# City of Concord, NH Application for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa

Applicant Information		
Owner(s) Name Troy R. Burke		
Address/Street Number 74 Bailey Road		
City & State Chichester, NH 03258 Telephone (603) 867-2513	æ	

Current Parcel Information (use additional sheet if more than three parcels involved)\*

	Parcel 1	Parcel 2	Parcel 3
Assessor's Map/Block/Lot	192/P/104	formerly P-22/4/2 an	d P-22/4/19
Assessor's Tract Number(s) (if known)	7685-B1-H and 7685-26	7685-26 an	д 7685-в1-н
Street Address or Address Range		6 Abbott Road	lower than 311 So. Main St., Penacook
Deed Reference Book/Page		872/253 and 3645/2697	950/11 and 3654/498

*Please attach a copy of the deed for each parcel. Please all plans, approved subdivision plans, pre-merger tax bills or other docupertinent. This application must be submitted to the City Council price the Instructions & General Information for additional details.	umentation that you think is
Owner's Signature Troy R. Burke	Date 3/12(20
Owner's Signature	Date

### Mark R. Dunn

Attorney-At-Law Admitted in NH & ME 24 Montgomery Street Concord, NH 03301

Tel: (603) 228-4413 Fax: (603) 224-3055

March 11, 2020

Mr Craig Walker

City of Concord Zoning Administrator

Concord City Hall Annex

37 Green Street Concord, NH 03301

RE: Unmerger of tax lots at 6 Abbott Road and E/S South Village Street (f/k/a South Main Street), Penacook, NH being Tax Lot 192/P/104 (comprised of Tax Lots P-22/4/2 & P-22/4/19 on the 1986 Concord/Penacook Tax Maps)

Dear Craig:

Enclosed please find the completed form for Application for Restoration of Involuntarily Merged Lots Pursuant RSA 674:39-aa signed and dated by my client, Troy R. Burke.

With the Application, please find two sets of a portion of the 1986 Concord/Penacook Tax Map P-22, colored pink and blue for the lots of Mr. Burke at 6 Abbott Road (pink) and on the E/S South Main Street/Village Street (blue); a portion of the Concord Manor Subdivision Plan recorded as Plan 428 in the Merrimack County Registry of Deeds (Registry), Lots 37 & 38 colored pink for 6 Abbott Road and on the E/S South Main Street/Village Street, colored blue; two copies of the deeds into Mr. Burke at Book 3645, Page 2697 conveying 6 Abbott Road, colored in pink and the deed at Book 3654, Page 498 conveying the lots on the E/S South Main Street/Village Street, colored in blue. Finally, I have enclosed two copies of the current assessors card for these properties being Tax Lot 192/P/104.

On the form, under Parcel 1, I have entered the current tax lot which includes both the pink lots and the blue lots as highlighted. Under Parcel 2, for 6 Abbott Road, (in all four boxes under Parcel 2), I have entered the old tax lot number, city engineering lot number, the street address and book and pages of the deeds for 6 Abbott Road;

Office)

Likewise, under Parcel 3, for the lots on the E/S South Main Street/Village Street, (in all four boxes under Parcel 3), I have entered the old tax lot number, city engineering lot number, the street address and book and pages of the deeds for the lots on the E/S South Main Street/Village Street.

As is obvious, I have colored coded all materials that apply to 6 Abbott Road in pink and all materials that apply to the lots on the E/S South Main Street/Village Street in blue.

The history of these two lots are as follows: George and Rita Harding, as joint tenants with rights of survivorship, purchased the property at 6 Abbott Road (Lots 37 & 38, Plan 428, Tax Lot P-22/4/2) by deed of Arthur Hugron dated November 28, 1960 and recorded at Book 872, Page 253 in said Registry.

