

**WARRANTY DEED**

**Corporate Grantor**

**(Cavendish Road, Area Reserved for Future Road, and portion of Kilarney Way)**

**Know all Men by these Presents,**

That, **Libby Construction, Inc.**, a corporation organized and existing under the laws of the State of Maine, and having a place of business at 34 Bay Road, South Portland, Maine 04106 (“Grantor”), for consideration paid, grants to: **Town of Falmouth**, a Maine municipal corporation, having a mailing address of 271 Falmouth Road, Falmouth, Maine 04105 (“Grantee”), with warranty covenants, the land in Falmouth, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Falmouth, County of Cumberland, and State of Maine as set forth in **Exhibit A** attached hereto and made a part hereof.

This conveyance is made without claim for damages, the Falmouth Town Council having voted at a duly held meeting on \_\_\_\_\_, 2020 to accept those portions of Cavendish Road and Kilarney Way as described herein, being Parcels I and II, and to establish each as a Town Way. Notwithstanding the foregoing, Parcel III described herein is unimproved and title to Parcel III is conveyed to the Town, as set forth herein, but has not been accepted as a Town Way.

In Witness Whereof, the said **Libby Construction, Inc.** has caused this instrument to be executed by Richard A. Libby, its President, thereunto duly authorized this \_\_\_\_ day of \_\_\_\_\_, 2020.

Signed, Sealed and Delivered  
in presence of

**Libby Construction, Inc.**

\_\_\_\_\_

By: \_\_\_\_\_

Richard A. Libby

Its: President

State of Maine

County of Cumberland ss: \_\_\_\_\_, 2020

Then personally appeared the above named Richard A. Libby, President of said Libby Construction, Inc. and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Libby Construction, Inc.

Before me,

\_\_\_\_\_  
Attorney at Law/Notary Public  
Printed Name

## EXHIBIT A

### Parcel I – Cavendish Road, Falmouth, Maine:

A certain lot or parcel of land being located on the southeasterly side of Winn Road in the Town of Falmouth, County of Cumberland, State of Maine bounded and described as follows:

Beginning at a 1" iron rod on the southeasterly side of Winn Road and the northerly corner of land designated "Common Open Space 1" as delineated as on a plan entitled "Paddock Way Subdivision Plan" made for Libby Construction, Inc. by Titcomb Associates, dated March 15, 2005, recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234. Thence by the following courses:

- 1) N 67°30'54" E by said Winn Road a distance of Fifty-One and 56/100 (51.56) feet to a 4"x4" granite monument at the westerly corner of land designated "N/F Open Space 1 Paddock Way Subdivision" as delineated on a plan entitled "Second Amended Subdivision Plan, Cavendish Subdivision" made for Libby Construction by Titcomb Associates, dated August 4, 2016, recorded in said Registry in Plan Book 216, Page 504 ("Second Amended Cavendish Plan");
- 2) S 36°37'48" E by said Common Open Space and land now or formerly of Josh Muscadin and Christine L. Muscadin as described in a deed recorded in said Registry in Book 26202, Page 256 a distance of Six Hundred Four and 62/100 (604.62) feet to a point of curvature;
- 3) Southeasterly by said land of Muscadin, following a curve to the left having a radius of One Hundred Twenty-Five and 00/100 (125.00) feet, an arc distance of Eighty-Five and 25/100 (85.25) feet to a 4"x4" granite monument and point of tangency at land now or formerly of Charles F. Bruder and, Kaitlyn F. Bruder as described in a deed recorded in said Registry in Book 31595, Page 49;
- 4) S 75°42'27" E by said land of Bruder a distance of Two Hundred Ninety-Four and 28/100 (294.28) feet to a 5/8" iron rod ("PLS 2320") and point of curvature;
- 5) Southerly by said land of Bruder, following a curve to the right having a radius of One Hundred Seventy-Five and 00/100 (175.00) feet, an arc distance of One Hundred Thirty-Five and 21/100 (135.21) feet to a 5/8" iron rod ("PLS 2320") and point of tangency;
- 6) S 31°26'23" E by said land of Bruder a distance of One Hundred Ninety Nine and 09/100 (199.09) feet to a 4"x4" granite monument and point of curvature;
- 7) Southeasterly by said land of Bruder, following a curve to the left having a radius of Three Hundred Seventy-Five and 00/100 (375.00) feet, an arc distance of Sixty-Nine and 08/100 (69.08) feet to a 4"x4" granite monument and point of tangency;
- 8) S 41°59'39" E by said land of Bruder a distance of One Hundred One and 85/100 (101.85) feet to a point on the northwesterly line of land now or formerly of Gregory C. Green as described in a deed

recorded in said Registry in Book 21453, Page 68;

