

RE: Visionary Development with Estate of Mazzella

Dear Dan:

I acknowledge receipt of your letter dated September 12, 2002, with regard to the aforementioned matter and the right of way issue, which I have reviewed with my client. Please accept this letter in response thereto.

For your reference, attached please find a survey as prepared by Brooks & Brooks in January, 2002. Please note the location of the right of way as per deed at Liber 978 Page 194. Although the easement is not expressly referenced in my client's deed, it would be included under the "appurtenances clause" thereof. Contrary to your clients' representations, the right of way does not terminate at the Marlboro Sewer Treatment Plant. Rather, the right of way passes to the east of the treatment plant directly to the Visionary premises. Therefore, it cannot be said that the right of way was terminated by the subdivision and sale of the sewer treatment parcel. In addition, a right of way of record is not terminated by the mere existence of access via alternative routes and/or rights of way.

In light of the enclosed survey, please revisit the right of way issue with your clients and let me know if they will agree to remove the chain across the road and permit access or if my client should pursue improvements on the easement of record.

My client is still very interested in the purchase of the premises. However, his offer remains ~~\$275,000.00~~, subject to his review and approval of the proposed subdivision lot lines, easements, etc...

Very truly yours,

RUSK, WADLIN, HEPPNER & MARTUSCELLO, LLP



DANIEL J. RUSK

DJR:

CC: Dean Graziosi

Enclosed This to Show  
Rite of way Not Subject to  
Termination / alternate Routes