on the relevant property.

In light of this research and subsequent analysis, it appears that the City of Portland never accepted Mayfield as a City street. Therefore, as it is unlikely that the City has any ownership interest in and to the roadway, we researched: 1) Likely ownership; and 2) Access.

With respect to ownership, our title research revealed that the land underlying the roadway is likely owned by the Estate of Bishop and/or the Estate's heirs and devisees. Frankly, Bishop and designees are probably unaware of any ownership claims they may have to the roadway. Such claims are likely immaterial anyhow, given the easement that was granted in 1914 permitting property owners and devisees (including you and your son) to use the roadway for virtually all purposes.

Therefore, it is our conclusion that you have a dedded right of way and thus proper means of ingress and egress for purposes of accessing your property on Mayfield Street. Susan, if you have any further questions or concerns please do not hesitate to contact me.

Sincerely,



Michael F. Vaillancourt, Esq.

MFV/pyj
Enclosure

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MAYFIELD STREET

**STATUTORY VACATION
TRIANGLE AT END**

October 10, 2007

It appears that a triangular portion at the end of the street was not accepted, and may be Statutorily Vacated. Please refer to the edited "Blue Sheet" for Mayfield Street.

Mayfield Street was accepted with the northerly line described up to the subdivision line, with the street to be 50 feet wide, and to lie on the southerly side of the described line. The acceptance description made no reference to the recorded subdivision plan, and made no reference as to include a triangular portion of the street westerly of the end of the acceptance.

Recreating the street, as described in the acceptance, creates a 90° angle to the northerly line. The subdivision line at the end of the paper street is at an angle greater than 90°, and creates a triangular portion of the paper street that was not accepted.

Mayfield Street is not listed on the City of Portland City Council Order #84 titled "Order Excepting Streets From Deemed Vacation", as passed on September 3, 1997 and recorded in the Cumberland County Registry of Deeds in Deed Book 13326, Page 19. Omission of the unaccepted portion of Mayfield Street from the City Council Order #84 may be deemed a STATUTORY VACATION as the City Council did not file another Order Excepting Streets From Deemed Vacation prior to or on September 29, 1997. An Attorney should be consulted further on the subject of title and any claims of title.

As a result it appears the end of street was Statutorily Vacated by omission from the list. This means the land reverts to the private land owners and we do not have any future ability to accept the street unless it is deeded to us as a public easement or totally in fee for street purposes.

William B. Clark, Jr. PLS 2100 City of Portland - DPW Engineering

Know all Men by these Presents, That
I, Fred E. Briggs, of Portland, in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable consideration, paid by John W. Gulliver, of said Portland,

do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said John W. Gulliver, his heirs and assigns forever, a certain lot or parcel of land situated in said Portland, in that part formerly bearing on the easterly side of Bishop Court, and bounded and described as follows: Commencing at an iron hub in the ground at the northeasterly corner of the lot of land conveyed by Nancy K. Roberts to said John W. Gulliver, by deed dated June 2, 1913, and recorded in Cumberland County Registry of Deeds, Book 515, Page 368, thence running on the northerly line of said Gulliver lot westwardly one hundred fifty-five (155) feet to an iron hub in the ground, at the northwest corner of said Gulliver, lot; thence on the westwardly line of said Gulliver lot southwardly one hundred ten (110) feet to another hub in the ground at the southwesterly corner of said Gulliver lot and in the northwardly line of land conveyed to said John W. Gulliver, by Daniel H. Read; thence on line of said Read-Gulliver land westwardly to the point of intersection of said northwardly line of said Read-Gulliver land with the easterly side line of Bishop Court, as extended across the five foot strip of land between the southerly end of said Bishop Court and said Read-Gulliver land; thence northerly along said easterly side line of said Bishop Court, as extended across the five foot strip of land and along said easterly side line of said Bishop Court two hundred (200) feet to a point; thence easterly by land of the grantor to the easterly boundary line of land conveyed to me by Nancy Kimball Roberts, by deed dated December 17, 1913, and recorded in Cumberland County Registry of Deeds, Book 923, Page 414, at a point distant ninety (90) feet northwardly from the point of beginning, thence southwardly in a direct line ninety (90) feet to the point of beginning, being a portion of the land conveyed to me by Nancy Kimball Roberts, by said deed dated December 17, 1913. Also a right of way in common with others over said Bishop Court and a right of way of the same width as Bishop Court, over said five foot strip of land between the southerly end of said Bishop Court and said Read-Gulliver land, for all purposes in connection with any land the said Gulliver now owns or any land, he, his heirs or assigns may acquire in the future.

Our Stamp and in faith the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to him the said John W. Gulliver, his heirs and assigns, to his and their use and behoof forever. And I do covenant with the said Grantee, his heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee; to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof I the said Fred E. Briggs, unmarried
 my hand and seal this twenty-first day of May have hereunto set
 one thousand nine hundred and fourteen and fourteenth
 signed, sealed and delivered
 in presence of

Harry L. Oram, Fred E. Briggs Seal.

Signed at Middle, Cumberland, ss. Portland, May 21, 1914. Personally appeared
 the above named Fred E. Briggs

and acknowledged the above instrument to be his free act and deed.

Before me, Harry L. Oram, Justice of the Peace.

Received May 29, 1914, at 2 o'clock 15 m. P. M., and recorded according to the original.

