

EASEMENT MODIFICATION AGREEMENT

WHEREAS, ANITA I. YELVERTON, having a mailing address of 40956 Forest Glen Drive, Leesburg, Virginia 20175, CATHERINE A. FANJUL, formerly referred to as Catherine S. Fanjul, having a mailing address of 109 Wells Road, Palm Beach, Florida 33480, JOSEPH D. SCHEERER, having a mailing address of 241 Bloomfield Drive, West Palm Beach, Florida 33405, and CHARLES SCHEERER, having a mailing address of 1200 South Flagler Drive, PH4, West Palm Beach, Florida 33401 (referred to herein as the "Scheerers") are the owners of a certain lot or parcel of land, together with improvements thereon, in Bar Harbor, Hancock County, Maine described in a deed to the Scheerers dated March 4, 2015 and recorded in the Hancock County, Maine, Registry of Deeds at Book 6360, Page 1 (referred to herein as "1 Reef Point");

WHEREAS, that certain lot or parcel of land, together with improvements thereon, in Bar Harbor, Hancock County, Maine described in a deed to Hobbs dated July 13, 2006 and recorded in said Registry of Deeds at Book 4543, Page 302 (referred to herein as the "Hobbs Lot") is owned by MARTHA F. HOBBS, having a mailing address of 2 Reef Point, Bar Harbor, Maine 04609, and MARTHA F. HOBBS and RIPLEY KNICKERBOCKER, Trustees of the DONALD E. HOBBS FAMILY TRUST (Martha Hobbs acting in her individual capacity and Ripley Knickerbocker and said Hobbs acting in their trustee capacities are collectively referred to herein as ("Hobbs and Knickerbocker"));

WHEREAS, the Hobbs Lot abuts and lies to the north of 1 Reef Point;

WHEREAS, in a deed conveying 1 Reef Point from Beatrix Cadwalader Farrand to Robert W. Patterson dated January 31, 1956 and recorded in said Registry of Deeds at Book 780, Page 391, the Grantor, who owned the Hobbs Lot, reserved the following easement, referred to herein as the "1956 No-Build Covenant":

"In further consideration of said Payment by the grantees, the grantor herein, for himself, his heirs and assigns, covenants and agrees that no building or structure of any kind, other than a swimming pool, shall ever be erected easterly of 'Covenant Line B' as shown on said plan, this covenant to run with the land and be forever binding upon the property shown as the 'Donald Hobbs' lot on said plan."

WHEREAS, the Scheerers, Hobbs and Knickerbocker wish to replace the existing 'Covenant Line B' with 'Revised No Build Zone Boundary' lying north of the existing 'Covenant Line B';

WHEREAS, 'Revised No Build Zone Boundary' is depicted on the survey plan entitled "Plan Showing Revision to No Build Zone Boundary on land of Anita I. Yelverton, et al" dated January 30, 2018 by Michael J. Avery, PLS (herein referred to as the "2018 Survey Plan"), a copy of which survey plan is attached hereto as Exhibit A;

WHEREAS, **BAR HARBOR SAVINGS AND LOAN ASSOCIATION**, having a mailing address of 103 Main Street, Bar Harbor, Maine 04609, which has mortgage interests in the Hobbs Lot under the mortgage deed dated September 19, 2008 and recorded in said Registry at Book 5070, Page 277 and the mortgage deed dated March 24, 2017 and recorded in said Registry at Book 6737, Page 116, consents to the modification of the no-build zone boundary from the existing 'Covenant Line B' to 'Revised No Build Zone Boundary';

NOW THEREFORE, Hobbs and Knickerbocker hereby RELEASE to the Scheerers, their heirs, personal representatives and assigns, the 1956 No-Build Covenant as it appears in said deed recorded at Book 780, Page 391 of said Registry of Deeds.

AND FURTHER, the Scheerers hereby covenant and agree that no building or structure of any kind other than a swimming pool shall ever be erected easterly, northerly or northeasterly of 'Revised No Build Zone Boundary' as shown on the 2018 Survey Plan, this covenant to run with the land and be forever binding upon 1 Reef Point.

AND FURTHER, Bar Harbor Savings and Loan Association consents to the modification of the no-build zone boundary from the existing 'Covenant Line B' to 'Revised No Build Zone Boundary'.

[Remainder of page intentionally left blank]

WITNESS, my hand and seal, in my individual capacity and in my capacity as trustee of the Donald E. Hobbs Family Trust, this 12<sup>th</sup> day of February, 2018.

*Martha F. Hobbs*  
Martha F. Hobbs

STATE OF MAINE  
HANCOCK COUNTY

February 12, 2018

Then personally appeared the above-named Martha F. Hobbs, in her individual capacity and in her capacity as trustee of the Donald E. Hobbs Family Trust as aforesaid, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

*Margaret T. Jeffery*  
Margaret T. Jeffery, Notary Public  
My Commission Expires August 13, 2021

WITNESS, my hand and seal this 9<sup>th</sup> day of February, 2018.

