

DISCRETIONARY EASEMENT

R21-01-00

412244

GERALD CHAILLE and ANNE MARIE CHAILLE, husband and wife, for valuable consideration, grant to the TOWN OF TILTON, Tilton, New Hampshire 03276, an easement under the provisions of RSA 79-A:15 for the general public to use land identified as the Discretionary Easement Area on a plan entitled "Lochmere Golf & Country Club, Lochmere, New Hampshire, Land Use Plan" by Holden Engineering & Surveying, Inc., recorded in Drawer L21 as Plan # 83, Belknap County records.

Permitted uses are hiking, skiing and other outdoor activities that will not cause damage to the greens and fairways of the golf course. Hunting, horseback riding and the use of motorized vehicles are not permitted activities.

These activities shall be permitted from December 1 to April 1 and at other times that the grantors, in their sole judgment, determine that these activities will not interfere with the use of the property as a golf course.

This easement shall be effective for ten years beginning April 1, 1993, and for additional periods that may be agreed upon by the parties.

The 1993 valuation of the property shall be as follows:

Land:

3.6 acres commercial use	\$136,900.00
12.4 acres wetlands @ \$15.00/acre	200.00
68.0 acres under easement @ \$475.00/acre	<u>28,900.00</u>

Total Land \$166,000.00

Buildings:

Club House	\$315,000.00
Garage	11,700.00
Sheds	<u>1,000.00</u>

Total Buildings 327,700.00

Extra features:

Paving	\$10,930.00
--------	-------------

Total Extras 10,930.00

TOTAL ASSESSMENT \$504,630.00

BK1315 PG0545

Chaille Discretionary Easement

Grantors, their successors and assigns will pay annual taxes on the Discretionary Easement component of the assessment based on the 1993 valuation. All other components for determining assessed valuation are subject to review and change. In addition, they will pay \$3,106.00, a fixed amount computed by multiplying the difference between the 1992 and 1993 valuations by the 1992 tax rate and adding Five Hundred Dollars (\$500.00).

This payment in addition to taxes shall be fixed for five years. It shall be adjusted in 1998 by the change in the cost-of-living index between 1993 and 1998 and the new figure shall remain in effect until the easement ends on March 31, 2003.

This easement is conditioned on the tax bill being paid when due as shown on the tax bill and on keeping open no less than 50 parking spaces throughout the off-season. Failure to make such payment or to keep the parking spaces open will terminate the discretionary easement unless this condition is waived by the Selectmen of the Town, in their sole discretion. If the discretionary easement is terminated, the penalty provisions of RSA 79-A shall apply.

For grantors' title, see deed of First NH Bank dated May 15, 1991, recorded May 16, 1991, at Book 1170, Page 904, and deed of Sprague dated August 29, 1991, recorded August 30, 1991, at Book 1183, Page 42, Belknap County records.

EXECUTED this 18th day of October, 1994.

Gerald A Chaille  
Gerald Chaille

Anne Marie Chaille  
Anne Marie Chaille

STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK

The foregoing instrument was sworn to and acknowledged before me this 18th day of October, 1994, by Gerald Chaille and Anne Marie Chaille.

[Signature]  
Justice of the Peace/Notary Public  
My commission expires \_\_\_\_\_

The application for this discretionary easement having been accepted and approved by the Planning Board of the Town of Tilton on June 9, 1992, this easement, to be effective as

BK1315 PG0546

Chaille Discretionary Easement

of April 1, 1993, is accepted on behalf of the Town of Tilton this 29<sup>th</sup> day of September, 1994, by its Selectmen.

Kenneth F. Money  
Kenneth F. Money Selectman  
William W. Joscelyn  
William W. Joscelyn Selectman  
Victoria T. Virgin  
Victoria Virgin Selectman

STATE OF NEW HAMPSHIRE  
COUNTY OF Belknap

The foregoing instrument was sworn to and acknowledged before me this 29<sup>th</sup> day of September 1994, by Kenneth F. Money, William W. Joscelyn and Victoria Virgin, the Selectmen of the Town of Tilton.

M. Marie Mahoney  
Justice of the Peace

M. Marie Mahoney  
Justice of the Peace/Notary Public  
My commission expires 11/1/94

My Commission Expires November 1, 1994

Pemigewasset National Bank, holder of mortgages on the above premises, recorded May 18, 1992, at Book 1210, Page 632, and September 3, 1992, at Book 1222, Page 585, Belknap County records, hereby consents to the granting of this easement.

RECEIVED  
Rachel M. Normand  
94 OCT 27 AM 9:47

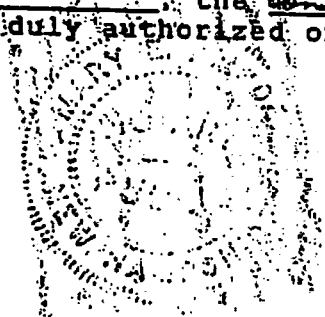
Pemigewasset National Bank

REGISTRY OF DEEDS  
BELKNAP COUNTY  
Register

By John M. Sweedberg  
Its Commercial Loan Officer  
Duly authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF Grafton

The foregoing instrument was sworn to and acknowledged before me this 11<sup>th</sup> day of October, 1994, by John M. Sweedberg, the Commercial Loan Officer of Pemigewasset National Bank, duly authorized on behalf of the Bank.



Mary E. Amodeo  
~~Justice of the Peace/Notary Public~~  
My commission expires April 25, 1995

BK1315 PG0547