

Rudy Polwin
Jordan Gonda
3256-2 North Road
Waitsfield, VT 05673

Natural Resources Board

Dewey Building
1 National Life Drive
Montpelier, Vermont 05620-3201

August 16, 2017

Re: Public Comment on George M. Carpenter Jr.

Dear Members of the Board,

As parties to a Purchase and Sales Agreement of two parcels of land owned by Mr. Carpenter, we submit the following comment to be considered prior to the final AOD being executed.

The intent and purpose of Provision F of the AOD is to allow the sale of the parcels to proceed after reclamation but prior to payment of any penalty or fee by Mr. Carpenter to avoid encumbering the two parcels prior to the sale.

The current language attempts to do this by allowing an extended period of time (15 months) before any lien is "placed" on the property (including the two parcels subject to the proposed sale). However, after review of the proposed AOD by Vermont Attorneys Title Corporation, the underwriter that must be satisfied prior to a title insurance policy being issued for the two parcels, it has been determined the issuance of this AOD does not, in and by itself, create marketable title (i.e., would encumber the parcels prior to sale) unless the parcels are specifically excluded from the effect of the AOD.

In light of the above, we propose the following revision and map to be incorporated into the final AOD to not affect marketable title:

- F. Any lien on the Property for purposes of collection of the penalty defined herein or any other fee, or for any other purpose associated with this Agreement, shall not affect or otherwise encumber the Waitsfield and Moretown parcels of the Property as identified in Attachment D; Map of Waitsfield and Moretown parcels.

We believe that this proposed change is not a substantive one, but instead one that resolves and satisfies the original intent of the proposed AOD.

Sincerely,

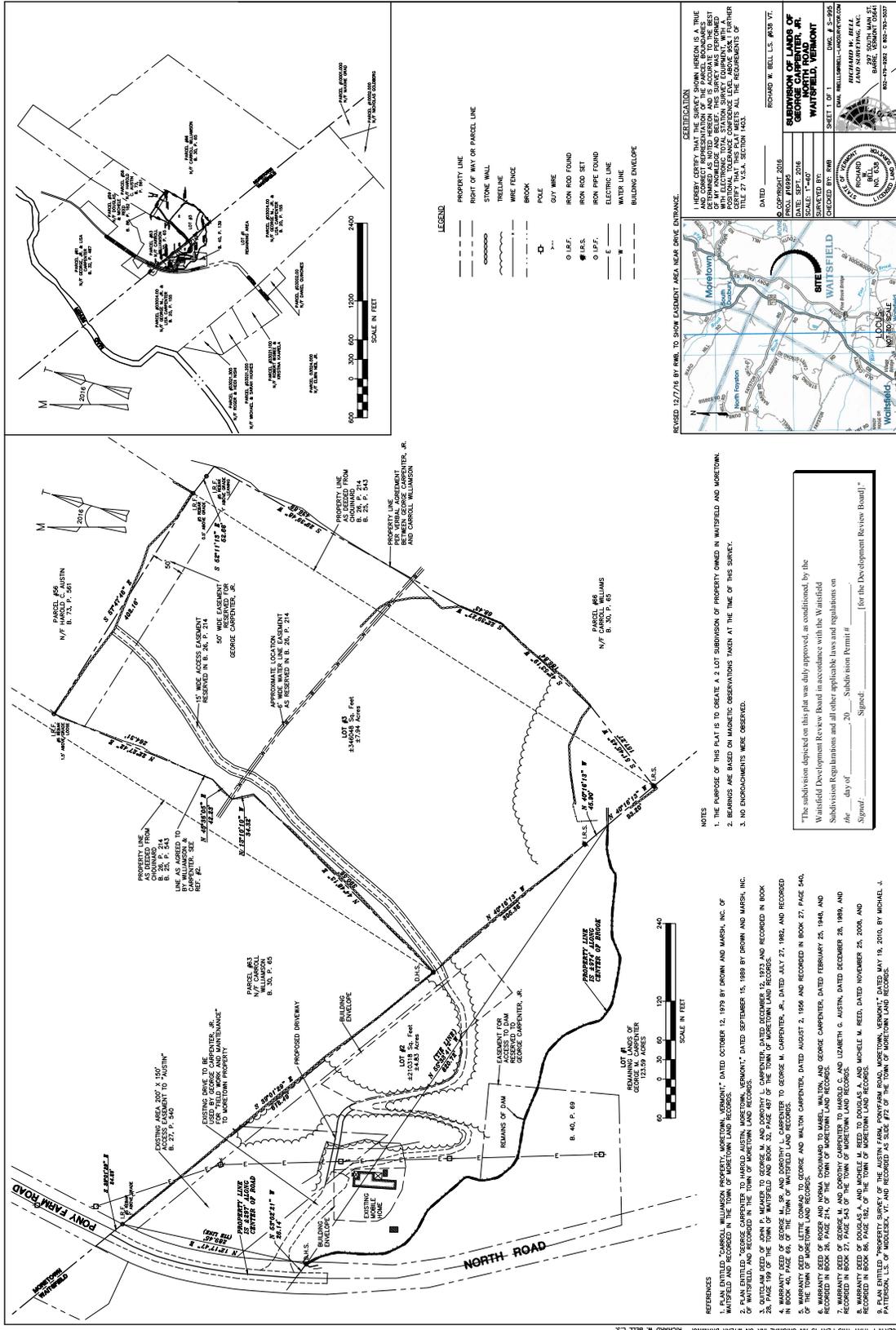
Rudy Polwin Jordan Gonda

Rudy Polwin and Jordan Gonda

Attachment: Map of Waitsfield and Moretown parcels

Attachment D; Map of Waitsfield and Moretown parcels

REDUCED FOR FILING PURPOSES



REVISED 12/7/16 BY FMBL TO SHOW EASEMENT AREA NEAR DRIVE ENTRANCE.

