

## EASEMENT DEED

**JONES COVE, LLC**, a Connecticut limited liability company ("Jones Cove" or "Grantor"), FOR CONSIDERATION PAID, grants to **Porter Holdings Inc.**, with a mailing address of 149 Epping Road, Suite 2A, Exeter, New Hampshire ("Grantee"), the perpetual rights and easements for the below described purposes and subject to the below described terms and conditions, burdening a portion of the real property of Grantor as described in a deed from John C. Peterson to William M. Peterson dated August 13, 1993 and recorded at the Lincoln County Registry of Deeds in Book 1913, Page 287 and being the same premises conveyed to Grantor by deed on or around this same date from The Bank of Maine pursuant to a foreclosure sale of the property of William M. Peterson by auction held August 18, 2015, as more particularly described in **Exhibit A** attached hereto (the "Burdened Premises") and benefiting a certain parcel of real property of Grantee as described in the attached **Exhibit B** (the "Benefited Premises").

### EASEMENT DESCRIPTION:

A 15' wide Pier and Water Access Easement as described in the attached **Exhibit C**. Also a View Easement over the land as described in the attached **Exhibit D**. Both the Pier and Water Access Easement and the View Easement together will be referred to as the "Easement".

### EASEMENT PURPOSE AND USES:

The Pier and Water Access Easement is a perpetual easement for the purposes of pedestrian ingress and egress over the Burdened Premises as described in **Exhibit C** and for the shared use of the Pier and surrounding waterfront as described in **Exhibit C**. The use of the Pier by Grantor and Grantee shall be unlimited provided said use does not interfere with each other's rights and includes the right to keep a boat at the Pier and to maintain the Pier at Grantee's or Grantor's option, but maintenance shall not be required.

The View Easement is a perpetual easement to receive light, air and an unobstructed view over the Burdened Premises as described in **Exhibit D** by limiting any structure, trees or shrubs or any other stationary obstruction to a height of less than 4' from the ground. Any stationary obstruction of such view shall be considered interference with the easement and shall be removed on demand at the expense of the owner of the Burdened Premises or Grantee may remove any such obstruction.

**EASEMENT MAINTENANCE:**

Grantee will be responsible for upkeep and maintenance of the Easement only for the sole benefit of Grantee. Grantor will have no responsibility to maintain the Easement unless Grantor regularly uses the Easement. However, if Grantor or Grantee uses the Easement and damages it, Grantor or Grantee, as applicable, will return the Easement to its previous conditions.

**EASEMENT BINDS ALL HEIRS, SUCCESSORS AND ASSIGNS AND RUNS WITH THE LAND:**

The rights, agreements, covenants and easements herein granted and provided shall be rights, agreements, covenants and easements running with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns, it being the intention of the parties hereto that the respective rights and obligations of the parties hereunder shall pass to subsequent owners upon the conveyance of the Burdened Premises and Benefitted Premises, and upon such conveyances, the then-current owners shall possess the rights and carry the burdens and obligations associated herewith, and the prior owners shall no longer possess such rights and shall be relieved from all such obligations.

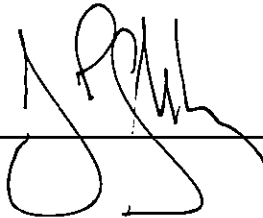
**ENFORCEMENT:**

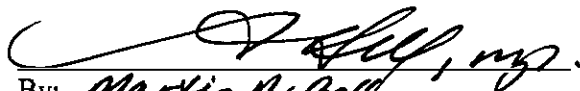
In the event that either the Grantor or Grantee shall bring an action against the other by reason of a breach or violation of the terms and conditions of the Easement, including any cost sharing provisions contained within, the substantially prevailing party in such action shall be entitled to recover their reasonable attorney's fees and court costs incurred in such action from the substantially non-prevailing party.

IN WITNESS WHEREOF, Jones Cove, LLC has caused this instrument to be signed in its corporate name by MARTIN BELL, its MANAGER, on this 17<sup>th</sup> day of September, 2015.

Signed and Delivered in the Presence of:

JONES COVE, LLC

  
\_\_\_\_\_

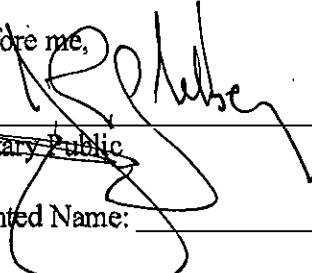
  
By: Martin A. Bell  
Its: manager

NOTARY ACKNOWLEDGEMENT ON FOLLOWING PAGE

STATE OF MAINE  
CUMBERLAND, ss.

