Doc#: 49961 Bk:24241 Pg: 54

RESURGAM CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

Warranty Deed

KNOW ALL PERSONS BY THESE PRESENTS, that we, **TODD J. FRIBERG** and **PATRICIA C. FRIBERG**, both of whom have a residence and mailing address of 44 Eastman Road, Cape Elizabeth, Maine 04107 (the "Grantors")

for consideration paid, grant

a one-third (1/3rd) interest in common and undivided to **DAVID H. HAVERTY** and **MAUREEN P. HAVERTY**, husband and wife, both of whom have a residence and mailing address of 81 Havertys Way, Portland, Maine 04103, as joint tenants inter se, a one-third (1/3rd) interest in common and undivided to **MATTHEW J. FLAHERTY** and **KAREN H. FLAHERTY**, husband and wife, both of whom have a residence and mailing address of 49 Havertys Way, Portland, Maine 04103, as joint tenants inter se, and a one-third (1/3rd) interest in common and undivided to **MARY MARGARET I. HAVERTY**, a single woman having a residence and mailing address of 64 Havertys Way, Portland, Maine 04013, (the "Grantees"),

with *Warranty Covenants*, the following described real estate, namely:

A certain lot or parcel of land, together with any buildings or improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described in Exhibit A attached hereto and made a part hereof.

Witness our hands this 2nd day of August, 2006.

MAINE REAL ESTATE TAX PAID

Witness

Witness

Todd J. Friberg

Patricia C. Friberg

STATE OF MAINE
COUNTY OF CUMBERLAND

August 2, 2006

Personally appeared the above-named Todd J. Friberg and acknowledged the foregoing instrument to be his free act and deed,

SEAL

Before me, _____
Attorney at Law/Notary Public

Print Name: _____

My Commission Expires: _____

JOHN LISNIK, JR.
Notary Public, Maine
My Commission Expires October 28, 2010

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

EXHIBIT A

Grantors: Todd J. Friberg and Patricia C. Friberg
Grantees: David H. Haverty, Maureen P. Haverty, Matthew J. Flaherty, Karen H. Flaherty and Mary Margaret I. Haverty

Attached and forming an integral part of the Deed from the above named Grantors to the above named Grantees, the real estate conveyed is described as follows:

A certain lot or parcel of land lying on the southerly side of Havertys Way, in the City of Portland, County of Cumberland and State of Maine, being Lot 3 shown on a plan of land entitled "Plan of Division of Land of the Haverty Estate Property" for Margaret Haverty by Sebago Technics, Inc., dated February 8, 2000, most recently revised April 19, 2000, and recorded in the Cumberland County Registry of Deeds in Plan Book 200, Page 187 (the "Plan"), said Lot 3 being further bounded and described as follows:

Beginning at a capped 5/8 inch iron rebar set on the southerly sideline and westerly terminus of Havertys Way and on the southerly sideline at the beginning of a Private Easement shown on the Plan;

Thence westerly along the southerly sideline of said Private Easement and the southerly line of Lot 4 shown on the Plan by the following courses:

S 64°- 46'- 48" W, 60.21 feet to a capped 5/8 inch iron rebar set at a point of curvature;

Thence along a curve to the right having a radius of 135.00 feet and a central angle of 38°- 31'- 08", an arc distance of 90.76 feet to a capped 5/8 inch iron rebar set at a point of tangency;

Thence N 76°- 42'- 04" W, 91.49 feet to a capped 5/8 inch iron rebar set at a point of curvature;

Thence along a curve to the left having a radius of 85.00 feet and a central angle of 50°- 29'- 36", an arc distance of 74.91 feet to a capped 5/8 inch iron rebar set at a point of compound curvature;

Thence along a curve to the left having a radius of 25.00 feet and a central angle of 64°- 02'- 11", an arc distance of 27.94 feet to a capped 5/8 inch iron rebar;

Thence N 83°- 38'- 12" W, along Lot 4 and crossing the cul-de-sac within the Private Easement, a distance of 123.92 feet to a capped 5/8 inch iron rebar set on the westerly side of the cul-de-sac at an angle in the southerly line of Lot 4;

Thence N 87°- 35'-14" W, along Lot 4, a distance of 192.98 feet to a capped 5/8 inch iron rebar set on the easterly sideline of land now or formerly of Mary Margaret I. Haverty;

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

Thence S 00°- 09'- 23" W, along said land now or formerly of Mary Margaret I. Havert distance of 280.82 feet to a capped 5/8 inch iron rebar set on the northerly sideline of land now or formerly of Ira M. and Mary-Agnes Wine as described in a deed recorded in said Registry of Deeds in Book 2398, Page 428;

