

Title Report

TO: Law Office of William V. Grickis
Attn: Attorney Grickis
12 Porter Street
Lakeville, CT 06039

RE: 85 Cook Road
Cornwall, CT

DATE: August 24, 2022

OWNER: Anthony Macchiaroli

DESCRIPTION

- Please see Property Description attached hereto

Thank you very much for taking the time to discuss this search with me and for your patience with the delay in completing it. Please note, this Title Report does not include items such as encumbrances, tax information, etc. as it is my understanding that the purpose of the search is to determine if earlier deeds in the chain of title and/or probate records of prior owners contain additional deeded rights of access to the current searched parcel. However, please do not hesitate to contact me if any such additional information is needed. Thank You.

Current Searched Parcel

Please note, the current searched parcel is identified by the Cornwall Assessor as 85 Cook Road (Assessor Map/Block/Lot: C02/02/11). Said parcel was acquired by current owner Anthony Macchiaroli by virtue of a Quit Claim Deed from JPMorgan Chase Bank, NA recorded January 28, 2021 in Vol. 125 at Pg. 230 of the Cornwall Land Records and is described therein as "*Parcel to be Retained by JP Morgan Chase Bank NA Area: 566,280 SF 13.000 Acres*" as shown on a map entitled, "*Property Survey Prepared for the Department of Energy and Environmental Protection, State of Connecticut, Land of JP Morgan Chase Bank NA, 85 Cook Road, Town of Cornwall, Litchfield County, Connecticut, Date: 10/30/2020, Scale: 1" = 120'*". Said map was recorded March 22, 2022 as Cornwall Town Clerk Map No. 1109.

Prior to the conveyance into Mr. Macchiaroli and the filing of Map No. 1109, said thirteen acre parcel had been a portion of a larger parcel acquired by JPMorgan by virtue of a Certificate of Foreclosure recorded November 13, 2017 in Vol. 121 at Pg. 302 of the Cornwall Land Records. Said larger parcel is identified in deeds in the chain of title as containing 75.062 acres as shown on a map entitled "*Map Prepared For H. Melissa Clark, Cook Road, Cornwall, Connecticut,*

Scale 1' = 100', September, 1978". Said map was recorded January 24, 1979 as Cornwall Town Clerk Map No. 295. Said parcel also appears to be shown on subsequent Map No. 854, but the property was never conveyed based upon said Map No. 854. The current searched parcel was split from said larger parcel as referenced above (copies of the Assessor's Field Cards and maps referenced herein are included with scanned attachments).

Access

Please note the following regarding access to the current searched parcel: Cook Road appears to cross said parcel as shown on Map No. 1109 and leads southerly to Pritchard Road. It is my understanding that additional deeded rights of access are being looked into due to a portion of said road being discontinued on October 5, 1903 by the Town of Cornwall ("Cornwall record of votes 1876" Book, Page 206, Voted – That the highway know as the "Cook Road" from near the residence of Richard Bropley to the point of intersection with the road leading from the Warren road past the residence of Jacob Engrich be discontinued).

In a recent Memorandum of Decision in an action involving the property (Docket No. LLI-CV21-5013836-S), the court concluded that a predecessor in title (H. Melissa Clark a/k/a Melissa Clark) had given up all rights in Cook Road outside of the 75.062 acre parcel shown on Map No. 295 and referenced above. As more fully set forth in the Explanation of Title below, Clark had commenced a quiet title action which went to Judgment on May 2, 1979 and the court ruled that Clark was the absolute owner with fee simple title to the 75.062 acres on Map No. 295 (current searched parcel being a portion thereof). On the same day that said Judgment was recorded (June 25, 1979), to fix and establish boundary lines certain abutting property owners quit claimed any interest they had in said 75.062 acre parcel by virtue of two Quit Claim Deeds recorded in Vol. 55 at Pg. 191 and Pg. 194. Additionally per language set forth in said deeds, Clark quit claimed her right, title and interest in and to all lands of the Releasor lying outside of and adjoining the perimeter line of land shown on said map. In said Memorandum of Decision, Judge John D. Moore stated the following regarding these deeds /language therein, "In these transactions, Clark gave up all rights she may have had by way of claims to either title or a right-of-way upon Cook Road outside of the 75.062 acres."