Subsequently, George and Rita Harding, as joint tenants with rights of survivorship, purchased the property on the E/S South Main Street/Village Street (Lots 30, 31, 32, 33 & 34, Plan 428, Tax Lot P-22/4/19) by deed of Clifton Lambert dated August 25, 1964 and recorded at Book 950, Page 11 in said Registry.

In 2009/2010, the City of Concord merged Tax Lot P-22/4/2 (pink lot) and Tax Lot P-22/4/19 (blue lot) to create the one tax lot currently known as Tax Lot 192/P/104.

Rita Harding passed away on December 15, 2011, leaving George Harding as the sole surviving joint tenant. George Harding passed away November 23, 2014, Merrimack County Probate Court ( $6^{\rm th}$  Circuit Court - Probate Division) Docket #317-2019-ET-00446

The Estate of George Harding entered into a purchase and sale agreement with Troy Burke for the sale of "6 Abbott Road". The title company doing the title search for Mr. Burke focused on the address of 6 Abbott Road and found the deed from Hugron to the Hardings in 1960 recorded at Book 872, Page 253, which would be Lots 37 & 38, Plan 428, Tax Lot P-22/4/2 (pink lot). Nobody picked up on the fact that the Harding Estate owned the lots on the E/S South Main Street/Village Road (the blue lots) which were merged into the 6 Abbott Street lots as one tax lot, noted above.

The closing took place and the deed from the Estate of George Harding to Troy Burke was recorded at Book 3645, Page 2697, see copy of deed attached. That deed conveyed only Lots 37 & 38, Plan 428, Old Tax Lot P-22/4/2 (pink lot).

Subsequently, Mr. Burke consulted with me because he was confused as to why his deed did not appear to include the lots on the E/S South Main Street/Village Street (blue lot).

I advised him that the deed at Book 3645, Page 2687 conveyed only the land at 6 Abbott Road (pink lot) and not the land on the E/S South Main Street/Village Street (blue Lot). Mr. Burke told me that both the pink lot and the blue lot were meant to be conveyed by the Estate of George Harding by the deed at Book 3645, Page 2667.

Consequently, I drafted a deed from the Estate of George Harding to Troy Burke to convey the blue lots that were omitted in the deed at Book 3645, Page 2687. That deed was dated November 7, 2019 and recorded at Book 3654, Page 498 in said Registry. Copy of said deed is provided.

While there are two deeds presently into Mr. Burke, separately conveying the pink lot and the blue lot, Mr. Burke is submitting this Application for Restoration of Involuntarily Merged Lots so as to prevent the City of Concord from reestablishing the one tax lot of 192/P/104 which combined the pink and the blue lots from 2009 on to present.

At the end of the day, Mr. Burke desires to have two separate tax lots. One would be the land and buildings at 6 Abbott Road and would be Lots 37 & 38, Plan 328 and which was the old Tax Lot P-22/4/2 (pink lots). The other would be Lots 30, 31, 32, 33 & 34, Plan 428, old Tax Lot P-22/4/19.

I appreciate your consideration in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Mark R. Dunn, Esq.

cc: Troy R. Burke

P/O Tax May P-ZZ

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## Know all Men by these Presents:

THAT I, ARTHUR J. HUGRON of Penacook, City of Concord, County of Merrimack and State of New Hampshire,

for consideration paid, grant to GEORGE D. HARDING and RITA M. HARDING of said Penacook,

with warranty covenants to the said George D. Harding and Rita M. Harding, as joint tenants with rights of survivorship, the following described premises:

A certain tract of land with the buildings thereon, situate at No. 6 Abbott Road, in said Penacook, being lots numbered 37 and 38 on Plan of Concord Manor, made by E. N. Sheffield, C. E., dated December 1923, and on file in the Merrimack County Registry of Deeds as Plan No. 428 to which reference may be had for a more particular description. Said lots contain six thousand five hundred and forty-nine (6,549) square feet, more or less.

Meaning and intending hereby to describe and convey the same premises conveyed to Arthur J. Hugron by deed of Michael J. San Souci dated August 24, 1945, recorded in said Registry in Book 618, Page 262.