9/17, 2015

Then personally appeared the above \_\_\_\_\_,  
\_\_\_\_\_ of Jones Cove, LLC, and acknowledged the foregoing instrument to  
be his/her free act and deed and the free act and deed of Jones Cove, LLC.

Before me,  
  
\_\_\_\_\_  
~~Notary Public~~  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**JONATHAN L. GOLDBERG  
ATTORNEY AT LAW**

**Exhibit A****48 Jones Point Road, South Bristol, Maine**

A CERTAIN LOT or parcel of land, with the buildings and improvements thereon, situated in the Town of South Bristol, County of Lincoln and State of Maine on the "Neck" so-called, identified as land of Mrs. Murray (Susan) Peterson depicted on a plan entitled "Division of Property of Mrs. Murray (Susan) Peterson, South Bristol, Maine" dated November 12, 1979, recorded in Plan Book 28 Page 41 of the Lincoln County Registry of Deeds, bounded and described as follows:

BEGINNING at an iron rod set on the southeasterly sideline of Jones Point Road at the southwest corner of land identified as Parcel "A" on the above referenced plan;  
THENCE N 72° 30' E a distance of 192.3' to an iron rod set;  
THENCE S 42° 17' E in the shoreline of Jones Cove;  
THENCE southeasterly, southerly, and southwesterly by the shore of Jones Cove to a point on the shore in line with the extension of a stone wall at land now or formerly of Totten as shown on said plan;  
THENCE northwesterly by and along the stone wall and land of Totten to a pipe in rock;  
THENCE N 07° 10' W to the easterly sideline of the Jones Point Road;  
THENCE northerly along the easterly sideline of the Jones Point Road to the point of beginning.

SUBJECT TO terms and conditions of a Conservation Easement granted to Damariscotta River by instrument dated December 29, 1988, recorded in Book 1523, Page 254 of the Lincoln County Registry of Deeds.

TITLE REFERENCE: Warranty Deed from John C. Peterson to William M. Peterson dated August 13, 1993, recorded in Book 1913, Page 287 of the Lincoln County Registry of Deeds.

**Exhibit B**  
**(Spec House)**

A certain lot or parcel of land, with buildings thereon, situated in South Bristol, County of Lincoln and State of Maine, bounded and described as follows:

BEGINNING at a #5 rebar found 3" below ground with an aluminum cap inscribed "Bills & Fergusson PLS 1248 1294" at the northeasterly most corner of the land now or formerly of Douglas L. Halm and Druscilla W. Halm as described in a deed recorded in Book 1596 Page 311 at the Lincoln County Registry of Deeds; said rebar also lying on the assumed westerly sideline of a right-of-way known as *Jones Point Road*;

THENCE S 28° 45' 16" E along the assumed westerly sideline of *Jones Point Road* forty and nine hundredths (40.09) feet to the center of a 24" oak tree;

THENCE continuing southerly along the assumed westerly sideline of *Jones Point Road* to an iron rod to be set on the northerly line of the remaining land of William M. Peterson near Central Maine Power utility pole #8; said iron rod to be set lying S 04° 18' 03" E, a distance three hundred twenty and forty-nine hundredths (320.49) feet from the last mentioned oak tree;

THENCE N 88° 26' 52" W along the northerly line of the remaining land of Peterson ninety-six and seventy-eight hundredths (96.78) to an iron rod to be set;

THENCE S 89° 32' 25" W along the northerly line of the remaining land of Peterson one hundred sixty-three and ninety-eight hundredths (163.98) to an iron rod set at the bottom of a bank;

THENCE N 01° 52' 00" E along the easterly line of the remaining land of Peterson and along the bottom of the bank one hundred twenty-seven and thirty-four hundredths (127.34) to an iron rod to be set on the southerly side of the land of Halm;

THENCE N 89° 32' 25" E along the southerly line of the land of Halm one hundred forty and seventy-one hundredths (140.71) to a 1" iron pipe found flush with ground near the end of a stone wall;

THENCE N 21° 10' 48" E along the easterly line of the land of Halm one hundred seventy-four and sixty-seven hundredths (174.67) to a #5 rebar found extending 7" above ground with an aluminum cap inscribed "Bills & Fergusson PLS 1248 1294" at the end of the remains of a stone wall;

THENCE N 08° 37' 46" E along the easterly line of the land of Halm sixty-two and eighty-six hundredths (62.86) to the point of beginning, containing 1.10 acres.

The above described property consists of the northerly part of the land conveyed to William M. Peterson in a deed recorded in Book 1018 Page 282 and the northeasterly part of the land conveyed to William M. Peterson in a deed recorded in Book 899 Page 279.