Historical Chain of Title / Access

Due to the above referenced issues, the searched parcel was run back in time from the 1979 Quiet Title Action to ascertain if additional deeded rights of access were set forth in earlier deeds in the chain and/or in probate records of prior owners.

It appears the 75.062 acre parcel shown on Map No. 295 (current 13 acre searched parcel previously a portion of) is comprised of several parcels deeded to Sally Cook in the 1800s. Said parcels / chains are more fully set forth in the Explanation of Title below. Several of these deeds into Sally Cook noted that she was the wife of John Cook and said deeds spanned from 1827 to 1849. Within a subsequent instrument in the chain that conveyed property based only on reference to certain Volumes / Pages, an 1842 deed / lease into a Sarah Cook was also listed. I

am unaware if Sally and Sarah are one and the same person, but both names were checked for potential probate records.

Unfortunately, I found no specific / additional deeded rights of access in prior deeds in the chain of title from the referenced starting deeds (recorded in the 1800s) forward. A Warranty Deed into Sally Cook recorded in Vol. 13, Pg. 33 of what is described therein as a 28 acre parcel, more or less, "...excepting the incumbrance of the public highway through said land.". It appears the referenced highway is Cook Road. Certain other deeds into Sally Cook reference the parcels conveyed as bounding on Woodbury Road or Old Woodbury Road. Said road is shown on Map No. 295 referenced herein, but appears to be located on the easterly side of the referenced 75.062 acre parcel and does not abut the current searched parcel which is located on the westerly end of said 75.062 acre parcel.

Regrettably, I was also unable to find any indication of an attempt to convey access rights in probate records as no evidence was found of estates having ever been opened for John Cook and Sally Cook and/or Sarah Cook per a check of said names with the Litchfield Hills Probate Court and a review of the index cards for historical Cornwall Probate Records found in the Town Clerk's Vault. Cornwall Vital Records were also checked for said parties in an attempt to ascertain dates of death, but were not found.

Thereafter, the chain of title is somewhat unclear and perhaps this is the reason for the subsequent quiet title action referenced above. As noted, no evidence of the death of John, Sally and/or Sarah Cook was found recorded on the Cornwall Land Records nor was any conveyance out of any of the searched parcels by said parties found recorded on said Land Records.

However, a deed was found from a Herman Cook to Sheldon Clark recorded November 4, 1868 in Vol. 20 at Pg. 767, in which the grantor purports to convey "*...all the right, title, interest, claim and demand whatsoever as I the said releasor have or ought to have in or to all the land situated in said Cornwall which was owned by my mother Sally Cook...*". Additionally, it appears that John and Sally Cook had mortgage certain of the searched parcels to Burton Gilbert in 1849 and this Mortgage was subsequently assigned to Lyman Clark in 1863 and thereafter, it appears to Sheldon Clark in 1876. (Please note, the full recording information of all referenced deeds and the mortgage / assignments set forth herein are more fully set forth in the Explanation of Title below).

Sheldon Clark passed away on October 3, 1910. Andrew M. Clark appears to be a descendant of Sheldon, Andrew passed away December 2, 1925. Andrew Clark also appeared to claim some interest in the property as evidenced by a Quit Claim Deed from his heirs to "H. Mellissa Clark" recorded January 12, 1935 in Vol. 32 at Pg. 78. Estates were found for Sheldon and Andrew Clark. However, due to the age of said estates they have been transferred to the Connecticut State Library. In an effort to keep costs down these estates were not reviewed as it was believed they would not have a significant impact due to the following: said estates are listed as intestate estates (lacking wills that may have indicated some attempt to convey access rights) and none of the Distribution / Probate Certificates out of said Estates found recorded on the Cornwall Land Records include or reference the searched parcels formerly owned by Sally Cook or the above referenced Mortgage of John and Sally Cook. However, please feel free to reach out if you would like said estates reviewed at the State Library or affiliate and I would be happy to do so.

