VERMONT WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

That I, JOANNE H. FOULK, a single woman of Royalton, in the County of Windsor, and State of Vermont, Grantor, in consideration of one dollar and other valuable consideration paid to my full satisfaction by MAXIMILIAN W. KEMPNER and PAIGE KEMPNER husband and wife, of Englewood, County of Bergen and State of New Jersey Grantees, by these presents do freely GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said Grantees, MAXIMILIAN W. KEMPNER and PAIGE KEMPNER, husband and wife, and as tenants by the entirety with right of survivorship and not as tenants in common, their heirs and assigns forever a certain piece of land in Royalton, in the County of Windsor and State of Vermont described as follows, viz:

SEE SCHEDULE A

TO HAVE AND TO HOLD said granted premises, with all privileges and appurtenances thereof, to the said Grantees, MAXIMILIAN W. KEMPNER and PAIGE KEMPNER, husband and wife, and their heirs and assigns, to their own use and behoof forever, and I the said Grantor, JOANNE H. FOULK, for myself and my heirs and assigns, do covenant with the said Grantees, MAXIMILIAN W. KEMPNER and PAIGE KEMPNER, husband and wife, that until the ensealing of these presents I am the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE; except as stated herein; and do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever; except as stated herein.

IN WITNESS WHEREOF, I hereunto set my hand this 20 day of November, 1991.

IN PRESENCE OF:

Witness

Witness

Joanne H. Foulk

Joanne H. Foulk

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
Return Rec'd.-Tax Pd.-Bd. of Health Cert. Rec'd.
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No.
Signed , Clerk
Date November 20, 1991

STATE OF VERMONT
COUNTY OF Windsor

At Royalton, Vt this 20th day of November, 1991, Joanne H. Foulk, personally appeared and acknowledged this instrument by her sealed and subscribed to be her free act and deed.

BEFORE ME:

Notary Public

my commission expires: 2-10-95

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SCHEDULE A PROPERTY DESCRIPTION

PARCEL ONE:

A certain parcel of land, with the buildings and improvements thereon, containing 6.0 acres, more or less, located on the northerly side of Ducker Hill Road (a/k/a as Ducker Road or Town Highway #17), which parcel is shown on a Plan entitled "Land to be conveyed to Theodore Foulk and Joanne H. Foulk, scale 1" - 100', Location: Town-Royalton, County-Windsor, State-Vermont, Survey and Map by F. Gordon Tuthill, June 1971," which Plan is recorded in the Royalton Land Records at Map Book 1, Page 1. Said parcel is shown on said Plan as bounded and described as follows:

Beginning at a point where the northerly sideline of Ducker Hill Road intersects with the common boundary of the parcel herein conveyed in property now or formerly of Gutman;

Thence northwesterly along the northerly sideline of Ducker Hill Road to a point (the closure line between these two points is North 53° 30' West a distance of 76.0 feet);

Thence southwesterly along the northerly sideline of Ducker Hill Road to a point (the closure line between these two points is South 74° 45' West a distance of 157.0 feet);

Thence northwesterly along the northerly sideline of Ducker Hill Road to a point (the closure line between these two points is North 43° 15' West a distance of 106.0 feet);

Thence northwesterly along the northerly sideline of Ducker Hill Road to a point where the northerly sideline of Ducker Hill Road intersects with the common boundary of the parcel herein conveyed in property now or formerly of Grant Corwin (the closure line between these two points is North 71° 00' West a distance of 70.0 feet; said point is marked by a 20 inch painted elm in a stone wall);

Thence North 17° 15' East along the common boundary of the parcel herein conveyed and the property now or formerly of Grant Corwin a distance of 622.0 feet to a 4 inch painted white pine;

Thence continuing North 28° 45' East along the wire fence marking the common boundary of the parcel herein conveyed and the property now or formerly of Grant Corwin a distance of 96.0 feet to a 20 inch painted white ash at the corner of the wire fence;

Thence South 71° 00' East along the wire fence marking the common boundary of the parcel herein conveyed and the property now or formerly of Grant Corwin a distance of 163.0 feet to a 14 inch butternut with a stone pile at its base;

Thence continuing North 89° 15' East along the wire fence marking the common boundary of the parcel herein conveyed and the property now or

formerly of Grant Corwin a distance of 177.0 feet to a white rock set in a fence line near an 18 inch rock maple;;

Thence South 15° 00' West along the common boundary of the parcel herein conveyed and the property now or formerly of Gutman a distance of 560.0 feet to a pipe inlet along the southerly side of a pond;

Thence South 31° 00' West along the common boundary of the parcel herein conveyed and the property now or formerly of Gutman a distance of 60.0 feet to a pipe outlet;

Thence South 14° 30' West along the common boundary of the parcel herein conveyed and the property now or formerly of Gutman a distance of 145.0 feet to the point of beginning.

Meaning and intending hereby to convey all and the same land and premises conveyed to Joanne A. Foulk by Quitclaim Deed of Thomas P. Wright, Trustee, dated December 31, 1976 and recorded January 5, 1977 in the Royalton Land Records at Book 24, Page 456.

Subject to utilities easements and rights of way to the Central Vermont Public Service Corporation and the New England Telephone and Telegraph Company as such may appear of record.