Anita I. Yelverton  
Anita I. Yelverton

STATE OF VIRGINIA  
Loudoun COUNTY

February 9<sup>th</sup>, 2018

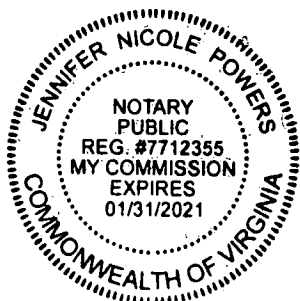
Then personally appeared the above-named Anita I. Yelverton, as aforesaid, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Jennifer Powers  
Notary Public

Printed Name: Jennifer Powers

My Commission Expires: 01-31-2021



WITNESS, my hand and seal this 8 day of February, 2018.

Catherine A. Fanjul  
Catherine A, Fanjul

STATE OF FLORIDA  
Palm Beach COUNTY

February 8, 2018

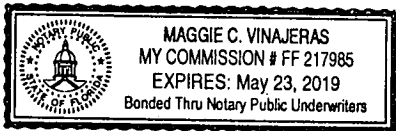
Then personally appeared the above-named Catherine A. Fanjul, as aforesaid, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Maggie C. Vinajeras  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



*x personally known*

WITNESS, my hand and seal this 9 day of February, 2018.

Joseph D. Scheerer  
Joseph D. Scheerer

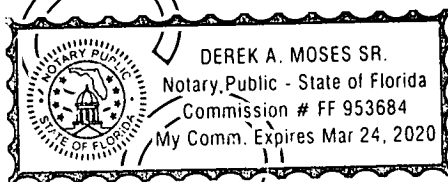
STATE OF FLORIDA  
Palm Beach COUNTY

February 9, 2018

Then personally appeared the above-named Joseph D. Scheerer, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Derek A. Moses Sr  
Notary Public  
Printed Name: Derek A. Moses Sr  
My Commission Expires: 24 March 2020



WITNESS, my hand and seal this 9 day of February, 2018.

*Charles Scheerer*  
Charles Scheerer

STATE OF FLORIDA  
Palm Beach COUNTY

February 9, 2018

Then personally appeared the above-named Charles Scheerer, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed.

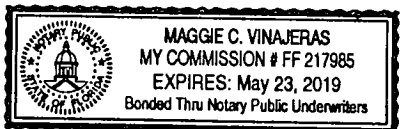
Before me,

*X Provided I.D*

*Maggie C. Vinajeras*  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





WITNESS, my hand and seal, in my capacity as trustee of the Donald E. Hobbs Family Trust, this 13 day of February, 2018.

*Ripley Knickerbocker*  
Ripley Knickerbocker

STATE OF FLORIDA  
Collier COUNTY

February 13<sup>th</sup> 2018

Then personally appeared the above-named Ripley Knickerbocker, in his capacity as trustee of the Donald E. Hobbs Family Trust as aforesaid, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

*Patricia K. Medenwald*  
Notary Public  
Printed Name: *Patricia K. Medenwald*  
My Commission Expires: *Nov 12, 2018*



IN WITNESS WHEREOF, Bar Harbor Savings and Loan Association has caused this instrument to be signed by William R. Weir, Jr., its President/CEO, duly authorized, this \_\_\_ day of February, 2018.

BAR HARBOR SAVINGS AND LOAN ASSOCIATION

by [Signature]

Printed Name:

Its:

William R. Weir, Jr.  
President, CEO & Clerk  
Bar Harbor Savings & Loan  
Bar Harbor, ME 04609

STATE OF MAINE  
HANCOCK COUNTY

February \_\_, 2018

Then personally appeared the above-named William R. Weir, Jr., President and CEO of the Bar Harbor Savings and Loan Association, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