As noted above, the heirs of Andrew Clark quit claimed searched parcels to H. Melissa Clark by deed recorded January 12, 1935 in Vol. 32 at Pg. 78. Said deed states the parcels are carried on the Cornwall Tax Records as "Cook Heirs land". A Tax Collector's Deed to Avery M. Vail recorded November 5, 1938 in Vol. 33 at Pg. 291 included searched parcels and identified the delinquent taxpayer as the "Heirs of John Cook". Thereafter, Avery M. Vail conveyed the property to H. Melissa Clark by virtue of a Quit Claim Deed recorded February 27, 1939 in Vol. 32 at Pg. 140. As previously noted, H. Melissa Clark commenced a quiet title action in 1979 against the Heirs of John Cook and the court ruled that she was the absolute owner with fee simple title to the 75.062 acre parcel shown on Map No. 295 (current searched parcel being a portion of). The remaining and full chain of title for the searched time period is set forth below, along with additional information regarding descriptions of parcels conveyed, etc. Thank You.

Explanation of Title

Note: Please note, copies of all referenced deeds are included herein with scanned attachments.

A. Warranty Deed from Jedediah Calhoun to Sally Cook dated March 15, 1827 and recorded April 30, 1830 in Volume 13 at Page 3. (Chain A, described therein as containing 5 acres and 2 rods, more or less). (Note: Said deed states that Sally Cook is the wife of John Cook).

B. Quit Claim Deed from Silas R. Seeley to Sally Cook dated and recorded April 30, 1830 in Volume 13 at Page 406. (Chain B, described therein as containing 35 acres, more or less). (Note: Said deed states that Sally Cook is the wife of John Cook).

C. Warranty Deed from Joseph H. Tanner, et al., (grantors identified therein as the heirs of Elisha Swift) to Sally Cook dated June 8, 1827 and recorded October 1, 1830 in Volume 13 at Page 33. (Chain C, described therein as containing 28 acres, more or less, and states, "...*excepting the incumbrance of the public highway though said land.*") (Note: Said deed states that Sally Cook is the wife of John Cook).

D. Warranty Deed from Sherman Patterson to Sally Cook dated September 27, 1839 and recorded September 30, 1839 in Volume 14 at Page 225. (Chain D, no acreage is called in said deed).

E. Deed from Samuel Seeley to Sarah Cook dated March 23, 1842 and recorded May 16, 1842 in Volume 15 at Page 462. (Note: Please note the two following issues regarding this deed:

- Said deed is included herein as it was referenced in a subsequent deed as being a portion of the land quit claimed to "H. Mellissa Clark" by the heirs of Andrew Clark (please see Letter H below). However, please note that the grantee therein is identified as Sarah Cook and all prior deeds in the chain conveyed property to Sally Cook. I am unaware if Sarah and Sally Cook are one and the same person as I did not find any evidence of an estate being opened under either name and no evidence of the passing of said party / parties was found in a check of Cornwall Vitals.

- Additionally, please note that said deed appears to lease the property set forth therein for the term of 935 years. Said deed states, "...*To have and to hold the above described and ... (unable to read word) premises unto her the said Sarah Cook, and to her heirs and assigns for and*

during the term of nine hundred and thirty five years from and after the twentieth day of June 1841...". The parcel is described in said deed as containing 10 acres and 36 rods).

F. Warranty Deed from Jason Cross to Sally Cook dated January 27, 1849 and recorded February 13, 1849 in Volume 16 at Page 152. (Chain E, described therein as containing $\frac{3}{4}$ of an acre, more or less).

G. Quit Claim Deed from Herman L. Cook to Sheldon Clark dated and recorded November 4, 1868 in Volume 20 at Page 767. (Note: Please note, said deed does not reference any particular parcel and instead conveys, "...all the right, title, interest, claim and demand whatsoever as I the said releasor have or ought to have in or to all the land situated in said Cornwall which was owned by my mother Sally Cook...". Please further note, as referenced above no evidence of the death of Sally Cook nor John Cook (her husband per deed references) was found recorded on the Cornwall Land Records. Additionally, it does not appear an estate was opened for either party. No conveyance out of any of the above referenced parcels by Sally or John Cook was found recorded on the Cornwall Land Records and no deed / probate certificate into the above referenced grantor, Herman L. Cook, was found recorded on said Land Records.).

