Doc # 2009003314
Book 9974 Page 0339

43-126-2

NO TRANSFER TAX PAID

WARRANTY DEED
Statutory Short Form

Received Kennebec SS.
02/10/2009 8:18AM
Pages 1 Attest:
BEVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS

LUCIA W. WHITTELSEY of Waterville, County of Kennebec, State of Maine, for consideration paid, grants and conveys to **THEODORE W. SMYTH** of 35 Mathews Avenue, Unit 2, Waterville, Maine 04901, with Warranty Covenants, my undivided one half interest in the real estate located in Waterville, County of Kennebec, and State of Maine described as follows:

Unit 2 in the Averill Condominium, as described in the Averill Condominium Declaration dated December 19, 1988, and recorded in the Kennebec County Registry of Deeds in Book 3480, Page 1; as amended by Amendment to Declaration dated October 3, 2002, and recorded in the Kennebec County Registry of Deeds in Book 7562, Page 210; as amended by Second Amendment to Declaration dated January 5, 2005, and recorded in the Kennebec County Registry of Deeds in Book 8267, Page 342; as amended by Third Amendment to Declaration dated March 30, 2005, and recorded in the Kennebec County Registry of Deeds in Book 8358, Page 210, as amended by Amendment adopted May 17, 2005 and recorded in the Kennebec County Registry of Deeds in Book 8559, Page 133; as amended by Fifth Amendment dated December 27, 2005, and recorded in the Kennebec County Registry of Deeds in Book 8748, Page 107; as amended by Sixth Amendment dated July 6, 2006, and recorded in the Kennebec County Registry of Deeds in Book 8974, Page 2, and by Seventh Amendment dated February 7, 2007 and recorded in the Kennebec County Registry of Deeds in Book 9253, Page 169; and as shown on the Plats and Plans recorded in the Kennebec County Registry of Deeds in File E-88308 through E-88314, as those condominium documents may have been amended. Reference is made to an acceptance of Special Declarant Rights recorded in the Kennebec County Registry of Deeds in Book 6937, Page 342.

Together with any and all limited common elements, rights, easements, privileges and appurtenances belonging to the Units and Garage Bays described above.

Subject, however, to the terms, conditions, agreements, covenants, restrictions, obligations and easements referred to in the Averill Condominium Declaration described above, and to utility easements described in Book 3415, Page 7 and Book 3465, Page 269 of the Kennebec County Registry of Deeds.

Also, subject, however to a mortgage to Kennebec Federal Savings and Loan Association dated August 8, 2008 and recorded in said Registry in Book 9821, Page 245, which mortgage the grantee assumes and aggress to pay.

Being the same premises conveyed to Theodore W. Smyth and Lucia W. Whittelsey by Warranty Deed of Chad M. Joseph and Amy J. Joseph dated August 8, 2008, and recorded in the Kennebec County Registry of Deeds in Book 9821, Page 245.

WITNESS my hand and seal this 9th day of February 2009.

Signed, Sealed and Delivered
in the presence of:

Lucia W. Whittelsey

SEAL

STATE OF MAINE
COUNTY OF KENNEBEC

Dated: February 9, 2009

Then personally appeared the above named Lucia W. Whittelsey and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public

MARY GALLAGHER
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES SEPTEMBER 5, 2010