

Lot N° 177 - one hundred seventy seven.

Ran out for Esther Howwasswee, a tract of land bounded and described as follows:

Beginning at a bound near a bar way, thence by Lot N° 242, S 36° W. two hundred sixty eight feet to a bound; thence by Lot N° 178, S 75° 55' W. four hundred ninety seven  $\frac{30}{100}$  feet to a bound; thence still by the same lot, N 45° 50' W. two hundred fifty seven  $\frac{30}{100}$  feet to a bound; thence still by the same lot, S 38° W. two hundred fourteen  $\frac{20}{100}$  feet to a bound; thence by Lot N° 710, N 79° 05' W. two hundred twenty four  $\frac{30}{100}$  feet to a bound; thence still by the same lot, N 25° W. one hundred fifty three  $\frac{40}{100}$  feet to a bound; thence still by the same lot, N 15° E. sixty nine  $\frac{60}{100}$  feet to a bound; thence by Lot N° 709, N 15° E. two hundred eighty three  $\frac{100}{100}$  feet to a bound; thence by land of Hebron Wamsley, S 62° 45' E. two hundred thirty two  $\frac{700}{1000}$  feet to a bound; thence still by land of said Hebron Wamsley, S 81° 36' E. about ten hundred six  $\frac{30}{100}$  feet, through the swamp, to the first mentioned bound, or the place of commencement.

Lot N° 178 - one hundred seventy eight.

Ran out for Elizabeth Howwasswee, widow of Guchens Howwasswee, a tract of land in the South Pasture, formerly her husband's and left to her by his will, bounded and described as follows:

Beginning at the southeasterly corner bound of Lot N° 177, or the land of Esther Howwasswee; thence by Lot N° 241, S 2° 30' W. four hundred twenty two feet to a bound; thence still by the same lot, S 31° 15' E. one hundred thirty one feet to a bound, being a rock nearly level with the ground; thence by Lot N° 238, S 79° 10' W. two hundred sixty four feet to a bound; thence by Lot N° 713, N 34° W. three hundred thirty feet to a bound; thence still by the same lot, S 61° 15' W. two hundred eighty five  $\frac{50}{100}$  feet to a bound; thence, on the same course, by Lot N° 712, four hundred twenty  $\frac{30}{100}$  feet to a bound; thence by Lot N° 712, N 15° 16' E. six hundred twelve feet to a bound; thence by Lot N° 177, or the land of Esther Howwasswee, N 38° E. two hundred fourteen  $\frac{30}{100}$  feet to a bound; thence by the same lot, S 46° 50' E. two hundred fifty seven  $\frac{30}{100}$  feet to a bound; thence

Still by Lot N° 177.  $N75^{\circ}55'E$ . four hundred ninety seven  $\frac{35}{100}$  feet to the first mentioned bound, or the place of commencement.

Lot N° 179 - one hundred seventy nine.

Ran out for James Bowyer, a tract of land in South Pasture, being his homestead lot:

Beginning at the easterly corner of the tract: thence by Lot N° 319.  $S10^{\circ}W$ . forty five feet to a bound; thence by Lot N° 300.  $S10^{\circ}W$ . one hundred twenty two  $\frac{80}{100}$  feet to a bound; thence by the same lot.  $S21^{\circ}15'W$ . six  $\frac{70}{100}$  feet to a bound; thence on the same course, by Lot N° 299. three hundred seven  $\frac{80}{100}$  feet to a bound; thence by the same lot.  $S6^{\circ}E$ . one hundred eighty one  $\frac{80}{100}$  feet to a bound; thence by the same lot. South, two hundred twenty five feet to a bound; thence by the same lot.  $S38^{\circ}15'W$ . one hundred fifty four  $\frac{20}{100}$  feet to a bound; and still by the same lot.  $N84^{\circ}30'W$ . seventy five  $\frac{80}{100}$  feet to a bound; thence on the same course, by Lot N° 294. ninety eight  $\frac{80}{100}$  feet to a bound; thence by the same lot.  $N80^{\circ}W$ . two hundred fifty five  $\frac{30}{100}$  feet to a bound; thence by Lot N° 295.  $N11^{\circ}19'W$ . four hundred fifty six  $\frac{30}{100}$  feet to a bound; thence by Lot N° 321.  $N17^{\circ}30'W$ . one hundred seventy eight  $\frac{30}{100}$  feet to a bound; thence by the same lot.  $N63^{\circ}30'E$ . one hundred thirty nine  $\frac{80}{100}$  feet to a bound; and by the same lot.  $N50^{\circ}15'E$ . one hundred fourteen  $\frac{85}{100}$  feet to a bound; and on the same course, by Lot N° 320. one hundred seventy  $\frac{45}{100}$  feet to a bound; thence by Lot N° 320.  $N53^{\circ}45'E$ . one hundred fifty seven  $\frac{70}{100}$  feet to a bound; and by the same lot.  $N53^{\circ}30'E$ . one hundred twenty five feet to a bound; and still by the same lot.  $S59^{\circ}45'E$ . ninety six  $\frac{20}{100}$  feet to a bound; thence by Lot N° 319.  $S68^{\circ}E$ . one hundred forty two  $\frac{80}{100}$  feet to the first mentioned bound, or place of commencement.

Lot N<sup>o</sup> 709. - seven hundred and nine. - was assigned to  
Hebron Wamsley. - Census. N<sup>o</sup> 153.

And is thus bounded and described:

Beginning at the southerly corner bound of Lot N<sup>o</sup> 708; thence by  
the same. N 58° 24' E. five hundred ninety one <sup>3</sup>/<sub>100</sub> feet to a bound; thence by  
Lot N<sup>o</sup> 232. S 36° 43' E. forty seven <sup>3</sup>/<sub>100</sub> feet to a bound; thence by land of Hebron  
Wamsley. S 63° 45' E. twenty four <sup>3</sup>/<sub>100</sub> feet to a bound; thence by land of Esther  
Cowassawee. S 15° W. two hundred eighty three <sup>3</sup>/<sub>100</sub> feet to a bound; thence by  
Lot N<sup>o</sup> 710. S 58° 24' W. four hundred two <sup>3</sup>/<sub>100</sub> feet to the easterly corner bound  
of Lot N<sup>o</sup> 548; thence by the same. N 31° 36' W. two hundred sixty four feet  
to the first mentioned bound, or the place of commencement.

For affidavit  
see Book:  
Page 242

Lot N<sup>o</sup> 710. - seven hundred and ten. - was assigned to  
Esther Cowassawee. - Census. N<sup>o</sup> 194.

And is thus bounded and described:

Beginning at the southerly corner bound of Lot N<sup>o</sup> 709; thence by  
the same. N 58° 24' E. four hundred two <sup>3</sup>/<sub>100</sub> feet to a bound; thence by land  
of Esther Cowassawee. S 15° W. sixty nine <sup>6</sup>/<sub>100</sub> feet; S 25° E. one hundred  
fifty three <sup>6</sup>/<sub>100</sub> feet; and still by land of said Esther. S 79° 05' E. two hundred  
twenty four <sup>3</sup>/<sub>100</sub> feet to a bound; thence by Lot N<sup>o</sup> 711. S 68° 23' W. five hundred  
seven <sup>3</sup>/<sub>100</sub> feet to a bound; thence by Lot N<sup>o</sup> 548. N 31° 36' W. two hundred sixty  
four feet to the first mentioned bound, or the place of commencement.

Lot N<sup>o</sup> 711. - seven hundred eleven. - was assigned to  
Elizabeth Cowassawee. - Census. N<sup>o</sup> 196.