H. Quit Claim Deed from Mary E. Clark, et al., (grantors identified therein as the heirs of Andrew M. Clark), to "H. Mellissa Clark" dated and recorded January 12, 1935 in Volume 32 at Page 78. (Note: Said deed recites the consideration as being to repay town taxes paid by Andrew M. Clark Estate, 1926-1933 and states the land is carried on the Cornwall Tax Records as "Cook Heirs land". Please note, I found no recorded document on the Cornwall Land Records transferring any interest in the searched parcels to Andrew M. Clark. As noted in Letter G above, Sheldon Clark had received a Quit Claim Deed which purported to convey all land situated in Cornwall which was owned by Sally Cook. Sheldon Clark passed away October 3, 1910 and a Certificate of Distribution from his estate is recorded on the Cornwall Land Records. However, said Certificate does not include / reference any of the searched parcels. The Quit Claim Deed into "H. Mellissa Clark" referenced herein describes the parcels conveyed by Volume / Page reference as follows:

-Vol. 13, Pg. 3 (please see Letter A above, identified as Chain A herein);

-Vol. 13, Pg. 33 (please see Letter C above, identified as Chain C herein);

-Vol. 13, Pg. 406 (please see Letter B above, identified as Chain B herein);

-Vol. 12, Pg. 491 (please note, this instrument appears to be a release of a Mortgage in favor of Silas Richmond Seeley recorded in Vol. 13, Pg. 1 rather than a deed transferring title to any of the above referenced parcels. Copies of Vol. 12, Pg. 491 along with the Mortgage recorded in Vol. 13, Pg. 1 are included herein for your reference);

-Vol. 14, Pg. 225 (please see Letter D above, identified as Chain D herein);

-Vol. 15, Pg. 462 (please see Letter E above, being a 935 year lease granted to Sarah Cook);

-Vol. 16, Pg. 152 (please see Letter F above, identified as Chain E herein);

-Vol. 16, Pg. 211 (please note, this instrument appears to be a Mortgage from John and Sally Cook to Burton Gilbert. Said Mortgage was subsequently assigned to Lyman Clark by

instruments recorded in Vol. 20 at Pg. 773 and again in Volume 22 at Page 720. Please further see a Quit Claim Deed from Joseph Clark and Nelson Clark (identified therein as the heirs at law of the Estate of Lyman Clark), to Sheldon Clark recorded July 1, 1876 in Volume 20 at Page 559) and

-Vol. 22, Pg. 720 (please note, as referenced above this instrument is an Assignment of a Mortgage from Burton Gilbert to Lyman Clark, said Mortgage being recorded in Vol. 16, Pg. 211).

I. Tax Collector's Deed from the Cornwall Tax Collector to Avery M. Vail dated November 1, 1937 and recorded November 5, 1938 in Volume 33 at Page 291. (Note: Said deed evidences the failure of the Heirs of John Cook to pay taxes and describes the four parcels conveyed based on abutters descriptions. Said abutters appear to have been changed / updated from prior chains. The four parcels conveyed are described as containing about 28 acres, about 5 acres, about 35 acres and about 10 acres).

J. Quit Claim Deed from Avery M. Vail to H. Melissa Clark dated October 10, 1938 and recorded February 27, 1939 in Volume 32 at Page 140. (Note: Said deed conveys the same parcels as described in Letter I above).

K. Quit Claim Deed from H. Melissa Clark to Bertha B. Clark dated March 26, 1953 and recorded March 30, 1953 in Volume 37 at Page 501. (Note: Conveys property described as "...a farm of land known as the John Cook place, situated on both sides of the so-called Cook Road..." and rather than describing said property based on abutters description as set forth in prior deeds in the chain, now describes parcels more as follows, "...28 acres, more or less, on both sides of Cook Road running from the top of the mountain to the west...", etc.

L. Quit Claim Deed from Bertha B. Clark to H. Melissa Clark dated August 26, 1953 and recorded September 1, 1953 in Volume 37 at Page 594. (Note: Said deed conveys the same parcels as described in Letter K above).

M. Cornwall Town Clerk Map No. 295 recorded January 24, 1979. Said map is entitled, "*Map Prepared For H. Melissa Clark, Cook Road, Cornwall, Connecticut, Scale 1' = 100', September, 1978*" prepared by Richard J. Adams R.L.S. and now depicts the searched property as a single 75.062 acre parcel.

N. Quit Claim Deed from Dark Entry Forest, Inc. to Melissa Clark dated December 5, 1978 and recorded June 25, 1979 in Volume 55 at Page 191. (Note: States the purpose of said deed is to fix and establish the common boundary lines of lands of the Releasor and Releasee as shown on Map No. 295).

