

QUITCLAIM DEED

The **TOWN OF AQUINNAH**, a municipal corporation, acting by and through its Board of Selectmen, in accordance with Chapter 452 of the Acts of 2016 of the Commonwealth of Massachusetts, dated January 3, 2017 (the "Act") and Article 38 of the Aquinnah Annual Town Meeting Warrant, May 9, 2017 ("Town Meeting Vote"),

for no consideration, being a swap of land with the Town of Chilmark as described in the Act and the Town Meeting Vote,

hereby grants to The **TOWN OF CHILMARK**, a municipal corporation, with a principal office located at 401 Middle Road, Chilmark, Massachusetts 02535,

with *quitclaim covenants*

The land with the buildings and improvements thereon, situated in the Town of Chilmark, County of Dukes County, and Commonwealth of Massachusetts, bounded and described as follows:

Being "Parcel 2 Area = 1210 Sq. Ft.", shown on a "Plan of Land in Aquinnah and Chilmark, Mass. Showing a Town Line Change Scale 1" = 20' April 5, 2016, Revised February 7, 2017 Vineyard Land Surveying & Engineering, Inc.". Said plan is recorded at the Dukes County Registry of Deeds in Plan Book ____, Page ____.

By granting the above parcel of land, and receiving a parcel of land conveyed by the Town of Chilmark pursuant to a deed recorded herewith, the Town of Aquinnah and the Town of Chilmark are effectuating a boundary line adjustment pursuant to the Act, attached hereto as "Exhibit A," and the Town Meeting Vote, attached hereto as Exhibit "B."

There has been full compliance with the provisions of M.G.L.A. c. 44, §63A.

EXECUTED as a sealed instrument this _____ day of _____, 2017.

**THE TOWN OF AQUINNAH
BY ITS BOARD OF SELECTMEN**

Gary Haley, Chairperson

Jim Newman

Juli Vanderhoop

COMMONWEALTH OF MASSACHUSETTS

County of Dukes County, ss.

On this _____ day of _____, 2017, before me, the undersigned notary public, personally appeared Gary Haley, Chairperson of the Aquinnah Board of Selectmen, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public [print name: _____]

My commission expires: _____

AFFIX :

NOTARIAL :

SEAL :

EXHIBIT "A"

**Chapter 452
Of the Acts of 2016**

Chapter 452
of the Acts of 2016

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Eighty-Ninth General Court

AN ACT CHANGING THE BOUNDARY LINE BETWEEN THE TOWNS OF AQUINNAH AND
CHILMARK.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The following described line shall be the boundary line between the towns of Chilmark and Aquinnah:

Beginning at a point on the existing town line "Aquinnah-Chilmark 11" (Having a coordinate value of N 128303.58, E 1567381.16). Said point being S 39° 57' 00" E 119.32 feet from "Chilmark-Gay Head 1 (WM)" (Having a coordinate value of N 128395.06, E 1567304.54) (now gone) as shown in the Town Line Atlas by the Commonwealth of Massachusetts Harbor and Land Commission for Dukes county dated 1907 and S 30° 57' 14" E 3.00 feet from the south west corner of the concrete deck of a car way to the "fill pier";

Thence: S 84° 11' 45" E 35.68 feet to a bound to be set "Aquinnah-Chilmark 12" (Having a coordinate value of N 128299.98, E 1567416.66). Said line being parallel to and 2.40 feet south of the south end on the concrete deck of the "car way";

Thence: S 20° 47' 50" E 157.56 feet crossing the existing town line to a bound to be set "Aquinnah-Chilmark 13" (Having a coordinate value of N 128152.68, E 1567472.60). Said bound being S 03° 15' 32" W 4.32 feet from the south west corner of a building known as "Mayhew's Fishing Shack";

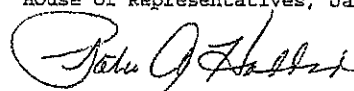
Thence: N 76° 14' 55" E 29.86 feet to a point on the existing town line "Aquinnah-Chilmark 14" (Having a coordinate value of N 128159.78, E 1567501.61). Said point being N 39° 57' 00" W 28.09 feet from the existing town corner shown as "Chilmark-Gay Head 2" (Having a coordinate value of N 128138.25, E 1567519.65) in the Town Line Atlas by the Commonwealth of Massachusetts Harbor and Land Commission for Dukes County dated 1907.

