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JEAN BREWSTER GIDDINGS*

LORIE A. CARTWRIGHT
LAURIE A. ROWELL
DAVID M. SCHULTZ**

*ALSO ADMITTED IN NEW HAMPSHIRE
** ALSO ADMITTED IN WASHINGTON

John Hasen, General Counsel
Agency of Natural Resources
103 South Main Street
Waterbury, VT 05671-0301

Re: **Petition for Kenny Pond**

Dear John:

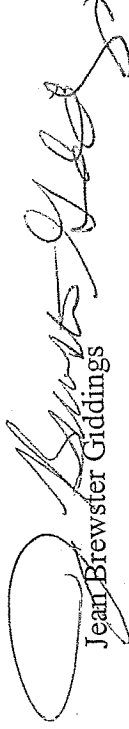
This letter is in response to your letter dated May 23, 2012. I apologize for the delay in responding to you. What follows are answers to your four questions.

1. I do not have a copy of the survey.
2. Enclosed are copies of the three deeds.
3. I do not know the width of the town's right of way. I believe the right of way extends to the water edge.
4. There is wetland on the other side of road. The water levels are not the same. I think Kenny Pond runs into it through a culvert.

We can further explore the answers to your questions at a hearing, which I understand my clients will be on site and be present.

Sincerely yours,

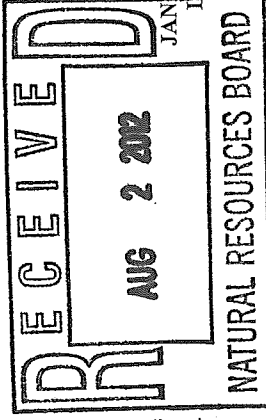
FITTS, OLSON & GIDDINGS, P.L.C.


Jean Brewster Giddings

JBG:jmm

cc: Gerald Leape

OSMER C. FITTS
1905-1985
PAUL N. OLSON
1915-2003



JANICE M. MOMANEY
LEGAL ASSISTANT

July 27, 2012

Know all Men by these Presents,

That J. J. Ewert in the County of New York and State of New York in consideration of the sum of One dollar to the order of the said J. J. Ewert dollars, received to my full satisfaction of Harper H. Holt and State of New York of New York do hereby acknowledge, have given, granted, bargained, and sold, and by these presents, the receipt whereof I do hereby release, convey and confirm unto the said Harper H. Holt heirs and assigns forever, a certain piece of land,

situate, lying, or being # "Hart Lane Hill" town of Kennebec, Lincoln Co. and adjacent thereto, as follows to wit: 1st Parcel - It being known as "Kenny Land" estimated to contain 30 acres of land also 1/2 acre be the same person as between the north side of 2nd Kenny Pond and the big highway crossing to carry the same land that was divided to 2 of H. Ewert by O. G. Huschick by warranty deed dated Aug 9, 1902 and recorded in Book 22, Page 400 of Land Records of Kennebec which reference may be had

Parcel 2 - It being formerly the old Kenny farm consisting of 60 acres of land and being the same premises conveyed to Abel J. Ewert by Deeds Co. Kennebec by warranty deed dated July 31st 1920 and recorded in Book 25 Page 268 of Kennebec Land Records

Parcel 3 - The piece of property was divided which was conveyed by Holt H. Holt to J. J. Ewert by deed dated Oct 2 - 1893 and recorded in Book 22 Page 407 to which record reference may be had
I reserve during my lifetime, the right to keep and maintain a row boat on Kenny Pond, and suitable touchings of space there for and the right and privilege of fishing in and taking from the said Pond beach fish on three latches. This reservation shall be a personal reservation to me during my lifetime, and shall be now assignable

To Have and to Hold the above granted and bargained premises, with the privileges and appurtenances thereunto belonging to the said Harper H. Holt his heirs and assigns to and their own proper use, benefit, and behoof forever. And I the said J. J. Ewert for myself, my heirs, executors, and administrators, do COVENANT to and with the said Harper H. Holt his heirs, executors, administrators and assigns, that at, and until the enjoining of these presents I am well seized of the premises in fee simple; that I have good right and lawful authority to sell and convey the same to the said Harper H. Holt in manner and form aforesaid; that they are free of all incumbrances

and that I will warrant and defend the same to the said Harper H. Holt his heirs and assigns, against all lawful claims and demands of any person or persons whatsoever.

