

**FIRST AMERICAN TITLE INSURANCE COMPANY**

**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE A**

File #

1. Effective Date and Time:

\_\_\_\_\_, 2006 at \_\_\_\_ P.M.

2. Policy or Policies to be issued:

Amount of Insurance

(a)  ALTA OWNER'S POLICY

Proposed Insured: **JOHN SMITH AND  
JOAN SMITH** \$ \_\_\_\_\_

(b)  ALTA LOAN POLICY

Proposed Insured: **LENDER (IF ANY)  
ITS SUCCESSORS AND/OR  
ASSIGNS AS THEIR  
INTERESTS MAY APPEAR** \$ \_\_\_\_\_

(c)  OTHER

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is fee simple and title thereto is at the effective date hereof vested in:

**PHN HOMES, LLC**

4. The land referred to herein is located at Pine Hill Road, in the Town of York, County of York, and State of Maine; and is described as set forth in "Exhibit A" attached hereto and made a part hereof.

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**SCHEDULE B, SECTION 1**

**REQUIREMENTS**

The following are requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to wit:

1. Payment of all outstanding real estate taxes and municipal charges at or prior to closing.
2. Discharge or partial release of mortgage, PHN Homes LLC to Sanford Institution for Savings dated April 3, 2006, recorded in the York County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.
3. Preparation and execution of applicable Vote of Membership of PHN Homes, LLC identifying the appropriate Member or Members that will bind the Company in executing the deed of conveyance.
3. Execution and recording of deed of conveyance from PHN Homes, LLC to John Smith and Joan Smith.
4. (If applicable for lender's policy) Execution and recording of mortgage from John Smith and Joan Smith to Lender in the principal amount of \$\_\_\_\_\_.

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**SCHEDULE B, SECTION 2**

**EXCEPTIONS**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof. [This exception will be deleted from the final Loan Policy only, upon execution of applicable Lien Affidavits]
2. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records. [This exception will be deleted from the final Loan Policy only, upon execution of a Mortgage Survey Affidavit or Mortgage Loan Inspection]
3. Any lien, or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. [This exception will be deleted from the final Loan Policy only, upon execution of applicable Lien Affidavits]
4. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment. [This exception will be deleted from the final Owner's Policy and Lender's Policy presuming no intervening matters appear of record between the date of this commitment and the date of recording.]
5. Any exception, reservation, restriction, easement or condition set out in the attached Exhibit A.
6. Real estate taxes and municipal charges that may constitute liens upon the premises.
7. Subject to all matters set forth on "Standard Boundary Survey for Aaron Keehn, Pine Hill Road North, York, Maine" prepared by Anderson Livingston, Inc., dated July 1992, recorded in the York County Registry of Deeds in Plan Book 209, Page 18. NOTE: However, the policy will affirmatively insure against loss or damage arising from any claim by any party to utilize the "woods road" as shown on the plan.

8. Subject to a taking by the State of Maine by the Department of Transportation through notice of layout and taking dated July 20, 1992, recorded in said Registry in Book 6186, Page 276.
9. The property is subject to “possible prescriptive rights of way, if any, over and along the old lane at the foot of Pine Hill” as set forth in deed of Ethel C. Perkins to Channing Hare dated May 3, 1929, recorded in Book 794, Page 437. NOTE: However, the policy will affirmatively insure against loss or damage arising from any claim to utilize such rights of way asserted by any party.
10. A portion of the locus was previously conveyed “together with and **subject to** a right of way in common with others having similar rights” between that particular portion of the locus and Pine Hill Road, as set forth in deed of Hattie C. Thompson et al to Channing Hare dated November 17, 1934, recorded in Book 847, Page 216. NOTE: however, the policy will affirmatively insure against loss or damage arising from any claim to utilize said right of way asserted by any such party.
11. Subject to a right of way described in deed of George Thompson to Edward S. Marshall in relation to obtaining water from a certain spring recorded in said registry in Book 422, Page 51. NOTE: However, the policy will affirmatively insure against loss or damage arising from any assertion of said rights by Edward S. Marshall, or any party claiming by, through or under him.
12. Subject to all matters shown on “Subdivision Plan, 64 Pine Hill Road North, York, Maine, for PHN Homes, LLC,” prepared by Attar Engineering, Inc., dated February 15, 2005, revised through March 13, 2006, and recorded in said Registry in Plan Book 309, Page 18.

## EXHIBIT A

A certain lot or parcel of land situated on the westerly side on Pine Hill Road North, in York, County of York, and State of Maine, and being LOT NUMBER \_\_\_ identified on “Subdivision Plan, 64 Pine Hill Road North, York, Maine, for PHN Homes, LLC,” prepared by Attar Engineering, Inc., dated February 15, 2005, revised through March 13, 2006, and recorded in said Registry in Plan Book 309, Page 18.

[Insert here any particular matters on the Plan pertaining to the Lot in question].