ALSO CONVEYING all my right, title, and interest in any land lying between the above described assumed westerly sideline of *Jones Point Road* and the easterly boundary of the land of Peterson as described in Book 1018 Page 282.

The above described property is SUBJECT TO any public and private rights pertaining to *Jones Point Road*.

The above described property is shown on a plan prepared by Maine Coast Surveying entitled "William M. Peterson Property" dated September 8, 2005.

Bearings mentioned above are oriented towards Plan North as shown on the above mentioned plan.

The iron rods recited above as "set" refer to a 5/8" steel reinforcing rod with a 2" diameter aluminum cap stamped "Maine Coast Surveying, Damariscotta PLS 1191".

**Exhibit C****Pier and Water Access Easement Location Description**

A 15' wide Pier and Water Access Easement along a line as described below and burdening land now or formerly of Grantor as depicted on a plan prepared by Maine Coast Surveying entitled "William M. Peterson Property" dated September 8, 2005 and last revised on November 23, 2011 and attached hereto as **Exhibit C-1**:

Beginning at the iron rod set near utility pole #8 at the southeast corner of the Benefited Premises as described in **Exhibit B**;

Beginning at the iron rod set near utility pole #8 at the southeast corner of the above described property;

thence easterly to the center of Jones Point Road, southerly along the center line of Jones Point Road, and easterly to a #5 rebar found in a stonewall with a yellow plastic cap inscribed "PLS 1295" at the northwesterly most corner of the land now or formerly of Jones Point Realty Trust as described in a deed recorded in Book 2410, Page 204, said rebar lying  $S11^{\circ}44'48''W$  311.49' from the first mentioned rebar set near the utility pole #8;

thence  $S81^{\circ}44'04''E$  along the northerly line of the land of Jones Point Realty Trust 7.16' to a 1/2" iron pipe found in the stonewall;

thence  $S83^{\circ}42'33''E$  along the northerly line of the land of Jones Point Realty Trust 12.97' to a #5 rebar found flush with a yellow plastic cap inscribed "PLS 1295";

thence  $S83^{\circ}50'42''E$  along the northerly line of the land of Jones Point Realty Trust 20.17' to a #5 rebar found flush with a yellow plastic cap inscribed "PLS 1295";

thence  $S64^{\circ}46'07''E$  along the northerly line of the land of Jones Point Realty Trust 56.58' to a #5 rebar found flush with a yellow plastic cap inscribed "PLS 1295";

thence  $S64^{\circ}43'32''E$  along the northerly line of the land of Jones Point Realty Trust 24.62' to an un-monumented point at the top of the bank of Jones Cove;

thence  $N56^{\circ}51'20''E$  along the top of the bank 83.19' to an un-monumented point;

thence  $S36^{\circ}07'35''E$  18', more or less, to the low water mark of Jones Cove.

The above described line is shown on a plan prepared by Maine Coast Surveying entitled "William M. Peterson Property" dated September 8, 2005 and last revised on November 23, 2011 and attached hereto as **Exhibit C-1**.

Bearings mentioned above are oriented towards Plan North as shown on the above mentioned plan. The iron rods received above as "set" refer to a 5/8" steel reinforcing rod with a 2" diameter aluminum cap stamped "Maine Coast Surveying, Damariscotta PLS 1191".





**Exhibit D****View Easement Location Description**

A View Easement burdening the land now or formerly of Grantor as depicted on a plan prepared by Maine Coast Surveying entitled "William M. Peterson Property" dated September 8, 2005 and last revised on November 23, 2011 and attached hereto as **Exhibit C-1** on both sides of Jones Point Road and bounded on the north by the Benefited Premises as described in **Exhibit C**,

On the south by the land of Jones Point Realty Trust and,

On the east by a line beginning at the iron rod set near utility pole #8 at the southeast corner of the Benefited Premises and running S25°54'18"E 318.10' to an iron rod set at the top of the bank, and continuing in the same direction to the high water mark of Jones Cove and,

On the west by a line beginning at the #5 rebar found in a stonewall with a yellow plastic cap inscribed "PLS 1295" at the northwesterly most corner of the land now or formerly of Jones Point Realty Trust, and running N06°11'03"W 309.38 to the rebar set on the southerly side of the Benefited Premises.

Bearings mentioned above are oriented towards Plan North as shown on the above mentioned plan.

The iron rods received above as "set" refer to a 5/8" steel reinforcing rod with a 2" diameter aluminum cap stamped "Maine Coast Surveying, Damariscotta PLS 1191".

Received  
LINCOLN COUNTY REGISTRY OF DEEDS  
REBECCA S. WOTTON, REGISTRAR