Know all Men by these Presents, That

I, Nancy Kimball Roberts residing at No. 820 Stevens Avenue in the City of Portland County of Cumberland State of Maine,

in consideration of One dollar and other sufficient consideration, paid by Fred E. Briggs, of said City of Portland,

do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Fred E. Briggs his heirs and assigns forever, a certain portion of and in the rear of my homestead situated on the westwardly side of said Stevens Avenue and being a portion of the land conveyed by Mary H. Libby and Oscar F. Libby to my husband George O. Roberts by warranty deed dated Oct. 24th, A.D. 1895 and recorded in Book 652, Page 6 in the registry of deeds for said County, and by my husband conveyed to me by warranty deed dated January 31st. A.D. 1896 and recorded in book 657, Page 182 in said registry. The portion and parcel of my said land hereby conveyed being bounded and described as follows; Commencing at an iron hub in the ground at the N.E. corner of the lot of land by me conveyed to John W. Gulliver by my warranty deed dated June 2, A.D. 1913 recorded in book 913 Page 368 in said Registry and thence running on the northwardly line of said Gulliver lot westwardly one hundred and fifty-five feet to an iron hub in the ground at the N.W. corner of said Gulliver lot; thence on the westwardly line of said Gulliver lot southwardly one hundred and ten feet to an iron hub in the ground at the S.W. corner of said Gulliver lot and in the Northwardly line of land conveyed to said John W. Gulliver by Daniel H. Reed, thence on line of said Reed - Gulliver land westwardly Two Hundred and fifteen feet to land of one Dennis F. Gulliver, thence on line of said Dennis F. Gulliver northwardly Two hundred eighty and one half feet to land of this grantee, thence eastwardly on line of said land of Grantee, formerly of George Bishop and land formerly of Wm. M. Scammon three hundred and eighty four feet to an iron hub in the ground and said Scammon land. thence southwardly in a direct line one hundred and fifty six feet to the iron hub, corner and parcel of commencing. The said riggs having extended and constructed "Bishop Court" as and for a street Southwardly across the land hereby conveyed to a point five feet from the southwardly line of this land; And as a part of the above stated consideration said Briggs having by deed dated December 17th, 1913 conveyed and granted by John W. Gulliver his heirs and assigns a right of way over said five foot strip of land and said Bishop Court so extended and to Bishop Street for access to and egress from said land so by me conveyed to said Gulliver this deed and conveyance to said Briggs of the land hereby conveyed is made subject to said herein described right of way _____

The same and to gain the store-granted and bargained premises, with all the privileges and appurtenances thereof, to the said Fred E. Briggs, his heirs and assigns, to his and their use and behoof forever. And I do covenant with the said grantee, his heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

I have good right to sell and convey the same to the said Grantee; my heirs, shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In witness whereof the said Nancy Kimball Roberts and I, George O. Roberts her husband joining in this deed as grantor and also relinquishing and conveying my right by descent and all my other rights in the above described premises,

our hands and seal this seventeenth day of December in the year of our Lord one thousand nine hundred and thirteen.

Henry W. Swasey to both. Nancy Kimball Roberts Seal. Geo. O. Roberts Seal.

State of Maine, Cumberland, ss. Dec. 19th, 1913 Personally appeared the above named Nancy Kimball Roberts

and acknowledged the above instrument to be her free act and deed.

Before me, Henry W. Swasey, Justice of the Peace. Received December 20 1913 at 11 o'clock 10 m. A. M., and recorded according to the original.

To Michael

Reference to your request I have
rechecked in the Cumberland County Registry of Deeds
Mayfield Street formerly known as Bishop Court.

Nancy Kimball Roberts conveyed to Fred
& Briggs by deed dtd 12/17/1913 and recorded in Book
922-411 a parcel of land westerly of Shermans Avenue and
Sutterly of Bishop Court. The parcel is outlined in
red on Tax MAPS 145-400 293. The parcel includes the
boundals of Mayfield Street and Tax MAP lots 293-C-12
and 145-B-32. This deed references the Grantee, Briggs,
as having extended and constructed "Bishop Court" as and for a
street southwardly access the land hereby conveyed. to a point
5 feet from the southwardly line of the land.

Fred & Briggs conveyed to John W. Callison
by instrument dtd 12/17/13 and recorded in Book 925-71
a right of way in common with others from Bishop Street
Sutterly over Bishop Court as it now exists and as extended
to within 5 feet of the northernly line of land owned by
John W. Callison. The right of way to the same width as
Bishop Court.

Fred & Briggs conveyed to John W. Callison
by deed dtd 5/11/14 and recorded in DC 933-40

a parcel of land and a right of way. The parcel abuts the easterly side of Bishop Court and is outlined in Red lines marks on the Tax maps.

Fred E. Briggs conveyed to Alfred N. McCracken by instrument dtd 5/24/1916 in Sec 920-69 a right of way over Bishop Court as it now exists and a right of way of the same width as Bishop Court.

Fred E. Briggs conveyed to John A. Stewart by deed dtd 6/27/1916 and recd in Br. 1020-52 a parcel of land which now makes up one current lot. This parcel abuts the easterly side of Mayfield Street and is outlined in Blue on Plat. [Encs.]

I have obtained copies of Volume 2 Page 7 of the 1909 Fireinsurance Atlas which shows Mayfield Street abutting our lot. and the 1914 Plat showing a right of way to our lot.

I did not find recorded evidence of Mayfield Street being accepted, vacated or abandoned.

When Fred E. Briggs conveyed our conveyance they all abutted the easterly or westerly bounds of Bishop Court Extension. It appears Fred E. Briggs has the fee interest in Bishop Court Extension now known as

Myfield Street

I have provided copies of all of the above referenced instruments along with Tax Maps, Plans and Platts for a usual and.

If you have questions please call.

Sincerely yours,

Richard McLean

RHM Registry Services, Inc.
P.O. Box 4653
Portland, ME 04112
(207) 998-2554