
From: Sharon Cuddy Somers
Sent: Monday, January 11, 2021 10:03 AM
To: Jennifer Herron <jherron@dtclawyers.com>
Subject: FW: Message from KM_C759

Mike:

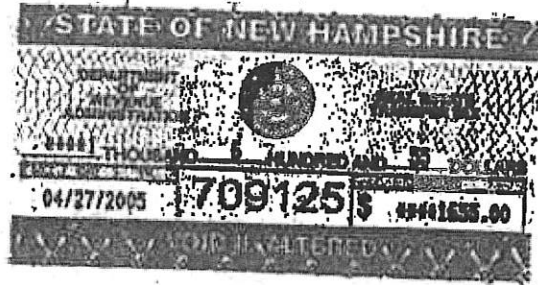
Attached please find several deeds which will clarify the conveyances into the Mulherns , particularly as regards the issue of the access to Bagdad Road. My understanding is that a deed has been provided to the Planning Board already based on the plan, which notes a deed reference of Book 4095, Page 129.

The attached deeds supplement and clarify the conveyance shown in Book 4095, Page 129.

1. The conveyance from Manock to Mulhern, Book 3178, Page 99 is the base parcel conveyed to the Mulherns in 2005. This deed includes a fee interest in the area marked " Access and Utility Easement" despite the fact that the fee interest had previously been conveyed out of the Manock chain.
2. The next conveyance occurs in 2013, Page 4095 from Allen to Mulhern, and this conveys an access easement to Bagdad.
3. The third conveyance occurs in 2018 at Book 4601 and conveys to the Mulherns from Nieves the fee interest incorrectly conveyed to them in 2016 but reserves an access easement to Bagdad Road
4. The final conveyance is the deed from Mulhern to Imbrie at Book 4605, Page 287 which properly includes the fee and reserves to the Mulherns an access easement over the Imbrie fee to get to Bagdad Road. This description accurately conveys the interest that should have been reflected in the 2005 conveyance from Manock to Mulhern.

2005 APR 27 PM 12:57

STRAFFORD COUNTY
REGISTRY OF DEEDS



009703

SEQ CHAPTER 1 to 1

WARRANTY DEED

FRANCIS D. MANOCK and DOROTHY L. MANOCK, husband and wife, of 11 Triangle Avenue, Pembroke, Maine, for consideration paid, grants to **MICHAEL J. MULHERN and MARTHA A. MULHERN**, husband and wife, of 11 Shearwater Street, Durham, Strafford County, New Hampshire, **AS JOINT TENANTS WITH RIGHTS OF**

SURVIVORSHIP, with **WARRANTY COVENANTS**, the following:

A certain tract or parcel of land situate on the Northerly side of Bagdad Road and the Westerly side of N.H. Route 108, in Durham and Madbury, Strafford County, New Hampshire, and shown as Tax Map 10, Lot 8-6 on plan entitled "Plan of Lot Line Adjustments for Francis D. and Dorothy L. Manock, 121 Dover Road, Durham, New Hampshire," dated April, 1997, drawn by KEM Land Survey, Inc., approved by the Durham Planning Board on May 27, 1997, recorded at the Strafford County Registry of Deeds as Plan 49-99, more particularly bounded and described pursuant to said plan as follows:

Beginning at a point on the northerly side of Bagdad Road, said point marking the southeasterly corner of land now or formerly of Timothy and Denise Day; then turning and running N 10E 51' 00" E along land now or formerly of Day a distance of two hundred and no hundredths (200.00) feet, more or less, to a point at land now or formerly of Diane C. Archie; then turning and running N 10E 51' 00" E along land now or formerly of Archie a distance of four hundred and no hundredths (400.00) feet, more or less, to a point marking the northeasterly corner of land of Archie; then turning and running N 75E 25' 07" W along land now or formerly of Archie a distance of two hundred and three hundredths