9) S 31°26'23" E by said land of Green a distance of Twenty-Five and 03/100 (25.03) feet to a point at the northerly corner of land now of formerly of Wayne D. Piers as described in a deed recorded in said Registry in Book 28546, Page 23;

10) S 48°00'21" W by said land of Piers a distance of Forty-Five and 41/100 (45.41) feet to a point;

11) N 41°59'39" W by said land of Piers a distance of Seventy-Three and 00/100 (73.00) feet to a point of curvature;

12) Westerly by said land of Piers, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Forty-One and 60/100 (41.60) feet to a 5/8" iron rod ("PLS 2320") and point of tangency;

13) S 58°33'37" W by said land of Piers a distance of Thirty-Seven and 49/100 (37.49) feet to a point at the southeasterly corner land now or formerly of Libby Construction as described in a deed recorded in said Registry in Book 32680, Page 122;

14) N 31°26'23" W by said land of Libby Construction a distance of Fifty and 00/100 (50.00) feet to a point at land designated "To be added to Common Open Space" on said Second Amended Cavendish Plan;

15) N 58°33'37" E by said Land to be added to Common Open Space a distance of Twenty and 74/100 (20.74) feet to a point of curvature;

16) Northerly by said Land to be added to Common Open Space, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Forty-Eight and 83/100 (48.83) feet to a 5/8" iron rod ("PLS 2320") and point of reverse curvature;

17) Northwesterly by said Land to be added to Common Open Space, following a curve to the right having a radius of Four Hundred Twenty-Five and 00/100 (425.00) feet, an arc distance of Twenty-Four and 20/100 (24.20) feet to a 5/8" iron rod ("PLS 2320") and point of tangency;

18) N 31°26'23" W by said Land to be added to Common Open Space and land now or formerly of Egor A. Malinovskii as described in a deed recorded in said Registry in Book 28826, Page 1 a distance of One Hundred Ninety-Nine and 09/100 (199.09) feet to a 5/8" iron rod ("PLS 2320") and point of curvature;

19) Northwesterly by said land of Malinovskii, following a curve to the left having a radius of One Hundred Twenty-Five and 00/100 (125.00) feet, an arc distance of Ninety-Six and 58/100 (96.58) feet to a point of tangency;

20) N 75°42'27" W by said land of Malinovskii a distance of Two Hundred Ninety-Four and 28/100 (294.28) feet to a 5/8" iron rod ("PLS 2320") and point of curvature;

21) Northwesterly by said land of Malinovskii, following a curve to the right having a radius of One Hundred Seventy-Five and 001100 (175.00) feet, an arc distance of One Hundred Nineteen and 36/100 (119.36) feet to a 5/8" iron rod and point of tangency on the easterly line of land now or formerly of Jeffrey T. Dixon and Leslie A. Dixon as described in a deed recorded in said Registry in Book 28097, Page 313;

22) N 36°37'48" W by said land of Dixon, land now or formerly of Michael J. Frautten and Nicole P. Frautten as described in a deed recorded in said Registry in Book 31243, Page 194, Susan Difilippo and James D. Pound as described in a deed recorded in said Registry in Book 24153, Page 42, and said Open Space 1 a distance of Six Hundred Seventeen and 22/100 (617.22) feet to the point of beginning.

Bearings are based on magnetic north 2002.

The above described parcel contains 79,319 square feet, more or less.

Being "Cavendish Road" as delineated on the Second Amended Cavendish Plan. Further reference is made to a plan entitled "Cavendish Subdivision" recorded in said Registry in Plan Book 202, Page 639. Reference is also made to an Amended Subdivision Plan of Cavendish Subdivision recorded in said Registry in Plan Book 203, Page 636.

The above-described premises are conveyed subject to the right and easement in common with the owners of all lots in said Cavendish Subdivision in and to the use of Cavendish Road as shown on said Plan for vehicular and pedestrian access to and from said lots and for the installation, use, maintenance, repair and replacement of utilities over, under and through said Cavendish Road to serve said lots including, but not limited to, power lines, sewer and water lines, telephone and other communication lines, and cable television lines, and/or the right to connect with and use any such utilities that may be placed in said Cavendish Road by Libby Construction, Inc. its successors and assigns. Nothing in this instrument shall be construed as altering or modifying (a) any existing easements previously granted to utility companies; or (b) any rules, ordinances, statutes or restrictions now or hereafter affecting or governing the use and installation of utilities under, over or within a public way.

