Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 10/05/17

WARRANTY DEED
(Maine Statutory Shot Form)

KNOW ALL PERSONS BY THESE PRESENTS that **TPO PROPERTIES, LLC**, a Maine Limited Liability Company, with a place of business in the Town of Falmouth, County of Cumberland, State of Maine, for consideration paid **GRANTS** as **JOINT TENANTS** with warranty covenants to: **CHRISTINE M. SMALL** and **JAKE C. SMALL**, whose mailing address is 105 Caron St. Portland, Maine 04103.

The following real estate situated in the City of Portland, County of Cumberland, State of Maine, described as follows:

Lot 3 as shown on a plan entitled "Subdivision Recording Plan 1 Old Barn Estates Ocean Ave. & Ledgewood Drive, Portland and Falmouth, Maine" made for TPO Properties, LLC, 30 Ledgewood Drive, Falmouth, Maine by Cullenberg Land Surveying, 892 Old Danville Road, Auburn, Maine 04210, dated February 8, 2013, last revised 3/19/13, recorded in the Cumberland County Registry of Deeds in **Plan Book 213, Page 200**, and a plan entitled "Old Barn Estates 1062 Ocean Avenue, Portland, Maine Subdivision Plan Recording Plan 2 of 2," prepared by Land Design Solutions, P.O. Box 316, 160 Longwoods Road, Cumberland, Maine 04081, dated May 2012, last revised 3/15/13, and recorded in the Cumberland County Registry of Deeds in **Plan Book 213, Page 201** (hereinafter "the Plans"), to which plans reference is hereby made for a more particular description of the lot herein described.

MAINE REAL ESTATE TAX PAID

SUBJECT, HOWEVER, the following:

1. All general notes, easements, facts and other matters shown on "Subdivision Recording Plan 1 Old Barn Estates Ocean Ave. & Ledgewood Drive, Portland & Falmouth, Maine" and "Old Barn Estates 1062 Ocean Avenue, Portland, Maine Subdivision Plan Recording Plan 2 of 2," (hereinafter "Old Barn Estates"), recorded in the Cumberland County Registry of Deeds in Plan Book 213, Page 200 and Plan Book 213, Page 201 respectively.

2. The Declaration of Restrictions and Covenants, Old Barn Estates recorded in the Cumberland County Registry of Deeds in Book 31011, Page 232, which are incorporated by reference as if fully set forth herein.

3. Grantee(s) for themselves, their heirs, successors, and assigns, by acceptance of this Deed shall become members of the Old Barn Estates Homeowners Association whose Bylaws dated May 23, 2013, are recorded in the Cumberland County Registry of Deeds in Book 30668, Page 61.

4. The "Tree Save" areas depicted on Lots 2, 3, 4, 5, 6, 7, 8, and 16, shall be subject to the restrictions and limitations described herein which shall run with the land, and, unless the owner of said Lot(s) obtains the prior written approval from the City of Portland, Maine, the Tree Save areas shall remain undeveloped in perpetuity. Said restrictions and limitations shall not apply to the removal of invasive species, tree hazards and the creation of fill slopes associated

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with the construction of subsurface waste water disposal system leach fields (see Plan C-101 for re-vegetation of full slopes). Tree Save area shall be identified by the Lot owner on each lot prior to the commencement of construction.

a. No soil, loam, peat, sand, gravel, concrete, rock, or other mineral substance, refuse, rash, vehicle bodies or parts, rubbish, debris, junk, waste, pollutants, or other fill material may be placed stored or dumped on the Tree Save Area, nor may the topography of the area be altered or manipulated in any way.

b. No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed.

c. No trucks, cars, dirt bikes, all terrain vehicles, or other motorized vehicles or mechanical devices may be permitted in the Tree Save Area.

d. No trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and, for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained.

e. No building or other temporary or permanent structure may be constructed, placed, or permitted to remain on the Tree Save Area except for a sign, utility pole, or fence.

f. Any level lip spreader directing flow to the Tree Save Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

g. The re-vegetation of leach field fill slopes and the removal of tree hazards and invasive species, are the responsibility of the individual lot owner.

5. The "No Disturb Storm Water Buffer" areas as depicted on Lots 3, 4, 5, 6, 9, 10, 11, 12, 13, and 16 of Old Barn Estates, shall not be disturbed with the exception of the removal of invasive species, tree hazards and the fill slopes associated with the construction of the subsurface waste water disposal systems and for re-vegetation of said fill slopes as shown on Plan C-101. Storm water buffer areas shall be identified on each lot prior to the commencement of construction. The re-vegetation of leach field slopes is the responsibility of the individual lot owner.

6. A trail easement from TPO Properties, LLC to the Falmouth Land Trust as shown on the Plans to be recorded in the Cumberland County Registry of Deeds.

7. Those rights and easements granted to the City of Portland, and Town of Falmouth dated May 23, 2013, and recorded in the Cumberland County Registry of Deeds in Book 30668, Page 76.

8. Certain rights and easements granted by TPO Properties, LLC to the Old Barn Estates Homeowners Association, by deed dated May 23, 2013, and recorded in the Cumberland County Registry of Deeds in Book 30668, Page 78.

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For Grantor's source of title, reference is made to a deed from the Estate of Dale Williams to TPO Properties, LLC dated September 30, 2011, recorded in the Cumberland County Registry of Deeds in Book 29002, Page 153, and from MECAP, LLC to TPO Properties, LLC dated June 29, 2011, and recorded in said registry of deeds in Book 28797, Page 218.

IN WITNESS WHEREOF, Timothy P. O'Donovan, a Member and duly authorized representative of TPO Properties, LLC has hereunto set his hand and seal this ____ day of May, 2017.

TPO Properties, LLC

Witness

By: Timothy P. O'Donovan
Its: Member

STATE OF MAINE
CUMBERLAND, ss

May 22, 2017

Personally appeared the above named Timothy P. O'Donovan and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of TPO Properties, LLC.

STEVEN W. ROSS
NOTARY PUBLIC - MAINE
My Commission Expires November 2, 2018

Notary Public/Attorney at Law

Received
Recorded Register of Deeds
May 24,2017 10:42:15A
Cumberland County
Nancy A. Lane