The 1960 taxes are to be prorated as of the date of transfer.







I, Avis L. Hugron

of said grantor, release to said grantee all rights of

(dower and homestead and other interests therein.

Witness our tand s and seal s this 28thday of

. 1960

MERRIMACK

STATE OF NEW HAMPSHIRE COUNTY OF 28th day of Nov. , 19 60, before me, Joseph A. Soucer the undersigned officer, personally appeared Arthur J. Hugron and Avis L. Hugron known to me (or sadsfactorily proved) to be the person S whose name S are subscribed to the within instrument and acknowledged that the y executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal,

Received and recorded Nov. 28, 3-10 P.M. 1960

87

301900016310 Recorded in Merrimack County, NH In the Records of Susan Cragin, Register 3K: 3645 PG: 2697, 9/10/2019 10:04 AM LCHIP \$25.00 TRANSFER TAX \$1,253.00 RECORDING \$18.00 SURCHARGE \$2.00

(2) PHENIX TITLE

Return To: Troy R. Burke LANGUET BOY CONCOVA, LANGUED 3383

1855

TT: \$1,253

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENT: That Linda S. King, Executrix of the Estate of George D. Harding, 6<sup>th</sup> Circuit Court Probate Division, Docket Number 317-209-ET-00446, given with the Consent Of The Heirs pursuant to NHRSA 559:18, being married, of 12 Elm Street, Apartment D, Northfield, NH 03276, for consideration paid grants to Troy R. Burke, being unmarried, of 74 Bailey Road, Chichester, NH 03258, with WARRANTY COVENANTS:

A certain tract of land with the buildings thereon, situate in said Penacook, City of Concord, County of Merrimack, and State of New Hampshire being Lots numbered 37 and 38 on Plan of Concord Manor, made by E. N. Sheffield, C. E. dated December 1923, and on file in the Merrimack County Registry of Deeds as Plan No. 428 to which reference may be had for a more particular description.

Meaning and intending to describe and convey the same premises conveyed to Heirs of George D. Harding by virtue of a Warranty deed from Arthur J. Hugron to George D. Harding and Rita M. Harding as joint tenants dated 11/28/1960 and recorded at the Merrimack County Registry of Deeds in Book 872, Page 253. Rita M. Harding died 12/15/2011. George D. Harding died 11/23/2014.

This is not homestead property.

01900016310 Recorded in Merrimack County, NH In the Records of Susan Cragin, Register K: 3645 PG: 2698, 9/10/2019 10:04 AM LCHIP \$25.00 TRANSFER TAX \$1,253.00 RECORDING \$18.00 SURCHARGE \$2.00

Executed this 6 day of September , 2019.

Linda S. King

State of New Hampshire
County of Merrimack

Then personally appeared before me on this <u>Conday</u> of <u>September</u>, 2019 the said Linda S. King, Executrix of the Estate of George D. Harding and acknowledged the foregoing to be her voluntary act and deed.

Notary Public/Justice of the Peace

Commission expiration: 1/14/2023

01900016310 Recorded in Merrimack County, NH In the Records of Susan Cragin, Register K: 3645 PG: 2699, 9/10/2019 10:04 AM LCHIP \$25.00 TRANSFER TAX \$1,253.00 RECORDING \$18.00 SURCHARGE \$2.00

#### **CONSENT OF HEIRS**

I, the undersigned, being an heir at law to George D. Harding, deceased, do hereby give my consent to the sale of real property situate at 6 Abbott Road, Concord, NH 03303, to Troy R. Burke (buyer) for \$83,500.00.

This consent is given pursuant to NHRSA 559:18.