And is thus bounded and described:

Beginning at the southerly corner bound of Lot N<sup>o</sup> 710; thence by  
the same. N 68° 23' E. five hundred seven <sup>3</sup>/<sub>100</sub> feet to a bound; thence by  
land of said Elizabeth. S 15° 16' W. six hundred twelve feet to a bound;  
then by Lot N<sup>o</sup> 712. S 61° 13' W. fifty three <sup>3</sup>/<sub>100</sub> feet to a bound; thence by Lot N<sup>o</sup> 533.  
N 31° 36' W. two hundred thirty nine <sup>6</sup>/<sub>100</sub> feet; and on the same course, by  
Lot N<sup>o</sup> 554. two hundred sixty four feet to the first mentioned bound,  
or the place of commencement.

512/411  
taking

Dated 1.15.1877

D9/6324

Will of Elizabeth Howasswee  
AKA Elizabeth Peters

Now all men by these presents, that I, Elizabeth Peters, now the wife of Samuel Peters, and formerly the wife of Zachary Howasswee, deceased, of Gay Head, in the County of Dukes County, and Commonwealth of the State of Virginia, being of sound and disposing mind and memory, do make and ordain this instrument as and for my last will and testament, hereby revoking any and all former wills by me at any time heretofore made.

First. I do hereby nominate and appoint my friends and near neighbors for many years, Isaac D. Rose, Esquire, and postmaster of Gay Head, to be the executor of this my last will and testament.

Personal estate →

Second. As to any and all personal estate of which I may die seised and possessed, it is my will, and I do hereby so declare, that the same be equally shared and divided between my relatives, Harriet A. Rose, Elizabeth Rose, and Henry Walmley Spencer.

Daughter of Howasswee

11/10/1874

Tallman lots  
9/17/71 ← 854 910  
MTC P 9 FRAMES

Third. I do hereby give, devise, and bequeath to my kinsman, Benjamin Ephraim Rodman, of Gay Head, all my right, title, and interest in and to two tracts of land in Gay Head, known as Tallman lots, being recorded in the Report of Richard L. Sears, Commissioner in the matter of Gay Head Land, as Lots No 88 and No 90, which report is of record in the Register of Deeds for Dukes County.

"Forty Acre lot"

Fourth. I do hereby give, devise, and bequeath to my Walmley Spencer, of Gay Head, all my right, title, and interest in and to the Forty Acre lot, so called, in said Gay Head, except a portion of the same in the vicinity of the residence of Esther Howasswee, which I intend to convey by deed to the said Esther, said lot is known of record, in the report and records aforesaid, as Lot No eighty seven.

LOT 87 →

Fifth. I do hereby give, devise, and bequeath to Lucian Eva Harrison, of Gay Head, all my right, title, and interest in that tract of land in said town, situated near the barn-place of Simon Johnson, late deceased, and known of record, in the report and records aforesaid, as Lot No ninety six.

LOT 96 →  
9/5

JOHN S. HILL  
WENT

Said lot is now owned jointly by myself and Edith Howwassawee, but by an agreement made between us, the same is to become wholly mine when deeds shall have passed between us.

Sixth. I do hereby give, devise, and bequeath to Elta Harriet Rose, only daughter of my sister, Harriet A. Rose, of Gay Head, all that tract formerly the homestead of my late husband, which by his last will and testament he gave to me. Said tract is known of record, in the report and records aforesaid, as Lot No. Security Mine.

← Lot 79

Seventh. I do hereby give, devise, and bequeath to my sister, Harriet A. Rose, wife of Isaac D. Rose, of said Gay Head, all my right, title, and interest in and unto that tract of land, lying southerly from and near the residence of Jane Wamsley, in said town, formerly the property of my father, Salsbury Wamsley, deceased.

As also, all right, title, and interest in and unto any and all my real estate of which I shall die seized and possessed, not herein specifically given and devised unto any other person.

R.R.H.  
L

Eighth. As to any debts, or expenses, legally chargeable upon my estate, including costs of administration, they are to be equally borne by the legatees and devisees herein named. Should either of the said legatees or devisees neglect and refuse for a period of twelve months after formal demand made by the executor of this my last will and testament, to pay a full share of such debts, costs, and expenses, then it is hereby declared to be my will that nothing shall pass to said delinquent by said devise or bequest; but that the property so devised or bequeathed shall be and become the property of my said sister Harriet A. Rose, (or her lawful heirs, if she should not be living) she or they paying the full proportion due of such debts, costs, and expenses.

Hu

In testimony whereof, I, the said Elizabeth Peters, have hereunto set my hand and seal, this twenty fourth day of November, in the year of our Lord one thousand eight hundred and seventy six.

Elizabeth Peters



The foregoing instrument was signed and sealed, in our presence by the within named Elizabeth Peters, and by her declared to be her last will and testament, we being by her requested to sign the same as witnesses hereunto, have accordingly affixed our names in the presence of said testator, and in the presence of each other.

Richard A. Pease

Trig. W. W. Lee Jr

Louisa J. Ford

Commonwealth of Massachusetts

The Trial Court

Dukes County Division

Probate and Family Court Department

Docket No. D9/6324

AMENDED C.T.A. Probate of Will With/Without Sureties

Name of Decedent Elizabeth Peters, aka Elizabeth W. Peters Elisabeth

Domicile at Death Aquinnah (Gay Head) (street and no.) (city or town)

Dukes County 02535 Date of Death October 21, 1881 (county) (zip)

Name and address of Petitioner(s) Maria A. Kitras 38 Bow Road, Belmont, MA 02478

Status Owner of real estate from the devisee and assigns

Heirs at law or next of kin of deceased including surviving spouse:

Table with 3 columns: Name, Residence (minors and incompetents must be so designated), Relationship. Content: SEE ATTACHED

That said deceased left a will and codicils herewith presented, wherein Isaac D. Rose is named executor but has died and wherein the testator had requested that your petitioner(s) be exempt from giving surety on his/her bond(s).

[X] The petitioner(s) hereby certifies that a copy of this document, along with a copy of the decedent's death certificate has been sent by certified mail to the Division of Medical Assistance, P.O. Box 15205, Worcester, Massachusetts 01615-9906.

Wherefore your petitioner(s) pray(s) that said will and codicils may be proved and allowed, and that he/she/they be appointed executrix thereof, with/without surety on his/her/his bond(s) and certify under the penalties of perjury that the statements herein contained are true to the best of his/her/his knowledge and belief.

Date 11/3/04 Signature(s) Maria A. Kitras, Trustee

The undersigned hereby assent to the foregoing petition and to the allowance of the will without testimony.

Blank lines for signatures of assenting parties.

\*but having been stricken and/or withdrawn DECREE All persons interested having been notified in accordance with the law or having assented and no objections being made thereto, it is decreed that said instrument(s) be approved and allowed as the last will and testament of said deceased, and that said petitioner(s): MARIA A. KITRAS of 38 Bow Road, Belmont, MA 02748 in the County of Middlesex be appointed administratrix with the will annexed of said estate first giving bond without sureties

Date December 15, 2004 FILED Stephen C. Henning Justice of the Probate and Family Court

CJP 2 (11/01)

NOV 03 2004

BOOK 326 PAGE 487

The Commonwealth of Massachusetts

PAUL GUZZI

SECRETARY OF THE COMMONWEALTH

DIVISION OF VITAL STATISTICS

Nº 83032

COPY OF RECORD OF DEATH

I, the undersigned, hereby certify that I am the Secretary of the Commonwealth of Massachusetts; and as such I have the custody of the records of death required by law to be kept in my office; that among such records is one relating to the death of

Etta N. Vanderhoop

and that the following is a true copy of so much of said record as relates to said death, namely:--

