

AMENDED AND RESTATED EASEMENT AGREEMENT

This **AMENDED AND RESTATED EASEMENT AGREEMENT** (the "**Agreement**") is made this 28th day of December, 2012, by and among ALICE T. WILSON, of 337 Mitchell Road, Cape Elizabeth, Maine ("**Wilson**"), LAURIE A. WARDEN AND TIMOTHY R. WARDEN, of Oak Grove Road, Mount Desert, Maine (collectively the "**Wardens**"), HEIDI HERSHBERGER, of Marlborough, Massachusetts ("**Hershberger**"), and RALPH J. TRACY, JR., of Oak Grove Road, Mount Desert, Maine ("**Tracy**") (Wilson, the Wardens, Hershberger, and Tracy are sometimes collectively referred to herein as the "**Parties**").)

RECITALS:

WHEREAS, the Wardens are the fee owners of a certain parcel of land located on Oak Grove Road in Mount Desert, Maine more particularly described in that certain deed recorded at the Hancock County Registry of Deeds in Book 2688, Page 606 (the "**Warden Parcel**");

WHEREAS, Wilson is the fee owner of that certain parcel of land located on Oak Grove Road more particularly described in that certain deed recorded in the Hancock County Registry of Deeds in Book 2804, Page 359 (the "**Wilson Parcel**");

WHEREAS, Hershberger is the fee owner of that certain parcel of land located in Bar Harbor, Maine more particularly described in that certain deed recorded in the Hancock County Registry of Deeds in Book 4569, Page 260 (the "**Hershberger Parcel**"); and

WHEREAS, Tracy is the fee owner of those certain parcels of land located on Oak Grove Road in Mount Desert, Maine more particularly described in those certain deeds recorded at the Hancock County Registry of Deeds in Book 1279, Page 636 and Book 1937, Page 211, respectively (the "**Tracy Parcel**") (the Warden Parcel, the Wilson Parcel, the Hershberger Parcel, and the Tracy Parcel are sometimes collectively referred to herein as the "**Properties**").

WHEREAS, the Properties are benefitted by a certain 40' Right-of-Way known as Oak Grove Road more particularly depicted on a plat dated 1991 and entitled "Plan Showing Property of Heirs of Ralph Tracy Mount Desert, Maine" by Edward S. Jackson, R.L.S., recorded in the Hancock County Registry of Deeds in Plan Book 24, Page 82 (the "**Original Easement**");

WHEREAS, the Parties propose to relocate that portion of the Original Easement as it exists on the Wilson Parcel (the "**Wilson Easment**") to conform to the actual location of Oak Grove Road as it exists on the Wilson Parcel, and the Parties further propose to release their

respective rights in the Wilson Easement as such rights affect the Wilson Parcel, upon the terms and conditions expressed herein.

NOW THEREFORE, in consideration of the recitals stated above, which are hereby incorporated into this Agreement and made a part hereof, and in consideration of the mutual promises, covenants, agreements, representations and warranties contained herein, it is agreed between the Parties to this Agreement as follows:

1. Relocation of Original Easement. The Parties hereby agree to relocate the location of the Wilson Easement to conform to the actual location of Oak Grove Road as it exists on the Wilson Parcel. The Wilson Easement is hereby relocated to the easement area more particularly described on the attached Exhibit A (the "Relocated Easement"). The Parties hereby release and remise any and all rights and easements in the Wilson Easement as such rights may exist on the Wilson Parcel other than the Relocated Easement.
2. Rights of Successors. The easements, benefits, and burdens hereunder shall create mutual benefits and servitudes running with the land. This Agreement shall bind and inure to the benefit of the parties hereto, their respective representatives, successors and assignees.
3. Modification and Cancellation. This Agreement may be modified or cancelled only by the mutual agreement of the Parties.

WITNESS our hands and seals as of the date first written above.

[Signature Pages Attached]

Signature Page of Alice T. Wilson

In Witness Whereof, the undersigned, Alice T. Wilson, has executed this Agreement as of the day and year first above written.

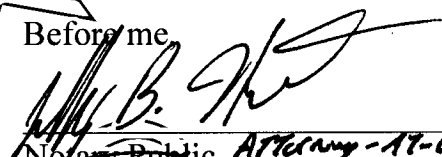

Alice T. Wilson

STATE OF MAINE
Camden, SS.

December 26, 2012

Personally appeared the above-named Alice T. Wilson and acknowledged the foregoing instrument to be her free act and deed.

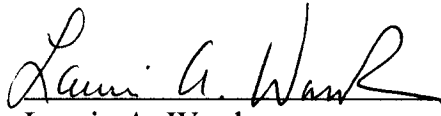
Before me

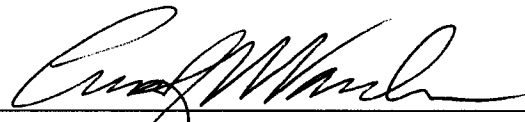

Notary Public

Printed Name: Jeffrey B. Herbert

Signature Page of Laurie A. Warden and Timothy R. Warden

In Witness Whereof, the undersigned, Laurie A. Warden and Timothy R. Warden, have executed this Agreement as of the day and year first above written.


Laurie A. Warden


Timothy R. Warden

STATE OF MAINE
HANCOCK, SS.

December 28, 2012

Personally appeared the above-named Laurie A. Warden and Timothy R. Warden and acknowledged the foregoing instrument to be their free act and deed.

