

Gould Title Company

Real Estate Title Services

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PRELIMINARY TITLE REPORT

Prepared for:

Attorney Kathleen M. Stinson

We have examined the records as indexed in the Registries of Deeds and Probate for the County of Worcester (Worcester District) since February 9, 1999

for the Premises described in a Quitclaim Deed

from Thomas Kelleher et als

to Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust

dated as of February 9, 1999 and recorded in Book 21027, Page 393.

Title appears to be in Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust, u/d/t dated February 9, 1999 and recorded in Book 21027, Page 387

and is free from encumbrances of record during the period examined, except:

Mortgage and Security Agreement from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank for \$2,424,000.00, dated February 9, 1999 and recorded in Book 21028, Page 15, as amended in Book 21338, Page 68, Book 21817, Page 340 and Book 23253, Page 70;

Conditional Assignment of Leases and Rents from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank dated February 9, 1999 and recorded in Book 21028, Page 32;

Assignment of Licenses, Permits and Plans from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank dated February 9, 1999 and recorded in Book 21028, Page 37;

Assignment of Purchase and Sale Contracts from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank dated February 9, 1999 and recorded in Book 21028, Page 39;

Mortgage and Security Agreement from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank for \$750,000.00, dated February 9, 1999 and recorded in Book 21028, Page 42, as amended in Book 21338, Page 69 and Book 21817, Page 339;

Assignment of Licenses, Permits and Plans from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank dated February 9, 1999 and recorded in Book 21028, Page 59;

Assignment of Purchase and Sale Contracts from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank dated February 9, 1999 and recorded in Book 21028, Page 61;

Conditional Assignment of Leases and Rents from Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust to MetroWest Bank dated February 9, 1999 and recorded in Book 21028, Page 64;

Permanent and perpetual right of way and easement for streets purposes to the City of Worcester dated February 16, 1999 and recorded in Book 21465, Page 366;

Easement for "Telephone Distribution System" to New England Telephone Company dated _____, 1999 and recorded in Book 21928, Page 95;

* Declaration of Restrictive Covenants pursuant to M.G.L. c. 41, Section 81U dated February 6, 1999 and recorded in Book 21028, Page 1, as affected by Reaffirmation of Declaration of Restrictive Covenants recorded in Book 21465, Page 369, if affects locus;

Order of Conditions by the Worcester Conservation Commission vs. Al-Miraj, Inc. (Applicant) and Thomas A. Kelleher et al (Owner), dated August 28, 1998 and recorded in Book 21028, Page 5 (Certificate of Compliance recorded in Book 35884, Page 312). Note: Paragraph #32 shall remain in existence in perpetuity;

Order of Conditions by the Worcester Conservation Commission vs. Al-Miraj, Inc. (Applicant) dated September 7, 1999 and recorded in Book 22298, Page 88 (Certificate of Compliance recorded in Book 35827, Page 318). Note: Paragraphs #46 and 47 shall remain in existence in perpetuity;

Terms and provisions of the Winter Heights Subdivision Maintenance Trust dated February 7, 2000 and recorded in Book 22298, Page 96. Note: Trust states that the Association created by the Trust shall be known as "Winter Heights Homeowners' Association" for the purpose of (1) owning the Property The Property is defined in the Trust as Parcels A, B, C, D, E and F on Plan Book 737, Plan 102;

Restrictions as recited in deed recorded in Book 22298, Page 120, if affects locus;

Easement for communications equipment cabinets and underground conduits and cables ... to New England Telephone Company, dated March 21, 2000 and recorded in Book 22427, Page 44;

Easement for "Overhead System" and "Underground Distribution System" to Massachusetts Electric Company, dated March 14, 2000 and recorded in Book 22434, Page 155;

Tax Taking by the City of Worcester vs. Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision for Fiscal 2003 taxes in the amount of \$278.31, dated April 2, 2004 and recorded in Book 33428, Page 69 (Desc: 70,174 sq. ft. 23 Oriental Street, Assess. Map 33, Block 23C, Lot 0000A);

Tax Taking by the City of Worcester vs. Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision for Fiscal 2003 taxes in the amount of \$307.10, dated April 2, 2004 and recorded in Book 33428, Page 70 (Desc: 85,291 sq. ft. Oriental Street, Assess. Map 33, Block 23C, Lot 0000B);

Tax Taking by the City of Worcester vs. Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision for Fiscal 2003 taxes in the amount of \$223.61, dated April 2, 2004 and recorded in Book 33428, Page 71 (Desc: 4,173 sq. ft. Snowy Owl Lane, Assess. Map 33, Block 23E, Lot 0000E);

Order to make Taj Drive public (easement) by the City of Worcester vs. Mirajuddin Ahmed, Trustee et als, dated February 15, 2005 and recorded in Book 35814, Page 195 (Plan Book 822, Plan 74);

Order to make Snowy Owl Lane public (easement) by the City of Worcester vs. Mirajuddin Ahmed, Trustee et als, dated February 15, 2005 and recorded in Book 35814, Page 202;

Order to make Oriental Street public (easement) by the City of Worcester vs. Mirajuddin Ahmed, Trustee et als, dated February 15, 2005 and recorded in Book 35814, Page 209;

Order to make Nizam Drive public (easement) by the City of Worcester vs. Winter Heights Trust et als, dated February 15, 2005 and recorded in Book 35814, Page 216;

Order to make Jasmine Drive public (easement) by the City of Worcester vs. Winter Heights Trust et als, dated February 15, 2005 and recorded in Book 35814, Page 223;

