## VINEYARD LAND TITLES P.O. Box 5036 Edgartown, Massachusetts 02539

#### REPORT

OWNER: JOHN OCCOCH VANDERHOOP

LEGAL DESCRIPTION: Lot 554 as shown on the division plan of

Indian Lands at Gay Head, Massachusetts.

OUTSTANDING MORTGAGES: None of record.

ATTACHMENTS OR LIENS: None of record.

UTILITY EASEMENTS: None of record.

OTHER EASEMENTS: None of record.

RESTRICTIONS OR CONDITIONS: None of record.

BANKRUPTCY: None filed in Dukes County.

COMMENTS: This title is complicated by the probate of William A. Vanderhoop, Jr. who died in 1917. As set forth in the narrative, the title is defective, in that the fiduciary deed from the estate of William A. Vanderhoop, Jr. was actually executed prior to the issuance of the license to sell from the probate court. A determination needs to be made whether the defect could be used to set aside the conveyance or whether the defect is cured by operation of law.

EXAMINATION ENDS: May 10, 1995 at 2:00 p.m.

[100]]

Lot 554, Gay Head

1. This examination begins with the Set Off of Indian Lands of 1878 which set off this locus to William A. Vanderhoop, Jr. recorded in Book 65, Page 311.

Locus is described as a parcel of land which runs by other numbered lots, reciting course directions and measurements.

2. William A. Vanderhoop, Jr. died testate on October 13, 1917. His probate is filed in Dukes County, Docket 2/987.

Under the terms of the will, a specific devise of land is made to David French Vanderhoop. This description does not recite a reference or a lot number, and is probably not Lot 554

The will does not contain a residuary clause.

The probate inventory recites other real property, but does not specifically describe this locus by lot number. The inventory does name two "beach" lots.

3. Edwin D. Vanderhoop was named administrator with the will annexed and was granted a license to sell "an undivided interest in the real estate belonging to William A. Vanderhoop, Jr." not disposed of prior to his death, said license dated March 18, 1921.

Edwin D. Vanderhoop, Administrator of the Estate of William A. Vanderhoop, Jr. "by virtue of a License granted to me on the thirty first day of January, 1918 by the Probate Court for the County of Dukes County" conveyed Lot 554 and others to David F. Vanderhoop by fiduciary deed dated February 26, 1921 recorded on October 7, 1987 in Book 485, Page 538.

Note that there are several problems with this deed. The actual license to sell is dated March 18, 1921, but the deed recites that the license was granted on January 31, 1918. In fact, Edwin D. Vanderhoop was appointed to administer the estate on January 31, 1918, but the License was not issued until March 18, 1921 although the deed was actually executed on February 26, 1921. Apparently there was some confusion about the dates and/or powers of sale at that time.

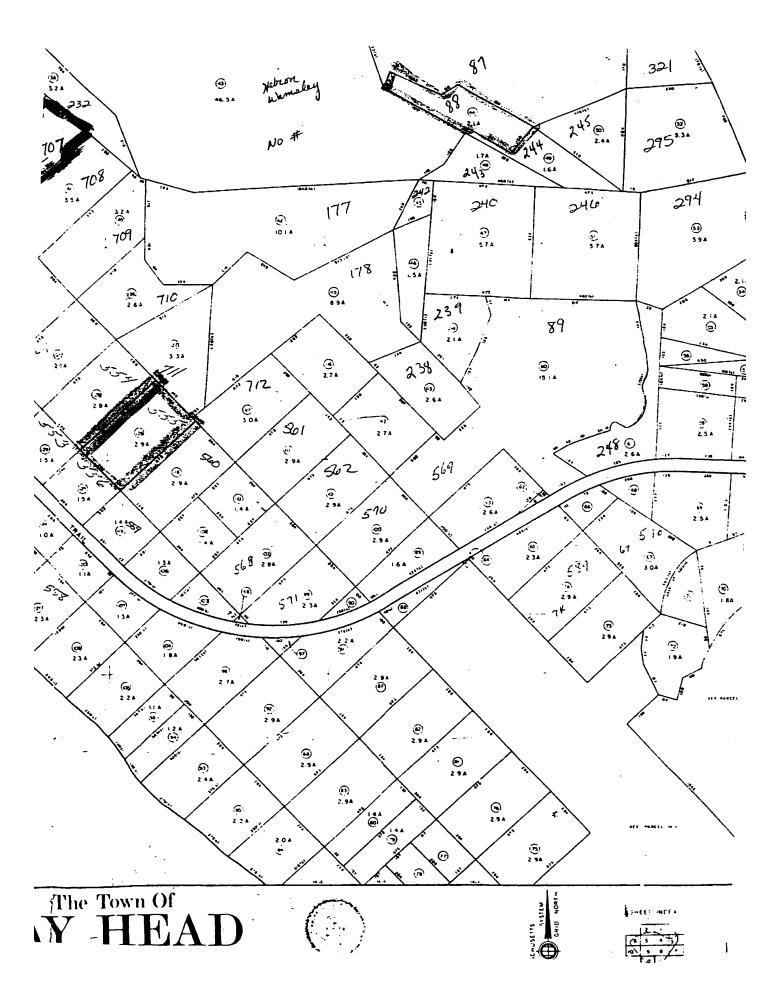
It is not clear to this examiner whether this problem is serious enough to set the conveyance aside or whether the defect is cured by a statute of limitations. This question