Thence N 79°- 34'- 14" E, along said land of Wine, a distance of 179.94 feet to a capped 5/8 inch iron rebar set at the southwesterly corner of Lot 2 shown on the Plan;

Thence along Lot 2 on the following courses:

N 02°- 51'- 57" E, 136.74 feet to a capped 5/8 inch iron rebar set at an angle point;

N 51°- 44'- 53" E, 39.56 feet to a capped 5/8 inch iron rebar set at an angle point;

N 84°- 30'- 55" E, 352.10 feet to a capped 5/8 inch iron rebar set at an angle point;

N 64°- 46'- 48" E, 124.07 feet to a capped 5/8 inch iron rebar set at a corner;

N 25°- 13'- 12" W, 20.00 feet to a capped 5/8 inch iron rebar set on the southerly terminus of the turnaround for Havertys Way;

Thence N 25°- 13'- 12" W, along the turnaround for Havertys Way, a distance of 30.00 feet to a 5/8 inch iron rebar set on the southerly sideline of Havertys Way;

Thence S 64°- 46'- 48" W, along Havertys Way, a distance of 30.00 feet to the point of beginning.

Meaning and intending to describe a certain lot or parcel of land containing 1.84 acres, more or less, and being Lot 3 shown on the Plan.

The above-described premises are conveyed **TOGETHER WITH AND SUBJECT TO** an easement in common with the owner(s) of Lots 2, 4, 5 and 6 shown on the Plan in and to the Private Easement shown on the Plan 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 said Private Easement 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, together with an interest in and to the force main sewer line located in Havertys Way and said Private Easement and serving Lots 1 through 6 shown on the Plan, subject to the terms and conditions of a Declaration with respect to Havertys Way, Private Easement and Sewer Line by the Grantor of even date and recorded in said Registry of Deeds in Book 15729, Page 68, said Private Easement being more particularly described as follows:

A certain lot or parcel of land being a strip 50 feet wide running in a general westerly direction from the westerly end of Havertys Way shown on the Plan, said parcel being more particularly bounded and described as follows:

RESURGAM CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

Beginning at a 5/8 inch capped iron rebar on the southerly sideline and westerly end of Havertys Way on the northerly sideline of Lot 3 shown on the Plan;

Thence in a westerly direction along the northerly sideline of Lot 3 by the following courses:

S 64°- 46'- 48" W, 60.21 feet to a capped 5/8 inch iron rebar set at a point of curvature;

Thence along a curve to the right having a radius of 135.0 feet and a central angle of 38°- 31'- 08", an arc distance of 90.76 feet to a capped 5/8 inch iron rebar set at a point of tangency;

Thence N 76°- 42'- 04" W, 91.49 feet to a capped 5/8 inch iron rebar set at a point of curvature;

Thence along a curve to the left having a radius of 85.0 feet, a central angle of 50°- 29'- 36", an arc distance of 74.91 feet to a capped 5/8 inch iron rebar set at a point of compound curvature;

Thence along a curve to the left having a radius of 25.0 feet and a central angle of 64°- 02'- 11", an arc distance of 27.94 feet to a capped 5/8 inch iron rebar set at a point of reverse curvature;

Thence running along the cul-de-sac and a curve to the right with a radius of 65.0 feet, a central angle of 292°- 13'- 37", passing through Lot 3, then Lot 2, Lot 3 again, and finally Lot 4 shown on the Plan, a total arc distance of 331.52 feet to a point of reverse curvature;

Thence easterly and turning northeasterly along a curve to the left with a radius of 25.0 feet, a central angle of 53°- 09'- 02", passing through Lot 4, an arc distance of 23.19 feet to a 5/8 inch iron rebar set at a point of reverse curvature at the southeasterly corner of Lot 5 shown on the Plan;

Thence by and along the southerly sideline of Lot 5 by the following courses:

Along a curve to the right with a radius of 135.0 feet and a central angle of 55°- 27'- 12", an arc distance of 130.66 feet to a 5/8 inch iron rebar set at a point of tangency;

Thence S 76°- 42'- 04" E, 91.49 feet to a 5/8 inch iron rebar set at a point of curvature;

Thence along a curve to the left with a radius of 85.0 feet, a central angle of 38°- 31'- 08", an arc distance of 57.14 feet to a 5/8 inch capped iron rebar set at a point of tangency;

Thence N 64°- 46'- 48" E, 60.21 feet to a 5/8 inch capped iron rebar set at the westerly end of Havertys Way shown on the Plan;

Thence S 25°- 13'- 12" E, by and along Havertys Way, a distance of 50.0 feet to the point of beginning.

Meaning and intending to describe a 50 foot wide strip of land running in a westerly direction from the westerly end of Havertys Way containing 0.70 acre, more or less, and comprising portions of Lots 2, 3 and 4 shown on the Plan.

