

DUMONT

MB
10/25/10

Oct. 25, 2010

Albert L. Dumont
82 Nutes Rd.
Milton, NH 03851

603-833-1977
ald1110@yahoo.com

Property to be developed is @ 47-A OLD MILTON
MAP # 215 / LOT # 27 Rd.
DEED-BK 3490-PG 0361

I Propose to Erect a 28' X 52' Multi-section
Manufactured Home.

Build a 16' X 28' detached garage.

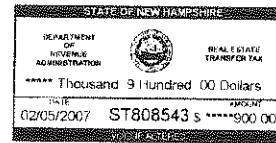
This property, a few years ago, had a small
2 bedroom mobile home for a period of
35 to 40 years. Also had 3 sheds that
Hylas wheels used for that period.
He also used the current well for his water
needs.

His old septic system was removed from
the property on 3-25-2007 and a new
septic system for a 3 bedroom home was
installed. (1250 GALLONS)

There is only one abutting residential property
next to this 47-A OLD MILTON RD. property.

There is ample ^{Room} on the 25' setback to ac-
commodate off-street parking.

Some top soil & will need to be removed
& new appropriate soil will be brought in
to accommodate a concrete pad for the new
one & garage.



Fiduciary Deed

For consideration paid, I, Albert L. Dumont, Executor under the Will of Hylas R. Wheeler, late of Rochester, County of Strafford and State of New Hampshire, by the power conferred by the Strafford County Probate Court (#2004-668) and every other power, for \$60,000.00 paid, grant to Albert L. Dumont and Patricia L. Dumont, of 82 Nutes Road , Milton, NH 03851, as Joint Tenants with Rights of Survivorship, the following described premises:

A certain tract or parcel of land with any improvements thereon situate southerly of Old Milton Road, so-called, and on the easterly side of a certain Public Service Company of New Hampshire right of way situate in the City of Rochester, County of Strafford and State of New Hampshire, and shown as lot identified as 'Hylas Wheeler Total Final Area 50,848 s.f.' on a plan entitled "Minor Subdivision, Roy Alley to Hylas Wheeler, Rochester, N. H. Scales 1" = 100', June 1983", said plan recorded in the Strafford County Registry of Deeds as Plan 17E-10. Said lot being more particularly bounded and described as follows:

Beginning at a point approximately 222.33 feet south of the southerly sideline of Old Milton Road, so-called; said point being the northwesterly corner of the within described lot; thence running N 78° 54' E a distance of 200.00 feet, more or less, along Lot 2 as shown on said plan to an I.P.; thence turning and running S 11° 06' E a distance of 100.00 feet, more or less, along said Lot 2 to an I.P.; thence turning and running S 11° 06' E a distance of 132.36 feet, more or less, still along said Lot 2 to a point on the northerly side of the Spaulding Turnpike, so-called; thence turning and running along a curve with a radius of 1057.92 feet a distance of 90.05 feet, more or less, along the northerly side of said Spaulding Turnpike to a point; thence turning and running S 76° 35' 48" W a distance of 113.86 feet, more or less, still along said Spaulding Turnpike to a point; thence turning and running N 11° 06' 09' W a distance of 262.80 feet, more or less, along the Public Service Company of New Hampshire easement to the point of beginning.

Together with the right to use, in common with others entitled thereto, the 50' right of way as shown on said plan, to pass and repass between Old Milton Road, so-called, and the above-described premises, as set forth in deeds recorded at Book 1094, Page 347 and Book 1094, Page 349.

As set forth in Book 1094, Page 349, the above right of way is located within a Public Service Company of New Hampshire easement area and is subject to the obligation that use of the right of way will not interfere with any easement rights of Public Service Company of New Hampshire

Subject to all matters as set forth on said plan or as may be recorded in the Strafford County Registry of Deeds.

Meaning and intending to describe and convey the same premises conveyed from John E. Kelley and Frances H. Kelley to Hylas R. Wheeler by deed dated August 8, 1978 and recorded in the Strafford County Registry of Deeds at Book 1019, Page 484; and by deed from Royce F. Alley and Diana M. Alley to Hylas R. Wheeler by deed dated August 26, 1983 and recorded in the Strafford County Registry of Deeds at Book 1108, Page 654. Hylas R. Wheeler died on July 19, 2004, see Strafford County Probate #2004-668.

