

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS, that **PIKE INDUSTRIES, INC.**, a Delaware corporation with a place of business and mailing address at 58 Main Street, Westbrook, Maine 04092 ("Grantor"), for consideration paid, hereby grants to **UNIVERSITY OF NEW ENGLAND**, a Maine non-profit corporation with a mailing address of 11 Hills Beach Road, Biddeford, Maine 04005 ("Grantee"), with **WARRANTY COVENANTS**, those certain lots or parcels of land, together with any buildings and improvements thereon, situated in Portland, Cumberland County, Maine, being more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "Premises").

The following restrictions shall run with the land, shall inure to the benefit of the Grantor, and its successors and assigns, and shall be binding upon the Grantee, and its successors and assigns:

1. The Grantee covenants and agrees that the Premises shall not be used for excavation of earth materials, crushing of rock and other materials, production of hot-mix asphalt or other similar products (e.g., cement, ready mix concrete, etc.), storage of earth materials and/or hot-mix, cement or ready-mix products or the sale (retail or wholesale) and distribution of such materials from the Premises or the use of such material or existing processed material unless such excavation and/or use of such materials is for the benefit of the Grantee on the Premises or on contiguous land in common ownership of the Grantee.
2. In the event of a violation of any or all of this restrictive covenant, the Grantor, in addition to all other remedies available to it, may obtain an injunction against the Grantee issued by a court of competent jurisdiction enjoining such breach and shall be entitled to recover its costs and expenses, including, but not limited to, reasonable attorney's fees in the enforcement or defense of the restrictions or any of them.

Being parcels 2 and 3 in the deed of Oldcastle Materials, Inc. to Pike Industries, Inc. dated March 20, 2002, and recorded in the Cumberland County Registry of Deeds in Book 17835, Page 301.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed and sealed this 28th day of February, 2012.

WITNESS:

PIKE INDUSTRIES, INC.

By: Brian J. Donovan
 Print/type name: Brian J. Donovan
 Its: Authorized Agent

MAINE REAL ESTATE TAX PAID

STATE OF MAINE
CUMBERLAND, ss.

February 28, 2012

Then personally appeared the above named Brian J. Donovan, its Authorized Agent, of Pike Industries, Inc. who acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Pike Industries, Inc.

Before me,

Peter J. Van Hemel

~~Notary Public~~ / Maine Attorney-at-Law

Name Printed: Peter J. Van Hemel

My Commission Expires: _____

EXHIBIT A

TRACT I

A certain lot or parcel of land in the Morrill's Corner region of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Commencing at a point or stake standing on the old southerly line of the Portland & Rochester Railroad, now the Portland Terminal Company, and at a point where the same intersects with land formerly of Franklin M. Purington,

THENCE South $65 \frac{3}{4}^{\circ}$ West 108 Rods 15 Links, more or less, to land now owned by the City of Portland;

THENCE North $24 \frac{1}{4}^{\circ}$ West 5 Rods 16 Links, more or less, to a stake;

THENCE South $65 \frac{3}{4}^{\circ}$ West 34 Rods 9 Links, more or less, to a stake standing on land owned by said City;

THENCE North 11° West 11 Rods 7 Links, more or less, to a stake, standing on land formerly owned by Hiram Sawyer;

THENCE North $61 \frac{1}{2}^{\circ}$ East 107 Rods, more or less, to line of said location of Portland & Rochester Railroad;

THENCE by the line of said Railroad on its southerly side as aforesaid $83 \frac{1}{4}^{\circ}$ East 38 $\frac{1}{2}$ Rods, more or less, to the place of beginning.

EXCEPTING from the above described premises, the premises conveyed by Adam W. Wilson to City of Portland by deed dated March 25, 1889, and recorded in the Cumberland County Registry of Deeds in Book 556, Page 132; and the premises conveyed by Adam W. Wilson to Boston & Maine Railroad by deed dated April 4, 1907, and recorded in said Registry in Book 803, Page 232, and by deed dated August 5, 1910, and recorded in said Registry in Book 863, Page 137.

TRACT II

Another certain lot or parcel of land situated near Morrill's Corner in that part of Portland that was formerly Deering, in the County of Cumberland and State of Maine, lying adjacent to and lying northwesterly of the above described premises, being bounded and described as follows:

Beginning at the northwesterly corner of land formerly of one Smith, on the southerly side of land formerly of Portland & Rochester Railroad, now the Portland Terminal Company, and running South 62° West 106 Rods to land of Portland Cemetery;

THENCE northwesterly by said Cemetery lot 30 Rods to the Old Kenney lot;

THENCE North 52 1/2° East by said Kenney's lot 49 Rods 2 Links to the Portland Terminal Company railroad land, formerly of the Portland & Rochester Railroad;

THENCE southeasterly by said Portland Terminal Company location 70 Rods to the first mentioned bounds or place of beginning.

EXCEPTING, however, from the above described premises two certain pieces or parcels of land, that first being 200 feet in length by 28 feet in width and lying parallel with the above-mentioned railroad, said parcel being conveyed by F.O.J. Bodge to Boston & Maine Railroad by warranty deed November 20, 1907, and recorded in the Cumberland County Registry of Deeds in Book 817, Page 29; and the second being a strip along a portion of the southeasterly and southwesterly side thereof, being conveyed by Lewis Lumber Co. to Central Maine Power Company by deed dated November 23, 1951, and recorded in said Registry in Book 2067, Page 107.

Both tracts are conveyed subject to the rights acquired for a sewer by the City of Portland by taking dated May 26, 1944, and recorded in the office of the City Clerk of the City of Portland, Maine, in Vol. 66, Page 263.

Also excepting the land described in the deed from Tilcon Minerals, Inc. to the City of Portland dated November 22, 1996, recorded in the Cumberland County Registry of Deeds in Book 12886, Page 212.

The premises are conveyed subject to the following rights and easements:

1. Rights and easements granted by Warren Bros. Roads Co. to Central Maine Power Company by instrument dated June 19, 1952, and recorded in the Cumberland County Registry of Deeds in Book 2097, Page 221.
2. Rights and easements granted by Warren Brothers Roads Company to Central Maine Power Company and New England Telephone and Telegraph Company by instrument dated January 27, 1967, and recorded in the Cumberland County Registry of Deeds in Book 2996, Page 102.
3. Rights and easements granted by Warren Brothers Co. to Portland Water District by instrument dated December 15, 1977, and recorded in the Cumberland County Registry of Deeds in Book 4150, Page 72.
4. Rights and easements granted by Warren Bros., a Div. of Ashland-Warren Inc. to Central Maine Power Company and New England Telephone and Telegraph Company by instrument dated January 31, 1978, and recorded in the Cumberland County Registry of Deeds in Book 4239, Page 326.
5. Rights and easements granted by Tilcon Minerals, Inc. to the City of Portland by deed dated November 22, 1996, and recorded in the Cumberland County Registry of Deeds in Book 12886, Page 214.

6. Rights and easements granted by Lewis Lumber Company to Central Maine Power Company by instrument dated November 23, 1951, and recorded in the Cumberland County Registry of Deeds in Book 2067, Page 106.
7. Rights, easements, and exceptions set forth in deed from Rosa Lewis to Warren Brothers Roads Company dated May 26, 1962, recorded in said Registry of Deeds in Book 2676, Page 74.

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Received
Recorded Register of Deeds
Mar 02 2012 11:36:47A
Cumberland County
Pamela E. Lovley