

STATE OF MAINE  
LINCOLN, SS.

SUPERIOR COURT  
DOCKET NO. LINS-RE-2014-012

Deborah H. Franz, of Cheshire, County of  
Berkshire and Commonwealth of  
Massachusetts,

Plaintiff

Judgment  
(Real Estate Involved)

Priscilla A. Markley, of Winthrop, County of  
Kennebec and State of Maine,

Plaintiff

and

Jeffrey W. Ohler, of Auburn, County of  
Androscoggin and State of Maine,

Plaintiff

v.

Raymond H. Spooner, of Merrimack, County  
of Hillsborough and State of New Hampshire,

Defendant

This matter came on before the Court on a complaint for real estate partition. By agreement of the parties, the Court makes the following findings and makes the following ORDERS:

The parties are owners of the subject real estate as tenants in common such that Defendant Raymond H. Spooner owns a 1/3 undivided interest in the subject real estate, Plaintiff Deborah H. Franz owns a 1/3 undivided interest in the subject real estate, Plaintiff Priscilla A. Markley owns a 1/6 undivided interest in the subject real estate; and Plaintiff Jeffrey W. Ohler owns a 1/6 undivided interest in the subject real estate.

The real estate consists of real estate located on both sides of the Bristol, Road (Route 130), so called, and is described as buildings and land located in Bristol, County of Lincoln and State of Maine, being property consisting of premises described in the deed from Philip L.

Holden to Deborah Franz, dated November 17, 1991 and record in the Lincoln County Registry of Deeds in Book 1733, Page 189 with the following exceptions:

- 1) the subject property is the entire 100% interest, not just the one-third interest as conveyed in said deed to Franz;
- 2) with respect to the "Second Parcel" described in said deed to Franz, the parcel described is bounded on the south by land now or formerly of Mark Hanley (not land of Henry A. Bradley, as stated in said deed to Franz);
- 3) with respect to the "Second Parcel" described in said deed to Franz the parcel being described contains six and one-half (6.5) acres, more or less, not fifteen (15) acres as stated in said deed to Franz);
- 4) excepted from the described conveyance of the property is the property that was conveyed to Frederick Drebelbis by deed from Anna P. Arnold, dated June 16, 1955 and recorded in the Lincoln County Registry of Deeds in Book 523, Page 287.

The subject real estate is currently listed for sale by Newcastle Square Realty of Damariscotta, Maine. IT IS ORDERED that the parties continue to list by a licensed broker the real estate until it is sold. If an offer is made that is accepted by the majority by percentage of ownership by the parties, then the offer will be accepted. The Court retains jurisdiction of this partition action, and if there is impasse on accepting an offer (if there is a tie), a party may by written pleading move the Court to make final determination.

At closing, after the usual costs (deed preparation, attorney fees, transfer tax, broker's commissions and prorated real estate taxes assessed to each of the parties according to their ownership interests) are deducted, the net proceeds will be divided in four (4) separate accounts according to ownership interests. From Plaintiff Deborah H. Franz's share the sum of \$4,119.50 will be paid over to Defendant Raymond H. Spooner; from Plaintiff Priscilla A. Markley's share and from Plaintiff Jeffrey W. Ohler's share the sum of \$2,059.75 will be paid over to Defendant Raymond H. Spooner (the total payment to Defendant is \$8,239.00). If the two lots sell at different times, then the payments to Defendant will be made at the closing of the first sale.

No party will receive additional reimbursement for expenses or for management fees for any reason other than the sums designated above.

At the closing of the second lot to sell, moneys remaining in the management account will be divided among the parties according to their proportional ownership interest.

The desk is ORDERED set apart to Defendant Raymond H. Spooner. Each of the Plaintiffs may take an item of personalty from the house and the rest of the contents that are not owned individually will be auctioned off with the net proceeds to be divided among the parties according to their proportional ownership interest.

Pursuant to 14 M.R.S.A. § 2401, the Court also finds the following:

Names and Addresses of Parties and Counsel of Record:

(Plaintiffs)

Jeffrey W. Ohler, whose address is P. O. Box 498, Tenants Harbor, ME 04860

Priscilla A. Markley, whose address is P.O. Box 81, Winthrop, ME 04364

Deborah H. Franz, whose address is P.O. Box 391, Cheshire, MA 01255

Attorney for Plaintiffs: Joseph M. O'Donnell, Esq., Bar #1212, Goodspeed & O'Donnell,  
P.O. Box 738, Augusta, ME 04332-0738

(Defendant)

Raymond H. Spooner, whose address is 2 Forest Drive, Merrimack, NH 03054.

Attorney for Defendant: Patricia V. Shadis, Esq., Bar #6811, Shadis Law Office, P. A., P.O.  
Box 718, Newcastle, ME 04553-0718

Certification of Receipt and Notice of Proceedings:

The Court certifies that Defendant Raymond H. Spooner received notice of the proceedings and that notice was given in accordance with the applicable provisions of the Maine Rules of Civil Procedure.

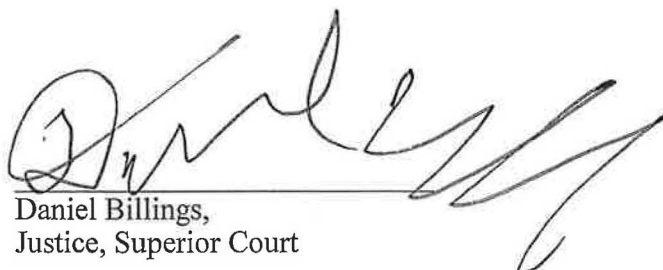
Property Description:

2244 Bristol Road (Route 130), Bristol, ME 04539 and unimproved land on other side of the road.

Plaintiffs are ORDERED to file an attested copy of this judgment in the Lincoln County Registry of Deeds and for paying the appropriate recording fees.

This ORDER shall be incorporated upon the docket by reference to Maine Rules of Civil Procedure 79 (a).

Dated at Wiscasset, Maine, this June 17, 2016.

  
Daniel Billings,  
Justice, Superior Court