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Book 3467 Page 84 Page 1 of 4  
Register of Deeds, Carroll County

T/S \$2790

*Lisa Scott*

LCHIP CAA110995 25.00  
TRANS TAX CA919675 2,790.00

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### WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that **JAMES G. MACVARISH** and **KATHLEEN MACVARISH**, husband and wife, both with a mailing address of 57 Central Avenue, Braintree, Massachusetts, 02184, for consideration paid, grant to **ARTHUR JOSEPH FITZPATRICK** and **THERESA LYN FITZPATRICK**, both having a mailing address of 18 Eastern Avenue, Beverly, Massachusetts, 01915, as joint tenants with rights of survivorship, and not as tenants in common, with **WARRANTY COVENANTS**, the following:

One Condominium Unit in the Hill & Vale Condominium Project as established by the Declaration, Hill & Vale Condominiums of Recreama Development Trust, dated January 19, 1973 and recorded in Carroll County Registry of Deeds on January 23, 1973, at Book 533, Page 292, said Unit being located in Intervale, Town of Bartlett, County of Carroll and State of New Hampshire, and more particularly bounded and described as follows:

CONDOMINIUM UNIT NO. FOURTEEN (14), BUILDING B, as described and identified in the Declaration, Hill & Vale Condominiums of Recreama Development Trust, (hereinafter referred to as Declaration) and on certain floor plans entitled "Hill & Vale Condominiums, Intervale, New Hampshire", certified by Alexander H. Chapman, Professional Engineer, and recorded in the Carroll County Registry of Deeds at Plan Book 24, Page 28 & 29. The Unit is primarily intended for residential use but is subject to the restrictions on use contained in the Declaration and the By-Laws which are a part thereof, both of which are incorporated herein by reference.

Together with an undivided Three and five hundred seventy-two thousandths percent (3.572%) interest as tenant in common, in and to the Common Area as described in the aforementioned Declaration. For reference only, see the plan entitled "Plan of Land in Bartlett - N.H. Property of Recreama Development Trust, 'Foley Lot' ", surveyed May - July, 1972, by Thaddeus Thorne, recorded in the Carroll County Registry of Deeds, Plan Book 23, Page 36, and the floor plans entitled "Hill & Vale Condominiums, Intervale, New Hampshire" hereinbefore referred to.

TOGETHER WITH the following rights and easements:

- (1) A right-of-way in common with others twenty (20) feet wide for ingress and egress to and from Route 16 across the southerly boundary of other land of Recreama Development Trust and across land of the Maine Central Railroad. This right-of-way as to that portion across the land of the Maine Central Railroad is subject to the provisions of a "Memorandum of Agreement" between the Trustees of Recreama Development Trust and the Maine Central Railroad dated March 24, 1972, and recorded in the Carroll County Registry of Deeds, Book 520, Page 111. This right-of-way is also subject, however, to the right of the grantor to conveyor dedicate all or any portion of said right-of-way for use as a public highway.
- (2) The right to use, in common with others, the Common Area, excepting Limited Common Area appurtenant to Units other than the one conveyed herein, as set forth in the Declaration.
- (3) Together with the non-exclusive easements for structural support and encroachments and for repairs and such other rights and easements as are set forth in the Declaration, Hill & Vale Condominiums of Recreama Development Trust or the By-Laws which are a part of said Declaration.
- (4) The exclusive right to use any Limited Common Area appurtenant to the Unit conveyed herein as defined and described in the aforementioned Declaration and on the floor plans of Hill & Vale Condominiums hereinbefore referred to.

This conveyance is SUBJECT TO the following:

- (1) Any and all rights-of-way across the Common Area as reserved in the Deed from Joseph Foster Foley and Genevieve Foley to Bernard P. Shannon, Carole A. Shannon and Edward C. Astrachan, Trustees of Recreama Development Trust, dated October 12, 1971, recorded in Carroll County Registry of Deeds, Book 500, Page 495.
- (2) Non-exclusive easements for structural support, encroachments and for repairs in favor of the Owners of other Units in the Hill & Vale Condominiums Project as set forth in the aforementioned Declaration.
- (3) All restrictions, covenants, conditions, uses, limitations, obligations and duties as set forth in the aforementioned Declaration, the By-Laws which are part of the aforementioned Declaration, the Condominium Rules and the provisions of the New Hampshire Revised Statutes Annotated Chapter 479-A entitled "Unit Ownership of Real Property".

- (4) The right-of-way contained in the deed from Joseph Foster Foley et al. to Fred P. Lucy. et al. dated September 5, 1970, and recorded in Carroll County Registry of Deeds, Book 471, Page 411.
- (5) The easement contained in an instrument from Genevieve F. Foley, et al. to White Mountain Power Company, dated December 7, 1965, recorded in Carroll County Registry of Deeds, Book 397, Page 153.
- (6) Any and all riparian rights in the Saco River, the River Side Channel, tributaries, channels and the Trout Brook.
- (7) A Scenic Strip Easement on property westerly of the so-called "Trout Brook" as shown on the aforementioned plan entitled "Plan of Land in Bartlett, N.H. Property of Recreama Development Trust, 'Foley Lot' ", granted by the Trustees of the Recreama Development Trust to the State of New Hampshire dated September 1, 1972, recorded in Carroll County Registry of Deeds, Book 524, Page 244.
- (8) The right of Bernard P. Shannon, Carole Anne Shannon and their children, and Edward C. Astrachan and Cynthia H. Astrachan and. their children, to use for the term of their respective natural lives the property west of the Trout Brook as shown on the abovementioned plan for the natural purposes not prohibited in the Scenic Strip Easement which the State of New Hampshire has recorded in the Carroll County Registry of Deeds, Book 524, Page 244; together with a right-of-way in common with others from Route 16 to said property over the presently existing road.
- (9) The right of the grantor to establish and convey utility easements in the future.
- (10) The Common Area lying within said Unit is excepted from the Unit as provided for in the aforementioned Declaration.

Meaning and intending to describe and convey those premises conveyed by Warranty Deed of Jonathan Ells and Kathleen Ells to James G. MacVarish and Kathleen MacVarish dated May 23, 2007 recorded in Book 2632, Page 150.

The above described is not homestead property of the grantors.

EXECUTED, this 4 day of October, 2019.

[Signature]

James G. MacVarish

[Signature]

Kathleen MacVarish

STATE OF NH

COUNTY OF Carroll

The foregoing instrument was acknowledged before me this 4 day of October, 2019 by James G. MacVarish and Kathleen MacVarish known to me or satisfactorily proven by photo identification to be the person whose name is subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

[Signature]

Notary Public/Justice of the Peace

Printed Name: Vicki L Weegar

My Commission Expires: 3/23/21