should be posed to an attorney who can advise as to the legal implications of this issue.

In addition, the deed was not recorded until after 66 years had passed. The recordation of the deed should not be construed as a problem.

- 4. David F. Vanderhoop died testate on January 24, 1965. His probate is filed in Dukes County, Docket 7/3818. Under the terms of his will, title to all his real estate passed to John Occoch Vanderhoop. Locus is not listed on the probate inventory.
- 5. John Occoch Vanderhoop has not conveyed locus to date.

This examination ends May 10, 1995 at 4:30 p.m.



Alvin Manning. Census 11°138.

Hur is thus bounded und described:

Beginning at the eastery corner bound of Lot 10°330; thenew by

It 10°354. 831°36°E, two hundred sixty four fect to a bound; thenew by

If 10°356. 838° 24'H. four hundred sevenly three fect to a bound; thenew

If Lot 10°552, 1131°36'W. two hundred sixty four fect to a bound;

thenew by Let 10°350. 1188° 24'E four hundred sevenly three fect to

The first unentioned bound, or the place of commencement.

Milliam a. Vanderhoop. 7. - Census 1176

Cine is thus bounded une closesibed:

Perimoning at the eastern corner bound of Lot N° 344; chence by Lot N° 111. S31° 36'E luvo nundred sixty four feet to a bound; thence by Lot N° 558, 838° 24W. Your hundred sevenly three feet to a bound; thence by Lot N° 553. 1131° 36'W, two hundred sixty four feet to a bound; thence by Lot N° 549, 1138° 24'E four hundred sevenly three feet to the first over hundred sevenly

Caron Cooper. - Cousses. H'49.

And so the bounded and described:

Beginning at the easterly corner bound of Lot h' 334; Chence
by Lot ho 711, 831' 36'E, live hundred thereby nine to feet to a bound;

and on the same course, by Lot H'712 twenty Lour 35 feet to a bound;

LOT 554 Gay Head

John Occoch Vanderhoop

D7/3818 1-24-65

David 7. Vanderhoop

2/26/21 485/538

Edurin D. Vanderhoop u/hunse a. 3-18-21

D2/987

William A. Vanderhoop. fr.

(05/311

SCHEDUL	E OF William A. h	andukirg, In	DOD 10-13-1	Donna L. Goodale Vineyard Land Titles P.O. Box 5036 EAgartown, MA 02539
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10/07/87		WHERE GAYHEAD 2 ACRES  WHERE  OF THE PROPERTY
571-510 MANNING, HELEN	FIRST AMENDMENT	FIRST AMEND
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VANDERHOOP, WILLIAM A. LAND T	R	
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10/07/87 VANDERHOOP, WILLIAM A., JR.		
485-533 VANDERHOOP, JOHN A., ADMIN. E	SVANDERHOOP, DAVID F.	GAY HEAD HOWE
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# Hobbs & Warren, Inc. Publishers <u>Standard</u> Legal Forms Boston - Mass. FORM 413

Title	No.	••••••
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### Probate

