

STATE OF NEW HAMPSHIRE

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SUPERIOR COURT

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2016 DEC 22 P 12:06

SUPERIOR COURT
NO. 218-2016-CV-00612

Town of Rye

v.

Wentworth Senior Living, et al

DECREE QUIETING TITLE

Pursuant to RSA 498:5-d, this Decree grants the Town of Rye's Petition to Quiet Title in the parcel of land (subject parcel) described as follows:

"A certain parcel of land in said Rye bounded on the North by wood land of the Heirs of Joseph Garland, one hundred and fifty-six feet; on the East by wood land of said heirs, one hundred and ninety two feet; on the South by the New Lane highway, sometimes called the Grove Road, two hundred and forty feet; on the West by field land of Sidney L. Jenness, three hundred and forty four feet, containing one and six one-hundredths acres."

The following facts set forth in the Petition to Quiet Title are not contested:

1. On May 12, 1904 Sidney L. Jenness and Florence A. Jenness conveyed the subject parcel to the Town of Rye by a deed recorded at Book 605 Page 110 of the Rockingham County Registry of Deeds (hereinafter "RCRD").

2. Said deed at RCRD B605/P110 included the following reverter provision:

"As soon as the gravel on the lot here conveyed is exhausted by said Town, the lot here conveyed shall revert to, and become the property of the grantors herein, their heirs and assigns."

3. Sidney L. Jenness died testate on May 31, 1908. Her will (Rockingham County Probate #14191) left the rest, residue and remainder of her property including real and personal property wherever situated to her daughter Florence A. Jenness.

4. Florence A. Jenness died testate July 15, 1943. Her will (Rockingham County Probate #32121) left the rest and remainder of her estate, both real and personal, to the Home for Aged Women at Portsmouth, N.H. and to its successors.

5. An October 7, 1997 order of the Rockingham County Superior Court (McHugh, J.) in the case of *Home for Aged Women v. Joyce A. Weeks, et al*, Docket No. 90-C-263 granted the Home for Aged Women's "Petition for Termination of a Charitable Trust" and ordered the assets of the Home for Aged Women transferred to the Mark H. Wentworth Home.

6. The Mark H. Wentworth Home is the predecessor entity to Wentworth Senior Living.

7. Thus, at the time of filing of the Petition to Quiet Title, Wentworth Senior Living held the interest that arises from the reverter provision quoted in Paragraph 2, *supra*.

8. Wentworth Senior Living has conveyed the subject parcel to the Town of Rye by Quitclaim Deed.

9. Wentworth Senior Living has filed an Assented to Motion to Be Dismissed and to Nonsuit its Counterclaim with this court.

WHEREFORE, pursuant to RSA 498:5-d, the Court hereby grants the Town of Rye's Petition to Quiet Title as follows: the title to the subject parcel is quieted and settled with the Town of Rye, and any clouds on the title from any person known or unknown their heirs, successors and assigns, are removed, including but not limited to any cloud arising from the reverter provision cited at Paragraph 2, *supra*, and any such persons are enjoined from asserting any claim against the title of the Town of Rye.

The Clerk of Court is requested to send a certified copy of this Decree to the Town of Rye for recording purposes.

SO ORDERED.

Justice

Date