The above described new line is shown on "Plan of Land in Aquinnah and Chilmark, Mass. showing a Town Line Change Scale 1" = 20'" dated April 5, 2016 and prepared by Vineyard Land Surveying & Engineering, Inc.

The coordinates in this description refer to the 2002 Massachusetts State Plane Coordinate System Island Zone 1983 Datum in US survey feet.

House of Representatives, January 3, 2017.

Passed to be enacted,



Acting
Speaker.

In Senate, January 3, 2017.

Passed to be enacted,  , President.

January 13, 2017.

Approved,



Governor.

EXHIBIT "B"

Town Meeting Vote

Article 38 of the Aquinnah Annual Town Meeting Warrant, May 9, 2017



TOWN OF AQUINNAH

955 STATE ROAD
AQUINNAH, MASSACHUSETTS 02535

June 7, 2017

**Cynthia Wansiewicz, Esq.
Reynolds, Rappaport, Kaplan & Hackney,
106 Cooke Street
Edgartown, MA 02539**

This is to certify that at its Annual Town Meeting held on May 9, 2017 the Town of Aquinnah approved Article 38 by a standing vote of 36 yes, 4 no and 1 abstention, effectuating a boundary line adjustment between the Towns of Aquinnah and Chilmark.

Sincerely,

Carolyn Feltz
**Carolyn Feltz
Aquinnah Town Clerk**

ASSESSED VALUE

\$106,100.00

MARTHA'S VINEYARD LAND BANK COMMISSION
167 Main Street Box 2057 Edgartown, MA 02539

FORM LBI

Affidavit Attesting To The True And Complete Purchase Price

To be submitted with: 1) deed and one copy to be recorded or registered and 2) either or both of the following: (a) a certified check or attorney escrow account check in the amount of the transfer fee due, and, if applicable, (b) Form LB2, Affidavit Claiming Basis For Exemption From Transfer Fee,

Instructions- You must provide all information in parts A, B and C. The Land Bank and Dukes County Registry of Deeds will complete parts D and E. **Please** use a typewriter or press firmly with a ball point pen.

PART A. REAL ESTATE DESCRIPTION: Town: Aquinnah Tax Map No. 3 Parcel No. 34
County of Dukes County Registry of Deeds: Book 283 Page 333 Land Court Certificate of Title No. _____
Address or Location Boathouse Road Acreage _____ 1210 Sq Ft
Present Use: ☒ dwelling ☐ business ☐ vacant land ☐ other (specify) _____
Amenity: ☒ paved road ☐ sewer ☐ water ☐ waterfront ☐ water view ☐ pre-1850 structure ☐ abuts conservation

PART B. GRANTEES/GRANTORS IDENTIFICATION: Grantee's Legal Rep. Kathryn R. Ham
Name of all Grantees Town of Chilmark
Mailing Address 401 Middle Road / POB 119 City Chilmark State MA Zip 02535
Name of Grantors Town of Aquinnah State MA

PART C. TRUE AND COMPLETE PURCHASE PRICE: \$ 0.00

I, Warren M. Doty, Chairman do hereby certify, under the pains and penalties of perjury, that the purchase price reported above is the true and complete purchase price for the transfer of real property interest as described in Part A and between the parties named in Part B pursuant to Chapter 736 of the Acts of 1985 of the Commonwealth of Massachusetts and includes all considerations paid or transferred by or on behalf of the purchaser to the seller or his nominee, or for his benefit, for the transfer of any real property interest, including;

- (a) all cash or its equivalent so paid or transferred;
- (b) all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller;
- (c) the principal amount of oil notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee,
- (d) the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of

- transfer (but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time at transfer);
- (e) the fair market value, at the time of transfer, of any other consideration of thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest; and
- (f) the difference between fair market value and actual consideration paid if the purchaser is neither a spouse or lineal descendent.

X

(Signature of Grantee or Massachusetts attorney.
All others must attach a power of attorney.)