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been appred	- died 10-13-17 : in — testate — will and codicil-
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was appointed	Only heirs and next of kin (according to original fet for admin
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also oupriel	JANA a Vanderhorp, Hollenowish Chuswing
administrayn.	I JAMA a Vanderhoop, Hollenowish Ikudenhoop
	Omitted Children
	Signed by all Lev sworn to by all Lev dated 4-224
	Assented to by all heir
	Citation with sureties returnable
	N D
	Not. as ordered by posting, — pub. and mailing. Sworn to by 270 before J. P. Mass.
	Not. as ordered by posting, — pub. and mailing. Sworn to by 270 before J. P. Mass.
	Not. as ordered by posting, — pub. and mailing. Sworn to by ZTV before J. P. Mass.  Allowed with Cuff sureties. Date 9-2-19  Bond \$ 100 with sureties, Joint — several — approved 9-2-19.
	Not. as ordered by posting, — pub. and mailing. Sworn to by 270 before J. P. Mass.
	Not. as ordered by posting, — pub. and mailing. Sworn to by ZDV before J. P. Mass.  Allowed with Cuff sureties. Date 9 2 -19  Bond \$ 100 to with sureties, Joint — several — approved 9 - 2 - 19.  Letter, Book En Page Notice ordered by posting — pub. in
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3	Notice	100.881	M	30 acus WAV Sr.
	ATTACHMENTS BA	ANKRUPTCIES		FEDERAL LIENS

RE IT REMEMBERED that I, William Adrian Vanderhoop, of Gay Head, in the Commonwealth of Massachusetts, being of sound mind and memory, but knowing the uncertainty of this life, do make this my LAST WILL AND TESTAMENT.

After the payment of my just debts and funeral charges, I bequeath and devise as follows:

To, David French Vanderhoop of said Town and Commonwealth, and Merrian Vanderhoop Hayson of Washington D. C. equal interest in and to my house and land upon which same rests, equal interest in and to two acres of land (more or less) adjoining said housesand bounded as follows, viz:-

Beginning at the large rock forming part of the wall which encloses house lot on the South East side and, running in a Westerly direction to split rock on top of hill (just North West of my house) and on, in the same line to stone wall, thence following said wall in a South Westerly direction to State Highway, thence following State Highway in an Easterly direction to junction of enclosing wall aforesaid, thence following said wall in a Morth Casterly direction to large rock in wall being point of beginning

In testimony whereof I hereunto set by hand and in the presence of three witnesses declare this to be my hand will this eighth day of February in the year one thousand nine hundred and seventeen.

Vm. Adrian Vanderhoop

On this eighth day of February A. D. 1917. William Adrian Vander-hoop of Gay Head Massachusetts, signed the foregoing instrument in our presence, declaring it to be his last will: and as witnesses thereof we three do now, at his request, in his presence, and in the presence of each other, hereto subscribe our names.

A. Judson James, Daniel W. Belain Samuel H. Vanderhoop

4/	mmonwealth of Me	issit, iisells.	
DUKES COUNTY, SS.	PROBATE COURT.		
To Ed	I Vanderhoop		
administrai	of the estate of William	A Vanderhoop fr	
	late of Gog Head	in said County of Dukes County, decease	ed.
	sell, at public auction, at any time within o		
	al estate of said deceased for the payment		
administration, to wi	an undwidely	interest in the re	e,
exterior	felonging & Will	I Vacales hos	
the se	the William to W	inderfeat to Took	
to him de	the The	ral estate it site	- Z
of the of	crescil gay Head.		
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F4850538 and That the said premises work sold auction as above set set forthe. COMMONWEALTH OF MISSACHUSETTS DIFTEDS SELECTISED SELEC wife of said grantor Bliness My hand and soal this 26 // o'clock and /8 minutes A Received and entered with Dukes County Deeds book <u>485</u> page <u>538</u> Commonwealth of Museachusetts Then personally appeared the above named and acknowledged the foregoing histfument to be hee free act and deed, before me MARTHA'S VINEYARD LAND BALK FEE 3.04 PAID: EXEMPT: \$ CERTIFICATION ٠,٠ DATE