[Signature]  
Notary Public

Printed Name: Margaret T. Jeffery

My Commission Expires: Aug. 13, 2021

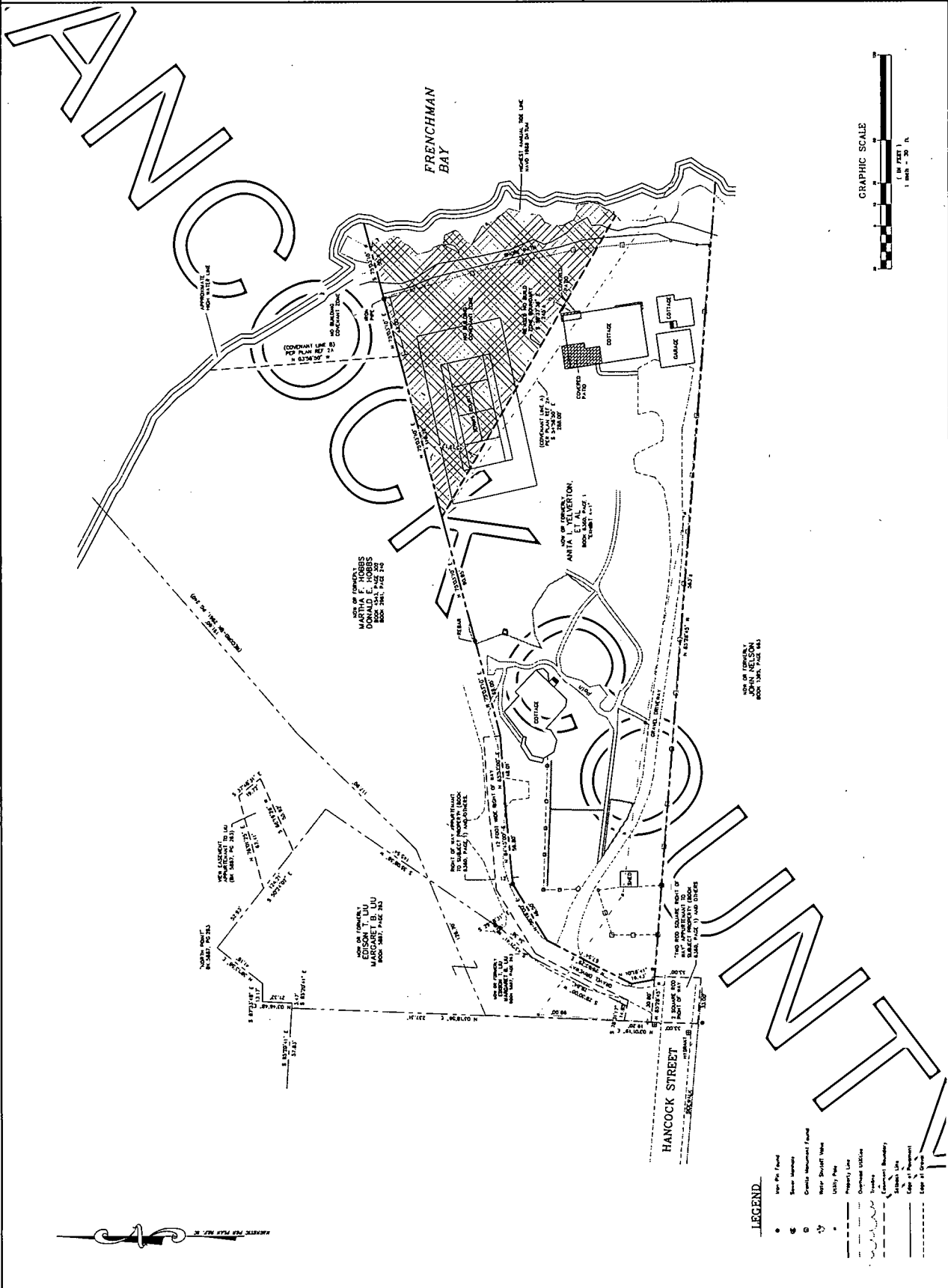
**NOTES**

1. This plan was prepared by the undersigned, a duly licensed Professional Land Surveyor, State of Maine, and is based on a field survey conducted on the 15th day of August, 2018, and on the records of the County of Hancock, Maine, and on the records of the State of Maine.
2. The area shown on this plan is the same as the area shown on the plan filed for record on the 15th day of August, 2018, and on the records of the County of Hancock, Maine, and on the records of the State of Maine.
3. The area shown on this plan is the same as the area shown on the plan filed for record on the 15th day of August, 2018, and on the records of the County of Hancock, Maine, and on the records of the State of Maine.
4. The area shown on this plan is the same as the area shown on the plan filed for record on the 15th day of August, 2018, and on the records of the County of Hancock, Maine, and on the records of the State of Maine.
5. The area shown on this plan is the same as the area shown on the plan filed for record on the 15th day of August, 2018, and on the records of the County of Hancock, Maine, and on the records of the State of Maine.

# EXHIBIT A

**CERTIFICATIONS**

I, the undersigned, a duly licensed Professional Land Surveyor, State of Maine, do hereby certify that the above is a true and correct copy of the original plan filed for record on the 15th day of August, 2018, and on the records of the County of Hancock, Maine, and on the records of the State of Maine.



Legend

- Iron Pin Found
- Stone Marker
- Concrete Monument / Found
- Metal Stake / Nail
- Utility Pole
- Property Line
- Original Lot Line
- Original Subdiv
- Easement Boundary
- Easement Line
- Line of Right-of-Way
- Line of Ocean

GRAPHIC SCALE  
 1 inch = 20 feet  
 (IN FEET)

DATE: January 30, 2018 SCALE: 1" = 20'  
 Prepared by  
**MICHAEL J. AVERY**  
 PROFESSIONAL LAND SURVEYOR  
 40 RIVERVIEW ROAD  
 HAMPODEN, MAINE 04444  
 TEL: (207) 218-7888

PLAN SHOWING  
 REVISION TO  
 NO BUILD ZONE BOUNDARY  
 ZONING MAP OF  
 ANITA L. YELVERTON, ET AL  
 1 BECK FARM, FRENCHMAN BAY, MAINE  
 HANCOCK COUNTY, MAINE  
 FOR  
 MICHAEL L. ROSS, ESQ.

BOOK: 65 SHEET: 1 OF 1

① # 4 NM