

FIRST AMENDMENT TO GRANT OF DEVELOPMENT RIGHTS AND CONSERVATION
RESTRICTIONS
AND NOTICE OF APPROVAL OF CERTAIN ACTIONS

RICHMOND LAND TRUST, GRANTOR

TRUSTEES OF THE RUTH K. BEEKEN TRUST, GRANTEE

AND

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RICHMOND LAND TRUST, GRANTEE

WHEREAS, the RUTH K. BEEKEN TRUST is the owner in fee certain of real property in Richmond, Vermont, which is subject to a "Grant of Development Rights and Conservation Restrictions," dated December 23, 1991, and recorded in the Town of Richmond Land Records in Book 76 beginning at Page 393, in favor of the RICHMOND LAND TRUST, INC. (the "Conservation Restrictions"); and

WHEREAS, this property contains 121.49 acres (more or less) and is the property conveyed to Warren L. and Ruth K. Beeken by Warranty Deed of David S. Goldsmith and Kim T. Lee, dated September 18, 1981, and recorded in Book 40, Page 407 of the land records of the Town of Richmond, except for the 21 acres in the southeast corner of the property described in a survey by Land Planners and Investment that is recorded in Map Volume 3, Page 48 and Book 76 at Page 393 (the "Property"); and

WHEREAS, the RUTH K. BEEKEN TRUST acquired this property in a warranty deed from Warren L. and Ruth K. Beeken, Trustees of the Warren L. Beeken Trust dated March 29, 1990, dated June 14, 2000 and recorded in the Town of Richmond Land Records in Book 115 beginning at Page 610; and

WHEREAS, the RICHMOND LAND TRUST and the TRUSTEES OF THE RUTH K. BEEKEN TRUST acknowledge that there was an oversight when the Conservation Restrictions were conveyed by Warren L. and Ruth K. Beeken and that the intent of the Parties was to provide a right-of-way to Warren L. and Ruth K. Beeken and their heirs, successors, and assigns for the purpose of providing access to 21 acres of land excluded from the Conservation Restriction;

WHEREAS, the RICHMOND LAND TRUST and the TRUSTEES OF THE RUTH K. BEEKEN TRUST wish to correct that oversight, but otherwise preserve all other provisions of the Conservation Restriction;

WHEREAS, the RICHMOND LAND TRUST and the TRUSTEES OF THE RUTH K. BEEKEN TRUST also wish to confirm the approval by the RICHMOND LAND TRUST of a certain subdivision of the Property and two logging rights of way.

NOW, THEREFORE,

KNOW ALL PERSONS BY THESE PRESENTS that the RUTH K. BEEKEN TRUST on behalf

of itself and its heirs, successors and assigns, in consideration of One Dollar and other valuable consideration paid to its full satisfaction, does freely give, grant, sell, convey and confirm unto the RICHMOND LAND TRUST, INC., a non-profit corporation with its principal offices in Richmond, Vermont, and its successors and assigns forever, the following First Amendment to the Conservation Restriction; AND,

KNOW ALL PERSONS BY THESE PRESENTS that the RICHMOND LAND TRUST, INC., a non-profit corporation with its principal offices in Richmond, Vermont, on behalf of itself and its heirs, successors and assigns, in consideration of One Dollar and other valuable consideration paid to its full satisfaction, does freely give, grant, sell, convey and confirm unto the TRUSTEES OF THE RUTH K. BEEKEN TRUST, their successors and assigns forever, the following First Amendment to the Grant;

Paragraph Number 2 under the heading "Restricted Uses of the Protected Property" of the Grant is DELETED, and REPLACED by the following paragraph number 2:

2. Except as specifically permitted under this grant, no rights-of-way, easements of ingress or egress, driveways, roads, or utility lines or easements shall be constructed, developed or maintained into, on, over, under, or across the Protected Property, without the prior written permission of the Grantee. Grantee may grant such permission if it determines in its sole discretion that any such improvements would be consistent with the Purposes of this Grant, and not adversely affect the agricultural and forestry potential or the scenic beauty of the Protected Property.