Name Etta N. Vanderhoop  
 Date of Death April 25, 1887  
 Place of Death Gay Head  
 Residence at time of Death Gay Head  
 Sex \_\_\_\_\_ Color light Single, Mar., Wid. or Div. \_\_\_\_\_  
 Husband or Wife of \_\_\_\_\_ If veteran, specify war \_\_\_\_\_  
 Age 27 yrs., 2 mos., 13 days Occupation At home  
 Birthplace Gay Head  
 Immediate Cause of Death Consumption  
 Due to \_\_\_\_\_  
 Due to \_\_\_\_\_

FATHER	MOTHER
Full Name <u>Isaac D. Rose</u>	Maiden Name <u>Harriet A.</u>
Birthplace <u>Taunton</u>	Birthplace <u>G. H.</u>
Date of Record <u>April 27, 1887</u>	Place of Burial <u>Gay Head</u>

And I do hereby certify that the foregoing is a true copy from said records. WITNESS my hand and the GREAT SEAL OF THE COMMONWEALTH at Boston on this 3RD day of July 19 75



Paul Guzzi

PAUL GUZZI

Secretary of the Commonwealth

Edgartown, Mass. July 14 10 75  
at 11 o'clock and 520 minutes AM  
Received and entered with Dukes County Deeds  
Book 326 Page 487. Year 1887



The Commonwealth of Massachusetts

PAUL GUZZI  
SECRETARY OF THE COMMONWEALTH

DIVISION OF VITAL STATISTICS

No 83023

COPY OF RECORD OF DEATH

I, the undersigned, hereby certify that I am the Secretary of the Commonwealth of Massachusetts; and as such I have the custody of the records of death required by law to be kept in my office; that among such records is one relating to the death of

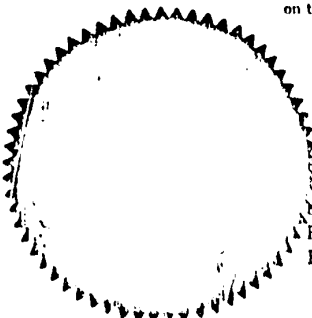
Harriet A. Rose

and that the following is a true copy of so much of said record as relates to said death, namely:-

Name Harriet A. Rose  
 Date of Death June 22, 1884  
 Place of Death Gay Head  
 Residence at time of Death Gay Head  
 Sex Female Color Indian Single, Marr., Wid. or Div. Single  
 Husband or Wife of None If veteran, specify war None  
 Age 62 yrs. 5 mos., 14 days Occupation None  
 Birthplace Gay Head  
 Immediate Cause of Death Congestion and Heart Dis.  
 Due to None  
 Due to None

FATHER	MOTHER
Full Name <u>Salsbery</u>	Maiden Name <u>Jane Wamsley</u>
Birthplace <u>Gay Head</u>	Birthplace <u>Marshpee</u>
Date of Record <u>June 24, 1884</u>	Place of Burial <u>None</u>

And I do hereby certify that the foregoing is a true copy from said records. WITNESS my hand and the GREAT SEAL OF THE COMMONWEALTH at Boston on this 3rd day of July 1975



Paul Guzzi

PAUL GUZZI

Secretary of the Commonwealth

Edgartown, Mass. July 14 1975  
 at 11 o'clock and 530 minutes PM  
 Received and entered with Duken County Deeds  
 Book 326 Page 488  
 Year 1884  
 Vol. 355  
 No. 170

Attest:

Philip J. Norton  
 Registrar



Alvin E. Strock and Moses S. Strock, both

of Newton, Middlesex  
as tenants-in-common

County, Massachusetts,

being unmarried, for consideration paid, grant to Moses S. Strock, Alvin E. Strock and  
Marvin N. Geller, Trustees of the Strock Family Trust under a Declaration of Trust  
to be registered and recorded herewith

with quitclaim covenants

XXXXXX

[Description and encumbrances, if any]

All our right, title and interest in and to any property together with the buildings  
located thereon which we now own in Dukes County, Commonwealth of Massachusetts,  
as tenants in common, including but not limited to the property listed on the  
attached Schedules.

There is no consideration for this deed. It is a contribution to  
the Trust.

XXXXXX XXXXXXXX  
XXXXXX

XX  
XX

Witness our hands and seals this 22nd day of March, 19 68

Alvin E. Strock  
Alvin E. Strock  
Moses S. Strock  
Moses S. Strock

The Commonwealth of Massachusetts

Suffolk, ss. March 22, 19 68

Then personally appeared the above named Alvin E. Strock

and acknowledged the foregoing instrument to be his free act and deed, before me

Edward W. Mass, Notary Public for the State of Massachusetts  
REC-28-1970-9-287-108-1023  
My commission expires 1-16-71

SCHEDULE

1. The property in Oak Bluffs, Dukes County, Massachusetts, commonly referred to as the Country Club property described in a deed from James A. Boyle to Moese S. Strock and Alvin E. Strock dated January 11, 1963 and recorded in Dukes County Registry of Deeds, Book 247, page 320 to which Deed reference is made for a more complete description of such property.

2. The property in Oak Bluffs, Dukes County, Massachusetts commonly referred to as the Love property described in a deed from Robert H. Love and Hannah H. Love to Moses S. Strock and Alvin E. Strock dated May 27, 1960 and recorded in Dukes County Registry of Deeds, Book 238, Page 592 and registered at the Dukes Registry District as Document Number 4344 on Certificate of Title Number 2270 in Book 12, Page 467, to which Deed and Certificate of Title reference is made for a more complete description of such property.

3. The property in Oak Bluffs, Dukes County, Massachusetts, commonly known as the Hourwich property described in Certificate of Title Number 2270 registered in Book 12, Page 467 in the Dukes Registry District, to which Certificate of Title reference is made for a more complete description of said property.

4. The property partly in Edgartown and partly in Oak Bluffs, Dukes County, Massachusetts as described in Certificate of Title Number 2450, registered in Dukes County Registry District in Book 13, Page 425 and Certificate of Title Number 2742 registered in Dukes Registry District in Book 15, Page 131, to which Certificate of Title reference is made for a more complete description of such property. There is excepted from this property, however, lots 54 and 89 as shown on Subdivision Plan 11405C filed with Certificate of Title Number 456, which lots were conveyed by grantors by Document Number 5517.

5. The property in Oak Bluffs, Dukes County, Massachusetts commonly referred to as the Robie property as described in a deed from Everett H. Robie and Marie E. Robie to Moses S. Strock and Alvin E. Strock dated July 17, 1964 and recorded in Dukes Registry of Deeds, Book 253, Page 329, to which Deed reference is made for a more complete description of said property.

SCHEDULE (CONTINUED)

6. The property, commonly referred to as the Crist House property, situated on Main Street in Tisbury, Dukes County, Massachusetts, more particularly described in a deed from Addie Slack Crist to Alvin E. Strock and Moses S. Strock dated April 14, 1955 and recorded in Dukes County Registry of Deeds, Book 228, Page 174 to which Deed reference is made for a more particular description of such property.
7. The property in Oak Bluffs and Edgartown, Dukes County, Massachusetts, described in a deed from Henry Cronig to Moses S. Strock and Alvin E. Strock dated February 15, 1963 and recorded in Dukes County Registry of Deeds, Book 247, Page 597 to which Deed reference is made for a more complete description of said property.
8. The property on the southerly side of Barnes Road, Oak Bluffs, Dukes County, Massachusetts as described in a deed from Henry Cronig to Alvin E. Strock and Moses S. Strock dated June 9, 1962 and recorded in Dukes County Registry of Deeds, Book 245, Page 137 excepting therefrom the portion conveyed by said Alvin E. Strock and Moses S. Strock to Island Properties, Inc. by deed dated April 28, 1965 to which Deeds reference is made for a more complete description of such property.
9. The property on Main Street, Dukes County, Massachusetts, commonly referred to as the Federal House property described in a deed from Alfred Hall to Moses S. Strock and Alvin E. Strock dated July 1, 1966 and recorded in Dukes County Registry of Deed, Book 262, Page 244 to which Deed reference is made for a more complete description of such property.
10. The property in Edgartown, Dukes County, Massachusetts described in a deed from Alfred H. Doyle and Elizabeth M. Doyle to Moses S. Strock and Alvin E. Strock dated July 17, 1964 and recorded in Dukes County Registry of Deeds, Book 253, Page 336, to which Deed reference is made for a more complete description of said property.
11. The property in Gay Head Dukes County, Massachusetts, being lots 178, 322, 376 and 711 on a Plan of the Division of Gay Head filed in the Dukes County Registry of Probate as more particularly described in a deed

SCHEDULE (CONTINUED)

from Harriet E. Ellis to Alvin E. Strock and Moses S. Strock dated February 28, 1964 and recorded in Dukes Registry of Deeds, Book 251, Page 542 to which Deed reference is made for a more particular description of such property.

