



State of New Hampshire
 DEPARTMENT OF NATURAL & CULTURAL RESOURCES
 OFFICE OF THE COMMISSIONER

172 Pembroke Road Concord, New Hampshire 03301
 Phone: 603-271-2411 Fax: 603-271-2629
 TDD Access: Relay NH 1-800-735-2964
 dncr.nh.gov



2A

May 1, 2024

His Excellency, Governor Christopher T. Sununu
 and the Honorable Council
 State House
 Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 4:29 and RSA 227-H:6, authorize the Department of Natural and Cultural Resources (DNCR) to accept the donation of approximately 33 acres, more or less of undeveloped forestland abutting Honey Brook State Forest in the Town of Acworth, worth an assessed value of \$6,900, from the Town of Acworth, effective upon Governor and Council approval.

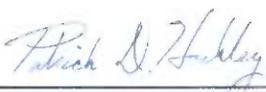
EXPLANATION

The DNCR has received an offer, from the Town of Acworth to donate approximately 33 acres, more or less (by deed) of forestland abutting the Honey Brook State Forest. The DNCR is seeking authority to accept the donation.

The DNCR believes that this parcel would be a good addition to Honey Brook State Forest as it would add timber resources to the existing forest management area, is identified in the Quabbin to Cardigan Partnership (Q2C) study as being a core conservation focus area.

Final approval is subject to the receipt and approval of the executed deed by the Department of Justice.

Respectfully submitted,



 Patrick D. Hackley
 Director

Concurred,



 Sarah L. Stewart
 Commissioner

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301-3258

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

May 15, 2024

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

**Re: Department of Justice Review of Proposed "Quitclaim Deed" of the
Town of Acworth conveying the "Prouty Land," so-called, to the State of
New Hampshire.**

Your Excellency and Honorable Members of the Council, greetings:

The Department of Justice has reviewed the unexecuted version of the "Quitclaim Deed" attached to this letter for form and substance only. Subject to the matters, assumptions, and qualifications discussed below, we have found the "Quitclaim Deed" satisfactory in terms of form and substance only.

Form of the Quitclaim Deed: Approved. The Quitclaim Deed appears to follow the statutory form of quitclaim deed prescribed by the legislature in RSA 477:28 (2013).

Substance of the Quitclaim Deed: Approved. Subject to New Hampshire's recording statute, RSA 477:3-a (2013), when duly executed and delivered, the "Quitclaim Deed" will presumptively have the force and effect of a deed in fee simple determinable to convey the real property described in it to the State of New Hampshire, its successors, and assigns, to their use, with covenants on the part of the Town of Acworth, for itself, its successors, and assigns with the State of New Hampshire, its successors, and assigns, that at the time of the delivery of the deed, the real property was free from all incumbrances made by the Town of Acworth, except as expressly stated or otherwise provided for in the deed, and that the Town of Acworth will, and its successors and assigns must, warrant and defend the same to the State of New Hampshire, its successors, and assigns forever against the lawful claims and demands of all persons claiming, by, through, or under the grantor, but against none other. *See* RSA 477:28 (2013).

As mentioned above, the Quitclaim Deed creates a defeasible fee subject to the possibility of reverter. *See* RSA 477:3-b (2013). Per the deed, the stated condition that will trigger the reversion of the estate to the Town of Acworth is a "determin[ation] that the State no longer needs the property[.]" *See* "Quitclaim Deed" p. 1. Under current law, the governor and council may "determine that the State no longer needs the property" by following the statutory procedure outlined in RSA 4:40, I. *See* RSA 4:40, I (2020) (requiring the "recommendation of the head of [the agency] having jurisdiction over the [real property]" and review and approval "by the long range capital planning and utilization committee, with advice from the council on resources and development, [before] submission to the governor and council for approval."). Should the governor and council make such a determination, the estate will revert to the Town of Acworth by operation of law. *See Carter Country Club v. Carter Community Bldg. Ass'n*, 174 N.H. 686, 692 (2021) ("A possibility of reverter is 'a future interest retained by a grantor after conveying a fee simple determinable so that the grantee's estate terminates automatically and reverts to the grantor if the terminating event ever occurs.'").

We also note that the "Quitclaim Deed" asserts an exemption from the New Hampshire real estate transfer tax applicable to the transfer of real property to the State. *See* RSA 78-B:2, I (Supp. 2023).