**Parcel II – Kilarney Way, Falmouth, Maine, Cavendish Subdivision:**

A certain parcel of land being a portion of "Kilarney Way" located in the Town of Falmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point at the westerly corner of Parcel 4 as shown on the Second Amended Subdivision Plan of Cavendish Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 504 (the "Second Amended Cavendish Plan"), and the northerly corner of Lot 6 as shown on a Plan of Paddock Way Subdivision recorded in said Registry in Plan Book 205, Page 234. Thence by the following courses:

(1) N 36°37'48" W through said Kilarney Way and by said Paddock Way Subdivision a distance of Fifty and 21/100 (50.21) feet to a point and the easterly corner of Lot 5 as shown on said Plan of Paddock Way Subdivision and the southerly corner of Common Open Space as shown on said Second Amended Cavendish Plan;

(2) N 58° 33'37" E by said Common Open Space a distance of One Hundred Seventy-Nine and 98/100 (179.98) feet to a point;

(3) S 31°26'23" E through said Kilarney Way a distance of Fifty and 00/100 (50.00) feet to a point and said Parcel 4;

(4) S 58°33'37" W by said Parcel 4 a distance of One Hundred Seventy-Five and 44/100 (175.44) feet to the point of beginning.

The above described parcel of land contains 8,825 square feet, or 0.20 acres, and being the portion of Kilarney Way (erroneously labeled "Kilarney Road" on the Second Amended Cavendish Plan) and being shown as "N/F Libby Construction, Inc. Book 32680, Page 122" on the Second Amended Cavendish Plan. Reference is also made to the Plan entitled Cavendish Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 202, Page 639. Reference is also made to an Amended Subdivision Plan of Cavendish Subdivision recorded in said Registry in Plan Book 203, Page 636. Bearings are referenced to Magnetic North 2002.

The above-described premises are or may be subject to the following easements, restrictions, covenants and matters of record affecting title:

1. Notes and such state of facts as are shown on plan entitled Amended Subdivision Plan Cavendish Subdivision made for Libby Construction by Titcomb Associates dated April 24, 2002 and recorded in Cumberland County Registry of Deeds in Plan Book 203 Page 636.
2. Terms and provisions of Declaration of Covenants and Restrictions, Cavendish Subdivision, Falmouth dated May 19, 2003 and recorded in said Registry of Deeds in Book 19441, Page 199.
3. State of Maine Department of Environmental Protection Stormwater Management Findings of Fact and Order for Paddock Way and Cavendish Way, Falmouth, dated April 11, 2005 and recorded in said Registry of Deeds in Book 22604, Page 211 and \_\_\_\_\_ to be recorded in the Cumberland County Registry of Deeds (collectively, the "DEP Orders").
4. Utility easement from Robert H. Smith and Martha B. Smith to Central Maine Power Company and Verizon New England, Inc. dated November 2, 2002 and recorded in Book 18847, Page 131.
5. Pipeline easement from Robert H. Smith and Martha B. Smith to Portland Water District dated February 15, 2003 and recorded in Book 18895, Page 44.

### **Parcel III – Triangular Parcel Reserved for Future Road, Falmouth, Maine**

A certain parcel of land being located on the southeasterly terminus of “Cavendish Road” in the Town of Falmouth, County of Cumberland, State of Maine, being shown as “N/F Wayne D. Piers, Book 28546, Page 23, reserved for future road, see note 8” on the Second Amended Plan of Cavendish Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 504 (the “Second Amended Cavendish Plan”), being bounded and described as follows:

Beginning at a point on the northeasterly sideline of Cavendish Road, the southwesterly sideline of land now or formerly of Gregory G. Green as described in a deed recorded in Cumberland County Registry of Deeds in Book 21453, Page 68, said point being located S 31°26’23” E a distance of Twenty-Five and 03/100 (25.03) feet from a point at the southerly corner of land delineated as Parcel 2 on the Second Amended Cavendish Plan. Thence by the following courses:

- 1) S 31°26’23” E by said land of Green a distance of Two Hundred Forty-Seven and 93/100 (247.93) feet (erroneously shown as 272.97’ on the Second Amended Cavendish Plan) to the southerly corner of said land of Green and land now or formerly of Charles P. Harriman Trust as described in a deed recorded in said Registry in Book 31023, Page 253;
- 2) N 41°59’39” W a distance of Two Hundred Forty-Three and 74/100 (243.74) feet to the southwesterly sideline of Cavendish Road;
- 3) N 48°00’21” E by said Cavendish Road a distance of Forty-Five and 41/100 (45.41) feet to the point of beginning.

The above described parcel contains 5,534 square feet, or 0.1 acres, and being a portion of Parcel 4 as shown on the Second Amended Cavendish Plan. Bearings are referenced to Magnetic North 2002.

For Grantor’s source of title to Parcels I and II conveyed herein, reference is made to the deed from Robert H. Smith and Martha B. Smith to Libby Construction, Inc. dated May 1, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19316, Page 212 and to the deed from Wayne D. Piers to Libby Construction, Inc. dated August 27, 2015 recorded in said Registry in Book 32680, Page 122.

For Grantor’s source of title to Parcel III, reference is made to the deed from Wayne D. Piers to Libby Construction, Inc. dated June 1, 2018 and recorded in said Registry in Book 34915, Page 102.