Detition by adamintal 18

			Sh	10.13.11
4	/		Ti	tle No.
SCHEDU	ULE OF DAU, DF. Vande	choop		Donna L. Goodale Vineyard Land Titles P.O. Box 5036 Edgartown, MA 02539
Dule	Siale	BK/Page		Description
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940.49		_		
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2.23.40	Long Crong	207.234 202.471	M	
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2.2.55	<u> </u>	827124	N	Tuking Lot 24
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1960-65	Allida X	257:1416	M	
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# HOBBS & WARREN, INC. PUBLISHERS <u>STANDARD</u> LEGAL FORMS BOSTON - MASS. FORM 413

Title	No.	••••••
Sheet	No.	***************

### Probate

	Estate of David F. Vandring No. 3/3278 County Probate
	Petition for military will with suretie
	Represents Lemana F. Vanderhap
	died 1-24-6 in testate will and no codicil
	died  -   vi-le in testate will and   codicil
	No — widow — husband.
	Only heirs and next of kin Manetta (W) Malism , Dister Pauline Vanderhoop " Legnard F Vanderhoop brother
	Lacorard Ellindarhours buther
declination	Wanter i we will be to the second
JOV	
hed 2-15-12	
fill 2 in a	Omitted Children
	Omiticed Omitical
	Signed by all flt sworn to by all flt dated 2-2-6
	Assented to by all heir ale
	Citation with MM sureties returnable 3-9-65
	Not. as ordered by posting, pub. and mailing. Sworn to by Mn. Gourday before J. P. Mass.
	Allowed with sureties. Date
	Bond \$ with sureties, Joint — several — approved
	Letter, Book Page Notice ordered by posting — pub. in
	Affidavit of filed
	Notice by posting — pub. in
	Inventory. R. E. 55, 946,00 P. E. \$ 11,29.01
	Legacies paid? Accounts?
	Federal Estate Tax
	Inheritance Tax 4-6-(c6
	Petn. to sell R. E. at priv. sale — pub. auc. — to pay by adm. — exor. — all'd.
	Assented to by Citation in
	Bond \$ with sureties approved
	License. Date notice of posting — pub. in
	Afdt. of not. of sale by posting — pub. in
	Description of Property in Notice
	ser allached

KNOW ALL MEN BY THESE PRESENTS That I, DAVID F. VANDERHOOP, of Gay Head, in the County of Dukes County and Commonwealth of Massachusetts, do make this my last will and testament, hereby revoking all wills and codicils heretofore made by me.

After the payment of my just debts and funeral expenses, I give, devise and bequeath all my property, real and personal, and including any property over which I may have any power of appointment or disposition to my nephew, JOHN OCCOCH VANDERHOOP, provided that he survives me, but if he does not survive me, then I give said property instead to my brother, LEONARD F. VANDERHOOP.

I constitute and appoint the said JOHN OCCOCH VANDERHOOP the executor of this my last will; if for any reason the said JOHN OCCOCH VANDERHOOP shall decline or be unable to act as such executor then and in that event I appoint the aforesaid LEONARD F. VANDERHOOP the executor hereof. I direct that neither the said JOHN OCCOCH VANDERHOOP or the said LEONARD F. VANDERHOOP shall give a surety or sureties upon their respective bonds as such executor.

IN WITNESS WHEREOF I, the said DAVID F. VANDERHOOP, have hereunto set my hand and seal this 16% day of February, 1957.

Lavel J. Vander Look

Signed, sealed, published and declared as and for his last will and testament by the above named DAVID F. VANDERHOOP in the presence of us who at his request, in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereof.

Horothy Ross

of Vinesard : Haven Luan

KNOW ALL MEN BY THESE PRESENTS That I, DAVID F. VANDERHOOP, of Gay Head, in the County of Dukes County and Commonwealth of Massachusetts, do make this my last will and testament, hereby revoking all wills and codicils heretofore made by me.

After the payment of my just debts and funeral expenses, I give, devise and bequeath all my property, real and personal, and including any property over which I may have any power of appointment or disposition to my nephew, JOHN OCCOCH VANDERHOOP, provided that he survives me, but if he does not survive me, then I give said property instead to my brother, LEONARD F. VANDERHOOP.

I constitute and appoint the said JOHN OCCOCH VANDERHOOP the executor of this my last will; if for any reason the said JOHN OCCOCH VANDERHOOP shall decline or be unable to act as such executor then and in that event I appoint the aforesaid LEONARD F.

