

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS That We, **LOUISE ANN PROVAN and ROBERT N. ROULEAU**, wife and husband, of 42 Coach Lane, Hampton Falls, NH 03844, for consideration paid grant to, **JANET A. LEVENSON and DAVID J. DUBIEL**, of 488 East Dunbarton Road, Goffstown, NH 03045, as joint tenants with rights of survivorship, with WARRANTY COVENANTS, the following described premises:

A certain tract or parcel of land consisting of 11.05 acres, depicted as Lot 10, on a plan entitled "Subdivision of Trail Side At Franconia Notch, Franconia, NH", prepared by Kellogg Surveying & Mapping, Inc., approved by the Franconia Planning Board on July 21, 2004, and recorded in the Grafton County Registry of Deeds as Plan No. 11464.

Also conveying a right of way in common with others over Franconia Mountains Road.

SUBJECT to current use taxation pursuant to NH RSA 79-A and the obligation of the Grantee to pay any Current Use penalty when assessed by the Town of Franconia resulting from this transfer and the Grantee.

EXCEPTING AND RESERVING to James W. Powers, Inc., its successors and/or assigns, fee title to the subdivision road which upon its election will be conveyed to the Town of Franconia or the Homeowners Association.

EXCEPTING AND RESERVING to James W. Powers, Inc., or its successors and/or assigns, ownership and control of the fire cistern constructed within the limits of Franconia Mountains Road, which at the election of James W. Powers, Inc. may be conveyed to the Town of Franconia or the Homeowners Association.

EXCEPTING AND RESERVING to James W. Powers, Inc., its successors and/or assigns, a permanent easement to extend and maintain slopes and embankments in support of the subdivision road, together with the right to maintain drainage features.

Further EXCEPTING AND RESERVING to James W. Powers, Inc. the right to convey utility easements within the limits of the subdivision road, or in the land immediately adjacent to the subdivision road if recommended by the utility provider.

In the event of any such encroachment on the premises conveyed hereby, the utility installation shall be performed in a good and workmanlike manner and without doing any unnecessary damage. James W. Powers, Inc. and the appropriate utility provider shall be responsible for restoring the premises, as near as is practical, to their original condition.

Also conveying a right of way in common with others, including the general public, over the "fifty (50) foot recreational right of way" shown on the Plan.

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, are conveyed SUBJECT to this recreational easement.

Lot 1 is conveyed SUBJECT to an access easement to TM 22-11, as set forth on the Plan.

Reserving to James W. Powers, Inc., the right to relocate any and all easements and trails. Said relocation may be necessary to accommodate building sites selected by lot owners.

SUBJECT to the obligation to be a member of the Trail Side at Franconia Notch Association, which will manage, maintain and repair Trail Side Road and the Recreational Easement.

SUBJECT to all the terms and conditions set forth at length in the Articles of Agreement and By-Laws for Trail Side at Franconia Notch recorded in Grafton County Registry of Deeds.

SUBJECT to and together with the Declaration of Covenants, Restrictions and Easements of Trail Side at Franconia Notch dated July 12, 2004 and recorded in the Grafton County Registry of Deeds, Book 3031, Page 51, and any other easements and conditions as shown on the Plan affecting the premises conveyed herein.

SUBJECT to the restriction that there shall be no alteration of wetlands by the grantee or successor assigns for lot development, driveways, culverts, or for septic setback, and other matters set forth in the Wetlands and Non-Site Specific Permit 2003-01291 issued by the State of New Hampshire Department of Environmental Services, dated November 10, 2003 and recorded in the Grafton County Registry of Deeds, Book 2939, Page 659.

Meaning and intending to convey the same premises conveyed to the said Louise Ann Provan and Robert N. Rouleau by Louise Ann Provan by deed dated March 1, 2007 and recorded in the Grafton County Registry of Deeds at Book 3388, Page 0866.

Witness our hands this 26th day of JUNE, 2007.

Cheeryl A Currier
Witness to both

Witness

Louise Ann Provan
Louise Ann Provan

Robert N. Rouleau
Robert N. Rouleau

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

June 26, 2007

Personally appeared the above-named Louise Ann Provan and Robert N. Rouleau, known to me or satisfactorily proven to be the within named, and acknowledged the foregoing instrument for the purposes herein contained as their free act and deed.

Before me,

Cheeryl A Currier
Notary Public
My Commission Expires:

CHERYL A. CURRIER, Notary Public
My Commission Expires April 20, 2010