

QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

MARY MARGARET I. HAVERTY of the City of Portland, County of Cumberland and State of Maine, being unmarried, whose mailing address is 67 Havertys Way, Portland, Maine 04103 (the "Grantor"), for consideration paid, grants to BALLPARK DRIVE DEVELOPMENT, LLC, a Maine limited liability company with a place of business in Portland, Maine and a mailing address of 67 Havertys Way, Portland, Maine 04103 (the "Grantee"), WITH QUITCLAIM COVENANT, a certain lot or parcel of land situated on the easterly side of Washington Avenue in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

Beginning at the most northerly corner of the parcel described herein which lies on the southwesterly line of Lester Drive Subdivision at its intersection with the northeasterly corner of land now or formerly of Edmund F. Murphy and Patricia Murphy and from whence the easterly sideline of Washington Avenue bears N 57° 55' 57" W a distance of 150.00 feet;

Thence, from said point of beginning, S 57° 55' 57" E along said Lester Drive Subdivision, 1059.68 feet;

Thence, N 31° 59' 07" E continuing along said Lester Drive Subdivision, 536.38 feet to land now or formerly of the Grace Baptist Church;

Thence, leaving said Lester Drive Subdivision line, S 59° 03' 17" E along said Grace Baptist Church land, 247.73 feet to land now or formerly Simon C. Ramsay and Rita H. Ramsay;

Thence, S 30° 56' 43" W along said Ramsay land, 113.77 feet;

Thence, S 56° 47' 07" E continuing along said Ramsay land, 75.59 feet to land now or formerly of Matthew J. Flaherty and Karen H. Flaherty;

Thence, S 47° 00' 30" W along said Flaherty land and land now or formerly of the Grantor, Mary Margaret I. Haverty, 391.69 feet;

Thence, S 17° 10' 07" E along said Haverty land and land now or formerly of Todd J. Friberg and Patricia C. Friberg, 451.67 feet to land now or formerly of Ira M. Wine and Mary-Agnes Wine;

Thence, S 62° 14' 40" W along said Wine land 100.00 feet to the southeast corner of remaining land of the Grantor, Mary Margaret I. Haverty;

Thence, N 25° 02' 09" W along said remaining Haverty land, 438.37 feet to an iron pipe or rod;

Thence, N 59° 36' 14" W continuing along said remaining Haverty land, 94.63 feet to an

iron pipe or rod;

Thence, S 30° 23' 46" W continuing along said remaining Haverty land, 167.48 feet to an iron pipe or rod;

Thence, N 59° 36' 14" W continuing along said remaining Haverty land, 88.00 feet to a monument;

Thence, N 59° 36' 14" W continuing along said remaining Haverty land, 87.50 feet to a iron pipe or rod;

Thence, S 61° 27' 13" W continuing along said remaining Haverty land, 152.35 feet to the most easterly corner of land now or formerly of Richard M. Luthe and Susan N. Luthe;

Thence along said Luthe land the following courses and distances:

N 52° 42' 38" W a distance of 285.61 feet;

N 52° 35' 27" W a distance of 109.24 feet;

N 76° 29' 06" W a distance of 223.57 feet to the corner common to land now or formerly of Christopher M. Huchanan and Tammy Huchanan and Herbert T. Ashby and Irene I. Ashby;

Thence, along said Huchanan land the following courses and distances:

N 15° 10' 54" W a distance of 20.18 feet;

N 15° 10' 54" W a distance of 60.82 feet;

N 04° 57' 54" W a distance of 14.88 feet;

S 79° 41' 10" W a distance of 150.70 feet to the easterly sideline of Washington Avenue;

Thence, N 04° 25' 25" W along said easterly sideline of Washington Avenue 130.27 feet to land now or formerly of Joanne Boswell;

Thence, along said Boswell land the following courses and distances:

N 79° 51' 57" E a distance of 150.75 feet;

N 04° 25' 25" W a distance of 54.80 feet to the southeasterly corner of land now or formerly of said Edmund F. Murphy and Patricia Murphy;

N 18° 18' 29" W along said Murphy land a distance of 78.43 feet;

Thence, N 24° 19' 35" E continuing along said Murphy land 175.00 feet to the point of

beginning.