O. Quit Claim Deed from S. Dillon Ripley, Mary Livingston Ripley and Milton L. Rosenberg, Executors and Trustees under the will of Eleanor H. Livingston, to H. Melissa Clark recorded June 25, 1979 in Volume 55 at Page 194. (Note: States the purpose of said deed is to fix and establish the common boundary lines of lands of the Releasor and Releasee as shown on Map No. 295).

P. Judgment, H. Melissa Clark vs. Heirs of John Cook, Docket No. CV-79-0029245-S, Superior Court Judicial District of Litchfield, evidencing that on May 2, 1979 the court ruled that H. Melissa Clark is the absolute owner with fee simple title to the 75.062 acre parcel shown on

Cornwall Town Clerk Map No. 295 and title to said premises is quieted and settled in the plaintiff and the plaintiff owns said property free of all rights, claims and demands of the defendants, recorded June 25, 1979 in Volume 55 at Page 199.

Q. Warranty Deed from H. Melissa Clark to James F. McClelland III dated June 25, 1979 and recorded June 26, 1979 in Volume 55 at Page 203.

R. Warranty Deed from James F. McClelland III to Woodbury Mountain LLC dated May 22, 2002 and recorded July 15, 2002 in Volume 93 at Page 708.

S. Lis Pendens, JPMorgan Chase Bank, N.A. vs. Alphonse Fletcher, Jr., Woodbury Mountain, LLC and Chase Manhattan Bank, action to foreclose a certain mortgage recorded in Volume 93 at Page 841 of the Cornwall Land Records, dated April 23, 2015 and recorded April 30, 2015 in Volume 117 at Page 1097.

T. Certificate of Foreclosure, JPMorgan Chase Bank, NA vs. Alphonse Fletcher, et al., Docket No. LLI-CV15-6012128-S, 132certifies that a certain mortgage recorded in Volume 93 at Page 841 of the Cornwall Land Records was foreclosed on August 31, 2017, title absolute in JPMorgan Chase Bank, NA on November 8, 2017, dated November 8, 2017 and recorded November 13, 2017 in Volume 121 at Page 302.

U. Quit Claim Deed from JPMorgan Chase Bank, NA to Anthony Macchiaroli dated January 20, 2021 and recorded January 28, 2021 in Volume 125 at Page 230. (Note: Said deed conveys a parcel described as "*Parcel to be Retained by JP Morgan Chase Bank NA Area: 566,280 SF 13.000 Acres*" on a map entitled "*Property Survey Prepared for the Department of Energy and Environmental Protection, State of Connecticut, Land of JP Morgan Chase Bank NA, 85 Cook Road, Town of Cornwall, Litchfield County, Connecticut, Date: 10/30/2020, Scale: 1" = 120'*" prepared by LRC Group. Said map was recorded March 22, 2022 as Cornwall Town Clerk Map No. 1109. The conveyed parcel being a portion of the 75.062 acre parcel on Map No. 295.)

-All of the Cornwall Land Records.

Property Description

That certain piece or parcel of land located on Cook Road in the Southwesterly part of the Town of Cornwall, County of Litchfield, and State of Connecticut, and more particularly described as follows:

"Parcel to be Retained by JP Morgan Chase Bank NA", 566,280 SF, 13.000 Acres, on map titled "Property Survey Prepared for the Department of Energy and Environmental Protection, State of Connecticut, Land of JP Morgan Chase Bank NA, 85 Cook Road, Town of Cornwall, Litchfield County, Connecticut" prepared by LRC Group, 160 West Street, Suite E, Cromwell, CT 06416 dated 10/30/2020, to be recorded in the land records of the Town of Cromwell, Connecticut.

This parcel is a portion of the property referenced in the Certificate of Foreclosure recorded 11/13/2017 in Vol. 121, Pg. 302 in the land records of the Town of Cromwell, Connecticut.

For further reference see survey map entitled "Map Prepared for H. Melissa Clark, Cook Road, Cornwall, Connecticut Scale 1" = 100' September 1978, Richard J. Adams, H.L.S.

Together with all of the Grantor's right, title and interest in and to Cook Road, so-called.