84-734

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

WARRANTY DEED
KNOW ALL MEN BY THESE PRESENTS

THAT I, **GEORGE A. WHALING**, of Londonderry, County of Windham, and State of Vermont, Grantor, in consideration of One Dollar and other good and valuable considerations, paid to my full satisfaction by **GARY A. TURCHIN and LISA V. TURCHIN**, both of Winter Park, County of Orange, and State of Florida, Grantees, by these presents, do freely **GIVE, GRANT, SELL, CONVEY AND CONFIRM** unto the said Grantees, **GARY A. TURCHIN and LISA V. TURCHIN**, as husband and wife, tenants by the entirety, their heirs and assigns forever, a certain piece of land in Londonderry, in the County of Windham, and State of Vermont, described as follows, viz:

Being four parcels of land acquired by George A. Whaling as follows:

1. Being all and the same lands and premise as conveyed to George A. Whaling by Warranty Deed of Thomas Jenkins and Hilary B. Jenkins dated August 2, 1995 and recorded August 4, 1995 in Book 52, Page 455 of the Londonderry Land Records.
2. Being all and the same lands and premise as conveyed to George A. Whaling by Warranty Deed of Wicklow Farms, Inc., dated July 31, 1995 and recorded August 4, 1995 in Book 52, Page 457 of the Londonderry Land Records.
3. Being all and the same lands and premise as conveyed to George A. Whaling by Warranty Deed of William W. Whittlesey and Amy Whittlesey O'Neill dated June 22, 1999 and recorded July 8, 1999 in Book 56, Page 267 of the Londonderry Land Records.
4. Being all and the same lands and premises as conveyed to George A. Whaling by Warranty Deed of Laura Rutledge Grimes, joined by John Grimes, dated December 15, 2014 and recorded December 16, 2014 in Book 74, Page 38 of the Londonderry Land Records.

Said parcels are further described on the attached Schedule A.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantees, **GARY A. TURCHIN and LISA V. TURCHIN**, as husband and wife, tenants by the entirety, their heirs and assigns, to their own use and behoof forever; And we the said Grantor, **GEORGE A. WHALING**, for myself and my heirs and assigns, do covenant with the said Grantees, **GARY A. TURCHIN and LISA V. TURCHIN**, their heirs and assigns, that until the ensealing of these presents, I am the sole owner of the premises, and I have good right and title to convey the same in manner aforesaid, that they are **FREE FROM EVERY ENCUMBRANCE**, except as aforesaid, and I hereby agree to **WARRANT** and **DEFEND** the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 4th day of October 2019.

GEORGE A. WHALING

State of Vermont, :
Windham County, SS:

At Londonderry, this 4th day October 2019, **GEORGE A. WHALING** personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Trust.

Before me _____
Notary Public
My Commission expires on:
My Commission number is:

AMANDA L. GEORGE
Notary Public, State of Vermont
My Commission Number: 0005043
My Commission Expires JAN 31, 2021

Londonderry, VT Town Clerk's Office
Received for Record
Oct. 7. A.D. 2019
at 1 **o'clock** 15 **minutes** P **M**
and Recorded in Book 84 **Page** 734-740
Attest Brenda M. Cobb asst
Town Clerk

Vermont Property Transfer Tax 32 V.S.A. Chap. 231
• ACKNOWLEDGMENT •
Return Received
Signed Brenda M. Cobb asst, Clerk
Date 10/07/2019 Return # 19-42

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

84-736

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

Schedule A
Whaling to Turchin
904 Reilly Road, Londonderry, Vermont

JENKINS PARCEL:

Being a portion only of those lands and premises conveyed to Thomas Jenkins and Hilary Jenkins (being the same person as Hilary B. Jenkins) and Catherine D. Baxter by Christmas Tree Farm, Inc. by Warranty Deed dated April 26, 1984 and recorded in Book 42 at Page 147 of the Londonderry Land Records (the interest of Catherine D. Baxter having been released to the within Grantors by instrument dated April 26, 1984 and recorded in Book 47 at Page 17 of said Land Records). The lands, premises and appurtenances conveyed herein are more particularly described as follows:

Beginning at a point marked by a stone wall corner, being the southwesterly corner of the parcel herein described and a northerly corner of lands conveyed to Wicklow Farms, Inc. by the within Grantors by Warranty Deed dated March 6, 1991 and recorded March 9, 1991 in Book 48 at Page 468 of said Land Records; thence from the point of beginning along the boundary line of lands now or formerly of Ingersoll the following five courses and distances:

1. North 15° West 190 feet along a stone wall to a wall corner;
2. North 68° West 65 feet along a stone wall to a wall corner;
3. North 24° East 290 feet along a stone wall to a wall and fence corner;
4. South 61° East 570 feet along a wire fence and a stone wall to a wall corner; and
5. North 18° East 80 feet to a wall and fence corner;

thence South 59° East 840 feet along a wire fence and a stone wall, which marks the southerly line of lands now or formerly of Sally Hoge, to a wall corner; thence running along the boundary line of lands now or formerly of Dean the following two courses and distances:

1. South 22° West 520 feet along a stone wall and a wire fence to a fence corner;
2. North 64° West 775 feet along a wire fence to a fence corner;

thence North 49° 59' 43' East along said lands of Wicklow Farms, Inc. 470.53 feet to the point or place of beginning. Containing 16.04 acres, be the same more or less, and meaning and intending to convey all of the lands, premises and appurtenances remaining to the Grantors from the aforesaid conveyances to them as recorded in Book 42 at Page 147 and Book 47 at Page 17 of said Land Records, following their conveyance of a portion of said lands to Wicklow Farms, Inc. by deed recorded in Book 48 at Page 468 of said Land Records.

Included in this conveyance to the Grantee, his heirs and assigns, is the right of way reserved by the Grantors in the aforesaid deed recorded in Book 48 at Page 468 of said Land Records, and described therein as follows:

" ... a right of way for all purposes of ingress and egress and the installation and maintenance of public utility lines over, under, across and upon a strip of land fifty (50) feet in width, running from the easterly side of Town Highway #8 to the aforesaid parcel being retained by the Grantors. The northerly line of said right of way is more particularly described as follows:

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

'Beginning at the point of intersection of two stone walls situated on the easterly side of the highway leading to Clarksville, known as Town Highway #8, which point marks the southwest corner of Lands now or formerly of Ingersoll and the northwest corner of the herein conveyed premises; thence, running along the boundary line of the said Ingersoll lands the following two courses and distances:

1. South 56º East 695 feet along a stone wall to a wall corner;
2. North 81º East 610 feet along a stone wall to a wall corner, being a northerly corner of the lands herein conveyed and a southwesterly corner of said retained lands.

'The costs of maintenance of said right of way shall be borne, pro rata, by those making use thereof.'"

The foregoing description is taken from a survey map entitled "Lands of Edward and Susan Yawney, Londonderry, Vermont' prepared by II. Byrd LaPrade, Consulting Engineers and Land Surveyors, Manchester Center, Vermont, under date of August 17, 1982.

Said lands are conveyed subject to public utility easements of record affecting the premises.

**It is the intent of the Grantor and Grantee herein that the right of way described herein not merge with other lands being acquired on this date by the Grantee from Wicklow Farms, Inc.

WICKLOW FARMS PARCEL:

Being all and the same lands and premises conveyed to Wicklow Farms, Inc., by Thomas Jenkins and Hilary B. Jenkins by Warranty Deed dated March 6, 1991, and recorded March 9, 1991, in Book 48, Page 468, of the Londonderry Land Records and more particularly described therein as follows:

"Being a portion only of those lands and premises conveyed to the within Grantors and Catherine D. Baxter by Christmas Tree Farm, Inc. by Warranty Deed dated April 26, 1984 and recorded in Book 42 at Page 14 7 of the Londonderry Land Records (the interest of Catherine D. Baxter having been released to the within Grantors by instrument dated April 26, 1989 and recorded in Volume 47 at Page 17 of said Land Records).