Containing 14.09 acres, more or less.

The above boundary information is taken from a plan entitled "Standard Boundary Survey of: The Haverty Estate Property, Washington Ave. Extension, Portland, Maine" by Sebago Technics dated December 23, 1999 (revised through September 14, 2001) and recorded in said Registry of Deeds in Book 203, Page 558, and includes a parcel of land not shown on said plan conveyed to the Grantor, Mary Margaret I. Haverty, by Joanne Boswell by deed dated April 29, 2004 and recorded in said Registry of Deeds in Book 21190, Page 232, and excludes a portion of the land shown on said plan conveyed by the Grantor, Mary Margaret I. Haverty, to Edmund F. Murphy and Patricia Murphy by deed dated November 8, 2004 and recorded in said Registry of Deeds in Book 22025, Page 7.

Bearings are based on a plan of land entitled "Plan of Division of Land, The Haverty Estate Property, Ballpark Drive Subdivision" by URS Corporation, Portland, Maine, dated November 22, 2004, recorded in said Registry of Deeds in Plan Book 204, Page 855 (the "Plan")

Further reference is made to a related plan recorded with the Plan entitled "Residential Lot Subdivision Plat Ballpark Drive Subdivision" dated November 22, 2004, and recorded in said Registry of Deeds in Plan Book 204, Page 856 (the "Subdivision Plan").

The Plan and the Subdivision Plan are hereinafter collectively referred to as the "Project Plans".

The premises conveyed herein are subject to the following:

1. Rights and easements acquired by the City of Portland by virtue of a Taking dated June 3, 1963 and recorded in said Registry of Deeds in Book 2764, Page 362;
2. Real Estate Tax Agreement by and between Joanne Boswell and the Grantor, Mary Margaret I. Haverty, dated April 29, 2004, and recorded in said Registry of Deeds in Book 21190, Page 234; and
3. General Notes, Setbacks, Stream Buffer, Easements and other matters shown on the Project Plans.

The premises conveyed herein comprise Lots 1 through 16, Lot 18 and the area encompassing Ballpark Drive as shown on the Project Plans, specifically excluding and not conveying herein Lot 17 as shown on the Project Plans, which Lot 17 is being retained by the Grantor, Mary Margaret I. Haverty.

Excepting and reserving to the Grantor, Mary Margaret I. Haverty, her heirs and assigns, an easement in common with the Grantee, its successors and assigns, to use Ballpark Drive shown on the Project Plans for vehicular and pedestrian access to and from Lot 17 shown thereon and for the installation, maintenance, repair and replacement of utilities over, under and through

Ballpark Drive to serve Lot 17 including, but not limited to, power lines, sewer and water lines, telephone and other communication lines, and cable television lines. The Grantor, Mary Margaret I. Haverty, her heirs and assigns, shall repair Ballpark Drive as nearly as practical following any activity therein pursuant to the exercise of said easement, which obligation shall be enforceable by all parties having rights in and to the use of Ballpark Drive. Following the acceptance of Ballpark Drive as a public street, the use thereof by the Grantor, Mary Margaret I. Haverty, her heirs and assigns, shall be further subject to all applicable municipal ordinances and regulations with respect thereto.

Reference is made to (a) a Short Form Trustee's Deed from Mary Margaret I. Haverty, Trustee of the John E. Haverty Trust - 1990, to the Grantor, Mary Margaret I. Haverty, dated August 22, 2000 and recorded in said Registry of Deeds in Book 15682, Page 290, and (b) Warranty Deed from Joanne Boswell to the Grantor, Mary Margaret I. Haverty, dated April 29, 1004 and recorded in said Registry of Deeds in Book 21190, Page 232, for the Grantor's source of title to the premises conveyed herein.

IN WITNESS WHEREOF, I, the said MARY MARGARET I. HAVERTY, have hereunto set my hand and seal this 8th day of December, 2004.

WITNESS:




Mary Margaret I. Haverty

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

December 8, 2004

Then personally appeared the above named Mary Margaret I. Haverty and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public/Attorney at Law

RICHARD A. SHINAY
Print name

Received
Recorded Register of Deeds
Dec 08:2004 02:36:24P
Cumberland County
John B O'Brien