VANDERHOOP the executor hereof. I direct that neither the said JOHN OCCOCH VANDERHOOP or the said LEONARD F. VANDERHOOP shall give a surety or sureties upon their respective bonds as such executor.

IN WITNESS WHEREOF I, the said DAVID F. VANDERHOOF, have hereunto set my hand and seal this 16% day of February, 1957.

Laid S. Vanderhoop

Signed, sealed, published and declared as and for his last will and testament by the above named DAVID F. VANDERHOOP in the presence of us who at his request, in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereof.

French Ross of Vineyard Haven Trace

Cirling Start of West Timber 18000000

French Deliver of The Man Trace

Of The Court of The Court

REAL .
SCHEDULE OF PERSONAL ESTATE IN DETAIL (COMMINICAL)

			Dolls.	Cts.
	All lands listed bel	ow are situated	in Gay F	
1.	Homestead land wit		reon	alue
2.	House (camp)	\$5,49 70	90.00 \$1 00.	19,215.00 2,500.
3.	Lot Numbered 131,	about 4 acres	700.	2,450.
4,	" " 63	" 63/100 "	60	5,40
5.	58	1 1/8	110	<del>11</del> γ+O
6	34	1 1/8	220	880
7	183	3 3/4	670	2345
8 9	26 29	1/8 1/8	10 10	<del>11</del> 0 7 <del>1</del> 0
	SCHEDULE OF REAL	L ESTATE IN DETA	AIL (conti	Lnued)

		:	Dolls.	Cts.
11 " 12. ½ of	t numbered 24 " 1962 " 256 " " 187 186 136 133 727	about 4.84 acres " 9/10 " " 1½ " 11½ 1½ 1/3 15/100 3 1/10	١ ٠ ٠	1680.00 560. 1000 5075 1070 320 160 1610
18 19 20 21 22 23 24 25 26 27 28 29	728 612 490 491 212 213 332 342 480 4803 492 611	3 1/3 1/4 1 1 5½ 6 1/5 3/4 5 3/4 1/2 1/3 1 1/4 1½	530 40 30 100 830 930 880 950 50 30 120 230.	1855 160 120 400 2900 3255 2800 3325 200 100 400 800.

\$55,940.00

SEARCH: VANDERHOOP, JOHN 04:06pm 19 APR 95 FOR: MMC FROM: 01/01/84 TO: 04/19/1995 PAGE 1 BK-PG/DT GRANTOR GRANTEE WHERE 485-533 VANDERHOOP, JOHN A., ADMIN. BSVANDERHOOP, DAVID F. GAY HEAD 10/07/87 VANDERHOOP, WILLIAM A., SR. VANDERHOOP, JOHN O. MADISON, LUTHER GAY HEAD 08/08/85 VANDERHOOP, ANN LOT 731 497-397 VANDERHOOP, JOHN O. CERT. OF MUNICIPAL LIENS CERTIFICATE maps.psz lotti? 04/08/88 GAY HEAD 497-402 VANDERHOOP, JOHN O. MADISON, JEFFREY L., TRSD. GAY HEAD 04/08/88 BIG TREE REALTY TRUST LOT 187 505-341 VANDERHOOP, JOHN O. VANDERHOOP, LEONARD F., JR. GAY HEAD 08/11/88 VANDERHOOP, WALTRUD M. LOTS 732 & 506-635 VANDERHOOP, JOHN O. MADISON, JEFFREY L., TRS. DISCHARGE BIG TREE REALTY TRUST 09/08/88 497/411 CERTIFICATE OF MUNICIPAL LIEN CERTIFICATE
MAPS Parally LOTIVE GAY HEAD VANDERHOOP, JOHN O. 514-557 01/17/89 525-348 NOTICE OF FILING PETITION VANDERHOOP, JOHN O. NOTICE OF 07/31/89 VANDERHOOP, LEONARD F., JR. -TO PARTITION FILING PETITION COLBY, IDA F., A/K/A TO PARTITION COLBY, IDA V. VANDERHOOP, ALFRED A. TAYLOR, BARBARA V. MACDIARMID, ROBERT MAC DIARMID, ROBERT VANDERHOOP, CHARLES W., JR. LEE, BEULAH V. Lot 215 BECKERT, ROGER P. RICHARDSON, ELLA, HEIRS OF MCGUIRE, ROBERT G., SR., HEIRS MC GUIRE, ROBERT G., SR., HEIR VANDERHOOP, LEONARD F., SR. VANDERHOOP, EDWIN D., HEIRS OF VANDERHOOP, ARTHUR H., HEIRS O WEISSBERG, THELMA V., TRS. WEISSBERG REALTY TRUST GENTRY, BEATRICE V. GILES, BERTHA V. HELD, JESTINA MACDIARMID PAGE, ELOISE V. ROBEY, JOANNA V. JACKSON, ELLA L. MCGUIRE, ROBERT G., JR. MC GUIRE, ROBERT G., JR. WINSTON, MASON, HEIRS OF Map 5 P 1 OF WINICIPAL LIENS CERT VANDERHOOP, JOHN O. 533-223 GAY HEAD 12/28/89 CERT OF MUNICIPAL LIENS CERT VANDERHOOP, JOHN O. 533-224 mapaph lotura GAY HEAD 12/28/89 MADISON, JEFFREY L., TRS. GAY HEAD VANDERHOOP, JOHN O. 533-227 DOGFISH BAR TRUST LOTS 681 12/28/89 571-519 VANDERHOOP, JOHN O. WEISSBERG, THELMA GAY HEAD LOT 574 01/13/92 MANNING, HELEN COLBY, LEWIS, JR., TRS., HEIR VANDERHOOP, WILLIAM A., LAND MADISON, JEFFREY L., TRS. GAY HEAD 489-654 VANDERHOOP, JOHN OCCOOCH MEDICINE MAN'S LODGE REALTY T LOT 183 12/07/87 INDIAN LANDS END OF SEARCH FOR VANDERHOOP, JOHN as of 4/17/95 at 4:30 update to 4/24/95 at 400 pm.