BK3178 PG0099

(200.03) feet, more or less, to a point in a stone wall at land now or formerly of John Gannon; then turning and running along the stone wall and land now or formerly of Gannon and land now or formerly of the John R. Cavanaugh Rev. Trust a distance of three hundred eighty and ninety hundredths (380.90) feet, more or less, to a point; then turning and running N 11E 45' 00" E along the stone wall and land now or formerly of Dominick More and land now or formerly of Daniel and Susan Fuchs a distance of two hundred thirty-six and ninety hundredths (236.90) feet, more or less, to a point; then turning and running N 11E 07' 00" E along the stone wall and land now or formerly of Fuchs and land now or formerly of Andrew Merton a distance of one hundred eighty and seventy hundredths (180.70) feet, more or less, to a point; then turning and running N 10E 34' 00" E along the stone wall and land now or formerly of Merton a distance of one hundred thirty-three and no hundredths (133.00) feet, more or less, to a point; then continuing N 10E 34' 00" E along the stone wall and land of Merton a distance of sixty-eight and no hundredths (68.00) feet, more or less, to a point at land now or formerly of Gerrish; then turning and running along land now or formerly of Gerrish the following courses and distances: S 64E 54' 00" E a distance of one hundred sixty-two and no hundredths (162.00) feet, more or less, to a point; then turning and running S 68E 29' 00" E a distance of four hundred twenty-four and fifty hundredths (424.50) feet, more or less, to a point; then turning and running S 61E 12' 00" E a distance of eighty-nine and no hundredths (89.00) feet, more or less, to a point at land now or formerly of Berndtson (sic); then turning and running S 32E 16' 00" W along land now or formerly of Berndtson a distance of one hundred ninety-eight and seventeen hundredths (198.17) feet, more or less, to a point marking the southwesterly corner of land now or formerly of Berndtson; then turning and running S 55E 02' 10" E a distance of six hundred twenty-two and seventy-one hundredths (622.71) feet, more or less, to a steel stake located on the westerly sideline of N.H. Route 108; then turning and running S 44E 02' 00" W along the westerly sideline of N.H. Route 108 a distance of fifty-one and forty hundredths (51.40) feet, more or less, to an iron rod marking the easterly corner of land shown on the plan as Tax Map 10, Lot 8-5; then turning and running along Tax Map 10, Lot 8-5 the following courses and distances: N 46E 12' 00" W a distance of two hundred and no hundredths (200.00) feet, more or less, to an iron rod; then turning and running S 51E 55' 43" E a distance of sixty-eight and fifty-five hundredths (68.55) feet, more or less, to an iron rod; then turning and running N 86E 00' 20" W a distance of three hundred one and seventy-two hundredths (301.72) feet, more or less, to an iron rod; then turning and running S 43E 48' 00" W a distance of two hundred and no hundredths (200.00) feet, more or less, to an iron rod; then turning and running S 46E 12' 00" E a distance of three hundred and no hundredths (300.00) feet, more or less, to a steel stake marking the corners of land now or formerly of Albert Gombossy and land now or formerly of Stella Whitehouse; then turning and running S 43E 48' 00" W along land now or formerly of Whitehouse a distance of two hundred and no hundredths (200.00) feet, more or less, to a point at land now or formerly of William

BK3178 PG0100

and Nancy Bonin; then turning and running N 46E 12' 00" W along land now or formerly of Bonin a distance of one hundred and no hundredths (100.00) feet, more or less, to a point; then turning and running S 43E 48' 00" W along land now or formerly of Bonin a distance of two hundred sixty-four and eighty-two hundredths (264.82) feet, more or less, to an iron rod at land now or formerly of Noel and Carrie Walker; then turning and running N 79E 09' 00" W along land now or formerly of Walker a distance of one hundred fifty-five and sixty-eight hundredths (155.68) feet, more or less, to a steel stake; then turning and running S 10E 51' 00" W along land now or formerly of Walker and land now or formerly of Richard Teppan a distance of four hundred ten and seven hundredths (410.07) feet, more or less, to a steel stake; then turning and running on a curve to the left having a radius of 20.00 feet, a distance of twenty-nine and twelve hundredths (29.12) feet, more or less, to a point on the northerly side of Bagdad Road; then turning and running N 72E 35' 00" W along Bagdad Road a distance of sixty-eight and sixteen hundredths (68.16) feet, more or less, to the point of beginning.