12. The property in Gay Head, Dukes County, Massachusetts, more particularly described in a deed from Lagoon Development Company to Moses S. Strock and Alvin E. Strock dated February 13, 1963 and recorded in Book 247, Page 513, to which Deed reference is made for a more complete description of such property.

Edgartown, Mass. Dec 28 1970 9 o'clock and 11 A.M.  
Received and entered with the County of Dukes Registry of Deeds Book 287 Page 228  
Attest: Philip J. [Signature] Registrar

ACKNOWLEDGEMENT OF RECEIPT OF DEED

We, Moses S. Strock, Alvin E. Strock and Marvin N. Geller, Trustees of the Strock Family Trust under a written Declaration of Trust, acknowledge receipt of a deed from Moses S. Strock and Alvin E. Strock, both of Newton, Middlesex County, Massachusetts, as tenants-in-common, such deed conveying to us as Trustees all of the property owned by said Moses S. Strock and Alvin E. Strock as tenants-in-common and located on Martha's Vineyard Island, County of Dukes County, Commonwealth of Massachusetts.

WITNESS OUR HANDS AND SEALS this 22nd day of March, 1968.

Moses S. Strock  
Moses S. Strock, Trustee as aforesaid  
Alvin E. Strock  
Alvin E. Strock, Trustee as aforesaid  
Marvin N. Geller  
Marvin N. Geller, Trustee as aforesaid

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

March 22, 1968

Then personally appeared Moses S. Strock, Alvin E. Strock and Marvin N. Geller, Trustees as aforesaid, and acknowledged the foregoing to be their free act and deed, before me

Judith [Signature]  
Notary Public  
My commission expires: 1-16 71

Edgartown, Mass. Dec 28 1970 9 o'clock and 12 A.M.  
Received and entered with the County of Dukes Registry of Deeds Book 287 Page 228



SCHEDULE

1. The property in Oak Bluffs, Dukes County, Massachusetts, commonly referred to as the Country Club property described in a deed from James A. Boyle to Moses S. Strock and Alvin E. Strock dated January 11, 1963 and recorded in Dukes County Registry of Deeds, Book 287, Page 300 to which Deed reference is made for a more complete description of such property.

2. The property in Oak Bluffs, Dukes County, Massachusetts commonly referred to as the Love property described in a deed from Robert H. Love and Hannah H. Love to Moses S. Strock and Alvin E. Strock dated May 27, 1960 and recorded in Dukes County Registry of Deeds, Book 238, Page 592 and registered at the Dukes Registry District as Document Number 4344 on Certificate of Title Number 2270 in Book 12, Page 457, to which Deed and Certificate of Title reference is made for a more complete description of such property.

3. The property in Oak Bluffs, Dukes County, Massachusetts, commonly known as the Hourwich property described in Certificate of Title Number 2270 registered in Book 12, Page 457 in the Dukes Registry District, to which Certificate of Title reference is made for a more complete description of said property.

4. The property partly in Edgartown and partly in Oak Bluffs, Dukes County, Massachusetts as described in Certificate of Title Number 2450, registered in Dukes County Registry District in Book 13, Page 425 and Certificate of Title Number 2742 registered in Dukes Registry District in Book 15, Page 131, to which Certificate of Title reference is made for a more complete description of such property. There is excepted from this property, however, lots 54 and 89 as shown on Subdivision Plan 114050 filed with Certificate of Title Number 456, which lots were conveyed by grantors by Document Number 5517.

5. The property in Oak Bluffs, Dukes County, Massachusetts commonly referred to as the Robie property as described in a deed from Everett H. Robie and Marie E. Robie to Moses S. Strock and Alvin E. Strock dated July 17, 1964 and recorded in Dukes Registry of Deeds, Book 253, Page 329, to which Deed reference is made for a more complete description of said property.



SCHEDULE (CONTINUED)

6. The property, commonly referred to as the Crist House property, situated on Main Street in Tisbury, Dukes County, Massachusetts, more particularly described in a deed from Adèle Slack Crist to Alvin E. Strock and Moses S. Strock dated April 14, 1955 and recorded in Dukes County Registry of Deeds, Book 228, Page 174 to which Deed reference is made for a more particular description of such property.

7. The property in Oak Bluffs and Edgartown, Dukes County, Massachusetts, described in a deed from Henry Cronig to Moses S. Strock and Alvin E. Strock dated February 15, 1953 and recorded in Dukes County Registry of Deeds, Book 247, Page 597 to which Deed reference is made for a more complete description of said property.

8. The property on the southerly side of Barnes Road, Oak Bluffs, Dukes County, Massachusetts as described in a deed from Henry Cronig to Alvin E. Strock and Moses S. Strock dated June 9, 1952 and recorded in Dukes County Registry of Deeds, Book 245, Page 137 excepting therefrom the portion conveyed by said Alvin E. Strock and Moses S. Strock to Island Properties, Inc. by deed dated April 23, 1955 to which Deeds reference is made for a more complete description of such property.

9. The property on Main Street, Dukes County, Massachusetts, commonly referred to as the Federal House property described in a deed from Alfred Hall to Moses S. Strock and Alvin E. Strock dated July 1, 1956 and recorded in Dukes County Registry of Deed, Book 262, Page 244 to which Deed reference is made for a more complete description of such property.

10. The property in Edgartown, Dukes County, Massachusetts described in a deed from Alfred H. Doyle and Elizabeth M. Doyle to Moses S. Strock and Alvin E. Strock dated July 17, 1954 and recorded in Dukes County Registry of Deeds, Book 253, Page 335, to which Deed reference is made for a more complete description of said property.

11. The property in Gay Head, Dukes County, Massachusetts, being lots 178, 322, 376 and 711 on a Plan of the Division of Gay Head filed in the Dukes County Registry of Probate as more particularly described in a deed from Harriet E. Ellis to Alvin E. Strock and Moses S. Strock dated February 23, 1954 and recorded in Dukes Registry of Deeds, Book 251, Page 542 to which Deed reference is made for a more particular description of such property.

12. The property in Gay Head, Dukes County, Massachusetts, more particularly described in a deed from Lagoon Development Company to Moses S. Strock and Alvin E. Strock dated February 13, 1953 and recorded in Book 247, Page 513, to which Deed reference is made for a more complete description of such property.

Edgartown, Mass. Rec-28 4-28-58 287-Page 251  
Received and  
Alvin E. Strock  
Moses S. Strock

*Saking*  
BK. 371 Pg. 585

Cont. of  
Municipal Lien  
Book 350 Page 24 + 25, 27, 28, 29, 30 + 31.

