

True Hall

REAL ESTATE



Smith Road at Hyler Cove
Cushing, Maine
MLS# 884650
\$129,500

P.O. Box 121
Tenants Harbor, Maine 04860
207-372-8952
www.truehall.com



No	Acres	Shore	Price
8	2.1	336	129,500
9	2.1	331	149,000
10	2.6	359	199,000
13	2.6	478	229,000

SELLER'S PROPERTY DISCLOSURE - LAND ONLY

PROPERTY LOCATED AT: Smith Road at Hyler Cove, Cushing, Maine, ME 04563

Under Maine Law, certain information must be made available to buyers prior to or during preparation of an offer. This statement has been prepared to assist prospective buyers in evaluating this property. This disclosure is not a warranty of the condition of the property and is not part of any contract between the Seller and any buyer. The Seller authorizes the Listing Broker in this transaction to disclose the information in this statement to other real estate licensees and to prospective buyers of this property. The Seller agrees to notify the Listing Broker promptly of any changes in the information and this form will be appropriately changed with an amendment date. Inspections are highly recommended.

NOTE: DO NOT LEAVE ANY QUESTIONS BLANK. WRITE N/A (NOT APPLICABLE) OR UNKNOWN IF NEEDED.

SECTION I. HAZARDOUS MATERIAL

The Seller makes the following representations regarding known hazardous materials that are currently or previously existing in or on the real estate:

- A. UNDERGROUND STORAGE TANKS - Current or previously existing:
- Are there now, or have there ever been, any underground storage tanks on your property? Yes No Unknown
- IF YES: Are tanks in current use? Yes No
- IF NO above: How long have tank(s) been out of service? _____
- What materials are, or were, stored in the tank(s)? not hazardous - contains water for fire protection
- Age of tank(s): approx 5 years Size of tank(s): 2, new gal.
- Location: first cul de sac
- Have you experienced any problems such as leakage? no
- Are tanks registered with the Dept. of Environmental Protection? Yes No Unknown
- If tanks are no longer in use, have tanks been abandoned according to D.E.P.? Yes No Unknown
- Comments: _____

- B. OTHER HAZARDOUS MATERIALS - Current or previously existing (such as Toxic Material, Land Fill, Radioactive Material, etc.):
- Yes No Unknown

Attachment explaining current problems, past repairs or additional information to any of the above hazardous materials? Yes No

Buyers are encouraged to seek information from professionals regarding any specific issue or concern.

SECTION II. GENERAL INFORMATION

Is the property subject to or have the benefits of any encroachments, easements, rights-of-way, leases, rights of first refusal, life estates or restrictive covenants on the property? Yes No Unknown

IF YES: Explain: deed covenants

What is your source of information: public record

Are there any shoreland zoning, resource protection or other overlay zone requirements on the property? Yes No Unknown

IF YES: Explain: shoreland zoning

What is your source of information: Town of Cushing

Is the subject property the result of a division of property within the last five years (for example, subdivision)? Yes No Unknown

IF YES: Explain: original subdivision 2003, revised January 2004

What is your source of information: _____

Are you receiving a tax exemption or reduction for this property for any reason including but not limited to: Tree Growth, Open Space and Farmland, Blind, Working Waterfront? Yes No Unknown

IF YES: Explain: _____

Has property ever been soil tested? Yes No Unknown If YES, are the results available? Yes No

Are mobile/manufactured homes allowed? Yes No Unknown Are modular homes allowed? Yes No

Has the property been surveyed? Yes No Unknown If YES, is the survey available? Yes No

ATTACHMENTS: Yes No

Additional Information: _____

Seller shall be responsible and liable for any failure to provide known information about property defects to Buyer.

SELLER John O. Robertson DATE 7/15/04 SELLER _____ DATE _____

John O. Robertson

I/We have read and received a copy of this disclosure and understand that I/we should seek information from qualified professionals if I/we have questions or concerns.

BUYER _____ DATE _____ BUYER _____ DATE _____

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Diane L. Hall



**DECLARATION OF RESTRICTIONS AND COVENANTS
HYLER COVE SUBDIVISION
CUSHING, MAINE**

This Declaration made as of this 5th day of APRIL, 2004 by John O. Robertson of Portland, Maine (hereinafter "Developer").