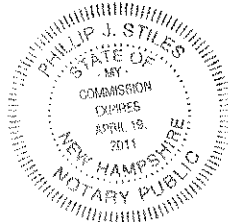
Witness my/our hand(s) this **Fifth day of February, 2007.**

Estate of Hylas R. Wheeler

Albert L. Dumont, Executor
Albert L. Dumont, Executor

State of New Hampshire
County of Strafford

On the **Fifth day of February, 2007** before me, personally appeared Albert L. Dumont, Executor of the Estate of Hylas R. Wheeler, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed as Executor of the Estate.



[Signature]
Notary Public:

My Commission Expires:

Phillip J. Stiles, Esq.

Printed/Typed Name

SEAL

Doc # 0023062 Dec 11, 2007 11:13 AM
Book 3600 Page 0268 Page 1 of 5
Register of Deeds, Strafford County

THE STATE OF NEW HAMPSHIRE

Strafford, ss

Superior Court
07-E-0063

Albert L. Dumont)
and)
Patricia L. Dumont)
v.)
Royce F. Alley)
and)
Diana M. Alley)

RIGHT-OF-WAY AGREEMENT AND ORDER

NOW COME the Petitioners, Albert L. Dumont and Patricia L. Dumont, husband and wife, of 82 Nutes Road, Town of Milton, County of Strafford and State of New Hampshire, 03851 ("Petitioners") and Respondents Royce F. Alley and Diana M. Alley, husband and wife, of 47 Old Milton Road, City of Rochester, County of Strafford and State of New Hampshire, 03868-8809 ("Respondents") and hereby stipulate and agree that upon this Honorable Court's approval the following may be entered as a permanent order:

- 1) Petitioners are joint owners in fee simple of the premises commonly known as 47-A Old Milton Road, City of Rochester, County of Strafford and State of New Hampshire, 03868-8809 ("Premises").
- 2) Petitioners derive their title to the locus premises by virtue of a Fiduciary Deed from Albert L. Dumont, Executor under the Will of Hylas R. Wheeler, Strafford County Probate Court #2004-668 and recorded at the Strafford County Registry of Deeds at Book 3490 and Page 0361 on 02/05/2007.
- 3) Respondents are joint owners in fee simple of the premises commonly known as 47 Old Milton Road, City of

Rochester, County of Strafford and State of New Hampshire,
03868-8809.

4) Respondents derive their title to their premises by virtue of a Warranty Deed from John E. Kelley and Frances H. Kelley to Royce F. Alley and Diana M. [Brochu] Alley recorded at the Strafford County Registry of Deeds at Book 1094 and Page 347 on February 28, 1983 and by Warranty Deed from John E. Kelley and Frances H. Kelley to Royce F. Alley and Diana M. [Brochu] Alley recorded at the Strafford County Registry of Deeds at Book 1094 and Page 349 on February 28, 1983.

5) Public Service Company of New Hampshire holds title to an easement area within which the within right-of-way rights are located. See e.g. deeds recorded at the Strafford County Registry of Deeds, Book 1094, Page 347 and Book 1094, Page 349.

6) Petitioners' parcel is landlocked off of Old Milton Road and is accessible only via the subject deeded fifty (50') foot right-of-way ("right-of-way") which runs across Respondents' property.

7) Respondents' fee is subject to, and burdened by, the said right-of-way in Petitioners' favor by virtue of the aforesaid deeds recorded at the Strafford County Registry of Deeds at Book 1094 and Page 347 on February 28, 1983, Book 1094 and Page 349 on February 28, 1983.

8) The said deeded 50 foot right-of-way which benefits Petitioners premises and burdens Respondents premises reads, in part, as follows:

Certain one-acre lot or parcel of land...situate in said, Rochester, County of Strafford, State of New Hampshire, and originally shown as Lot 1 on "Subdivision Plan, John Kelley, Rochester N.H. May 1981"

1979" by Frederick E. Drew, Surveyor (No. A-1077), Approved by Rochester Planning Board June 19, 1979, and recorded in Strafford County Registry of Deeds as Plan #20-71...There is included in this conveyance the right to pass and repass between said "Old Milton Road" and the abutting southwesterly side of said conveyed Lot 1, in common with said Hylas R. Wheeler, said Kelleys, and any others now or hereafter entitled thereto, over said 50 foot right of way. (Emphasis supplied.)

9) A dispute has arisen between the parties as to their respective rights and obligations to maintain and use the subject right-of way and the subject right-of-way has narrowed through, *inter alia* the growth of vegetation.

10) The within Stipulation and Order is intended to permanently and forever resolve the disputed issues regarding the parties' respective rights and obligations with regard to the subject right-of-way.

11) The boundaries of the subject right-of-way shall be affixed in accordance with the Plan annexed hereto as Exhibit A. The right-of-way shall be twenty-five (25') feet in width for the first one hundred and fifty (150') feet starting at the entrance from Old Milton Road and the right-of-way shall be located down the center of the existing right-of-way but shall be located to accommodate the existing fence and utility pole and guywire. The balance of the right-of-way shall remain fifty (50') feet in width and is located in its current location. Boundary markers shall be placed by a licensed New Hampshire Surveyor clearly defining the location of the entire right-of-way.

12) Petitioners, and Petitioners' successors and assigns, shall be entitled, but not obligated, to maintain the right-

of-way, including raising, grading, surfacing and leveling the right-of-way, as determined to be necessary by Petitioners and Petitioners' successors and assigns, and to plow and to keep the right-of way passable, accessible and free and clear at all times.

13) Petitioners, and Petitioners' successors and assigns, shall be entitled, but not obligated, to maintain, replace, upgrade and extend as they deem necessary, the culvert at the entrance of the right-of-way.

14) The right-of-way shall be kept free and clear of vehicles and obstructions.

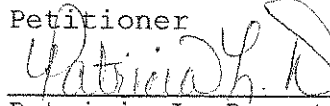
Dated: 11/05/07



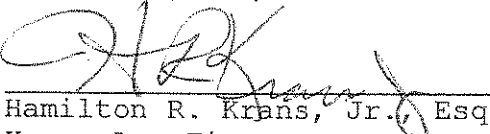
Marshall D. Hickok, Esq.
Attorney for Petitioners
354 South Main Street
P. O. Box 504
Laconia, NH 03247-0504
(603) 527-1440

Dated: 11/04/07



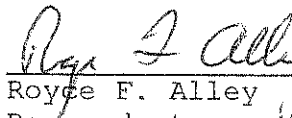
Albert L. Dumont
Petitioner

Patricia L. Dumont
Petitioner

Dated: 11/26/07



Hamilton R. Krans, Jr., Esq.
Krans Law Firm
Attorney for Respondents
29 Main St
Dover NH 03820-3807.
(603) 742-3766

Dated:



Royce F. Alley
Respondent



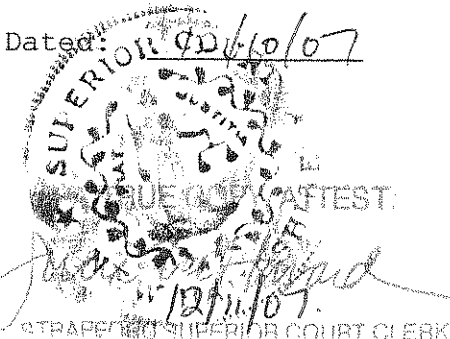
Diana M. Alley
Respondent

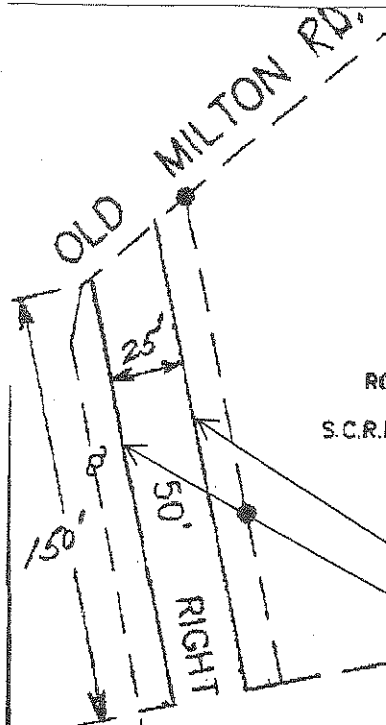
Approved and so Ordered:

Dated: 12/10/07



Presiding Justice





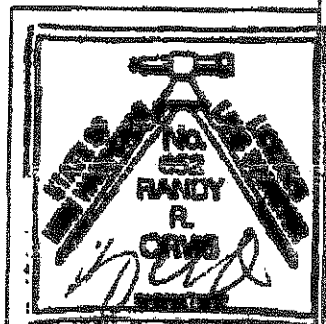
MAP 215 / LOT 26
ROYCE F. & DIANA M. ALLEY
S.C.R.D. DEED BOOK 1094 PAGE 347

MAP 215 / LOT 25
ROYCE F. & DIANA M. ALLEY
S.C.R.D. DEED BOOK 1094 PAGE 348

MAP 215 / LOT 27
ALBERT L. & PATRICIA L. DUMONT
S.C.R.D. DEED BOOK 3490 PAGE 361

Exhibit "A"

As amended by the parties to show dimensions and location of right-of-way.



VOID IF NOT WITH
ORIGINAL INKED
STAMP & SIGNATURE

LOT STAKING PLAN

TAX MAP 215, LOT 27
ROCHESTER, NH

OWNER(S):
ALBERT L. & PATRICIA L.
DUMONT

07-008 SCALE: 1"=60' DATE: 3/06/07

ORVIS / DREW, LLC
LAND SURVEYING

ZONING: A : AGRICULTURAL

SETBACKS: FRONT: 35' SIDE: 25' REAR: 50'

DEED REF: S.C.R.D. BOOK 3490 PAGE 361

PLAN REF: "MINOR SUBDIVISION - ROY ALLEY to HYLAS WHEELER -

PROSPECTIVE
LOT LAYOUT

MAP 215
LOT 27
1" = 20'

SPANNING
TURNPIKE
BYPASS

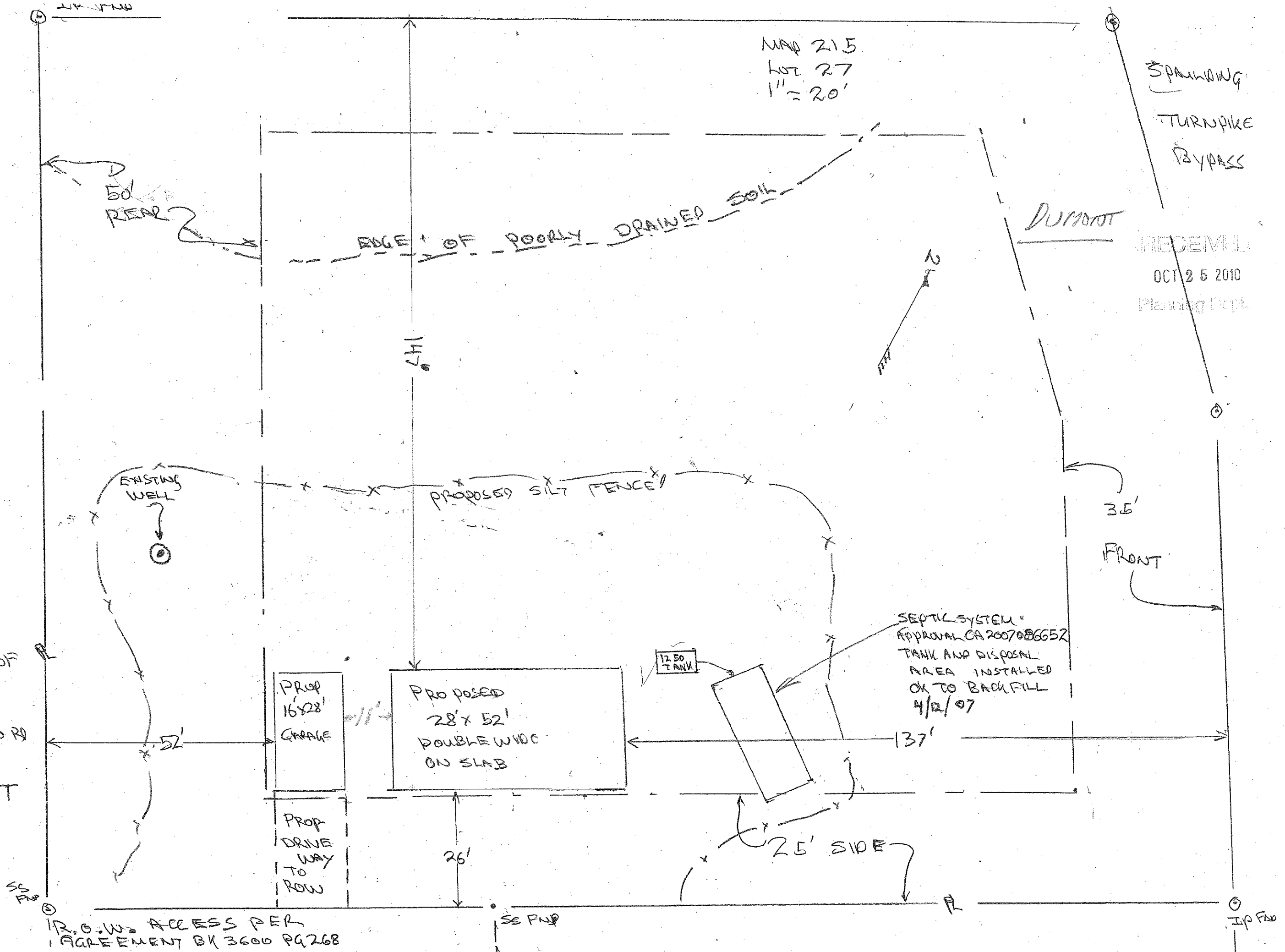
DUMONT

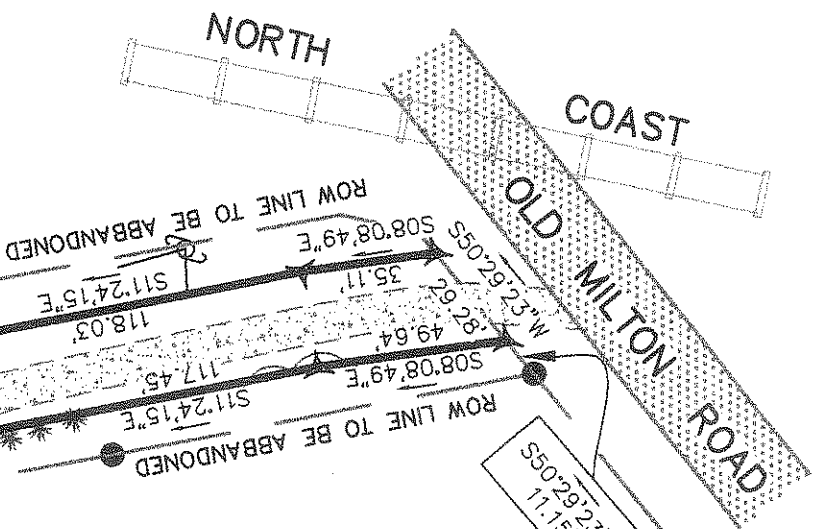
RECEIVED
OCT 25 2010
Planning Dept.

N/E
ALLEY
215/26

OLD
MILTON
ROAD

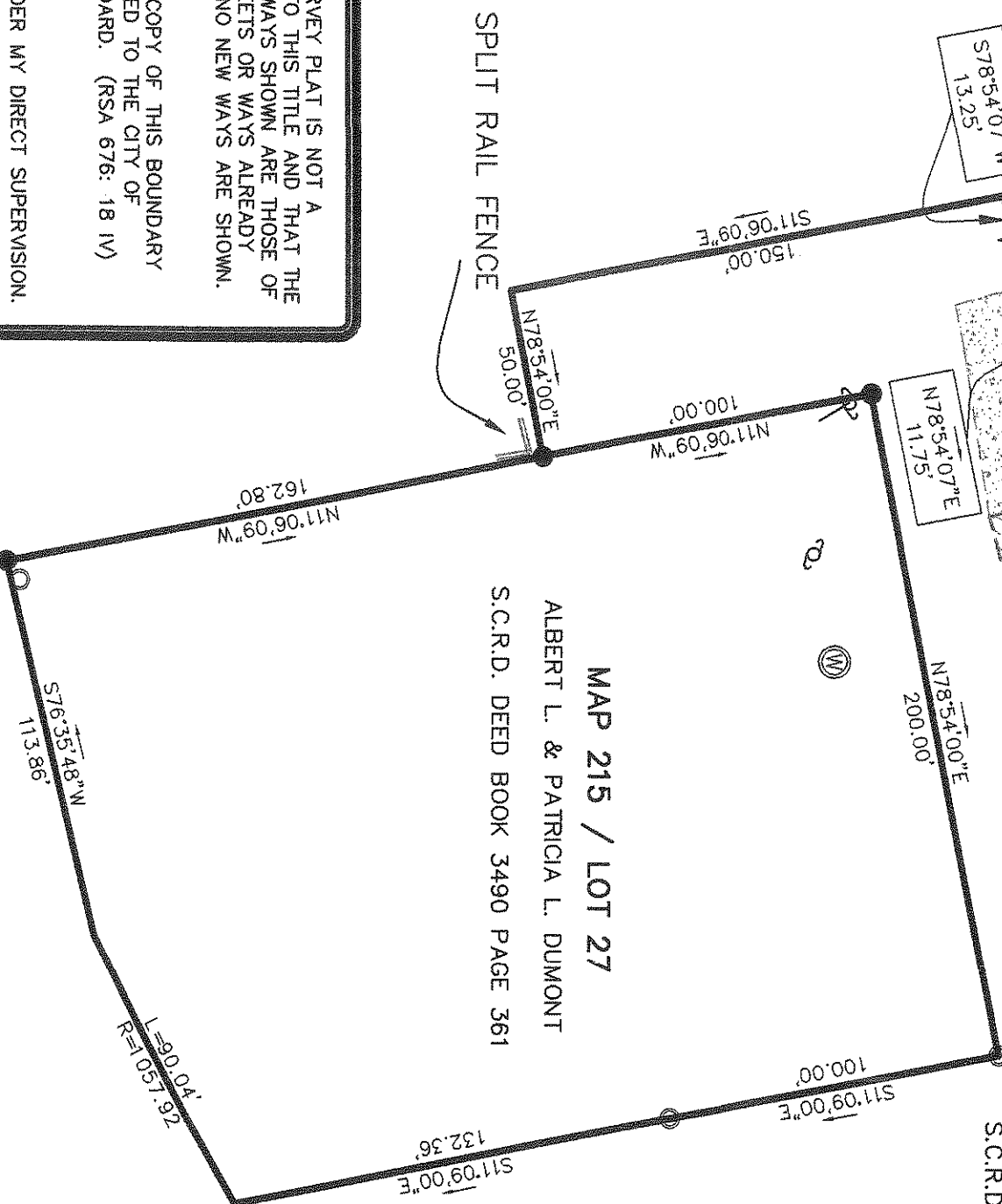
SKETCH OF
PROPOSED
DEVELOPMENT OF
MAP 215 LOT 27
H7 A OLD MILTON RD
FOR
ALBERT DUMONT





MAP 215 / LOT 26
ROYCE F. & DIANA M. ALLEY
S.C.R.D. DEED BOOK 1094 PAGE 347

MAP 215 / LOT 25
ROYCE F. & DIANA M. ALLEY
S.C.R.D. DEED BOOK 1094 PAGE



MAP 215 / LOT 27
ALBERT L. & PATRICIA L. DUMONT
S.C.R.D. DEED BOOK 3490 PAGE 361

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN. (RSA 676: 18 III)

I ALSO CERTIFY THAT A COPY OF THIS BOUNDARY PLAT HAS BEEN SUBMITTED TO THE CITY OF ROCHESTER PLANNING BOARD. (RSA 676: 18 IV)

AED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

LICENSED LAND SURVEYOR
2 P.O. BOX 277 FARMINGTON, N.H. 03835

Geometres
ue Hills, LLC

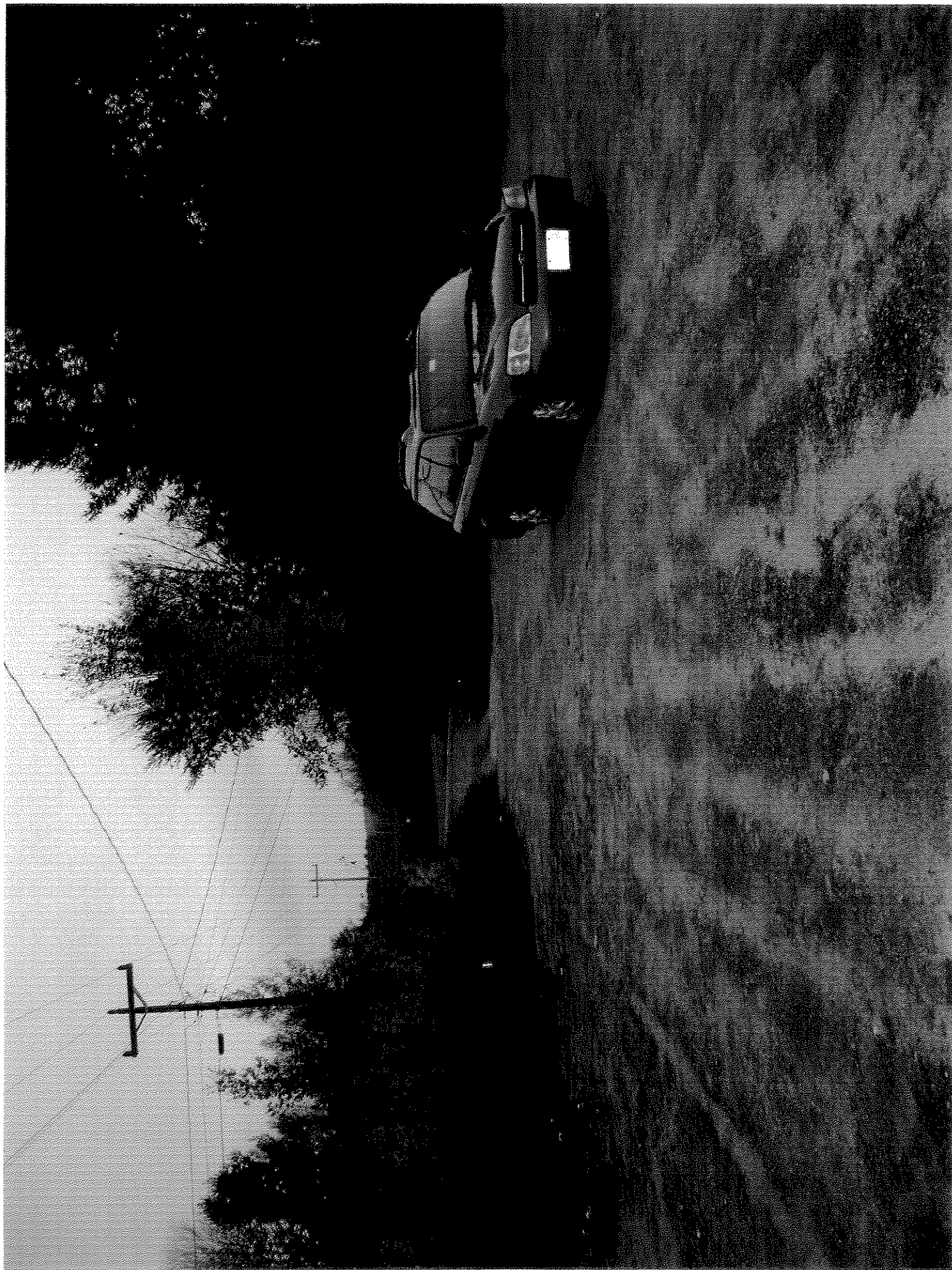
PO BOX 277
FARMINGTON, NH 03835-0277
603-859-2367

RESEARCH BY: FED III
FIELD WORK BY: AFR, RRD
COMPUTATIONS BY: AFR
DRAWN BY: AFR
CHECKED BY: R. DRVIS
DATE: 1/21/08
SCALE: 1"=50'
FIELD BOOK: 41
DRAWING ID: ROW PLAN
PUBLISH DATE: 1/24/08

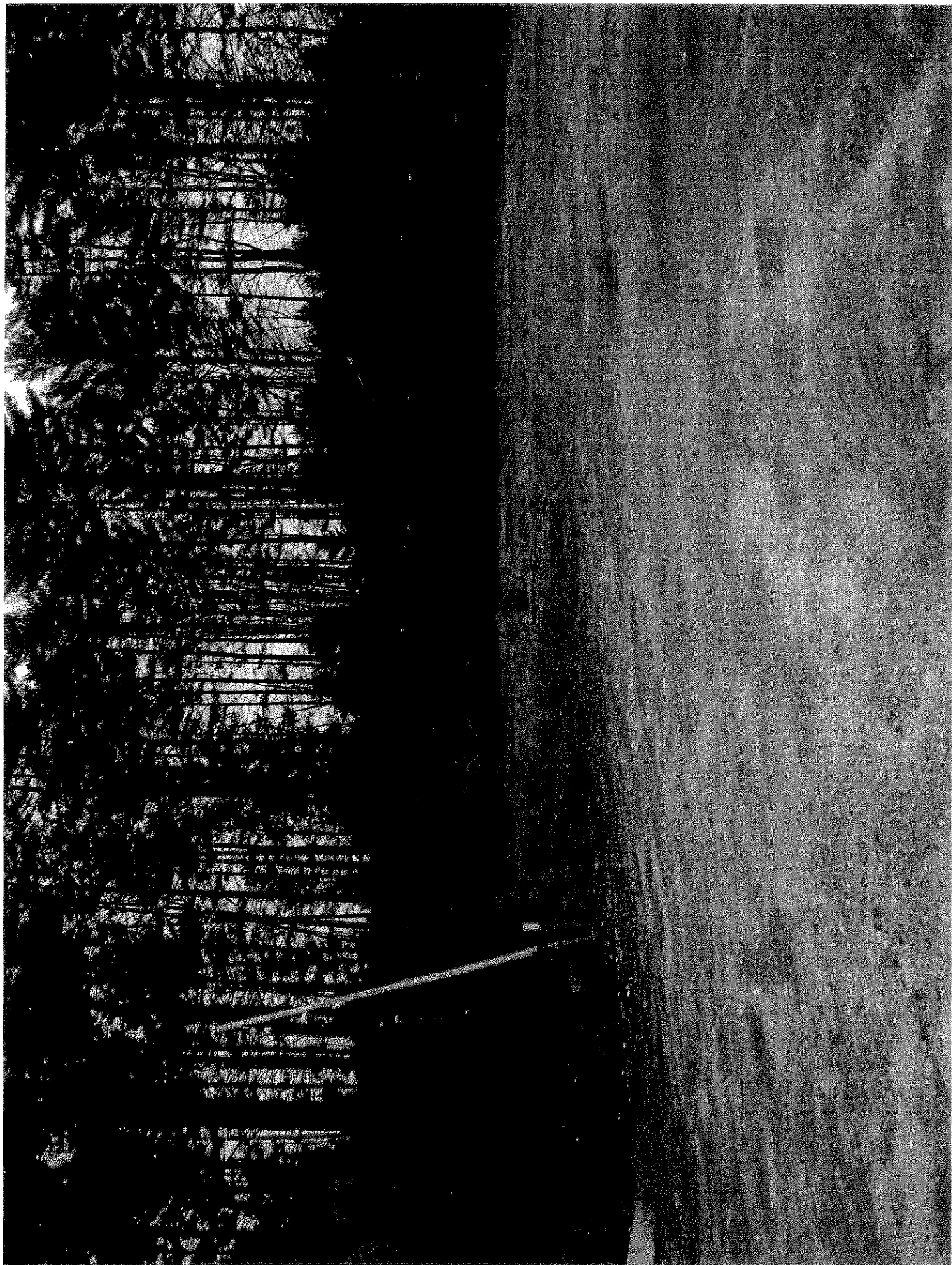
LEGEND

- BUILDINGS
- REBAR # 652 FOUND
- UTILITY POLES
- IRON PIPE FOUND
- REBAR WITH # 652 SET 1/24/08
- T-BAR FOUND
- WEI

Dumont
1/24/08



DUMONT - VIEW FROM RT 15 AND MILTON Rd.



DUMONT-VIEW OF LOT



Dr. Moore - Drive way on left