In Witness Whereof, I have hereunto set my hand and seal this 7th day of July in the year of our Lord one thousand nine hundred and thirty one
Signed, Sealed and Delivered, }
in presence of }
Mayorie Larnes
A. G. Haven

Abel J. Ewert

State of Vermont, } Personally appeared this 7th day of July A. D. 1931
WINDHAM COUNTY, ss. } Abel J. Ewert

the signer and sealer of the above-written instrument, and acknowledged the same to be and free act and deed,

BEFORE ME, Mr. P. E. Barnes

Troth of the Peace

EMILY HOLT
TO
MARTHA K. PALMER

KNOW ALL MEN BY THESE PRESENTS

THAT I, Emily Holt, widow and survivor of Harper A. Holt, of New York City in the County of New York AND State of New York Grantor, in the consideration of One or More Dollars paid to my full satisfaction by Martha K. Palmer of Newfane in the County of Windham and State of Vermont Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee MARTHA K. PALMER, to her sole and separate use, free and apart from the marital rights of her husband and her heirs and assigns forever, a certain piece of land in Newfane in the County of Windham and State of Vermont, described as follows, viz:

Being all the property I now own in said Newfane, and situated on Newfané Hill, so-called, consisting of the land conveyed by the following grants to which reference is made for a more complete description thereof:

1. The W. T. Bruce Pasture, by deed of William T. Bruce, September 4 1926, recorded in Book 25, Page 269 of the Newfane Land Records;
2. The Kenney Pond Lot, by deed of Abel J. Grout, July 30, 1931, recorded in Book 27, Page 108 of the Newfane Land Records;
3. Parcel near Kenney Pond, by deed of Guy E. and Fannie Grout, August 13, 1931, recorded in Book 27, Page 467 of the Newfane Land Records;
4. The Merrifield Property, by quit-claim deed of the Vermont Savings Bank, June 7, 1940, recorded in Book 30, Page 179 of the Newfane Land Records;
5. The Keeley Lot, by deed of Walter C. Ballou, September 19, 1942, recorded in Book 30, Page 314 of the Newfane Land Records;
6. The Gould Woodlot, by deed of Walter C. Ballou, September 14, 1942, recorded in Book 30, Page 316 of the Newfane Land Records;
7. The Grout one-quarter acre, by deed of Guy and Fannie Grout, July 17, 1944, recorded in Book 32, page 79 of the Newfane Land Records;
8. The Grout Farm, consisting of seven parcels of various acreages, by deed of Guy E. and Fannie Grout, September 29, 1945, recorded in Book 32, page 228 of the Newfane Land Records;
9. The Rooney Parcel, by deed of Glossie G. Bentley, December 9, 1948 recorded in Book 33, Page 176 of the Newfane Land Records;
10. The Eddy Lot, by deed of Walter C. Ballou, September 19, 1942 recorded in Book 30, Page 315 of the Newfane Land Records.

Meaning and intending to convey all of the lands owned by me in the Town of Newfane and which land came to me as Tenant by the Entirety with my late husband, Harper A. Holt; excepting and reserving to Guy Grout and Fannie Grout the right to reside in the Farm House, so-called, for their natural lives. Said Farm House located on Parcel #8 above set forth.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appertences thereof, to the said Grantee Martha K. Palmer, to her sole and separate use, free and apart from the marital rights of her husband heirs and assigns, to their own use and behoof forever; And I, the said Grantor, EMILY HOLT, for myself and my heirs, executors and administrators, do covenant with the said Grantee MARTHA K. PALMER her heirs and assigns, that until the sealing 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; I do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, IN WITNESS WHEREOF, I hereunto set my hand and seal this 3rd day of July A. D. 1963

In Presence of

Jack Gluck

Emily Holt (Seal)

Sam Bettimen

STATE OF NEW YORK,) ss At 25 8th St. N. Y., N.Y. this 3rd day of July
NEW YORK COUNTY) A. D. 1963

personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me Irene De Rienzo

Notary Public, State of New York (Notarial
Commission Expires March 30, 1965 (Seal)

Town Clerk's Office Newfane, Vermont July 9, A. D. 1963
Received for Record at 9 o'clock and 10 minutes A.M.

