

**WARRANTY DEED
(Maine Statutory Short Form)
CONFIRMATORY DEED**

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 "Grantor"), for consideration paid, grants to **THE VESTA CORPORATION**, a Maine corporation with a mailing address of P.O. Box 1464, Portland, Maine 04104 (the "Grantee"), with **WARRANTY COVENANTS**, a certain lot or parcel of land situated in the City of **Portland**, County of **Cumberland** and State of **Maine**, more particularly described as follows:

Lot 5 shown on a plan entitled "Plan of Division of Land, The Haverty Estate Property, Ballpark Drive Subdivision" by URS Corporation, Portland, Maine, dated November 22, 2004, recorded in the Cumberland County Registry of Deeds in Plan Book 204, Page 855 (the "Plan"), and on 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 being hereinafter collectively referred to as the "Project Plans").

Excepting the fee interest in Ballpark Drive shown on the Project Plans, which the Grantor has conveyed to the City of Portland by Warranty Deed recorded in the Cumberland County Registry of Deeds in Book 24372, Page 129, as a public street, but hereby conveying an easement in common with the Grantor, its successors and assigns, and other owners of lots in Ballpark Drive Subdivision, to use Ballpark Drive shown on the Project Plans for vehicular and pedestrian access to and from the above-described premises and for the installation, maintenance, repair and replacement of utilities over, under and through Ballpark Drive to serve the above-described premises including, but not limited to, power lines, sewer and water lines, telephone and other communication lines, and cable television lines. The Grantee, its successors 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. The use of Ballpark Drive by the Grantee, its successors and assigns, shall be further subject to all applicable municipal ordinances and regulations with respect thereto.

The above-described premises are conveyed subject to the following to the extent they affect the premises or other interests relating thereto and referred to herein:

I. 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. Rights and easements excepted and reserved in a deed from Mary Margaret I. Haverty to the Grantor dated December 8, 2004 and recorded in said Registry of Deeds in Book 22100, Page 73;

3. General Notes, Setbacks, 75' Stream Buffer as delineated by stream buffer monuments, Easements and other matters set forth, shown on, or referred to on the Project Plans, particular reference being made to General Note No. 19 on Plan Book 204, Page 856 which states as follows: "19. The 75-foot undisturbed buffer on the southern side of the intermittent brook to the northern property boundaries

of Lots 1-9 is subject to regulation under the City of Portland shoreland regulations and the State of Maine Natural Resources Protection Act, as amended. Reference to the restrictions shall be noted in each deed for Lots 1 through 9" and General Note No. 18 on Plan Book 204, Page 856 which states in part: "18. Soil disturbance landscaping between 25 feet and 75 feet from the intermittent brook requires a NRPA permit-by-rule approved through the Maine DEP".

4. Easement Deed from Mary Margaret I. Haverty to the Portland Water District dated January 10, 2005 and recorded in said Registry of Deeds in Book 22228, Page 90;

5. Easement Deed for drainage and culvert easements from the Grantor to the City of Portland dated January 13, 2005 and recorded in said Registry of Deeds in Book 22268, Page 53;

6. Easement Deed for sewer line easement from the Grantor to the City of Portland dated January 13, 2005 and recorded in said Registry of Deeds in Book 22268, Page 57;

7. Declaration of Covenants and Restrictions by the Grantor regarding Lots 1 through 16 in Ballpark Drive Subdivision dated January 27, 2005 and recorded in said Registry of Deeds in Book 22278, Page 204, as amended by Amendment to Declaration of Covenants and Restrictions dated March 2, 2005 and recorded in said Registry of Deeds in Book 22380, Page 177;

8. Trail Easement over Lot 18 in Ballpark Drive Subdivision from the Grantor to Portland Trails dated January 24, 2005 and recorded in said Registry of Deeds in Book 22284, Page 63;

9. Standard Easement Deed from the Grantor to Central Maine Power Company and Verizon New England, Inc. dated December 27, 2004 and recorded in said Registry of Deeds in Book 22384, Page 105; and

10. Rights and easements, subject to all terms and conditions with respect thereto, and title to the granite right-of-way monuments for Ballpark Drive as shown on the Project Plans, conveyed by said Warranty Deed of Ballpark Drive from the Grantor to the City of Portland dated July 25, 2006 and recorded in said Registry of Deeds in Book 24372, Page 129.

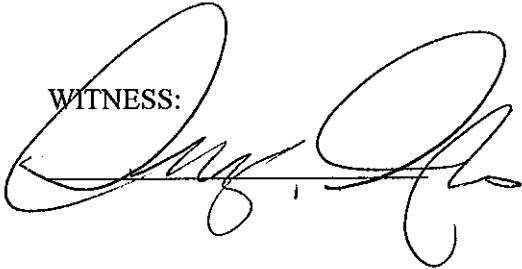
The above-described premises are further conveyed together with the benefit of a Declaration of Covenants and Restrictions by the Grantor regarding Lot 18 in Ballpark Drive Subdivision dated January 13, 2005 and recorded in said Registry of Deeds in Book 22268, Page 59.

Reference is made to said deed from Mary Margaret I. Haverty to the Grantor dated December 8, 2004 and recorded in said Registry of Deeds in Book 22100, Page 73, for the Grantor's source of title to the above-described premises conveyed herein.

This Confirmatory Deed is being recorded to modify a prior deed from Ballpark Drive Development, LLC to The Vesta Corporation, dated September 18, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31028, Page 180 by making specific references to Note 18 and Note 19 on Plan Book 204, Page 856.

IN WITNESS WHEREOF, BALLPARK DRIVE DEVELOPMENT, LLC has caused this instrument to be executed by Mary Margaret I. Haverty, its Chief Executive Officer and Manager, thereunto duly authorized, as of the 25th day of September, 2013.

WITNESS:



BALLPARK DRIVE DEVELOPMENT, LLC



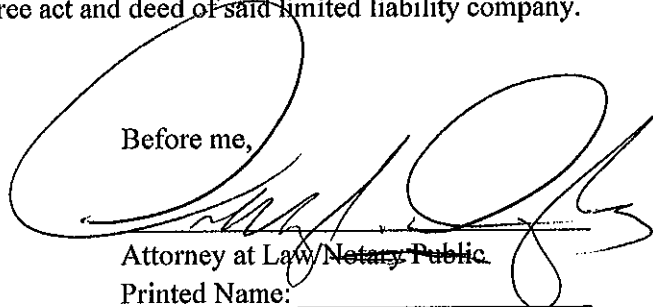
By: **Mary Margaret I. Haverty,**
Its Chief Executive Officer and Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

September 25, 2013

Then personally appeared the above-named Mary Margaret I. Haverty, Chief Executive Officer and Manager of Ballpark Drive Development, LLC, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,



Attorney at Law/Notary Public

Printed Name: _____

DONNELLY S. DOUGLAS
Maine Attorney at Law
Maine Bar No. 147