

QUITCLAIM DEED

FRANCIS W. PEABODY and SARA W. PEABODY, having a mailing address of 99 Clyde Street, Chestnut Hill, MA 02167, as a free and unconditional gift, GRANT to GEORGE S. PEABODY, CAREY E. PEABODY, DAVID W. SWETZOFF, and MARTHA W. SWETZOFF, as Trustees of the Frank & Sara Peabody Shell Heap Nominee Trust, having the mailing address of c/o Carey E. Peabody, 1042 Wilmington Way, Redwood City, CA 94062, with QUITCLAIM COVENANT, an undivided one-half (1/2) interest in common in and to two certain lots or parcels of land, together with the buildings thereon, situated in Northeast Harbor, Town of Mount Desert, Hancock County, Maine, more particularly described in EXHIBIT A attached hereto and incorporated herein.

The Grantors herein are husband and wife.

WITNESS their hands and seals this 18 day of December, 1998.

Francis W. Peabody

 Francis W. Peabody
Sara W. Peabody

 Sara W. Peabody

COMMONWEALTH OF MASSACHUSETTS
 COUNTY OF Norfolk

December 18, 1998

Personally appeared the above-named Francis W. Peabody and acknowledged the foregoing instrument to be his free act and deed.

Before me,

J. Strong

 Notary Public - Signature **SEAL**

JONATHAN STRONG

 Notary Public - Printed Name

JONATHAN STRONG, NOTARY PUBLIC
 MY COMMISSION EXPIRES
 DECEMBER 16, 1999

EXHIBIT A

BK 2796 PG 389

Two certain lots or parcels of land, together with the buildings thereon, situated in Northeast Harbor, Town of Mount Desert, Hancock County, Maine, more particularly described as follows:

FIRST LOT: All and the same premises described in the deed from Virginia C. Shattuck to Francis W. Peabody and Grigsby C. Peabody, dated September 17, 1948 and recorded in Book 723, Page 342 in the Hancock County, Maine, Registry of Deeds as follows:

"Beginning at a point at low water mark on the east shore of the harbor of Northeast Harbor in the southerly line of a lot of land conveyed by Joseph H. Curtis to Francis W. Peabody by deed dated September 7, 1925, recorded in the Registry of Deeds in and for Hancock County, Maine, in Book 598, Page 401; thence EASTERLY to the highwater mark; thence still EASTERLY by said Peabody land and the center run of a drainage ditch; thence SOUTH 52° 30' EAST by said Peabody land one hundred (100) feet more or less to a stone bound; thence by the same (EASTERLY) sixty-three (63) feet to a stone bound; thence SOUTHERLY still by said Peabody land forty-nine and 5/10 (49.5) feet to a stone bound marking the Southwesterly corner of said lot conveyed by said Curtis to said Peabody, said stone bound last mentioned being in the Northerly line of a lot of land conveyed by said Curtis to Andrew C. Wheelwright by deed dated August 22, 1902, and recorded with said Registry in Book 381, Page 345; thence NORTH 82° 30' WEST by land now or formerly of Wheelwright, one hundred eighty-two and 2/10 (182.2) feet to a piece of water pipe driven into the ground; thence continuing in the same course ninety-seven and 85/100 (97.85) feet to a bolt set in the ledge; thence from said bolt NORTH 82° 30' WEST twenty-six (26) feet to high water mark; thence in the same course to low water mark; thence NORTHERLY by low water mark to the point of beginning. Containing 32,550 square feet."

SECOND LOT: All and the same premises described in the deed from Edwin D. Brooks, Jr. and James B. Ames, Trustees under the will of Francis W. Peabody, to Francis W. Peabody and Grigsby Peabody, dated June 1, 1983 and recorded in Book 1466, Page 78 in the said Registry of Deeds as follows:

"a certain lot or parcel of land, together with all buildings thereon, situated at Northeast Harbor, in the Town of Mount Desert, Hancock County, Maine, bounded and described in deed from Joseph Henry Curtis to Francis W. Peabody dated September 7, 1925, and recorded with Hancock County Registry of Deeds in Book 598, Page 401, as follows:

On the east by the center line of the county road leading from Northeast Harbor to Seal Harbor, on the north by land conveyed by the Grantor to Cora Peabody, on the west by the waters of Northeast Harbor and on the south by land of Mary C. Wheelwright containing three acres more or less. Together with all rights of

the Grantor to the shore and flats in front of the described lot.

The Grantor as owner and occupant of 'Thuya Lodge' reserves to himself, his heirs and assigns as appurtenant to said 'Thuya Lodge' and as appurtenant to one summer cottage upon each of the three following parcels of land of the Grantor, a right of way by a foot path to the shore, wharf and slip, said right of way to be fifteen (15) feet in width and bounded on the north by the south line of the lot conveyed by the Grantor to Cora Peabody and extending from said county road westerly to within ten (10) feet of the easterly end of the present wharf; thence continuing westerly out into the waters of Northeast Harbor a width of twenty five (25) feet southerly from the south line of the said Cora Peabody land, including a right of way to and the privilege of using the present wharf and float, to be used in common by the Grantor and the said Grantee, their heirs and assigns, Jane R. Robbins, her heirs and assigns, as described in a deed from the said Grantor to the said Robbins, dated December 12th. 1916, but said right of way shall never be appurtenant to any of the said three parcels of land which may constitute or be used, in whole or in part, as a public park or for any business purposes whatever, and appurtenant to such lots only while used for private residential purposes.

First Lot. That lot or parcel of land situated on the easterly side of said County road and opposite the herein conveyed lot, bounded on the north by land now owned by Jane R. Robbins, on the east and south by land now or formerly of Charles W. Eliot and on the west by said county road.

Second Lot. That lot or parcel of land situated on the easterly side of Asticou Road and opposite the land now of Dr. Richard H. Harte, bounded on the east by land now or formerly of said Eliot, on the south by land of the said Robbins, on the west by said Asticou Road and on the north by other (land of) the Grantor, containing about six acres.

Third Lot. That lot or parcel of land situated on the westerly side of said Asticou Road next to and north of a thirty (30) feet reservation which adjoins the said Harte's land on the north, bounded on the east by said Asticou Road, on the north by land conveyed by the Grantor in trust to the Town of Mount Desert, on the west by said county road and on the south by said thirty (30) foot reservation.

The privilege of using said wharf and slip will be appurtenant to said lots only on condition of the above terms and that their owners, their heirs and assigns, join with the said Grantor, his heirs and assigns, the said Grantee, his heirs and assigns and the said Robbins, her heirs and assigns in paying their proportionate share of the annual upkeep and replacement of said wharf and float."

98 DEC 30 AM 8: 55

REGISTER OF DEEDS
HANCOCK COUNTY SS.*Mary A. Adams*

REGISTER

Ruth Fenton et al