BK3178 PG0101

Meaning and intending to convey a portion of the premises conveyed to Francis D. Manock and Dorothy L. Manock by deed of Eileen R. Carr dated October 28, 1953, recorded at the Strafford County Registry of Deeds, Book 623, Page 426. See also deed from Alma Bednarik (fka Alma M. Cross) to Francis D. Manock and Dorothy L. Manock dated August 29, 1996, recorded at the Strafford County Registry of Deeds, Book 1885, Page 471, re-recorded at Book 1892, Page 295 (re-conveys the remaining property located in Madbury, NH, which was once a portion of the property described in the above deed at Book 623, Page 426)

Also conveyed herewith, together with and appurtenant to the above described premises, but with Quitclaim Covenants (and not Warranty Covenants) is any and all of the grantees' rights in and to, and to use, the common driveway built and located partly on the above described premises, which common driveway is shown on plan recorded July 10, 1975 at the Strafford County Registry of Deeds as Pocket #1, Folder 12, Plan 51, and any and all of the grantees' rights in the fifty (50) foot right of way as shown on plan recorded September 24, 1976, in said Registry as Plan 17-61.

Signed this 22 day of April, 2005.

Francis D. Manock

Francis D. Manock

Dorothy L. Manock

Dorothy L. Manock

STATE OF MAINE
COUNTY OF Washington

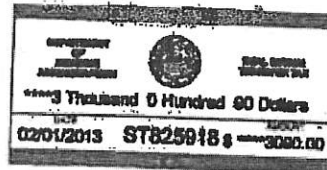
April 22, 2005

Personally appeared the above-named Francis D. Manock and Dorothy L. Manock and acknowledged the foregoing instrument to be their voluntary act and deed.

Janice A. Scanlon
JANICE A. SCANLON
Notary Public, Maine
My Commission Expires June 8, 2007

Notary Public
My Commission Expires:

BK3178 PG0102



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Michael D. Allen, Married person of 349 Route 108, Madbury NH 03823 and Lisa D. Allen, a single person of 12 Littlehale Road, Durham, NH 03824, for consideration paid grant(s) to Michael J. Mulhern and Martha A. Mulhern, Husband and Wife of 93 Bagdad Road, Durham NH 03824 as joint tenants with rights of survivorship with **WARRANTY COVENANTS:**

A certain tract of land situate off the Northerly side of Bagdad Road, in the Town of Durham, County of Strafford and State of New Hampshire, as set forth on a plan entitled "Land of Francis D. & Dorothy L. Manock, Durham, New Hampshire, G.L. Davis & Associates" dated April 1974 and recorded at the Strafford County Registry of Deeds as Plan No 21/8/3, bounded and described as follows:

Beginning on the Westerly side of a reserved right of way at an iron pipe at the Northeast corner of land now or formerly of Furman; which pip is Two Hundred (200) feet N 10° 51' E from the Northerly side of Bagdad Road, thence N 75° 25' W along said Furman land a distance of Two Hundred (200) feet to a steel stake at land now or formerly of Faucy; thence N 11° 01' E by and along said Faucy land a distance of Two Hundred Eighty Six (286) feet to an iron pipe and Lot #6, situate in the Pine Ridge Development so-called; thence N 10° 25' E by and along said Lot #6 and Lot #6A in the Pine Ridge Development a distance of One Hundred Fourteen (114) feet to land now or formerly of Manock; thence S 75° 25' E by and along said Manock land a distance of Two Hundred (200) Feet to a steel stake; thence S 10° 51' W a distance of One Hundred Seventy Seven and Eight Tenths (177.8) feet, thence continuing S 10° 51' W a distance of Two Hundred Twenty Two and Two tenths (222.2) feet to the point of beginning.
Subject to

Right to use and reserved right of way as set forth on Plan No. 21/8/3 recorded Strafford County Registry of Deeds for the purposes of ingress and egress from Bagdad Road to said premises.

Slope easement granted to the State of New Hampshire by instrument dated May 16, 1962, recorded at Book 775, Page 177, Strafford County Registry of Deeds.

Easement granted to New England Telephone and Telegraph Company by instrument dated January 3, 1964, recorded at Book 775, Page 177, Strafford County Registry of Deeds.

Easement granted to New Hampshire Electric Cooperative, Inc., by instrument dated July 29, 1965, and recorded at Book 802, page 142, Strafford County Registry of Deeds.

Easement Deed from Sally M. Tappan and Richard C. Tappan to Alfred W. Homan and Naomi M. Homan dated 12-29-1975 recorded at Book 979, Page 310, Strafford County Registry of Deeds.