LEGEND:
 PROPERTY LINE
 RIGHT OF WAY OR PARCEL LINE
 STONE WALL
 TREELINE
 WIRE FENCE
 BROOK
 POLE
 GLY WIRE
 IRON ROD FOUND
 IRON ROD SET
 IRON PIPE FOUND
 ELECTRIC LINE
 WATER LINE
 BUILDING ENVELOPE

NOTES:
 1. THE PURPOSE OF THIS PLAN IS TO CREATE A 2 LOT SUBDIVISION OF PROPERTY OWNED IN WAITSFIELD AND MORETOWN.
 2. BEARINGS ARE BASED ON MAGNETIC OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
 3. NO ENCROACHMENTS WERE OBSERVED.

THE SUBDIVISION DEPICTED ON THIS PLAN WAS DULY APPROVED, AS CONDITIONED BY THE Waitsfield Development Review Board in accordance with the Waitsfield Subdivision Regulations and all other applicable laws and regulations on the day of _____, 20____. Stable Iron Permit # _____ [for the Development Review Board].
 Signed: _____

REFERENCES:
 1. PLAN ENTITLED "CARROLL WILLIAMS PROPERTY, MORETOWN, VERMONT," DATED OCTOBER 12, 1979 BY JOHN AND MARSH, INC. OF WAITSFIELD AND RECORDED IN THE TOWN OF MORETOWN LAND RECORDS.
 2. PLAN ENTITLED "GEORGE CARPENTER TO HAROLD AUSTIN, MORETOWN, VERMONT," DATED SEPTEMBER 15, 1989 BY DROWN AND MARSH, INC. OF WAITSFIELD AND RECORDED IN THE TOWN OF MORETOWN LAND RECORDS.
 3. CERTIFICATE OF JOHN S. HAYES TO GEORGE M. AND DOROTHY L. CARPENTER, DATED DECEMBER 13, 1923 AND RECORDED IN BOOK 26, PAGE 199 OF THE TOWN OF WAITSFIELD AND BOOK 33, PAGE 457 OF THE TOWN OF MORETOWN LAND RECORDS.
 4. WARRANTY DEED OF FETTER CORCORAN TO GEORGE M. CARPENTER, JR., DATED JULY 27, 1982, AND RECORDED IN BOOK 27, PAGE 840, OF THE TOWN OF MORETOWN LAND RECORDS.
 5. WARRANTY DEED OF FETTER CORCORAN TO GEORGE AND WILTON CARPENTER, DATED AUGUST 2, 1986 AND RECORDED IN BOOK 27, PAGE 840, OF THE TOWN OF MORETOWN LAND RECORDS.
 6. WARRANTY DEED OF ROSE AND NORMA CHOURANG TO MARCEL, WILSON, AND GEORGE CARPENTER, DATED FEBRUARY 25, 1948, AND RECORDED IN BOOK 27, PAGE 543 OF THE TOWN OF WAITSFIELD AND BOOK 33, PAGE 457 OF THE TOWN OF MORETOWN LAND RECORDS.
 7. WARRANTY DEED OF GEORGE M. AND DOROTHY L. CARPENTER TO MARCO C. AND GABRIEL C. AUSTIN, DATED DECEMBER 28, 1988, AND RECORDED IN BOOK 27, PAGE 543 OF THE TOWN OF WAITSFIELD AND BOOK 33, PAGE 457 OF THE TOWN OF MORETOWN LAND RECORDS.
 8. WARRANTY DEED OF GEORGE M. AND MICHELLE M. REED TO DONALD A. AND MICHELLE M. REED, DATED NOVEMBER 25, 2006, AND RECORDED IN BOOK 27, PAGE 543 OF THE TOWN OF WAITSFIELD AND BOOK 33, PAGE 457 OF THE TOWN OF MORETOWN LAND RECORDS.
 9. PLAN ENTITLED "MORNING STAR TRACT, MORETOWN, VERMONT," DATED MAY 19, 2010, BY MICHAEL J. PATTERSON, U.S. OF MASSACHUSETTS, AND RECORDED AS SLIDE #72 OF THE TOWN OF MORETOWN LAND RECORDS.

STATE OF VERMONT
 NOTARY PUBLIC
 RICHARD W. BELL
 100 STATE ST., SUITE 200
 WAITSFIELD, VT 05671
 TEL: 802-875-2882
 FAX: 802-875-2827

DATE: SEPT. 2016
 SCALE: 1"=40'
 CHECKED BY: FMBL
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CERTIFY THAT THIS PLAN IS AN ORIGINAL INK ON MYLAR DRAWING.
 RICHARD W. BELL, L.S.