Qualifications: Our review and approval of the proposed Quitclaim Deed as to form and substance only is expressly limited to the matters discussed in this letter. Except as explicitly noted above, we have not made any independent review or investigation into any factual matter related to the proposed transaction, nor have we reviewed any public record or performed any title review of the real property to be transferred to the State. Accordingly, nothing herein should be relied upon as an opinion of title. Finally, we express no opinion whatsoever concerning the proposed transaction or any matter arising from, connected with, or related to the proposed transaction, including, without limitation, the parties' compliance with all applicable laws; the prudence or advisability of the transaction; the enforceability of the deed or any other transaction document; the grant or acceptance of a defeasible fee through the deed; the authority of the parties to consummate the transaction; or the transaction's financial, tax, or legal ramifications.

On behalf of the attorney general, we hope our memorandum aids your review and consideration of the proposed transaction.

Faithfully yours,


Mark W. Dell'Orfano
Assistant Attorney General
Civil Law Bureau

After recording, please return to:

New Hampshire Department of Natural and Cultural Resources
172 Pembroke Road
Concord, NH 03301

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that the TOWN OF ACWORTH, a New Hampshire municipal corporation, whose mailing address is, PO Box 37, Acworth, New Hampshire, 03601 (hereinafter "Grantor"), grants, conveys, and transfers to the STATE OF NEW HAMPSHIRE, acting through its DEPARTMENT OF NATURAL AND CULTURAL RESOURCES, with a principal mailing address of 172 Pembroke Road, Concord, NH 03301 (hereinafter "Grantee"), with QUITCLAIM COVENANTS, the following:

A certain parcel of land located off NH Route 123A, Town of Acworth, County of Sullivan, State of New Hampshire, as shown on the Town's tax records as Tax Map 250, Lot 2 (hereinafter the "Property"), also known as the "Prouty Land," and further described as follows:

Beginning at the Northwest corner of land owned now or formerly by Richard Tinker at a stake and stones; thence Southerly 113 rods and 8 links on land of said Richard Tinker to a stake and stones; thence Easterly on land formerly owned by Coolidge Butterfield about 43 rods to a stake and stones; thence Northerly on land now or formerly of Aaron Miller, it being the line between the towns of said Acworth and Lempster, 133 rods and 15 links to a stake and stones; thence Westerly about 43 rods on land now or formerly of Aaron Miller to the first mentioned bound, containing thirty-three (33) acres, more or less.

Until the Grantee determines that the State no longer needs the Property.

Subject to all easements of record.

Meaning and intending hereby to convey until the Grantee determines that the State no longer needs the Property, Tax Map 250, Lot 2, as conveyed to the Town of Acworth by Leon F. Newton, Tax Collector of the Town of Acworth, by Tax Collector's deed dated December 28, 1944, and recorded in the Sullivan County Registry of Deeds on January 3, 1945, at Book 294, Page 192.

The within conveyance was authorized by vote of the Town under Article 12 at the Annual Town Meeting of the Town of Acworth taken on March 14, 2017.

The grantee's acceptance of this instrument is expressly conditioned on and will only become effective upon Governor and Executive Council (the "G&C") approval of the Property transfer to the grantee and this instrument after grantor's delivery hereof.

The real property transferred to the State, hereby, is subject to a possibility of reverter authorized under RSA 477:3-b, II (2013).

This transfer of real property to the State is exempt from the New Hampshire real estate transfer tax. RSA 78-B:2, I (Supp. 2019).

TOWN OF ACWORTH
BOARD OF SELECTMEN

_____ Date

_____ Jim Jennison

_____ Date

_____ Ray Leonard

_____ Date

_____ Kathi Bradt

STATE OF NEW HAMPSHIRE
SULLIVAN COUNTY, ss.

The foregoing instrument was acknowledged before me on this ____ day of _____, 2024, by Jim Jennison, Selectman of the Town of Acworth, duly authorized, on behalf of the Town.

Notary Public/Justice of the Peace
My commission expires:

STATE OF NEW HAMPSHIRE
SULLIVAN COUNTY, ss.

The foregoing instrument was acknowledged before me on this ____ day of _____, 2024, by Ray Leonard, Selectman of the Town of Acworth, duly authorized, on behalf of the Town.