New Paragraph Number 6 under the heading "Permitted Uses of the Protected Property" of the Grant is ADDED:

6. The right to utilize a 50-foot right-of-way and utility easement for the purposes of accessing Lot 2, as depicted on the Plan entitled "Subdivision Boundary Plat, Property of The Ruth K. Beeken Trust," dated July 2005, last revised February 22, 2006, and of record in the Town of Richmond Land Records at Map Book , Page . All utilities within this right-of-way shall be located underground and the right-of-way shall be used to access no more than 2 residential dwellings to be located on the 21-acre excluded parcel.

The RICHMOND LAND TRUST also hereby provides notice of its approval under the terms of the Conservation Restrictions of: 1) the subdivision of the Property into Lot 1 (containing 27.08 acres, more or less) and Lot 2 (containing 115 acres, more or less) and 2) the two "Proposed Forestry and Recreational Right of Ways." All of the foregoing are depicted on a certain Plan entitled "Subdivision Boundary Plat, Property of The Ruth K. Beeken Trust," dated July 2005, last revised February 22, 2006, and of record in the Town of Richmond Land Records at Map Book , Page . The "Forestry and Recreational Right of Ways" may only be used and maintained for the uses allowed under and in accordance with the terms of the Conservation Restrictions.

All of the Conservation Restrictions shall remain in full force and effect, except they shall be amended only to the extent described in this First Amendment.


INVALIDATION of any provision hereof shall not affect any other provision of this First Amendment or the Conservation Restrictions.

TO HAVE AND TO HOLD said First Amendment, with all the privileges and appurtenances thereof, to the RICHMOND LAND TRUST, INC., its successors and assigns, to their own use and behoof forever, and the TRUSTEES OF THE RUTH K. BEEKEN TRUST, for itself and its heirs and assigns, does covenant with the said RICHMOND LAND TRUST, INC., its successors and assigns, that until the ensealing of these presents, the TRUSTEES OF THE RUTH K. BEEKEN TRUST are the sole owner of the premises, and have good right and title to convey the same in the manner aforesaid, that they are free from every encumbrance, except those of record, which do not affect the validity of this First Amendment, and they hereby engage to warrant and defend the same against all lawful claims whatever; and,


TO HAVE AND TO HOLD said First Amendment, with all the privileges and appurtenances thereof, to the TRUSTEES OF THE RUTH K. BEEKEN TRUST, its successors and assigns, to their own use and behoof forever, and the RICHMOND LAND TRUST, INC., for itself and its successors and assigns, does covenant with the said TRUSTEES OF THE RUTH K. BEEKEN TRUST and its successors and assigns, that until the ensealing of these presents, the RICHMOND LAND TRUST, INC is the sole owner of the Conservation Restrictions, and has good right and title to convey the same in the manner aforesaid, that they are free from every encumbrance, except those of record, which do not affect the validity of this Amendment, and they hereby engage to warrant and defend the same against all lawful claims whatever.

IN WITNESS WHEREOF, they set their hands and seals this day of April, 2006.

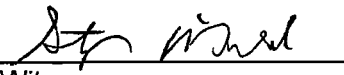
Signed, sealed and delivered in the presence of:



Witness



Ruth K. Beeken Trust by
Bruce T. Beeken, its Duly
Authorized Agent




Witness



Richmond Land Trust, Inc. by
Dan Martin, its Duly Authorized Agent

STATE OF VERMONT
CHITTENDEN COUNTY, ss.

At Burlington, Vermont, this ~~20~~²⁶ day of April, 2006, Bruce T. Beeken personally appeared and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Ruth K. Beeken Trust.

Before me, 

Notary Public

My commission expires: 2/10/2007

STATE OF VERMONT
CHITTENDEN COUNTY, ss.

At Richmond, Vermont, this 19th day of April, 2006, Dan Martin personally appeared and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Richmond Land Trust, Inc.

Before me, 
Notary Public

My commission expires: 2/10/2007