Moshup Trail, Buy Head

Jaking, 846/265 Redemplion 860/616

8K698PC727

#### QUITCLAIN DEED

I, John Occoch Vanderhoop, of 1854 Avocado Drive, Henderson, Nevada, for consideration paid and in full consideration of the payment of five thousand (\$5,000.00) dollars, grant to Mark Harding, of RFD 163A, State Road, Gay Head, Massachusetts, with quitclaim covenants, a certain parcel of land known as Indian set-off Lot 554 and shown on a plan of land entitled "Plan of Gay Head showing the Partition of the Common Lands as made by Joseph T. Pease and Richard L. Pease, Commissioners" and recorded with the Dukes County Registry of Probate. The parcel, originally set off to William A. Vanderhoop, Jr. by instrument recorded in Dukes County Registry of Deeds in Book 65, Page 311, is bounded and described according to the above plan as follows:

Beginning at the easterly corner bound of Lot No. 549; thence by Lot No. 711, S31° 36'E two hundred sixty four feet to a bound; thence by Lot No. 555, S58° 24'W four hundred seventy three feet to a bound; thence by Lot No. 553, N31° 36'W two hundred sixty four feet to a bound; thence by Lot 549, N38° 24'E four hundred seventy three feet to the first mentioned bound or the place of commencement.

For title of grantor, see Estate of David F. Vanderhoop, Dukes County Probate No. D7/3818.

Witness the execution hereof under seal this \_\_\_\_\_\_ day of

April, 1997.

John Occoch Vanderhoop

### M698PC728

STATE OF NEVADA

April // , 1997

Then personally appeared before me the above-named John Occoch Vanderhoop and acknowledged the foregoing instrument to be his free act and deed.

DARIN R. TEA Notary Public • Nevada My appt. exp. July 2, 2000 No. 98-3358-1

Notary Public
My commission expires:

Address of property:

Set-off Lot 554 Moshop Trail Gay Head, MA

Address of Grantee:

RFD 163A State Road Gay Head, MA

MARTHA'S VINEYARD LAND BANK FET

PAID: \$ 100.00

EXEMPT \$

SUATO 4/18/97 (MY) ALLES

NO. DATE CERTIFICATION

Edgesterm, Mass. April 1897

o'clock and Francis Marker County Deed:
nook page

Attast: Page Rogister Rogister