*tax lien*  
Book 341 Page 11

BOOK 287 PAGE 275

We, Alvin E. Strock of Newton, Middlesex County, Massachusetts, having an undivided fifty percent interest, Bernice Strock of Wellesley, Norfolk County, Massachusetts, having an undivided twelve and one-half percent interest, Peter E. Strock of said Wellesley, having an undivided twelve and one-half percent interest, Marcus H. Strock of New York, New York, having an undivided twelve and one-half percent interest, and Neil Strock of said Wellesley, having an undivided twelve and one-half percent interest

for consideration paid, grant to Strock Enterprises, a Massachusetts Limited Partnership of P.O. Box 1268, Beach Road, Tisbury, Mass. with quitclaim covenants

(Description and encumbrances, if any)

all our right, title and interest as tenants in common in and to any property together with the buildings located thereon now owned by us in Dukes County, Commonwealth of Massachusetts, including, but not limited to the property listed on the attached schedules; meaning and intending to convey and hereby conveying all of the property conveyed to us by deed of the Trustees of the Strock Family Trust dated December 16, 1970.

This Deed constitutes the capital contribution by the Grantors to the aforesaid Limited Partnership as to which Alvin E. Strock and Marcus H. Strock are the General Partners and Bernice, Peter E. Strock and Neil Strock are the Limited Partners and therefore the consideration is nominal and no deed stamps are affixed.

Witness our hands and seals this 26<sup>th</sup> day of December 19 70

*Alvin E. Strock*  
Alvin E. Strock  
*Peter E. Strock*  
Peter E. Strock  
*Neil Strock*  
Neil Strock

*Bernice Strock*  
Bernice Strock  
*Marcus H. Strock*  
Marcus H. Strock

The Commonwealth of Massachusetts

Middlesex ss. December 26 19 70

Then personally appeared the above named Alvin E. Strock

and acknowledged the foregoing instrument to be his free and good deed, before me

*Richard J. [Signature]*  
Notary Public - ~~XXXXXXXXXXXX~~  
Notary, Mass. Dec 29 1970 9 o'clock and 319  
received and entered with Dukes County Deeds Book 287 Page 275  
My commission expires July 6 1973  
Attest: *Philip J. Norton* Registrar

SCHEDULE

1. The property in Oak Bluffs, Dukes County, Massachusetts, commonly referred to as the Country Club property described in a deed from John A. Boyle to Moses S. Strock and Alvin E. Strock dated January 11, 1953 and recorded in Dukes County Registry of Deeds, Book 247, Page 320 to which Deed reference is made for a more complete description of such property.

2. The property in Oak Bluffs, Dukes County, Massachusetts commonly referred to as the Love property described in a deed from Robert H. Love and Hannah H. Love to Moses S. Strock and Alvin E. Strock dated May 27, 1960 and recorded in Dukes County Registry of Deeds, Book 236, Page 592 and registered at the Dukes Registry District as Document Number 4344 or Certificate of Title Number 2270 in Book 12, Page 467, to which Deed and Certificate of Title reference is made for a more complete description of such property.

3. The property in Oak Bluffs, Dukes County, Massachusetts, commonly known as the Hourwich property described in Certificate of Title Number 2270 registered in Book 12, Page 467 in the Dukes Registry District, to which Certificate of Title reference is made for a more complete description of said property.

4. The property partly in Edgartown and partly in Oak Bluffs, Dukes County, Massachusetts as described in Certificate of Title Number 2450, registered in Dukes County Registry District in Book 13, Page 425 and Certificate of Title Number 2742 registered in Dukes Registry District in Book 15, Page 131, to which Certificate of Title reference is made for a more complete description of such property. There is excepted from this property, however, lots 54 and 89 as shown on Subdivision Plan 11405C filed with Certificate of Title Number 456, which lots were conveyed by grantors by Document Number 5517.

5. The property in Oak Bluffs, Dukes County, Massachusetts commonly referred to as the Robie property as described in a deed from Everett H. Robie and Marie E. Robie to Moses S. Strock and Alvin E. Strock dated July 17, 1964 and recorded in Dukes Registry of Deeds, Book 253, Page 329, to which Deed reference is made for a more complete description of said property.

6. The property, commonly referred to as the Crab House property, situated on Main Street in Tisbury, Dukes County, Massachusetts, more particularly described in a deed from Addie Slack Crist to Alvin E. Strook and Moses S. Strook dated April 14, 1955 and recorded in Dukes County Registry of Deeds, Book 243, Page 174 to which Deed reference is made for a more particular description of such property.

7. The property in Oak Bluffs and Edgartown, Dukes County, Massachusetts, described in a deed from Henry Cronig to Moses S. Strook and Alvin E. Strook dated February 15, 1963 and recorded in Dukes County Registry of Deeds, Book 247, Page 597 to which Deed reference is made for a more complete description of said property.

8. The property on the southerly side of Barnes Road, Oak Bluffs, Dukes County, Massachusetts as described in a deed from Henry Cronig to Alvin E. Strook and Moses S. Strook dated June 9, 1962 and recorded in Dukes County Registry of Deeds, Book 245, Page 137 (excepting therefrom the portion conveyed by said Alvin E. Strook and Moses S. Strook to Island Properties, Inc. by deed dated April 23, 1955 to which Deeds reference is made for a more complete description of such property.

9. The property on Main Street, Dukes County, Massachusetts, commonly referred to as the Federal House property described in a deed from Alfred Hall to Moses S. Strook and Alvin E. Strook dated July 1, 1966 and recorded in Dukes County Registry of Deed, Book 252, Page 244 to which Deed reference is made for a more complete description of such property.

10. The property in Edgartown, Dukes County, Massachusetts described in a deed from Alfred H. Doyle and Elizabeth M. Doyle to Moses S. Strook and Alvin E. Strook dated July 17, 1964 and recorded in Dukes County Registry of Deeds, Book 253, Page 336, to which Deed reference is made for a more complete description of said property.

11. The property in Gay Head, Dukes County, Massachusetts, being lots 176, 322, 376 and 711 on a Plan of the Division of Gay Head filed in the Dukes County Registry of Probate as more particularly described in a deed from Harriet E. Ellis to Alvin E. Strook and Moses S. Strook dated February 23, 1964 and recorded in Dukes Registry of Deeds, Book 251, Page 542 to which Deed reference is made for a more particular description of such property.

12. The property in Gay Head, Dukes County, Massachusetts, more particularly described in a deed from Lagoon Development Company to Moses S. Strook and Alvin E. Strook dated February 13, 1963 and recorded in Book 247, Page 523, to which Deed reference is made for a more complete description of such property.

RECEIVED AND FILED  
AUG 29 1970  
Philip J. ...  
REGISTRY

Oak Bluffs, Massachusetts Dec. 10, 1970

To the Register of Deeds for the County of Dukes County, Massachusetts

Sir:—

The attachment of the real estate (in said County) of Lolita Duarte  
made on the 27th day of October 1970  
in an action commenced in the District Court of Dukes County, Massachusetts  
Court, by E. C. Cottle, Inc. of Vineyard Haven, Tisbury, Massachusetts  
is discharged. plaintiff.

and you will please make a note to that effect on the attachment book in your office.

Yours, etc.,

*James L. Kenney*  
James L. Kenney,  
Attorney for said Plaintiff.

Commonwealth of Massachusetts

Dukes

December 10 1970

Then personally appeared the above-named James L. Kenney

and acknowledged the foregoing instrument to be his  
Edgartown, Mass. Dec. 29 1970 at 1 o'clock and 10 P.M.