RESURGAM CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

Courses refer to the Magnetic Meridian observed on site in November 1999.

EXCEPTING AND RESERVING the fee title in and to Havertys Way shown on the Plan, which Way was conveyed to the City of Portland by deed of Mary Margaret I. Haverty dated January 11, 2002 and recorded in the Cumberland County Registry of Deeds at Book 17279, Page 277.

The above-described premises are conveyed **TOGETHER WITH** an easement in common with the owner(s) of Lots 1, 2, 4, 5 and 6 shown on the Plan to use Havertys Way 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 said Way 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 Grantees shall repair the surface of Havertys Way 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 said Way. The Grantees' use thereof shall be further subject to all applicable municipal ordinances and regulations with respect thereto.

The above-described premises are conveyed **SUBJECT TO** the Notes set forth on the Plan, to the extent said Notes are applicable thereto.

The above-described premises are further **SUBJECT TO** (a) an Easement Deed from Mary Margaret I. Haverty to the Portland Water District dated August 31, 2000 and recorded in said Registry of Deeds in Book 15716, Page 76, (b) an Easement Deed from Mary Margaret I. Haverty to New England Telephone and Telegraph Company dated August 31, 2000 and recorded in said Registry of Deeds in Book 15726, Page 306, and (c) an Easement Deed from Mary Margaret I. Haverty to Central Maine Power Company and New England Telephone and Telegraph Company dated September 13, 2000 and recorded in said Registry of Deeds in Book 15729, Page 66, to the extent said Easement Deeds affect said premises.

Meaning and intending to convey and hereby conveying the same premises conveyed to Todd J. Friberg and Patricia C. Friberg by deed of Mary Margaret I. Haverty dated September 13, 2000 and recorded in said Registry of Deeds at Book 15730, Page 88.

The above described premises are conveyed **TOGETHER WITH** the enforcement rights more particularly set forth in Declaration of Covenants and Restrictions dated January 13, 2005 and recorded in said Registry of Deeds at Book 22268, Page 59 relating to Lot 18 in Ballpark Drive Subdivision.

The herein Grantors and Grantees acknowledge and affirm that they have strictly adhered to the covenants and agreements of that certain Right of First Refusal between the parties hereto and Steven G. and Janet H. Lee (the "Lees") and Simon C. and Rita H. Ramsay (the "Ramsays") dated August 17, 2001 and recorded in said Registry of Deeds at Book 16650, Page 76, and that the Lees and the Ramsays have waived their respective rights of first refusal as evidenced by copies of their waivers attached hereto as Exhibits B and C. It is the intention of the Grantees and the Lees and the Ramsays that the covenants and agreement set forth in said Right of First Refusal shall otherwise remain in full force and effect for any future sale of Lots 1 through 6, as applicable.

Doc#: 49961 Bk:24241 Pg: 59

RESURGAM CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

June 9, 2006

FRIBERG TODD J & PATRICIA C
44 EASTMAN RD.
CAPE ELIZABETH, ME 04107

RE: PARCEL ID: 384 A043001

Official Offer to Sell Lot 3

PATRICIA C. FRIBERG and TODD J. FRIBERG, in accordance with the agreement set forth in the Haverty Land Division, hereby offer for sale Lot 3 (73 Havertys Way, Portland, Maine) to the remaining lot owners (1, 2, 4, 5, 6) for the assessed tax value of $131,100.

As each member of the association has the right of first refusal to purchase, we ask that each member respond to this offer with their intent within 10 days of postmark.

☐ Offer to purchase

☑ Decline to purchase

Signed by: Janet H Lee, Stephen G Lee

Print Name: Janet H. Lee Stephen G Lee Date: 6/15/06

Member's Lot #: 1

Doc#: 49961 Bk:24241 Ps: 60

RESURGAM CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 03/31/15

June 9, 2006

FRIBERG TODD J & PATRICIA C
44 EASTMAN RD.
CAPE ELIZABETH, ME 04107

RE: PARCEL ID: 384 A043001

Official Offer to Sell Lot 3

PATRICIA C. FRIBERG and TODD J. FRIBERG, in accordance with the agreement set forth in the Haverty Land Division, hereby offer for sale Lot 3 (73 Havertys Way, Portland, Maine) to the remaining lot owners (1, 2, 4, 5, 6) for the assessed tax value of $131,100.

As each member of the association has the right of first refusal to purchase, we ask that each member respond to this offer with their intent within 10 days of postmark.

☐ Offer to purchase

☑ Decline to purchase

Signed by: Rita Ramsay

Print Name: Rita Ramsay, Simon RAMSAY Date: 7/6/06

Member's Lot #: 6

Received
Recorded Register of Deeds
Aug 04,2006 01:27:50P
Cumberland County
John B OBrien