

Ann Machado - 63 Stroudwater

From: Brenda Buchanan <Brenda@wacubu.com>
To: "AMACHADO@portlandmaine.gov" <AMACHADO@portlandmaine.gov>
Date: 6/4/2013 4:53 PM
Subject: 63 Stroudwater
CC: Jennifer Hoopes <smithhoopes@maine.rr.com>, "Jennifer Hoopes [Foreside]"...
Attachments: Smith-Hoopes deed - 63 Stroudwater.pdf; 4451-310.pdf

Hello Ann,

Jennifer Hoopes and Betsy Smith asked me to touch base with you about the confusion regarding the legal description to the property at 63 Stroudwater.

I did not do their title work, but did work with them to sort out some easement questions in the chain of title, so am quite familiar with the conveyancing history of this property. It is complex!

Basically, the situation is that the legal description used in their deed is derived from a number of past conveyances. I am attaching a couple of past deeds to this note in hope this will clarify it for you.

Essentially, the key to understanding the Smith-Hoopes deed (attached) is that what is described by metes and bounds is then modified by the exception/reservation in the next-to-the-last paragraph of a 29,241 sf parcel that was conveyed by Corey to Nadzo in a 7/5/79 deed recorded in Book 4451, Page 310 (attached).

Unfortunately, this exception and reservation is not described in metes and bounds in the deed into Smith-Hoopes, it is mentioned only by reference. But when this 29,241 sf parcel is subtracted from the metes and bounds recited in the Smith-Hoopes deed, you get what is shown on the site plan (and is 222-A-11 on the tax maps.)

If you noticed that exception and reservation, it may have confused you that the tax maps show no adjacent lot 29,241 in size. This is because at the time of the 1979 conveyance from Corey to Nadzo, the Nadzos already owned abutting property (which came in to them from Lane on 6/19/79 via a deed recorded in Book 4440, Page 126).

When the 29,241 sf parcel from Corey was added to the parcel they'd bought the previous month from Lane, Nadzo wound up with the current 96,808 sf parcel now shown on the tax maps as 222-A-30, which Nadzo conveyed to the current owners, Burmeister & Plimpton in November, 2010. (Book 28276, Page 93.)

So while it is not the best legal description by a long shot, when the exception and reservation is overlaid on the metes and bounds, it all fits, and legally, it is sufficient for a deed.

On your questions about what is shown on the site plan, I defer to the site planner. But on whether the parcel shown on the site plan is the same as what was deeded to Jennifer and Betsy, the answer is yes, however inelegant that deed description may be.

If you have questions about this, please give a call.

Best,

Brenda

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