287 Page 278 free act and deed, before me,

*Theresa J. Johnson* Register

*Kathleen F. Kenney*  
Notary Public

STROCK ENTERPRISES, a Massachusetts Limited Partnership (See Limited Partnership Agreement recorded with Dukes County Deeds in Book 287 Page 257) having its usual place of business at Beach Road, Tisbury, County of Dukes County, Massachusetts,

for consideration paid, and in full consideration of \$10.00

grants to GREEN LANDS INC., Trustee of the POW WOW HILLS REALTY TRUST-6 under a Declaration of Trust dated June 26, 1975, recorded with Dukes County Deeds in Book 326 Page 553, of Box 1268, with quitclaim covenants Tisbury, Mass. the land in Gay Head, County of Dukes County, Massachusetts

~~XXXXXXXXXXXXXXXXXXXX~~

All right, title and interest in Lots 178, 322 and 711 of the Gay Head Indian Lands, all as shown on a map of said lands on file at Dukes County Registry of Probate.

For title see deed of Alvin E. Strock, Bernice Strock, Peter E. Strock, Marcus H. Strock and Neil Strock dated December 26, 1970, recorded Dukes County Deeds Book 287 Page 275.

The consideration of this deed is nominal, therefore no stamps are hereto affixed.

IN WITNESS WHEREOF, Strock Enterprises has caused these presents to be signed, acknowledged and delivered in its name and behalf by Alvin E. Strock and Marcus H. Strock, its General Partners

~~XXXXXXXXXXXXXXXXXXXX~~ this 23rd day of February 1976

STROCK ENTERPRISES  
By: *Alvin E. Strock*  
Alvin E. Strock, General Partner  
By: *Marcus H. Strock*  
Marcus H. Strock, General Partner

The Commonwealth of Massachusetts

Dukes ss. February 23, 1976

Then personally appeared the above named ALVIN E. STROCK, General Partner of STROCK ENTERPRISES

and acknowledged the foregoing instrument to be the free act and deed, ~~belonging~~ of STROCK ENTERPRISES, before me

Edgartown, Mass. 23rd Feb 76 *John C. Lauer*  
at 9 o'clock and 13 minutes A.M. Notary Public - ~~John C. Lauer~~

Received and entered with Dukes County Registry on 23 February 1976  
Book 331 Page 593. Registration expires MARCH 21 1980

(\*Individual—Joint Tenants—Tenants in Common—Tenants by the Entirety.)

Attent: *Philip J. Norton*  
CHAPTER 185B, AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration therefor, in the name of the other party or parties, if not delivered for any other necessary purpose. The full consideration shall be recited in full for the convenience without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

04101601

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\* \* \* \* \*  
\*  
In Re: \*  
\*  
ISLAND PROPERTIES, INC. \*  
\*  
STROCK ENTERPRISES \*  
\*  
Bankrupt \*  
\*  
\* \* \* \* \*

Bankruptcy No.  
76-2527-L  
76-2528-L

ORDER AUTHORIZING SALE  
OF TEN GAY HEAD LOTS

This matter having come before me on application of the Trustees; a hearing was held on December 30, 1980 which is the subject of my memorandum dated January 6, 1981. The Trustees received two offers in excess of the original offer. The Offerors were given an opportunity to increase their bids at a hearing held this date. Being satisfied that the notices given in accordance with the Certificate of Service are adequate, and it appearing that the allowance of the application at the price offered at today's hearing is in the best interest of the estate, it is hereby

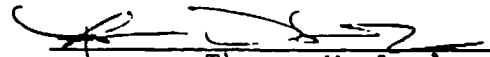
ORDERED that,

1. The Trustee of Island Properties, Inc., Bernard P. Rome, and the Trustee of Strock Enterprises, Jon D. Schneider, be and each of them hereby is authorized to:

- a. execute and deliver a Purchase and Sale Agreement relating to the premises in such form as they deem appropriate;

- b. sell Lots 179, 246, 254, 294, 299, 300, 301, 309, 319 and 316 and the estate's interest in Lots 178 and 711, all located off State Road, Gay Head, Massachusetts, to *Anchor Pacific Partnership* or nominee, for \$151,500.00 ;
  - c. execute and deliver to the purchaser a deed or deeds and such other documents as either of them deems necessary or appropriate to carry out the terms of said Purchase and Sale Agreement including, without limitation, causing Greenlands, Inc. to join in such documents and actions;
  - d. pay a commission to Land/Vest, Inc., in accordance with the Exclusive Listing Agreement dated April 7, 1978 in the event such sale is consummated;
  - e. pay real estate taxes from the proceeds of the sale;
  - f. pay \$150.00 to Metes & Bounds Real Estate for an appraisal of the premises.
2. Said sale is hereby confirmed.

DATED at Boston, Massachusetts, this 23 day of January, 1981.

  
 Thomas W. Lawless  
 Bankruptcy Judge

Edgartown, Mass. January 23 1984  
 at 11 o'clock and 29 minutes A M  
 Received and entered with Dukes County Deeds  
 book 410 Page 160

Attest: *Dorothy W. King*  
 Register



410.663

DEED

Jon D. Schneider, having a usual place of business at 28 State Street, Boston, Massachusetts 02109 as Trustee of Pow Wow Hills Realty Trust - I u/d/t dated June 6, 1975 and as Trustee of Pow Wow Hills Realty Trust - S u/d/t June 26, 1975 and Island Properties, Inc., a corporation duly established under the laws of Massachusetts having its usual place of business in Oak Bluffs, Dukes County, Massachusetts, jointly and severally, for consideration of \$131,500.00, grant to Moshup Trail Limited Partnership, a limited partnership duly established under the laws of Massachusetts having a usual place of business c/o Barry B. White, 10 Post Office Square, Boston, Massachusetts 02109, with QUITCLAIM COVENANTS, the land in Gay Head, Dukes County, Massachusetts shown as Lots 179, 246, 254, 294, 299, 300, 301, 309, 316 and 319 on the Partition Plan of Gay Head by John H. Mullin on file in the Dukes County Registry of Probate and all the Grantors' right, title and interest in and to Lots 178 and 711 of said plan.

For Grantors' Title see deed of Island Properties, Inc. to Green Lands, Inc., Trustee dated June 26, 1975 recorded with Dukes County Registry of Deeds in Book 326, Page 531 (Lots 179, 254, 299, 300, 301, 309 and 316), deed of Marion H. Duckworth to Green Lands, Inc., Trustee dated March 26, 1981 recorded with said Deeds in Book 382, Page 94 (Lot 301), deed of James F. Logar to Island Properties, Inc. dated August 14, 1965 recorded with said Deeds in Book 263, Page 76 (Lot 319), deed from Strock Enterprises to Green Lands, Inc., Trustee dated June 26, 1975 recorded with said Deeds in Book 326, Page 556 (Lots 246 and 294), deed of Strock Enterprises to Green Lands, Inc., Trustee dated February 23, 1976 recorded with said Deeds in Book 331, Page 593 (Lots 178 and 711) and deed of James Reynolds to Jon D. Schneider, Trustee dated , 1983 recorded herewith (Lot 309).

IN WITNESS WHEREOF, Jon D. Schneider, Trustee, and Island Properties, Inc. have caused these presents to be signed, acknowledged and delivered in their name and behalf as of this *14th* day of December in the year One Thousand Nine Hundred and Eighty-Three.

*Jon D. Schneider*  
\_\_\_\_\_  
Jon D. Schneider  
TRUSTEE AS AFORESAID

ISLAND PROPERTIES, INC.  
*Bernard P. Rome*  
\_\_\_\_\_  
By: Bernard P. Rome  
Trustee in Bankruptcy

COMMONWEALTH OF MASSACHUSETTS  
DEEDS & EXCISE

0 6 9 4 2  
JAN 23 '84  
299.82  
R.U. 11207

CANCELLED 1/23/84

PA10:664

Strock Enterprises, a Massachusetts limited partnership, as sole stockholder of Green Lands, Inc. and as the sole beneficiary of Pow Wow Hills Realty Trust - S, for purposes of confirming the transfer of any residual interest, hereby grants to Moshup Trail Limited Partnership with Quitclaim Covenants all its rights, title and interest to the foregoing premises.

STROCK ENTERPRISES

By: Jon D. Schneider  
Jon D. Schneider  
Trustee in Bankruptcy

THE COMMONWEALTH OF MASSACHUSETTS

Dukes, ss.

December 19, 1983

Then personally appeared the above-named Jon D. Schneider, Trustee, and acknowledged the foregoing instrument to be his free act and deed as Trustee, before me

Thomas B. Luter  
Notary Public

My commission expires: 11/7/86

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

December 19, 1983

Then personally appeared the above-named Bernard P. Rome, Trustee in Bankruptcy, and acknowledged the foregoing instrument to be the free act and deed of Island Properties, Inc., before me

Alice M. Vogler  
Notary Public

My commission expires: 10/12/84

MA10665

THE COMMONWEALTH OF MASSACHUSETTS

Dorchester, ss.

December 19, 1983

Then personally appeared the above-named Jon D. Schneider, Trustee in Bankruptcy, and acknowledged the foregoing instrument to be the free act and deed of Strock Enterprises, before me

James B. Latham  
Notary Public  
My commission expires: 11/1/86

Dorchester, Mass. January 23 1984  
12 o'clock and 12 minutes A M  
and entered with Dukes County Deeds  
2 Page 163.

Deverly W. King  
Register

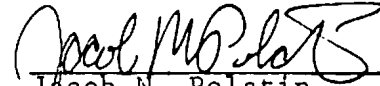
MA101666

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

January 20, 1984

I hereby certify that I am an attorney at law, duly admitted to practice in the Commonwealth of Massachusetts, with offices at One Post Office Square, Boston, Massachusetts; that the facts stated in the attached affidavit of Barry B. White are relevant to the title to land located in Gay Head, County of Dukes, Massachusetts, which land is described more particularly in the deeds to Moshup Trail Limited Partnership, recorded herewith.



Jacob N. Polatin  
Foley, Hoag & Eliot  
One Post Office Square  
Boston, Massachusetts  
617-482-1390

1110.0667

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

AFFIDAVIT

Now comes Barry B. White of Newton, Middlesex County, Massachusetts, and being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice in the Commonwealth of Massachusetts and as such I represent both Anchor Pacific Partnership and Moshup Trail Limited Partnership.
2. Moshup Trail Limited Partnership is the successor in interest to Anchor Pacific Partnership and as such has succeeded to all of the rights and interests of Anchor Pacific Partnership described in those two Orders of the United States District Court for the District of Massachusetts entitled "Order Authorizing Sale of Miscellaneous Gay Head Lots" and "Order Authorizing Sale of Ten Gay Head Lots", both recorded herewith, issued in connection with In re: Island Properties, Inc. and Strock Enterprises, Inc., Bankruptcy Nos. 76-2527-L and 76-2528-L

Signed under the pains and penalties of perjury this twentieth day of January, 1984.

Barry B. White  
Barry B. White

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

January 20, 1984

Subscribed and sworn to before me this twentieth day of January, 1984.

Patricia L. Welch  
Notary Public

My commission expires: 2/3/87

in, Mass. January 23 1984  
   o'clock and 31 minutes A M  
 and entered with Dukes County Deeds  
 Page 666

Severly W. King  
Register

DECLARATION OF TRUST

I, MARIA A. KITRAS, of Boston, Suffolk County, Massachusetts, hereby declare that I and my successors in trust will hold any and all property, real and personal, that may be transferred to me as Trustee hereunder in trust for the sole benefit of the individuals or entities listed on the Schedule of Beneficiaries this day executed by the Trustee, in the proportions stated in said Schedule, or in any revised Schedule of Beneficiaries in accordance with Paragraph (b).

1. (a) This Trust shall be known as the BEAR REALTY TRUST. The purposes for which the Trust is formed and the functions to be carried on by the Trustee are to create a trust for the purpose of holding the record legal title of the trust property for the benefit of the Beneficiaries. The Trust shall not engage in any functions other than the holding of the record legal title to the trust property, except as herein provided.

(b) The original Beneficiary or Beneficiaries of this Trust is the person or persons listed as Beneficiaries in the Schedule of Beneficiaries this day executed by the Trustee and held in the files of the Trustee, and the respective interests of the Beneficiary or Beneficiaries are as therein stated. The beneficial interest of a Beneficiary hereunder shall be deemed to be personal property and is not assignable, except in case of the death of a Beneficiary, his or her right, title or interest hereunder shall pass to his or her executor or administrator and to his or her heirs at law. The death of any Beneficiary shall not terminate this Trust nor in any manner effect the powers of the Trustee hereunder. A copy of said Schedule of Beneficiaries shall be filed with anyone holding a mortgage on property owned by the Trust.

2. Except as hereinafter provided in the case of the termination of this Trust, the Trustee shall have full power and authority to acquire land, options to purchase, assign, mortgage, distribute or otherwise dispose of all or any part of the trust property, to sell, convey or lease any trust property, to borrow

money, to grant or acquire rights or easements and enter into agreements with respect to the trust property, and to carry out any actions so designated, provided, however, that no Trustee shall be required to take any action directed which will, in the opinion of such Trustee, involve him or her in any personal liability, unless first reasonably indemnified against such liability. Any person dealing with the Trustee shall be fully protected in accordance with the provisions of Paragraph 6 hereof, provided that all of the Trustees execute any of the documents heretofore stated, and that a majority of the Trustees shall not be sufficient.

3. This Trust may be terminated at any time by written notice of termination given to the Trustee by a unanimous consent of the Beneficiaries, and this Trust shall terminate, in any event, twenty (20) years after the death of the Trustee. In case of any such termination, the Trustee shall transfer and convey the entire trust property to the Beneficiaries in proportion to their respective interest as determined in accordance with the provisions of Paragraph 1, or as directed in writing by the Beneficiaries.

4. The Trustee herein named, or any successor, may nominate such person as he desires to be his successor as Trustee in case of resignation, and the appointment shall be complete upon a written notice of said appointment and the acceptance thereof by the new Trustee being filed in the Registry of Deeds wherever this Declaration of Trust may be filed. If no nomination is made as above provided, then all of the holders of the beneficial interest may appoint a new Trustee by an instrument which shall become effective when said instrument and acceptance by the new Trustee shall have been recorded in the Registry of Deeds where this Declaration is recorded.

5. Upon the death of the original Trustee, the powers and duties of the Trustee shall automatically vest in \* as Successor Trustee, and the Successor Trustee shall file a death certificate in the Registry of Deeds where this Declaration of Trust is recorded.

6. Any Trustee hereunder may resign by written instrument signed and acknowledged by such Trustee and recorded with the Registry of Deeds in which this Declaration of Trust is recorded. Succeeding or additional Trustees may be appointed, or any Trustee may be removed by an instrument in writing signed by all of the Beneficiaries, provided in each case that such instrument or instruments (or a certificate by any Trustee naming the Trustee or Trustees appointed or removed, and in the case of any appointment, the acceptance in writing by the Trustee or Trustees appointed) shall be recorded with the Registry of Deeds in which this Declaration of Trust is recorded, which shall be conclusive evidence of his qualification as Trustee hereunder. Upon the appointment of any succeeding or additional Trustee, the title to the trust estate shall thereupon, and without the necessity of any conveyance, be vested in said succeeding or additional Trustee jointly with the remaining Trustee or Trustees, if any. Each succeeding and additional Trustee shall have all the rights, powers, authority and privileges as if named as the original Trustee hereunder. No Trustee shall be required to furnish a bond.

7. This Declaration of Trust may be amended from time to time by a written instrument (i) signed by all of the Beneficiaries and acknowledged by any Beneficiary, and (ii) delivered to any Trustee, provided in each case that the instrument of amendment or a certificate by any Trustee setting forth the terms of such amendment be recorded in the Registry of Deeds where this Declaration of Trust is recorded.

8. No Trustee hereunder shall be liable for any error of judgment, nor for any loss arising out of any act or omission in good faith, but shall be responsible only for his own willful breach of trust. No license of court shall be requisite to the validity of any transaction entered into by the Trustee. No purchaser or lender shall be under any liability to see to the application of the purchase money or of any money or property loaned or delivered to any Trustee, or to see that the terms and conditions of this Trust have been complied with. Every agreement, lease, sublease, deed, mortgage, note, assignment, or



other instrument executed by the person appearing from the record of a Registry of Deeds to be a Trustee hereunder shall be conclusive evidence in favor of every person relying thereon or claiming thereunder that at the time of delivery thereof, this Trust was in full force and effect, and that the execution and delivery thereof was duly directed as required by the terms of this Trust. Any person dealing with the trust property or any Trustee may always rely, without further inquiry, on a certificate signed by a person appearing from the records of the Registry of Deeds to be a Trustee hereunder, as to who are the Trustees hereunder, or the Beneficiaries hereunder, or as to the authority of any Trustee to act, as to whether or not this Declaration of Trust has been terminated or amended and, if amended, the provisions of such amendment, or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by any Trustee, or which are in any other manner germane to the affairs of the Trust.

9. (a) If at any time when there are two or more Trustees, any Trustee shall become unable to perform his or her duties as such Trustee because of physical or mental incapacity, then he or she shall continue to be a Trustee hereunder and during such period as such incapacity shall continue, the other Trustee or Trustees shall, acting alone, have an exercise as Trustee of all the powers, duties and discretions of the Trustees within the terms of this instrument.

(b) If at any time when there are two or more Trustees, any Trustee may for the duration of any absence, illness or incapacity of him or her for any specified period of time, authorize, in writing, the other Trustee or Trustees, acting alone, to manage the affairs of this Trust. Such authority shall be revoked in writing.

10. The term "Trustee" when used in this instrument shall include both singular and plural where the context so requires or permits and shall mean the Trustee or Trustees named herein and such person or persons who hereafter serve as Trustee or Trustees

hereunder, and the rights, powers, authority and privileges granted hereunder to the Trustee shall be exercised by such person or persons subject to the provisions hereof.

11. No Trustee or Beneficiary hereunder shall have any personal liability under any contract or undertaking made by the Trustee. All such contracts, obligations or undertakings shall refer to this instrument and shall be enforceable only against the Trustee as Trustee and upon the trust property.

12. The Trustee may consult legal counsel concerning any question which may arise hereunder, and shall incur no liability and shall be fully protected in acting in accordance with the opinion of such counsel.

13. The Trustee shall be entitled to reasonable compensation for services hereunder and to reimbursement for all reasonable expenses incurred hereunder. Notwithstanding any contrary provision, the Trustee shall not be required to take any action hereunder by direction of the Beneficiaries or otherwise, until the Beneficiaries shall furnish to the Trustee reasonable indemnity against liability and expense to the Trustee.

Executed as a sealed instrument this 9th day of December, 1994.

Maria A. Kitras  
Maria A. Kitras

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

December 9, 1994

Then personally appeared the above-named Maria A. Kitras and acknowledged the foregoing instrument to be her free act and deed, before me,

Edgartown, Mass. Feb 21 1995  
at 9 o'clock and 41 minutes A. M.  
received and entered with Dukes County C. S.  
book 650 page 282

[Signature]  
Notary Public  
My comm. exp. \_\_\_\_\_

KAREN LILLY  
Notary Public  
My Commission Expires Feb. 3, 2000

Attest: Diane E. Powers  
Register

669 715

Moshup Trail Limited Partnership, a Massachusetts limited partnership

of Boston, Suffolk

County, Massachusetts,

being unmarried, for consideration paid \$ under One Hundred Dollars

grant to Moshup Trail II Limited Partnership, a Massachusetts limited partnership with offices at One Post Office Square, Boston, MA 02109

of Boston, Massachusetts

with quitclaim covenants

the land in Gay Head, Dukes County, Massachusetts being further described as follows:

(Description and encumbrances, if any)

Lots 178 and 711 as shown on a plan entitled "Plan of Gay Head showing the Partition of the Common Lands, as made by Joseph T. Pease and Richard L. Pease, Commissioners, Appointed by the Judge of Probate under Section 6, Chapter 213 of the Acts of 1870, by John H. Mullin, Civil Engineer" as recorded at the Dukes County Registry of Probate, and as described in a deed recorded at said Registry, in Book 410, Page 663.

Grantor conveys all its rights, title and interest to the above described property to the within Grantee.

MARTHA'S VINEYARD LAND BANK FEE

PAID: \$ \_\_\_\_\_  
 EXEMPT \$ \_\_\_\_\_  
7152 2/7/96 [Signature]  
NO. DATE CERTIFICATION

Edgartown, Mass. Feb 8 1996  
at 2 o'clock and 10 minutes P.M.  
received and entered with Dukes County Deeds  
book 669 page 715

Attest:

[Signature] Dianne E. Powers

Register

Witness my hand and seal this 31st day of January 1996

[Signature] Gary L. Bergstrom  
Gary L. Bergstrom, General Partner

The Commonwealth of Massachusetts

Suffolk ss. January 31 1996

Then personally appeared the above named Gary L. Bergstrom,  
General Partner

and acknowledged the foregoing instrument to be his free act and deed, before me,

[Signature] Linda C. Washburn  
Notary Public - Justice of the Peace

My Commission expires November 8, 2002

Taking 846/258, 846/259

669 716

Moshup Trail II Limited Partnership, a Massachusetts limited partnership

of Boston, Suffolk County County, Massachusetts,

being unmarried, for consideration paid \$ 100,000.00 (One Hundred Thousand Dollars)

grant to Maria A. Kitras, Trustee of Bear Realty Trust u/d/t dated DECEMBER 9 1994 and recorded with Dukes County Registry of Deeds in Book 650, Page 282 with quitclaim covenants

the land in Gay Head, Dukes County, Massachusetts being further described as follows:

(Description and encumbrances, if any)

Lots 178 and 711 as shown on a plan entitled "Plan of Gay Head showing the Partition of the Common Lands, as made by Joseph T. Pease and Richard L. Pease, Commissioners, Appointed by the Judge of Probate under Section 6, Chapter 213 of the Acts of 1870, by John H. Mullin, Civil Engineer" as recorded at the Dukes County Registry of Probate, and as described in a deed recorded at said Registry, in Book 410, Page 663.

Grantor conveys all their rights, title and interest to the above described property to the within Grantee.

Grantee by recording of this deed at the Dukes County Registry of Deeds agrees to assume and pay all real property taxes.

Locus: Lots 178 & 711, Gay Head Grantee Address:

6615A000 14:07 EXCISE TAX 456.00 TAX 456.00 CASH 12/08/96 DEEDS REG 08

MARTHA'S VINEYARD LAND BANK FEE PAID: \$2000 EXEMPT \$ NO. 17156 DATE 2/9/96 CERTIFICATION DM

Edgartown, Mass. Feb 8 1996 at 2 o'clock and 11 minutes P.M. received and entered with Dukes County Deeds book 669 page 716 Attest Diane E. Powers Registrar

Witness my hand and seal this 31st day of January 1996

Moscow Bank F. Limited Partnership by Gary L. Bergstrom Gary L. Bergstrom, General Partner

The Commonwealth of Massachusetts

Suffolk ss. January 31 1996

Then personally appeared the above named Gary L. Bergstrom General Partner

and acknowledged the foregoing instrument to be his free act and deed, before me, Linda C. Washburn Notary Public Justice of the Peace

My Commission expires November 8 2002