Linda S King

7. 1	ton M. Lambert, a single man
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Concord	Merrimack County, State of
	The state of the s
w Hampshire, for	consideration paid, grant to George D. Harding and Rita M. Harding
	as joint tenants with rights of survivorship
	as Joint tenancs with lighted of section and section as
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a	.,,
Concord	Merrimack County, State of
New Hamps	hire with WARRANTY covenants, the following describe
remises.	
E	(Description and incumbrances, if any.)

A certain tract of land at number 307 South Main Street in the Penacook District of said Concord, bounded and described as follows:

Beginning at a tack hub stake at the east side of the South Main Street right-of-way, said stake is N. 16° 25' W. two hundred (200) feet along the east side of the South Main Street right-of-way from a stone bound at the north side of the Hobart Street right-of-way; thence S. 73° 35' E. one hundred (100) feet to a second tack hub stake; thence N. 16° 25' W. one hundred twenty-five (125) feet to a third tack hub stake; thence N. 73° 35' W. one hundred (100) feet to a fourth tack hub stake, said fourth stake is at the east side of the South Main Street right-of-way; thence S. 16° 25' E. one hundred twenty-five (125) feet along the east side of the South Main Street right-of-way to the point of beginning, containing 12,500 square feet, more or less.

Meaning and intending to describe and convey the same premises deeded to the grantor by deed of Charles A. Hurd and Arlene T. Hurd dated August 14, 1964, to be recorded.

The consideration for this conveyance is less than \$100.00.

husband of said Grantor, -release to said Grantee all rights of

eurtesy- and-homestead- and-other interest therein-

hand and seal this 25th day of September

Witness:

Clifton m Lambers



STATE OF NEW HAMPSHIRE Merrimack

and I, Clifton M. Lambert . . .

Personally appeared and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me,

Received and recorded Oct. 6, 4-06 P.M.1964

Kaillean M. Roy . Register

Docket Number: 201900020990 Recorded in Merrimack County,NH

Susan Cragin, Register

BK: 3654 PG: 498, 11/8/2019 8:59 AM

RECORDING \$22.00 SURCHARGE \$2.00

Mark Dunn

## CONFIRMATORY/CORRECTIVE WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That LINDAS. KING, EXECUTRIX OF THE ESTATE OF GEORGE D. HARDING, 6th Circuit Court Probate Division (Merrimack County Probate Court), Docket #317-2019-ET-00446, given with Consent of Heirs pursuant to NH RSA 559:18, being married, of 12 Elm Street, Apartment D, Northfield, NH 03276 for consideration paid grants to TROY R. BURKE, a single person, of 74 Bailey Road, Chichester, NH 03258, with WARRANTY COVENANTS:

A certain tract or parcel of land situate in the Village of Penacook in the City of Concord, County of Merrimack and State of New Hampshire formerly known as 507 South Main Street but presently an unnumbered lot on the east side of Village Street f/k/a South Main Street, bounded and described as follows:

Beginning at a tack hub stake on the east side of South Main Street (n/k/a Village Street) right-of-way, said stake is bearing N 16° 25' W a distance of 200 feet along the east side of said South Main Street (n/k/a Village Street) from a stone bound at the north side of the Hobart Street right-of-way;

- 1. Thence running S 73° 35' E a distance of 100 feet to a second tack hub stake;
- Thence turning and running N 16° 25' W a distance of 125 feet to a third tack hub stake;
- 3. Thence turning and running N 73° 35" W a distance of 100 feet to fourth tack hub stake, said fourth stake is at the east side of South Main Street (n/k/a Village street) right-of-way;
- 4. thence turning and running S 16° 25' E a distance of 125 feet along the east side of the South Main Street (n/k/a Village Street) right-of-way to the point of beginning. Containing 12,500 square feet, more or less.

Meaning and intending to describe and convey the same premises as described in the Warranty Deed of Clifton M. Lambert to George D. Harding and Rita M. Harding, as joint tenants with rights of survivorship, dated August 25, 1964 and recorded at Book 950, Page 11 in the Merrimack County Registry of Deeds. Rita M. Harding passed away on December 15, 2011. George D. Harding passed away on November 23, 2014. See Estate of George D. Harding, 6<sup>th</sup> Circuit Court Probate Division (Merrimack County Probate Court), Docket #317-2019-ET-00446.