, 2017
(Date)

PART D. FEE (No personal, checks)

MARTHA'S VINEYARD LAND BANK		
<input type="checkbox"/> PAID	\$	_____
<input type="checkbox"/> EXEMPT	\$	_____
No.	Date	Certification

PART E. REGISTRY RECORD

DUKES COUNTY REGISTRY OF DEEDS	
Record Date	_____
Book	_____ Page _____
Registered	_____
Document No.	_____

MARTHA'S VINEYARD LAND BANK COMMISSION

167 MAIN STREET BOX 2057 EDGARTOWN, MA 02539

FORM LB 2

Affidavit Claiming Basis For Exemption From Transfer Fee

(please print)

I, Warren M. Doty, Chairman, do hereby certify under the pains and penalties of perjury that the transfer of real property interest described in the attached **Form LB 1. Affidavit Attesting to the True and Complete Purchase Price** is lawfully entitled to be exempt from the fee imposed by Section 12 of Chapter 736 of the Acts of 1985 of the Commonwealth of Massachusetts by reason of it being a (check one or more)...

- ☒ (a) Transfer to the government of the United States, the Commonwealth of Massachusetts, and any instrumentalities, agencies or subdivisions thereof.
- ☐ (b) Transfer which, without additional consideration, confirms, corrects, modifies or supplements a transfer previously made. Attach evidence of transfer previously made.
- ☐ (c) Transfer made as a gift without consideration. In any proceeding to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interests transferred was made as a gift without consideration to the extent of the difference between the fair market value of real property interests transferred and the amount of consideration claimed by the purchaser to have been paid or transferred. If the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interests transferred, at the time of transfer.
- HOW IS THE GRANTEE RELATED TO THE GRANTOR?
- ☐ husband ☐ son ☐ mother
- ☐ wife ☐ daughter ☐ father
- ☐ other (specify) _____
- ☐ Not a lineal descendant or lineal ancestor.
- ☐ (d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust distributions by the trustees of a trust to the beneficiaries of such a trust.
- ☐ (e) Transfer by operation of law without actual consideration, including but not limited to a transfer occurring by virtue of the death or bankruptcy of the owner of a real property interest. ☐ Death ☐ Bankruptcy ☐ Other (specify) _____
- ☐ (f) Transfer made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.
- ☐ (g) Transfer to any charitable organization as defined in clause Three of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interests so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.
- ☐ (h) Transfer to a mortgagee in foreclosure of the mortgage held by such mortgagee, or a transfer of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.
- ☐ (i) Transfer made to a corporation or partnership at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one of the Internal Revenue Code of 1954, as amended.
- ☐ (j) Transfer made to a stockholder of a corporation in liquidation of the corporation, or a transfer made to a partner of a partnership in dissolution of the partnership.
- ☐ (k) Transfer consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of the law.
- ☐ (l) Transfers of property, consisting in part of real property interests situated on Martha's Vineyard and in part of other property interests, to the extent that the properly transferred consists of property other than real property situated in Dukes County: provided that the purchaser shall furnish the Commission with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfer.
- ☐ (m) The first four hundred thousand dollars of the purchase price of a transfer made to a purchaser who, or whose spouse at the time of transfer, has at no time prior to said transfer owned or possessed any real property interest as defined in section one either within or without Dukes County; provided that the purchaser makes the real property interest which is the subject of the transfer the purchaser's actual domicile within two years of the time of transfer, with the intention to remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode; provided further that in the event of a subsequent transfer within five years of the transfer exempted from the fee under this subsection, other than the transfer of a mortgage to an institutional lender, the fee exempted shall become due, together with accumulated interest and penalties, and in addition to any fee otherwise due as a result of subsequent transfer. The purchaser shall certify as to the foregoing, and the Commission shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met.

IF THE PERSON CLAIMING NO PRIOR OWNERSHIP OF REAL PROPERTY INTEREST IS THE SPOUSE OF THE PURCHASER, PLEASE PROVIDE HIS OR HER NAME.

IMPORTANT: In order to lawfully be entitled to the "m" exemption, the purchaser shall not have previously owned real property *ANYWHERE*, including Martha's Vineyard, other parts of Massachusetts, outside Massachusetts or outside the U. S. A.

1. Purchase Price: \$ _____
2. Fair market value of any portion of real property interests to be held for non-charitable or non-religious purposes: \$ _____
3. Value claimed to be exempt: (line 1 minus line 2) \$ _____

X _____, 2017
(Signature of Grantee)

_____, 2017
(Date)

If signed by purchaser's legal representative, copy of power of attorney must be attached.