WITNESSETH:

WHEREAS, the Developer owns certain land situated in Cushing, Knox County, Maine, designated as Hyler Cove Subdivision Phase 2 and consisting of Lots numbered 8 through 13 on a Plan of Subdivision, dated and approved by the Town of Cushing Planning Board on 3 March 2004, recorded in the Knox County Registry of Deeds, Cabinet 16, Sheet 117, as such may hereafter be amended; and

WHEREAS, the Developer desires to establish a common scheme and plan upon the property in favor of each present or future lot owners and to create reciprocal rights and privity of contract and estate between all persons acquiring or owning an interest in any portion thereof; and

WHEREAS, the Developer further intends to subject each lot in the Hyler Subdivision Phase 2 to the agreements, restrictions and covenants herein set forth which shall inure to the benefit and be binding upon the Developer, his successors and assigns, and which shall run with the land and be binding upon and enforceable by all parties having right, title and interest in and to the premises or any portion thereof and their heirs, personal representatives, successors and assigns.

1. Residential Use Only. Each lot shall be used for private residential purposes to the exclusion of all other uses, and may not be subdivided. Only one single-family residential dwelling with the usual and customary outbuildings may be constructed or placed on any lot.

2. Setbacks; Building Specifications; Timelines. Each lot shall have a 25' setback from side lot lines and road frontage, within which no residential dwelling or accessory building shall be constructed. A single-story residential dwelling shall have a minimum of fourteen hundred (1,400) square feet of living area. A new two-story residential dwelling shall have a minimum of twelve hundred (1,200) square feet of living area on the first floor. The term "living area" as used herein shall exclude garages, decks, patios, porches and breezeways. Each dwelling shall be constructed on a solid concrete foundation with a full or daylight basement. Construction shall be completed within 18 months of commencement of construction. In the event of fire or natural disaster, a lot owner shall clean up site, eliminate any dangerous condition, and remove all debris within a reasonable time thereafter.

3. Prohibited Activities, Uses, and Effects. No commercial activity or storage of equipment associated with commercial activity, nor any noxious or offensive trade or activity, shall be conducted in any structure or on the premises nor shall anything be done which may be or become a nuisance. No lighting or activity shall cause unreasonable glare or noise to neighboring property.

4. Vehicles, Boats. No trailer, mobile home or recreational vehicle shall at any time be used for human habitation, temporarily or permanently, on the premises. No commercial vehicles, no vehicles without a current State of Maine inspection sticker, and no boats shall remain on the premises unless parked out of view in a garage or storage shed.

5. Signs; Service Equipment and Hardware. No sign of any kind shall be displayed to the public view on the premises, except one sign of not more than one (1) square foot in an area designating the occupant(s) of the lot. No service equipment or hardware such as satellite dishes, antennas, propane tanks, and trash receptacles shall be placed in the 25' side lot or road frontage setbacks.

6. Animals. No animals or poultry of any kind, other than house pets, shall be kept or maintained on any part of the property.

7. Preservation of Woodland Character. Individual lot owners of the Hyler Cove Subdivision Phase 2 and the Hyler Cove Homeowners Association, once established, shall make every reasonable effort to preserve the woodland character of the subdivision, consistent with reasonable residential development. Accordingly, the cutting of any trees, including clear cutting, outside the building envelope of each lot shall be prohibited.

This prohibition shall not apply to the cutting of any trees necessary for the construction of driveways and the installation of utilities, nor shall it apply to diseased, damaged, or dying trees, or trees which pose a risk to the property or the safety of the lot owner. Prior to commencing construction, each lot owner shall ensure that the building envelope is clearly marked on the ground and that the construction workers are aware of the location of such markers.

8. Homeowners Association. Once the Developer has sold all lots, each lot owner in the Hyler Subdivision Phase 2 shall become a member of the Hyler Subdivision Phase 2 Homeowners Association.

9. Enforcement. By the acceptance of the deed to his lot, each owner covenants and agrees for himself, his heirs and assigns, that he shall comply with the covenants and restrictions set forth in this Declaration. At any time prior to the establishment of the above-referenced Homeowners Association, any or all other lot owners may enforce these covenants and restrictions with respect to any lot owner who has violated said covenants and restrictions. After

the formation of the Homeowners Association, it shall be the Homeowners Association's obligation to enforce said restrictive covenants. In no event shall the Developer be responsible for enforcement.

DATED this 5th day of October, 2004.


John O. Robertson

STATE OF MAINE
Cumberland, ss.

October 5, 2004

Personally appeared the above-named John O. Robertson and acknowledged the foregoing instrument to be his free act and deed.

Before me, 
Notary Public

Print name: SUZANNE CANGE
My commission expires: NOTARY PUBLIC, STATE OF MAINE
MY COMMISSION EXPIRES JULY 12, 2011