Order to make Azalea Drive public (easement) by the City of Worcester vs. Winter Heights Trust et als, dated February 15, 2005 and recorded in Book 35814, Page 231;

Order to make Hibiscus Drive public (easement) by the City of Worcester vs. Winter Heights Trust et als, dated February 15, 2005 and recorded in Book 35814, Page 236;

Order to make Rainbow Drive public (easement) by the City of Worcester vs. Afra Realty and Winter Heights Trust et als, dated February 15, 2005 and recorded in Book 35814, Page 242;

Order to make Russell Calvin Drive public (easement) by the City of Worcester vs. Winter Heights Trust et als, dated February 15, 2005 and recorded in Book 35814, Page 255;

Tax Taking by the City of Worcester vs. Mirajuddin Ahmed and Iqbal Ali TRST Winter Heights Worcester Subdivisio for Fiscal 2004 taxes in the amount of \$385.41, dated March 30, 2005 and recorded in Book 36098, Page 358 (Desc: 48,592 sq. ft., 2 Snowy Owl Lane, Assess. Map 33, Block 23E, Lot 0000F);

Drainage easement over Lots 33, 35, 37 and 68 on Plan Book 737, Plan 102 (easement is now a part of Parcel B on Plan Book 758, Plan 115);

Riparian rights in stream running through premises as shown on Plan Book 737, Plan 102;

Excepting the following deeds out:

Book 22298, Page 120	Lots 2-8 inclusive, 10-14 inclusive, 16, 28, 30, 31, 32, 38 and 60-65 inclusive on Plan Book 737, Plan 102
Book 22345, Page 36	Lot 1 on Plan Book 737, Plan 102
Book 22901, Page 70	Lots 9, 15, 29, 34, 36 and 66 on Plan Book 737, Plan 102 and Lots 33R, 35R and 37R on Plan Book 758, Plan 116
Book 23185, Page 119	Lots 52-57 inclusive on Plan Book 737, Plan 102
Book 23572, Page 317	Lots 19-24 inclusive and Lots 39-51 on Plan Book 737, Plan 102 and Lots 17R and 18R on Plan Book 758, Plan 116
Book 23651, Page 283	Lots 58 and 59 on Plan Book 737, Plan 102
Book 25385, Page 247	Lots 25, 26, 27, 67, 69-86 inclusive and 91-114 inclusive on Plan Book 737, Plan 102 and Lots 68R and 115R on Plan Book 758, Plan 116
Book 25650, Page 276	Lots 87A, 87B, 88A, 88B, 89A, 89B, 90A and 90B on Plan Book 772, Plan 99
Book 43421, Page 42	Parcel D on Plan Book 737, Plan 102

Note: For description we rely on plan recorded in Plan Book 737, Plan 102, locus being Parcels A, C and E thereon. Also plan recorded in Plan Book 758, Plan 116, locus being Parcels B and F thereon.

Run Through: February 10, 2009
 Reference: #10653
 Location: Chester St., Azalea Dr., Oriental St.,
 Snowy Owl Ln., Jasmine Dr. and Hibiscus Dr.
 Worcester, MA

Samy E. Salem

*Bankruptcy indices are no longer available in the Worcester District Registry of Deeds' computer system; therefore this examination does not include possible bankruptcies



2008 00114472

Bk: 43421 Pg: 42

Page: 1 of 2 10/17/2008 02:46 PM WD

ATLAS TITLE & ABSTRACT
ATTORNEY CHARLES P. BALL

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 10/17/2008 02:46 PM
Ctrl# 079443 30158 Doc# 00114472
Fee: \$342.00 Cons: \$75,000.00

QUITCLAIM DEED

We, Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust, u/d/t dated February 9, 1999, recorded with the Worcester District Registry of Deeds, Book 21027, Page 387 of Westboro, Worcester County, Massachusetts, for consideration paid and in full consideration of Seventy-five Thousand & no/100 (\$75,000.00) Dollars grant to Thien Phan, Individually, of 171 Chester Street, Worcester, Worcester County, Massachusetts with *quitclaim covenants* Parcel "D" as shown on a Plan entitled "Winter Heights, Definitive Subdivision Lotting Plan of Land in Worcester & Holden, Massachusetts owned by Thomas A. Kelleher et als. c/o William J. Ritter, Esquire, 446 Main Street, Worcester, MA 01608, Prepared for Al-Miraj, Inc., 5 Edgewood Road, Westboro, MA 01581 and prepared by Thompson-Liston Associates, Inc., Civil Engineers & Land Surveyors, 51 Main Street, P.O. Box 570, Boylston, Massachusetts 01505", recorded with Worcester District Registry of Deeds Plan Book 737, Plan 102.

Being a portion of the same premises conveyed to the grantors herein by deed dated Sept. 1998 and recorded with Worcester District Registry of Deeds in Book 21027, Page 393.

WITNESS our hands and seals this 16th day of September, 2008.

Azalea Drive, Worcester, Massachusetts

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Winter Heights Worcester Subdivision Trust:

Mirajuddin Ahmed
By: Mirajuddin Ahmed, Trustee

Iqbal Ali
By: Iqbal Ali, Trustee

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

Sept 16, 2008

On this ~~16th~~ day of September, 2008, before me, the undersigned notary public, personally appeared Mirajuddin Ahmed and Iqbal Ali, Trustees of Winter Heights Worcester Subdivision Trust, proved to me through satisfactory evidence of identification, which were MOL to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.



GERALD F. MADAUS, JR.
Notary Public
Commonwealth of Massachusetts
My Commission Expires March 5, 2015

[Signature]
NOTARY PUBLIC-
MY COMMISSION EXPIRES: 3/5/15