Any and all matters per Plan No. 21/8/3, recorded Strafford County Registry of Deeds,

Meaning and intending to describe and convey the same premises conveyed to Michael D. Allen and Lisa D. Allen by virtue of a deed from Earl E. Archie and Diane C. Archie dated 01/08/2013 recorded in Book 2343, Page 343, with the Strafford County Registry of Deeds.

This is not homestead property of the grantors or their spouse.

Executed this 31st day of January, 2013.


Michael D. Allen


Lisa D. Allen



State of New Hampshire

Rockingham, ss.

On January 31, 2013, before me, the undersigned notary public, personally appeared the above-named, Michael D. Allen and Lisa D. Allen and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


Notary Public: *Kate Catalano*
My Commission Expires:



QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Juan P. Nieves and Amanda P. Nieves, husband and wife, of 95 Bagdad Road, Durham, New Hampshire 03824, for consideration paid, grant to Michael J. Mulhern and Martha A. Mulhern, husband and wife, of 93 Bagdad Road, Durham, New Hampshire, 03824, as joint tenants with rights of survivorship, with QUITCLAIM COVENANTS, the following:

All our right, title and/or interest in and to a certain tract or parcel of land in fee simple situate on the northerly side of Bagdad Road in the Town of Durham, County of Strafford and State of New Hampshire and which premises are identified as the "Access Easement" area on a Plan entitled "Lot Line Adjustment Plan Michael & Martha Mulhern 91 & 93 Bagdad Road and Durham Road-Route 108 " dated June 6, 2018, prepared by Trittech Engineering Corporation, Job No. 17105 and to be recorded in the Strafford County Registry of Deeds and being further depicted as follows:

Beginning at a steel stake at Bagdad Road at Tax Map 10, Lot 8-7 at the southwest corner of land of Juan Nieves and Amanda Nieves; thence continuing along a curve with a radius of 20.00' a distance of 28.94' to a steel stake along land of Nieves;

Thence continuing N 05° 29' 25" W along said access easement area and land of Nieves and along land now or formerly of Dixon and Young (Tax Map 10, Lot 8-9) a distance of 410.10' to a rebar to be set at land of Mulhern;

Thence turning and running S 84° 31' 59" West across said access easement area to a point at Tax Map 10, Lot 8 -8 at other land of Mulhern;

Thence turning and running S 05° 29' 25" E along said land of Mulhern to a rebar to be set at the northwest corner of Tax Map 10, Lot 8-1, being land now or formerly of Day;

Thence continuing S 05° 29' 25" E along land of Day 201.20' to a steel stake at Bagdad Road;

Thence turning and running S 88° 56' 54" E a distance of 68.03' to a steel stake at the point of beginning.

Being a portion of the premises described in deed of Chris Croasdale and Genevieve Croasdale

to Juan P. Nieves and Amanda P. Nieves dated March 30, 2016 and recorded in Book 4369, Page 791. See also Plan of Land of Francis D. and Dorothy L. Manock recorded as Plan 21, Pocket 8, Folder 3 for further depiction of said right of way and access easement.

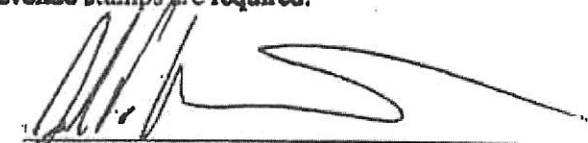
Meaning and intending to correct the description and confirm release of any right title and interest in the fee title to the access easement area depicted on said plan and further described in deed of Richard C. Tappan and Sally M. Tappan to Alfred Homan and Naomi Homan in deed dated February 2, 1975 and recorded in Book 959, Page 121 of the Strafford County Registry of Deeds and made part of the premises shown on said Plan as Final Map10, Lot 8-6.

Reserving, however, to the Grantors herein and their heirs and assigns the non-exclusive use of said access easement in common with others over said access easement area.

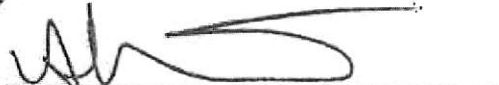
Grantors here by release all rights of homestead and other interests in the above-described property.

This is a non-contractual transfer, and no revenue stamps are required.

Dated this 18 day of September, 2018.



