



2013 00017660

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Recorded: 07/24/2013 08:58 AM

Property Address:
57 East Pleasant Street
Amherst, MA 01002

AFFIDAVIT UNDER G.L. 183, § 5B

I, Gary D. Gruber, Esquire, hereby depose and state:

1. On October 7, 1974, James V. David conveyed the property at 57 East Pleasant Street, Amherst, Massachusetts (hereafter the "Property") to James V. David and James H. David as joint tenants with rights of survivorship in a deed recorded in Hampshire Registry of Deeds, **Book 1804 Page 109**.

2. On September 9, 1976, James V. David and James H. David conveyed the Property to Frank Pollard in deed recorded as aforesaid in **Book 1917 Page 186**.

3. On September 9, 1976, Frank Pollard conveyed the Property to James V. David and James H. David *as tenants in common*, by deed recorded as aforesaid in **Book 1917 Page 187**. As a result of the stated tenancy, James V. David and James H. David each became owners of a dividable 50 percent interest in the Property.

4. On January 28, 1982, James V. David conveyed a one-quarter (1/4) undivided interest to James H. David in a deed recorded as aforesaid in **Book 2262 Page 114**. At this time, James V. David only owned a 1/2 interest in the Property. Therefore, when he conveyed the 1/4 interest he did not convey a 1/4 interest of the entire fee, but only 1/4 of his 1/2 (or 1/8). As a result of this conveyance, James V. David owned a 3/8 interest in the Property and James H. David owned a 5/8 interest.

5. On December 5, 1984, James V. David conveyed a 1/8 undivided interest in the Property to James Foster David by deed recorded as aforesaid in **Book 2519 Page 38**. At the time of the conveyance, James V. David owned a 3/8 interest in the Property; therefore, when he conveyed the 1/8 interest he conveyed 1/8 of 3/8 (or 3/64). Thus, as a result of this conveyance James V. David owned a 21/64 interest, James H. David owned a 40/64 interest, and James Foster David owned a 3/64 interest.

6. On January 2, 1985, James V. David conveyed a 1/8 undivided interest to James Foster David by deed recorded as aforesaid in **Book 2526 Page 247**. James V. David conveyed 1/8 of his 21/64 interest which would have been 21/512 and therefore, he retained a 147/512 interest. As a result of this deed by James V. David into James Foster David, the ownership of

the property was as follows: James V. David was left with a 147/512 interest; James H. David owned a 320/512 interest; and James Foster David owned a 45/512 interest.

7. On August 6, 1985, James V. David died. See Barnstable Probate Docket Number 85P-1320E1.

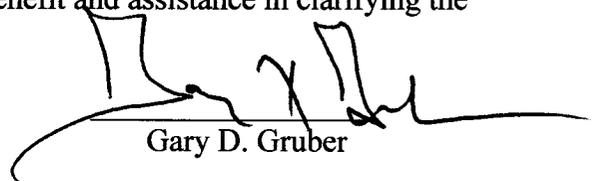
8. At the time of his death, James V. David owned a 147/512 interest in the Property, however, from the earlier conveyances it appears that this was not his intent. His apparent intent was for his son, James H. David to have a 3/4 interest and his grandson, James Foster David, to have a 1/4 interest, however, this intent was not accomplished as a result of an apparent drafting error.

9. James V. David's Last Will and Testament provided, amongst other things, that all of the rest, residue and remainder of his estate (which included his 147/512 interest in the Property) be conveyed in equal shares to James H. David and Kenneth H. David.

10. Accordingly, a deed has been prepared from James H. David and Kenneth H. David to accomplish the intended ownership interest in the Property, being a 3/4 interest in James H. David and 1/4 interest in James Foster David. Said deed to be recorded immediately subsequent to this affidavit.

CERTIFICATE

I, Gary D. Gruber, hereby certify that I am an attorney at law with offices at 20 Federal Street, Greenfield, Massachusetts and that the facts stated in the foregoing affidavit are relevant to the title of the Property therein described and will be of benefit and assistance in clarifying the chain of title thereto.

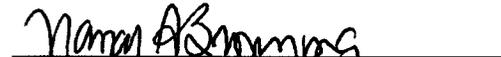

Gary D. Gruber

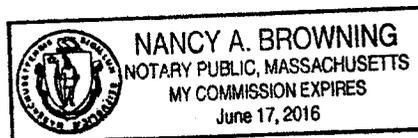
COMMONWEALTH OF MASSACHUSETTS

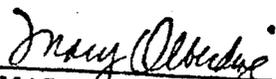
Franklin, ss.

July 19, 2013

Then personally appeared the above named GARY D. GRUBER, known to me to be the person executing the foregoing affidavit and made oath that the foregoing statement is true and acknowledged the foregoing to be his free act and deed before me.


Nancy A. Browning, Notary Public
My Commission Expires 6/17/16



ATTEST: HAMPSHIRE, , REGISTER
MARY OLBERDING