

Amended Discretionary Easement

Nov. 19, 1998

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**AMENDED DISCRETIONARY EASEMENT**

9094 On October 27, 1994, a Discretionary Easement under the provisions of RSA 79-C from GERALD R. CHAILLE and ANNE MARIE CHAILLE, husband and wife, to the TOWN OF TILTON, New Hampshire, was recorded at Book 1315, Page 545, Belknap County Registry of Deeds. This Discretionary Easement was over land identified as the Discretionary Easement Area on a plan entitled "Discretionary Easement Plan, Lochmere Golf And Country Club, Tilton, NH" by Holden Engineering & Surveying, Inc., recorded in Drawer L21 as Plan #83, Belknap County Registry of Deeds.

Under the terms of the Discretionary Easement, the Chailles make an annual payment to the Town in addition to paying taxes on the land subject to the Discretionary Easement. Under the terms of the Discretionary Easement, the fixed amount paid in addition to taxes is to be adjusted as of the 1998 tax year to reflect changes in the cost-of-living index between 1993 and 1998.

In addition, the golf course subject to the Discretionary Easement has been expanded. The expanded area is shown on a plan entitled "Discretionary Easement Plan, Lochmere Golf And Country Club, Tilton, NH" by Holden Engineering & Surveying, Inc., recorded in Drawer \_\_\_\_\_ as Plan # \_\_\_\_\_, Belknap County Registry of Deeds. The improvements are subject to taxation as of April 1, 1998.

Therefore, the parties modify the original Discretionary Easement to reflect the cost-of-living adjustment and the expansion as follows:

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 are permitted from December 1 to April 1 and at other times that the Chailles or their successors and assigns, in their sole judgment, determine that these activities will not interfere with the use of the property as a golf course.

This Amended Discretionary Easement is effective for ten years beginning April 1, 1998, and for additional periods that may be agreed upon by the parties.

The 1998 valuation of the property subject to the Amended Discretionary Easement is as follows:

Original Discretionary Easement land (1994 Agreement)	\$29,100.00
Additional land	
11.4 acres wetlands @ \$15.00 per acre	171.00
68.69 acres under Easement @ \$475/acre	32,627.75
<b>TOTAL VALUE</b>	<b>\$61,898.75</b>

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Grantors, their successors and assigns will pay annual taxes on the land subject to the easement component of the assessment based on the 1998 valuation. All other land and improvements on the property are assessed at current value and are subject to review and change.

In addition, the new fixed annual amount to be paid in addition to taxes is \$5,325.00. This amount is computed by adjusting the original \$3,394.00 payment under the original Discretionary Easement by 12.7 percent and adding \$1,500.00 for the additional land.

This fixed amount in addition to taxes is fixed for five years. It shall be adjusted every five years by the change in the cost-of-living index over the five-year period and the new figure remains in effect until the next adjustment or until the Amended Discretionary Easement ends on March 31, 2008. There shall be no penalty on expiration.

This Amended Discretionary 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 meet these conditions terminates the Amended Discretionary Easement unless these conditions are waived by the Selectmen of the Town, in their sole discretion. If the Amended Discretionary Easement is terminated for breach of condition, the penalty provisions of RSA 79-C apply.

For Grantors' title to the additional land, see:

1. Corrective deed of Albert A. Sprague and Patricia A. Sprague to Gerald R. Chaille and Anne Marie Chaille dated March 22, 1996, recorded September 6, 1996, at Book 1390, Page 738, Belknap County Registry of Deeds.
2. Corrective deed of James W. Dodge to Gerald R. Chaille and Anne Marie Chaille dated August 25, 1995, recorded August 31, 1995, at Book 1346, Page 944, Belknap County Registry of Deeds.
3. Notice of Merger from the Town of Tilton combining the above parcels dated June 6, 1996, recorded September 6, 1996, at Book 1390, Page 737, Belknap County Registry of Deeds.

Books 0001 - 2903

Plan Drawers: 00L0-001 - 0L73-098

Plan Books: 001-0002 - 148-0025

Plan Drawer

Plan Number

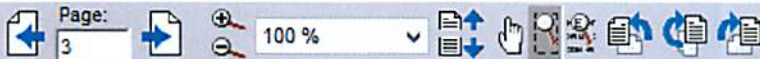
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Number 2, 1998

Gerald R. Chaille

Gerald R. Chaille

Anne Marie Chaille

Anne Marie Chaille

Merrimack County, New Hampshire

This instrument was sworn to and acknowledged before me on November 2, 1998, by Gerald R. Chaille and Anne Marie Chaille.  
(Notary Seal)

[Signature]  
Justice of the Peace/Notary Public

My commission expires

**SELECTMENS' ACCEPTANCE**

The application for this Amended Discretionary Easement was accepted and approved by the Planning Board of the Town of Tilton on December 26, 1995. This easement is accepted on behalf of the Town of Tilton on Nov. 19, 1998, by its Selectmen, to be effective as of April 1, 1998.

[Signature]  
Kenneth F. Mogy, Selectman

[Signature]  
Heber J. Feener, Selectman

[Signature]  
Victoria T. Virgin, Selectman

Bellows Falls County, New Hampshire

This instrument was sworn to and acknowledged before me on November 19, 1998, 1998, by Kenneth F. Money, Heber J. Feener and Victoria T. Virgin, the Selectmen of the Town of Tilton.  
(Notary Seal)

[Signature]  
Justice of the Peace/Notary Public

My commission expires 9/26/2003



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[Signature]

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