Juan P. Nieves

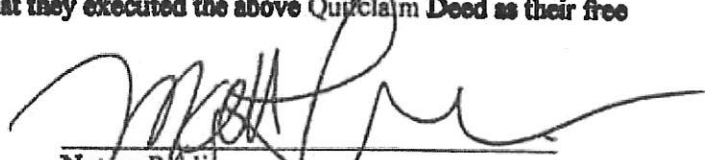


Amanda P. Nieves

**STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD**

Personally appeared Juan P. Nieves and Amanda P. Nieves, before me, this 18th day of September, 2018, and acknowledged that they executed the above Quitclaim Deed as their free act and deed,





Notary Public
My Commission Expires:



Return to:
Greg A. Imbrie
93 Bagdad Road
Durham, NH 03824



WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT **Michael J. Mulhern and Martha A. Mulhern**, Husband and wife of 93 Bagdad Road, Durham, County of Strafford, New Hampshire,

For consideration paid, grants to **Greg A. Imbrie**, a married person, of 20 Mills Falls Road, Barrington, County of Strafford, New Hampshire,

*aka Gregory A. Imbrie

With Warranty Covenants the following:

A certain tract or parcel of land, together with the buildings and improvements thereon, located on the northerly side of Bagdad Road in the Town of Durham, County of Strafford, and the State of New Hampshire, being shown as Map 10, Lot 8-6 on plan entitled "Lot Line Adjustment Plan, Michael & Martha Mulhern, 91 & 93 Bagdad Road and Durham Road - Route 108, Durham New Hampshire" dated June 6, 2018, and prepared by Tritech Engineering Corporation, recorded at the Strafford County Registry of Deeds on September 21, 2018 as plan numbers 116-085, 116-086 and 116-087, being more particularly bounded and described as follows:

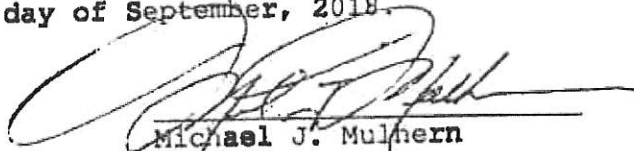
Beginning at a steel stake found on the northerly sideline of Bagdad Road at the southwest corner of Map 10, Lot 8-7; thence running along the northerly sideline of Bagdad Road, North 88° 56' 54" West, a distance of 68.03 feet to a steel stake found at Map 10, Lot 8-1; thence turning and running along Map 10, Lot 8-1, North 05° 29' 25" West, a distance of 201.20 feet to a rebar to be set at Map 10, Lot 8-8; thence continuing along Map 10, Lot 8-8, North 05° 29' 25" West, a distance of 277.75 feet to a rebar to be set; thence turning and running still along Map 10, Lot 8-8, North 27° 27' 43" East, a distance of 111.75 feet to a rebar to be set; thence turning and running

3. The rights of the owners of Map 10, Lot 8-7 to use the Access and Utility Easement area as shown on plan entitled "Lot Line Adjustment Plan, Michael & Martha Mulhern, 91 & 93 Bagdad Road and Durham Road - Route 108, Durham New Hampshire" dated June 6, 2018, and prepared by Trittech Engineering Corporation, recorded at the Strafford County Registry of Deeds on September 21, 2018 as plan numbers 116-085, 116-086 and 116-087. See reservation of rights in the Quitclaim Deed from Juan P. Nieves and Amanda P. Nieves recorded in the Strafford County Registry of Deeds at Book 4601, Page 768.
4. The Driveway Maintenance Agreement between Michael J. Mulhern and Martha A. Mulhern and Juan P. Nieves and Amanda P. Nieves dated September 15, 2018 and recorded at Strafford County Registry of Deeds, Book 4601, Page 0770.
5. Notice of Decision by Town of Durham recorded in the Strafford County Registry of Deeds, at Book 4602, Page 301.

Meaning and intending to convey a portion of the same premises conveyed to the grantors by deed of Francis D. Manock and Dorothy L. Manock dated April 22, 2005 and recorded in the Strafford County Registry of Deeds at Book 3178, Page 009. See also Quitclaim deed Juan P. Nieves and Amanda P. Nieves dated September 15, 2018 and recorded at Strafford County Registry of Deeds, Book 4601, Page 0770.