"The lands and premises herein conveyed are more particularly described as follows:

"Beginning at the point of intersection of two stone walls situated on the easterly side of the highway leading to Clarksville, known as Town Highway #8, which point marks the southwest corner of lands now or formerly of Ingersoll and the northwest corner of the herein conveyed premises; thence, running along the boundary line of the said Ingersoll lands the following two courses and distances:

1. South 56° East 695 feet along a stone wall to a wall corner;
2. North 81 ° East 610 feet along a stone wall to a wall corner, being a northerly corner of the lands herein conveyed and a southwesterly corner of lands being retained by the within Grantors;

84-738

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

thence through said lands being retained by the within Grantors South 49° 59' 43" East 470.53 feet to a point located at a wire fence corner, being the northeasterly corner of the lands herein conveyed, a northwesterly corner of lands now or formerly of Dean, and a southwesterly corner of said retained lands; thence approximately South 15° West 940 feet along a wire fence to a tag on a 20" beech; thence North 67° West 1548 feet, more or less, along the line of lands now or formerly of Whittlesey to a 4" x 4" marble post set in the easterly line of Town Highway #8; thence running in a northerly direction along the easterly line of Town Highway #8, following in part a stone wall, a distance of approximately 950 feet to the point of beginning; believed to contain 33 acres of land, be the same more or less.

"The foregoing description is taken from a survey map entitled "Lands of Edward and Susan Yawney, Londonderry, Vermont" prepared by W. Byrd LaPrade, Consul ting Engineers and Land Surveyors, Manchester Center, Vermont, under date of August 17, 1982.

"There is included herewith, by way of quitclaim, all right, title and interest of the Grantor in and to the center line of Town Highway #8 where it abuts the herein conveyed premises. The said premises are conveyed subject to any public utility easements appearing of record which may affect them.

"EXCEPTING AND RESERVING to the Grantors, their heirs and assigns, in common with the Grantee, its successors and assigns, a right of way for all purposes of ingress and egress and the installation and maintenance of public utility lines, over, under, across and upon a strip of land fifty (50) feet in width, running from the easterly side of Town Highway #8 to the aforesaid parcel being retained by the Grantors. The northerly line of said right of way is more particularly described as follows:

"Beginning at the point of intersection of two stone walls situated on the easterly side of the highway leading to Clarksville, known as Town Highway #8, which point marks the southwest corner of lands now or formerly of Ingersoll and the northwest corner of the herein conveyed premises; thence, running along the boundary line of the said Ingersoll lands the following two courses and distances:

1. South 56° East 695 feet along a stone wall to a wall corner;
2. North 81° East 610 feet along a stone wall to a wall corner, being a northerly corner of the lands herein conveyed and a southwesterly corner of said retained lands.

"The costs of maintenance of said right of way shall be borne, pro rata, by those making use thereof."

<u>WHITTLESEY/O'NEILL PARCEL:</u>

Being a portion of the lands and premises conveyed to William W. Whittlesey and Amy Whittlesey O'Neill by Trustee's Deed of Faith Ryan Whittlesey, Trustee dated January 10, 1995 and recorded January 19, 1995 in Book 52 at Page 140 of the Londonderry Land Records; and being a portion of the lands and premises conveyed to William W. Whittlesey by Warranty

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

Deed of Henry C. Whittlesey, dated January 10, 1995 and recorded January 19, 1995 in Book 52 at Page 150 of the Londonderry Land Records;

The parcel herein described and conveyed is designated as Lot 3 on a survey entitled "Proposed Subdivision and Survey for William W. Whittlesey and Amy Whittlesey O'Neill, Londonderry, Windham County, Vermont", prepared by Dauchy Associates, Inc. under date of 7/17/98 revised 11/2/98 and 1/21/99, a mylar of which is to be recorded in the Londonderry Land Records; and is more particularly described as follows:

Beginning at a ½ " iron pipe up 20" , which iron pipe marks the southeast corner of lands now or formerly of Mary Whittlesey Hogg and a southwest corner of the parcel herein described and conveyed, thence North 23 ° 48' 59" East along the easterly boundary of said lands of Hogg a distance of 798.30 feet to a 1" iron pipe up 20" marking the southwest corner of lands of the Grantee George A. Whaling and the northwest corner of the parcel herein described; Thence along the southerly boundary of said lands of Whaling South 67° 20' 07" East a distance of 1022.03 feet to a stone pile marking the northeast corner of the parcel herein described and conveyed;
Thence South 17° 43' 28" West along a wire fence a distance of 262.37 feet to a point; thence South 18° 59' 11" West a distance of 36.84 feet to an iron pipe set (5/8" rerod with cap) marking the southeast corner of the parcel herein described and the northeast corner of Grantors' Lot 2;
Thence South 83° 28' 58" West along the northerly boundary of said Lot 2 a distance of 1061.87 feet to an iron pipe set at the edge of a cul de sac; thence continuing South 83° 28' 58" West through the cul de sac and along the northerly boundary of said Lot 2 a distance of 95.93 feet to a point marking a southwest corner of Lot 3 herein described and conveyed;
Thence North 16° 17' 15" West along the easterly boundary of Granters' Lot 1 a distance of 83.00 feet to the point and place of beginning; containing 14.23 acres of which 0.12 lies within the right of way herein after described.

The description for Lot 3 is taken from the above referenced Dauchy survey; and all notes and comments thereon are incorporated herein.

There is included in this conveyance a nonexclusive fifty foot (50') wide right of way for ingress and egress and the installation of utilities from Reilly Road (Londonderry Town Highway #11) easterly to the southwesterly line of the parcel herein conveyed as shown on the above referenced Dauchy survey.

The Grantors shall not be responsible for the installation of any access road over the designated right of way.

There is also included a nonexclusive right of way over the cul de sac shown on the above referenced survey and there is excepted and reserved to the Grantors, their heirs and assigns as appurtenant to Grantors' Lot 2 a nonexclusive easement over that portion of the cul de sac located in the southwest corner of Lot 3 as shown on the above referenced Dauchy survey.

84-740

Law Offices of Amanda L. S. George, PLLC P.O. Box 578 Chester, VT 05143

GRIMES PARCEL:

"Being a portion of the same lands and premises conveyed to Laura Rutledge Grimes by Warranty Deed of the Trustees of Dartmouth College, a New Hampshire Corporation, dated December 30, 1992 and recorded December 31, 1992 in Book 50, Page 116 of the Londonderry Land Records, and more particularly described as follows:

"Being Lot #1 as depicted on a Map entitled "Subdivision for Laura R. Grimes, Londonderry, Windham County, Vermont" prepared by Dauchy-Creamer Associates, LLC dated 7/20/2008 (the "Map") and recorded December 5, 2008 at Map Slide # 166 in the Town of Londonderry Land Records.

"Lot #1 is conveyed together with and subject to an easement for access and the installation of utilities granted by Peter and Joan Konney to the Trustees of Dartmouth College dated December 9, 1992 and recorded on December 31, 1992 in Book 50, Pages 113-115 of the Londonderry Land Records.

"Lot #1 is conveyed together with and subject to the rights of way described in the deed conveying title to Lot #2 from Laura Rutledge Grimes to Jens Westrick and Nicole Westrick as follows:

1. 'Grantors also convey to the Grantees and their heirs and assigns a 50 foot right of way as referenced in the Warranty Deed and recorded in Book 50, Page 116 of the Londonderry Land Records, and a 50 foot right of way for entrance and egress and for underground utilities, as such right of way is depicted on the Map. Both rights of way are also reserved to and shall be shared with the Grantors and their heirs and assigns.'

2. 'Grantors and Grantees, and their respective heirs and assigns, agree that the costs of maintenance of, and the installation of utilities on, that portion of the right of way depicted on the Map and which lies between Lot #1 and Lot #2 shall be shared equally by the Grantors, their heirs and assigns upon their development of Lot# 1 depicted on the Map, and by the Grantees, their heirs and assigns, upon their development of Lot #2 depicted on the Map. Development shall mean the first to occur of the commencement of installation of utilities and/or the commencement of construction (pouring a foundation) on such Lot.'

This conveyance is subject to the restriction that Lot #1 shall not be further subdivided and that utility lines in the rights of way described in the Warranty Deed shall be located underground."

The above described lands are conveyed subject to State of Vermont Wastewater System and Potable Water Supply Permit WW-2-3230, dated September 5, 2008 and recorded October 3, 2008 in Book 64, Page 438 of the Londonderry Land Records.