A True Record
Attest:

Elizabeth M. Coleman
Town Clerk

(No Rev. Stamp)
(C. D. C.)

38/167

KNOW ALL MEN BY THESE PRESENTS

THAT, I, MARTHA K. PALMER, wife of James B. Palmer, of Newfane in the County of Windham and State of Vermont, in the consideration of One or More Dollars paid to my full satisfaction by David J. Palmer, Martha P. Leape, Julia P. Alley, and James B. Palmer, Jr., TRUSTEES under Indenture of Trust dated October 30, 1976 and recorded herewith, c/o David J. Palmer, of Newfane in the County of Windham and State of Vermont, GRANTEES, by these presents, do freely GIVE, GRANT SELL, CONVEY AND CONFIRM unto the said Grantee Trustees, to their sole and separate use, free and apart from the marital rights of her husband and her heirs and assigns forever, a certain piece of land in Newfane in the County of Windham and State of Vermont, described as follows, viz:

Parcel 1.

Being part of the property I now own in said Newfane, Vermont and situated on Newfane Hill so called consisting of Westerly one half of the first parcel conveyed by Erastus C. Benedict to A.J. Groat dated August 2, 1902 and found in Book 22, Page 400 which parcel is part of Parcel One of the Deed of A.J. Groat to Harper A. Holt dated July 30, 1931 and found in Book 27, Page 108 which parcel is part of Parcel 2 of the Deed of Emily Holt to Martha K. Palmer dated July 3, 1963, and found in Book 39, Page 259 of Newfane Land Records to which further reference is made for a more complete description.

38/107

This property being transferred contains by estimation 15 acres.

Parcel 2.

Being part of the land I now own in said Newfane, Vermont and situated on Newfane Hill so called consisting of the second parcel conveyed by Erastus C. Benedict to A. J. Groat dated August 2, 1902 and found in Book 22, Page 400 which parcel is part of parcel one of the deed of A.J. Groat to Harper A. Holt dated July 30, 1931 and found in Book 27, Page 108 which parcel is part of parcel two found in Book 39, Page 259 of Newfane Land Records to which further reference is made for a complete description.

38/107

This property being transferred contains by estimation one half acre.

TO HAVE AND TO HOLD said granted premises with all the privileges and appurtenances thereof, to the said Trustees, to their sole and separate use, free and apart from the marital rights of her husband and heirs and assigns, to their own use and behoof forever; and I the said Grantor, Martha K. Palmer, for myself and my heirs, executors and administrators, do covenant with the said Grantee Trustees, their heirs and assigns, that until the ensembling 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: I do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, IN WITNESS WHEREOF, I hereunto set my hand and seal this 20 day of December, 1977 IN PRESENCE OF

Mary A. Taylor
Helen Beecher

Martha K. Palmer

STATE OF GEORGIA, SS.
County of Glynn

At Brunswick, Georgia this 20 day of December, 1977

MARTHA K. PALMER

Personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.
(Notary Public Seal)
Before me Mary Alice Taylor
My Commission expires April 11, 1978

Town Clerk's Office Newfane, Vermont February 3, A.D. 1978

Received for Record at 4 o'clock and 0 min. P.M.

A True Record

Attest: + Clyde M. Coleman
Town Clerk

Vermont Property Transfer Tax
22 V.S.A. Chap. 231
ACKNOWLEDGEMENT
Return to: Tax-Board of Health Cert. Rec'd.
Vet Land Use & Development Plans Act Cert. Rec'd.
Return No. 253389
Signed Clyde M. Coleman Clerk
Date 2/3/1978

47/17

