

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, RICHARD F. HERBSTER, TRUSTEE OF THE RICHARD F. HERBSTER TRUST U/A/D DECEMBER 19, 1994, AND AMENDED AND RESTATED ON APRIL 30, 2007, AND CAROL E. HERBSTER, TRUSTEE OF THE CAROL E. HERBSTER TRUST U/A/D DECEMBER 19, 1994, AND AMENDED AND RESTATED ON APRIL 30, 2007, of Venice, Florida, Grantors, in consideration of Ten and more Dollars paid to our full satisfaction by MICHAEL P. HART and ABBY M. WENTZEL of Brooklyn, New York, Grantees, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantees, MICHAEL P. HART and ABBY M. WENZEL, husband and wife as tenants by the entirety, and their heirs and assigns forever, certain land and premises in Waterbury, Vermont, described as follows, viz:

It being part of all and the same land and premises conveyed to Richard F. Herbster, Trustee of The Richard F. Herbster Trust u/a/d December 19, 1994, and amended and restated on April 30, 2007, as to an undivided one-half (1/2) interest as a tenant in common, and Carol E. Herbster, Trustee of The Carol E. Herbster Trust u/a/d December 19, 1994, and amended and restated on April 30, 2007, as to an undivided one-half (1/2) interest as a tenant in common, by Richard F. Herbster and Carol E. Herbster by warranty deed dated July 10, 2007 and recorded in Book 257 Page 761 of the Waterbury Land Records; and being part of all and the same land and premises conveyed to Richard F. Herbster and Carol E. Herbster by Thierry F. Guerlain and Ann S. Guerlain by warranty deed dated September 27, 1993 and recorded in Book 133 Page 554. Said part being a 13.4 acre parcel of land with dwelling and other improvements thereon, identified as Lot 2 on the herein referenced survey plat ("the Survey") together with a 50 foot wide right-of-way and easement in common for access and underground utility purposes over, under and along a 50 foot wide strip of land running from the Perry Hill Road in a generally northeasterly direction along land of Bramblett to the southwesternmost corner of Lot 3, all as shown on the Survey and as described in an easement deed from Richard F. Herbster and Carol E. Herbster to William W. Taylor and Lynn A. Taylor dated September 2, 2005 and recorded in Book 238 Page 291 and in a warranty deed from the Herbsters to April Davies Taylor and Zachary Todd Taylor dated June 30, 2006 and recorded in Book 248 Page 23.

Also conveyed to Grantees and their successors in title is a 50 foot wide view easement reserved by the Herbsters in the above-referenced 2006 deed recorded in Book 248 Page 23; such view easement being more particularly described in the foregoing deed and on the Survey.

Also conveyed to Grantees and their successors in title is a 10 foot wide underground utility easement reserved by the Herbsters in a warranty deed to William W. Taylor and Lynn A. Taylor dated December 16, 2004 and recorded in Book 230 Page 201; such utility easement being more particularly described in the foregoing deed and on the Survey. Also conveyed to the Grantees and their successors in title is a 50 foot wide view easement located on Lot 3; such view easement being more particularly described in the foregoing deed and on the Survey.

In aid of the descriptions contained herein, reference may be had to a survey plat by T. Bass Land Surveys, Ltd. entitled "SURVEY & SUBDIVISION OF LAND OF RICHARD & CAROL HERBSTER 1997 PERRY HILL ROAD WATERBURY, VERMONT NOVEMBER 2004, REVISED: MARCH 2005, MAY 2006 1218-39tb" and recorded in Map Slide No. 71.

The land and premises conveyed hereby include the benefit of and are subject to a Septic Easement Agreement dated November 12, 2012 and recorded in Book 325 Page 107, to the DECLARATION OF PROTECTIVE COVENANTS FOR THE HERBSTER SUBDIVISION WATERBURY, VERMONT dated December 16, 2004 and recorded in Book 230 Page 197 as amended by FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR THE HERBSTER SUBDIVISION, WATERBURY, VERMONT dated June 30, 2006 and recorded in Book 248 Page 21, to conditions contained in Wastewater System and Potable Water Supply Permit WW-5-2892 dated October 6, 2004 and recorded in Book 228 Page 478 as amended, to public highway and public utility rights, and to such rights, restrictions, conditions, rights-of-way and easements as are shown or referred to on the Survey, and to such rights, conditions, covenants, rights-of-way and easements which are of record and are enforceable at law on the date hereof – not meaning by such language to renew, reinstate or extend the validity of any encumbrance otherwise barred by Vermont law.

Reference is hereby made to said deeds, permits, Declaration and the Survey, and their records, to all references therein and to the Waterbury Land Records in aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantees, **MICHAEL P. HART and ABBY M. WENZEL**, husband and wife as tenants by the entirety, and their heirs and assigns, to their own use and behoof forever; and We, **RICHARD F. HERBSTER, TRUSTEE OF THE RICHARD F. HERBSTER TRUST U/A/D DECEMBER 19, 1994, AND AMENDED AND RESTATED ON APRIL 30, 2007, AND CAROL E. HERBSTER, TRUSTEE OF THE CAROL E. HERBSTER TRUST U/A/D DECEMBER 19, 1994, AND AMENDED AND RESTATED ON APRIL 30, 2007**, the said Grantors, for themselves and their successor trustees, executors and administrators, do covenant with the said Grantees and their heirs and assigns, that until the ensealing of these presents We are the sole owners of the premises and have good right and title to convey the same in manner aforesaid, that it is **FREE FROM EVERY ENCUMBRANCE**, except as aforesaid, and We hereby engage to **WARRANT AND DEFEND** the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, we hereunto set our hands this 30th day of November 2012.

IN PRESENCE OF:

[Signature]
Witness as to both

Richard F. Herbster, Trustee
Richard F. Herbster, Trustee

Carol E. Herbster, Trustee
Carol E. Herbster, Trustee

STATE OF VERMONT
LAMOILLE COUNTY, SS.

At STONE (town/city) this 30th day of NOVEMBER 2012,
personally appeared **RICHARD F. HERBSTER, TRUSTEE OF THE RICHARD F. HERBSTER TRUST U/A/D DECEMBER 19, 1994, AND AMENDED AND RESTATED ON APRIL 30, 2007, AND CAROL E. HERBSTER, TRUSTEE OF THE CAROL E. HERBSTER TRUST U/A/D DECEMBER 19, 1994, AND AMENDED AND RESTATED ON APRIL 30, 2007,** and they acknowledged this instrument, by them sealed and subscribed to be their free acts and deeds and the free acts and deeds of **THE RICHARD F. HERBSTER TRUST AND THE CAROL E. HERBSTER TRUST** by them duly authorized.

Before me: [Signature]
Notary Public
My commission expires: 2/10/15

WATERBURY TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
December 3, A.D. 20 12
AT 11 O'CLOCK 00 MINUTES A M
AND RECORDED IN BOOK 326 PAGE 68-70
RECORDS OF Deeds
ATTEST Bruce Jones
Asst. TOWN CLERK

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
RETURNS RECEIVED
Signed Bruce Jones Asst. Clerk
Date December 3, 2012