PARCEL TWO:

A certain parcel of land, containing 23.3 acres, more or less, located on the southerly side of Ducker Hill Road (a/k/a as Ducker Road or Town Highway #17), in the Town of Royalton, County of Windsor and State of Vermont, which parcel is shown Lot 1 on a Plan entitled "Proposed Division of Land currently owned as tenants in common by Alvin P. Gutman, Mary B. Gutman, Theodore Foulk, and Joanne H. Foulk, Ducker Road-So. Royalton, Vt., Pantell-Thrall Associates, June 25, 1981, Proj. 009," which Plan is recorded in the Royalton Land Records at Map Book 2, Page 162. Said parcel is shown on said Plan as bounded and described as follows:

Beginning at a point marked by no. 5 re-bar set in the ground, which point marks the southerly and the boundary between Lot 1 and Lot 2 and the southeasterly corner of Lot 1;

Thence North 50° 40' West along the land now or formerly of Slater a distance of 968.9 feet to a no. 5 re-bar set at a wire fence junction;

Thence turning to the right North 43° 48' East along lands of Greenlee a distance of 759.8 feet to a no. 5 re-bar set at a wire fence corner;

Thence turning to the left North 12° 22' East along lands of Greenlee a distance of 172.7 feet to an iron pipe found in a stone pile at a wire fence junction;

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Thence turning to the right North 09° 31' East along lands of Greenlee a distance of 171.8 feet to a no. 5 re-bar set in the ground in the southerly boundary of the right of way of Ducker Road;

Thence turning to the right and running along the said southerly boundary of Ducker Road a distance of 690.0 feet to a no. 5 re-bar set in said boundary;

Thence turning to the right South 15° 48' West along said Lot 2 a distance of 248.6 feet to a no. 5 re-bar set by bridge;

Thence turning to the left South 07° 23" East along said Lot 2 a distance of 608.4 feet to a no. 5 re-bar set at confluence of streams;

Thence following the course of the stream a distance of 295.0 feet to a no. 5 re-bar set 3 feet northwesterly of the stream;

Thence turning to the right North 74° 23' West along said Lot 2 a distance of 199.2 feet to a no. 5 re-bar set in the ground;

Thence turning to the left South 21° 13" West a distance of 449.2 feet along Lot 2 to the point of beginning.

Parcel 2 herein conveyed is subject to the following encumbrances:

1. Utility easements and rights of way to the Central Vermont Public Service Corporation and the New England Telephone and Telegraph Company.

2. A portion of Lot 1 is limited and restricted to farming, agriculture, animal husbandry and vehicle access. No buildings may be constructed on the restricted portion of Lot 1 herein conveyed. These restrictions are to run with the land and shall be binding on all parties and persons owning Lot 1, their heirs and assigns. The restricted portion is all that part of Lot 1 that lies between the boundary between Lot 1 and Lot 2 and the following line:

   Beginning at a point in the southerly boundary of Lot 1 which is North 50° 40' West a distance of 21.0 feet from the no. 5 re-bar marking the intersection of the southerly boundary of Lot 1 with the common boundary between Lot 1 and Lot 2;

   Thence North 21° 13' East a distance of 442.7 feet to a point which is located North 68° 47' West a distance of 20.0 from the next no. 5 re-bar in said common boundary;

   Thence North 09° 51' East a distance of 761.8 feet to a point which is located South 82° 37' West a distance of 50.0 from the next no. 5 re-bar in said common boundary, set by the bridge;

Thence continuing the previous course of distance of 340.0 feet to the southerly boundary of the right of way of Ducker Road.

Also included in this conveyance are water rights conveyed by warranty deed of Alvin P. Gutman, Mary B. Gutman, Theodore Foulk and Joanne H. Foulk to Joanne H. Foulk dated August 14, 1981 and recorded in the Royalton Land Records at Book 30, Page 142.

Meaning and intending hereby to convey that portion identified as Parcel Three of the same land and premises conveyed to Theodore Foulk and Joanne H. Foulk by Warranty Deed of Alvin P. Gutman and Mary B. Gutman, dated August 14, 1981 and recorded in the Royalton Land Records at Book 30, Page 146. Upon the death of Theodore Foulk on June 4, 1990, title vested in Joanne H. Foulk, his surviving joint tenant.

As to the entire premises herein conveyed, reference is made to the aforementioned deeds, and to the deeds therein referred to, for a more particular description of the premises herein conveyed.

JMD-OCT91-KEMPNER1

SCHEDULE A, CONTINUED

RESERVING AND EXCEPTING from the effect of this conveyance is an Easement for the use and enjoyment of the tennis court situate on the parcel herein for the benefit of the Grantor and her adjoining neighbors, Howard and Helen Greenlee, Alvin and Mary Gutman and their families who own property along Town Highway # 17 in Royalton.

It is the express intention of the Grantor and Grantees that after the conveyance of the parcel herein the tennis court shall continue to be utilized in the same manner as heretofore existed by the grantees, the Greenlees and Gutmans their families, guests and invitees.

Said right to use the tennis court in common with the grantees shall continue for so long as the Foulks, Greenlees and Gutmans or their families continue to own property along Town Highway #17. Moreover, each family shall contribute 1/4 of the cost of maintenance and upkeep of the tennis court.

Royalton Town Clerk's Office; November 20th A. D., 1991, at eleven o'clock and ten minutes a.m., received for record the instrument of which the foregoing is a true copy.

Attest: Grace E. Terrie
Town Clerk