Pursuant to Paragraph 2 of the Will of George D. Harding, Linda S. King, being the sole child of George & Rita Harding and being the sole legatee under said Will, does hereby consent as the sole Heir/Legatee of George D. Harding to the conveyance of the aforesaid property.

This deed is given by the aforesaid Estate for the purpose of correcting the Warranty Deed of Linda S. King, Executrix of the Estate of George D. Harding to Troy Burke dated September 6, 2019 and recorded at Book 3645, Page 2697 in the Merrimack County Registry of Deeds. Said deed, by error, mistake, misfortune and omission, only conveyed Lots 37 & 38, Plan 428 which is a small triangular parcel on the south side of Abbott Road (f/k/a Sewells Falls Road on Plan 428). Said Lot was known historically as 6 Abbott Road. George D. and Rita M. Harding, as joint tenants with rights of survivorship, took title to said Lots 37 & 38 by virtue of a Warranty Deed of Arthur J. Hugron dated November 28, 1960 and recorded at Book 872, Page 253 in said Registry. As noted above, in the meaning and intending paragraph of this deed, George and Rita Harding took in title to the property herein described and conveyed by the deed at Book 950, Page 11.

From the date of the two deeds into the Hardings in 1960 and 1964, noted above, until April 1, 2009, the City of Concord carried both lots as separate tax lots. On April 1, 2009, the City of Concord merged the property herein conveyed (and described at Book 950, Page 11) with the property on Abbott Road (taxed as 6 Abbott Road) described at Book 872, Page 253. The City of Concord then described/defined said new merged lot on the City of Concord Assessors Cards as 6 Abbott Road, Tax Lot 192/P-104, combining both lots into one tax lot/tract.

By error, mistake, misfortune and omission the Estate of George D. Harding failed to describe the property herein conveyed (and described at Book 950, Page 11) when Linda S. King, Executrix of the Estate of George D. Harding gave its deed to Troy Burke at Book 3645, Page 2697 to which \$1,253.00 in transfer stamps were affixed representing a purchase price of \$83,500.00.

It was the intent of both the Estate of George D. Harding and of Troy Burke to purchase both tracts of land owned by the Estate of George Harding being the property described at Book 872, Page 253 and at Book 950, Page 11. Unfortunately only the property described at Book 872, Page 253 was granted and conveyed at Book 3645, Page 2697, leaving the property described at Book 950, Page 11 owned by the Estate and unconveyed aa of the date of this deed.

The purpose of this deed is to correct the oversight caused by the deed at Book 3645, Page 2697 and convey the property described at Book 950, Page 11. Consequently, this deed is a Corrective e Deed and is exempt from transfer stamps because of the full amount of stamps of \$1,253 affixed to the deed at Book 3645, Page 2697.

THIS IS VACANT LAND AND IS NOT HOMESTEAD PROPERTY

I, Linda S. King, being the sole child of George & Rita Harding and being the sole Legatee u/w/o George D. Harding, do hereby consent to the conveyance of this property by the Executrix of the Estate of George D. Harding.

Witness our hands this  $\sqrt{\frac{1}{2}}$  day of November, 2019.

ESTATE OF GEORGE D. HARDING

Witness Linda S. King, Executriz

Linda S. King, Individually

Witness

STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK, SS

On this the  $\sqrt{2}$  day of November, 2019, before me, the undersigned officer, personally appeared Linda S. King, in her capacity as Executrix of the Estate of George D. Harding, and individually. known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same, in her capacity as Executrix of the Estate of George D. Harding, and individually, for the purposes therein contained.

Before me,

Notary Public/Justice of the Peace

Printed Name: Eleanor M. Bezanson

My Commission Expires: l()

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