The Grantors hereby release all right of homestead in the above described property.

Signed this 28th day of September, 2018.


Michael J. Mulhern


Martha A. Mulhern

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

Personally appeared the above named Michael J. Mulhern and Martha A. Mulhern this 28th day of September, 2018, known to me, or satisfactorily proven to be the persons whose names appear above and who executed the foregoing instrument as their free act and for the purposes contained herein.

Before me,



Notary Public
My Commission Exp:



→ Return to:
Trombley Kloury, P.A.
166 South River Road
Suite 250
Bedford, NH 03110

DRIVEWAY MAINTENANCE AGREEMENT

between

**Michael J. Mulhern and Martha A. Mulhern
and
Juan P. Nieves and Amanda P. Nieves**

This Driveway Maintenance Agreement made this 15th day of September, 2018, between Michael J. Mulhern and Martha A. Mulhern of 93 Bagdad Road, Durham, New Hampshire 03824 and Juan P. Nieves and Amanda P. Nieves of 95 Bagdad Road, Durham, New Hampshire 03824, their successors, heirs and assigns forever.

WHEREAS, Michael J. Mulhern and Martha A. Mulhern are the owners of certain property located in Durham, County of Strafford and State of New Hampshire shown as Lot 10-8-8 (81 Bagdad Road) and Lot 10-8-6 (93 Bagdad Road) on a plan entitled "Plan of Lot Line Adjustments for Francis D. and Dorothy L. Manock, 121 Dover Road, Durham, New Hampshire", dated April, 1997 and recorded in the Strafford County Registry of Deeds as Plan 49-99.

WHEREAS, Juan P. Nieves and Amanda P. Nieves are the owners of certain property located in Durham, County of Strafford and State of New Hampshire shown as Lot 10-8-7 (95 Bagdad Road) on a plan entitled "Plan of Lot Line Adjustments for Francis D. and Dorothy L. Manock, 121 Dover Road, Durham, New Hampshire", dated April, 1997 and recorded in the Strafford County Registry of Deeds as Plan 49-99.

WHEREAS, any conveyance of the above property is subject to the right to use the right-of-way as shown on the plan entitled "Land of Francis D. & Dorothy L. Manock, Durham, New Hampshire", dated April, 1974 and recorded as Plan 21, Pocket 8, Folder 3 in the Strafford County Registry of Deeds and the rights in common of Lot 10-8-8; 10-8-6 and Lot 10-8-7 to use said right-of-way for means of ingress and egress and for all other customary uses as a driveway.

WHEREAS, the above parties, their successors, heirs and assigns forever, agree to share in the cost of any upkeep, repair and maintenance, including snow removal, of said shared driveway. The said driveway is owned by Lot 10-8-6 and Lot 10-8-7 and 10-8-8 shall share in the expenses up to the point of their respective individual driveway.

The parties shall pay the following percentage of expenses for their shared section of the driveway.

Lot 10-8-8	91 Bagdad Road	42.5%
Lot 10-8-8	93 Bagdad Road	42.5%
Lot 10-8-7	95 Bagdad Road	15.0%


This Driveway Maintenance Agreement shall commence on the date of execution and shall be binding upon all parties, their successors, heirs and assigns forever and shall run with the land.

EXECUTED this 15th day of September, 2018.


Michael J. Mulhern


Marthe A. Mulhern

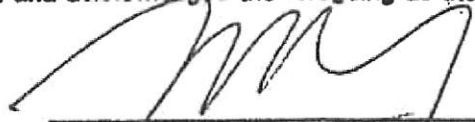

Juan P. Nieves


Amanda P. Nieves

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

Personally appeared before me this 15th day of September, 2018, the above named Michael J. Mulhern and Martha A. Mulhern and acknowledged the foregoing as their free act and deed.



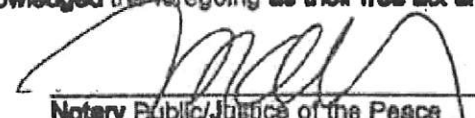


Notary Public/Justice of the Peace
Commission expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

Personally appeared before me this 15th day of September, 2018, the above named Juan P. Nieves and Amanda P. Nieves and acknowledged the foregoing as their free act and deed.





Notary Public/Justice of the Peace
Commission expires: