

FINAL RESOLUTION

The matter of fence permissions and property lines

At 7 Morgan Way Dover, N.H. 03820

All parties involved in the dispute over property lines at 7 Morgan Way, also known as lot 31 on the site plan that is on file at the Strafford County Registry of Deeds as Plan Nos. 34A-131 and 34A-132 (Referred to as site plan), have come together to agree upon fence location and property lines.

1. The Sunny Brooke Condo Association (SBCA) would like to start off by thanking the owners of 7 Morgan Way, Paula Forbes, and David Paolini of Tolwood Realty Group LLC for starting on the replacement of the fence. It looks much better.
2. A survey was completed by TF Moran in early 2023 specifically to mark the four corners of Lot 31. Wooden stakes are placed in the ground. Metal stakes with yellow caps are placed in the ground touching the wooden ones. The placement of the stakes matches the site plan on all four corners of the lot.
3. A new fence was erected on July 17th and 18th, 2023. The fence is currently built on the SBCA property noted on the site plan as "The Park". The

Park is also known as Common Area as noted in the SBCA Declaration and Bylaws. When looking at lot 31 from the street in front of the property, the fence is located 37 feet 6 inches beyond the left front property marker. When looking at the lot from the rear of the property standing in the common area, the fence is located 27 feet beyond the right rear property marker. The fence also sits in the path of the Eversource Easement.

4. Given that the new fence has now been erected, in the interest of good relations, the SBCA board of directors will grant permission for the fence to remain where it currently is for a period of 10 years, or until the fence needs repair again, or until the property is sold to a new owner, under the following guidelines:

- Any portion of fence that needs to be replaced that is on SBCA property will need prior approval from the board.
- If current owner/owners still own lot 31 property at expiration of the 10-year term, they must request a continuance of permission for the fence to remain in its

current location. The request is not a guarantee of approval.

- If the owner/owners sell the property, the fence and any other items (i.e., sheds, pools, etc.) that are beyond the stated boundary of lot 31, must be removed from SBCA property. The owner can move the fence to the boundary line that is marked by the site plan, that also correlates with the survey stakes for lot 31 or dispose of the fence prior to the transfer and sale of property to the new owner. The same can be done with any other item that may currently be on SBCA property.
- The current owner/owners accept all liability for any issue that the fence may present to the right-of-way holders of the powerlines, and any other liability issues that occur inside or within the fence or because of the fence.

All parties have agreed to the statements and guidelines of this resolution.

Tolwood Realty Group, LLC

Owner

Owner

SBCA Board Members

President

Secretary

Treasurer

Officer

Officer

State of New Hampshire
County of Strafford

This instrument was acknowledged before me on the 16th day of August, 2023, by Paula Forbes, David Paolini, Paul San Soucie, Therese San Soucie, Jeffery Lee, Cynthia Linscott, Kelly Allen.

Signature of Notarial Officer
Notary Public, State of New Hampshire
My Commission Expires: 5/3/2028