For purposes of clarity and the avoidance of doubt, Parcel III is currently unimproved and the Town has not accepted it as a Town Way.

Also hereby conveying a perpetual, non-exclusive drainage right and easements, under over and across those portions of Parcel 3 shown as “30’ drainage easement” and “drainage easement 15,366

s.f.” on the Second Amended Subdivision Plan, Cavendish Subdivision recorded in said Registry of Deeds in Plan Book 216, Page 504 (collectively, the “Drainage Easement Areas”), which rights and easements are appurtenant to Parcel I conveyed herein, for purposes of collecting, discharging and draining surface and groundwater from Parcel I conveyed herein into and onto the Drainage Easement Areas.

Nothing herein alters or amends the terms of the DEP Orders, or transfers to the Grantee any of Grantor’s obligations under the DEP Orders. Grantor expressly retains all of its maintenance obligations set forth therein with respect to the components of the stormwater system including, without limitation, the responsibility for any and all Cavendish Road detention basins or other facilities located outside of the premises conveyed in this deed.



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\*18RETTD\*

MAINE REAL ESTATE  
TRANSFER TAX DECLARATION  
Form RETTD  
Do not use red ink.

1. County [ ]

2. Municipality [ ]

3. GRANTEE/PURCHASER

BOOK/PAGE - REGISTRY USE ONLY

3a. Last name, first name, MI; or business name [ ] 3b. Federal ID [ ]

3c. Last name, first name, MI; or business name [ ] 3d. Federal ID [ ]

3e. Mailing address after purchasing this property [ ] 3f. Municipality [ ] 3g. State [ ] 3h. ZIP Code [ ]

4. GRANTOR/SELLER

4a. Last name, first name, MI; or business name [ ] 4b. Federal ID [ ]

4c. Last name, first name, MI; or Business name [ ] 4d. Federal ID [ ]

4e. Mailing address [ ] 4f. Municipality [ ] 4g. State [ ] 4h. ZIP Code [ ]

5. PROPERTY 5a. Map [ ] Block [ ] Lot [ ] Sub-lot [ ] Check any that apply:  No maps exist,  Multiple parcels,  Portion of parcel,  Not applicable. 5b. Type of property - enter the code number that best describes the property being sold (see instructions). [ ] 5c. Physical location [ ] 5d. Acreage (see instructions) [ ]

6. TRANSFER TAX 6a. Purchase price (If the transfer is a gift, enter "0") ..... 6a. [ ] .00 6b. Fair market value (Enter a value only if you entered "0" or a nominal value on line 6a) ..... 6b. [ ] .00 6c. Exemption claim -  Check the box if either grantor or grantee is claiming exemption from transfer tax and enter explanation below. [ ]

7. DATE OF TRANSFER (MM-DD-YYYY) [ ] 8. CLASSIFIED. WARNING TO BUYER - If the property is classified as farmland, open space, tree growth, or working waterfront, a substantial financial penalty may be triggered by development, subdivision, partition, or change in use.  CLASSIFIED

9. SPECIAL CIRCUMSTANCES. Were there any special circumstances with the transfer that suggest the price paid was either more or less than its fair market value? If yes, check the box and enter explanation below.  10. INCOME TAX WITHHELD. The buyer is not required to withhold Maine income tax because:  Seller has qualified as a Maine resident,  A waiver has been received from the State Tax Assessor,  Consideration for the property is less than \$50,000,  The transfer is a foreclosure sale

11. OATH. Aware of penalties as set forth in 36 M.R.S. § 4641-K, I declare that I have reviewed this return with the Grantor(s) and Grantee(s) and to the best of my knowledge and belief the information contained herein is true, correct and complete. Declaration of preparer is based on information provided by Grantor(s) and Grantee(s) and of which preparer has any knowledge.

PREPARER. Name of preparer: \_\_\_\_\_ Phone number: \_\_\_\_\_ Mailing address: \_\_\_\_\_ Email address: \_\_\_\_\_ Fax number: \_\_\_\_\_



**MAINE REVENUE SERVICES  
SUPPLEMENT TO THE REAL ESTATE TRANSFER TAX FORM**

This form is to be used in conjunction with the Real Estate Transfer Tax Form and provides additional information when necessary.  
Please attach this form to the original transfer tax form before submitting to the County Registry of Deeds.  
Use additional forms as necessary.

If you have any questions, please contact the property Tax Division at 207-287-2013 or e-mail: [prop.tax@maine.gov](mailto:prop.tax@maine.gov).

Additional Grantees/Purchasers – Last Name First	Social Security or Fed. ID #
1.	
2.	
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Additional Grantors/Sellers – Last Name First	Social Security or Fed. ID #
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Additional Municipalities	Map—Block—Lot—Sub-Lot
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