Before me,


Notary Public

Printed Name: Lynne Williams

Signature Page of Heidi Hershberger

In Witness Whereof, the undersigned, Heidi Hershberger, has executed this Agreement as of the day and year first above written.

Heidi Hershberger
Heidi Hershberger

STATE OF Ohio
Medina, SS.

December 21, 2012

Personally appeared the above-named Heidi Hershberger and acknowledged the foregoing instrument to be her free act and deed.



KARAH McMULLEN

Notary Public, State of Ohio

My Commission Expires June 26, 2016

Before me,

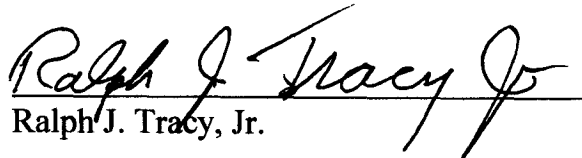
Karah McMullen

Notary Public

Printed Name: Karah McMullen

Signature Page of Ralph J. Tracy, Jr.

In Witness Whereof, the undersigned, Ralph J. Tracy, Jr., has executed this Agreement as of the day and year first above written.


Ralph J. Tracy, Jr.

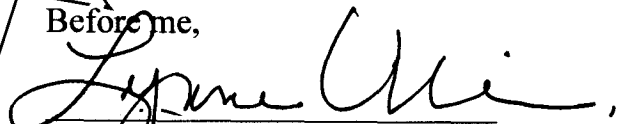
STATE OF MAINE

HANCOCK, SS.

December 28, 2012

Personally appeared the above-named Ralph J. Tracy, Jr. and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public

Printed Name: Lynne Williams, Esq.

Exhibit A

40' Easement

That certain easement over Oak Grove Road, as described herein by centerline, on the land now or formerly of Alice T. Wilson described in a deed recorded in the Hancock County Registry of Deeds in Book 2804, Page 359, located 720' along Oak Grove Road from the intersection with Sound Drive (State Route 198) in the Town of Mount Desert, County of Hancock, State of Maine, said easement more particularly described as follows:

Beginning at a point on the southeasterly line of the 2008 lot now or formerly of Robert J. & Kay T. Moore as described in a deed recorded in said Registry at Book 4920, Page 186. Said point lies N15°11'51"E and 21.00 feet from the base of a ½ inch rebar at a northwesterly corner of the 1999 lot now or formerly of Kay T. Moore as described in a deed recorded in said Registry at Book 2805, Page 658, being Parcel 2 described therein. Said point also lays S15°11'51"W and 196.71 feet from a 5/8 inch rebar at the northeasterly corner of said 2008 lot now or formerly of Robert J. & Kay T. Moore;

Thence along the centerline of the herein described right-of-way but always 20.00 feet from the entire extents of a northerly line of said 1999 lot Parcel 2 and as measured perpendicular there to, N87°33'13"E, a distance of 189.21 feet to a point lying N03°06'20"W and 20.00 from the base of a 5/8 inch rebar found at the northwest corner of the 1999 lot now or formerly of Kay T. Moore as described in a deed recorded in said Registry at Book 2805, Page 658, being Parcel 1 described therein.

Thence along the centerline of the herein described right-of-way but always 20.00 feet from a northerly line of said 1999 lot Parcel 1 and as measured perpendicular there to, N86°14'07"E, a distance of 50.03 feet to a point lying N06°09'35"W and 20.02 from a 5/8 rebar set on said northerly line;

Thence through the land of said Alice T. Wilson along the centerline of the herein described right-of-way, the following courses and distances:

Thence, along a curve concave to the northwest having a length of 187.90 feet, a radius of 195.00 feet, a chord bearing of N53°43'16"E and chord distance of 180.71 feet;

Thence, N26°07'00"E, a distance of 128.91 feet;

Thence, along a curve concave to the southeast having a length of 30.20 feet, a radius of 500.00 feet, a chord bearing of N27°50'49"E and chord distance of 30.20 feet;

Thence, N29°34'39"E, a distance of 63.95 feet;

Thence, along a curve concave to the southeast having a length of 187.54 feet, a radius of 325.00 feet, a chord bearing of N46°06'30"E and chord distance of 184.95 feet;

Thence, N62°38'22"E, a distance of 82.26 feet;

Thence, along a curve concave to the southeast having a length of 14.00 feet, a radius of 47.96 feet, a chord bearing of N53°27'51"E and chord distance of 13.95 feet;

Thence, N45°27'39"E, a distance of 13.91 feet to the southwesterly line of land now or formerly of Laurie A. & Timothy R. Warden as described in a deed recorded in said Registry at Book 2688, Page 606, said centerline terminus lies N81°34'26"W and 15.88 from a 5/8 inch rebar set in 2007 on said Warden line;

Meaning and intending to describe a 40 foot wide easement for vehicular and pedestrian ingress and egress and for all purposes of a way including the right to install utility services as defined in 33 M.R.S.A. §458(2), burdening the land of Alice T. Wilson as described in a deed recorded in said Registry at Book 2804, Page 359. All directions are Magnetic 2005.

Said Easement Description and Wilson property is shown on a plan entitled "Alice T. Wilson, Tracy Heirship Property, Proposed Lot Split and Easement Correction" by Patriot Land Surveys as signed, certified, and sealed by Joseph B. P. Coffey Maine P.L.S. 2329.