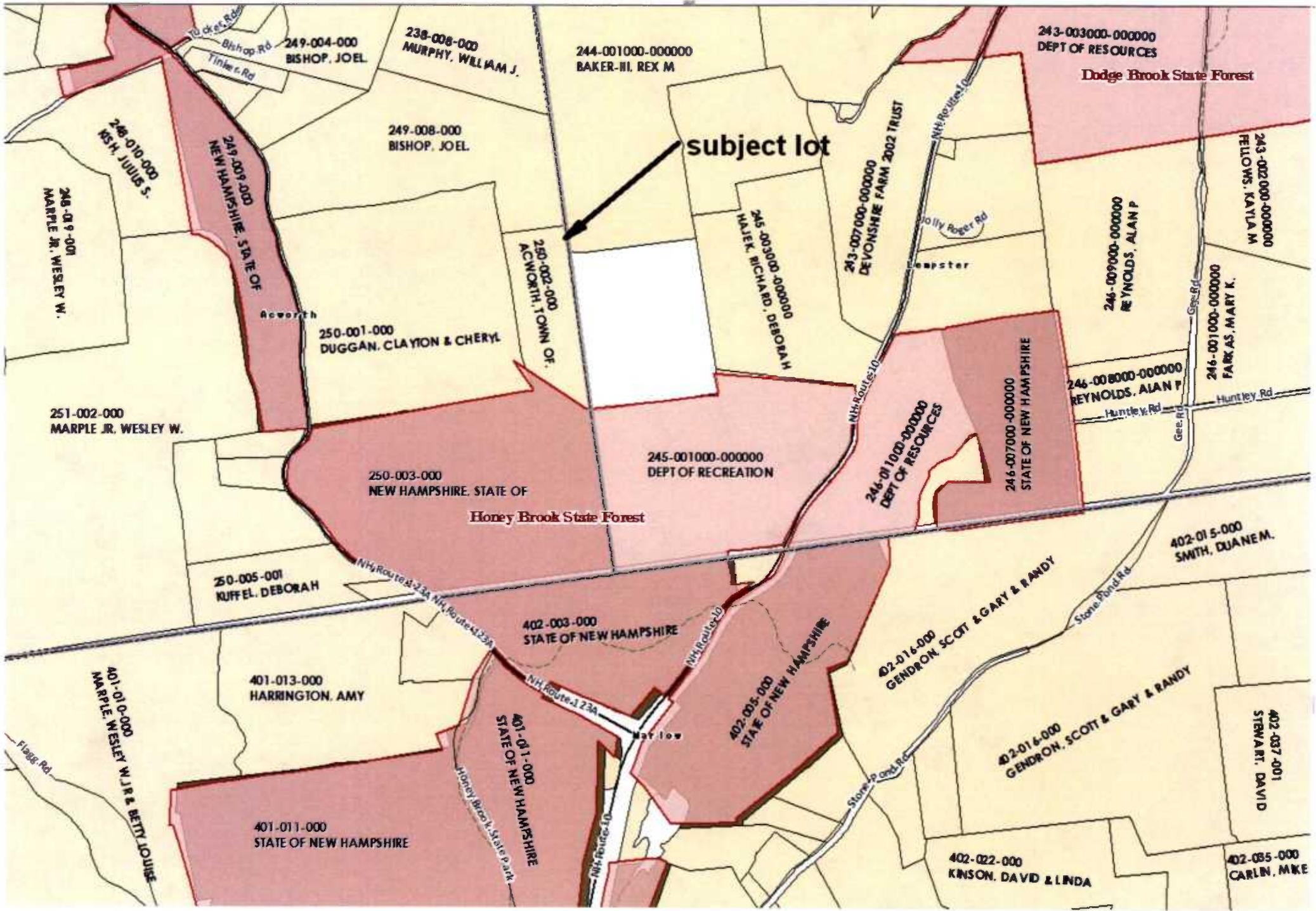
Notary Public/Justice of the Peace
My commission expires:

STATE OF NEW HAMPSHIRE
SULLIVAN COUNTY, ss.

The foregoing instrument was acknowledged before me on this ____ day of _____, 2024, by Kathi Bradt, Selectwoman of the Town of Acworth, duly authorized, on behalf of the Town.

Notary Public/Justice of the Peace
My commission expires:

Approved by NH Governor and Executive Council on _____, 2024, Agenda Item No. __.



subject lot

244-001000-000000
BAKER-III, REX M

238-008-000
MURPHY, WILLIAM J.

249-004-000
BISHOP, JOEL

243-003000-000000
DEPT OF RESOURCES

Dodge Brook State Forest

249-008-000
BISHOP, JOEL

243-007000-000000
DEVONSHIRE FARM 2002 TRUST

243-002000-000000
FELLOWS, KAYLA M

246-009000-000000
REYNOLDS, ALAN P

245-003000-000000
HALEK, RICHARD, DEBORAH

250-002-000
ACWORTH, TOWN OF

250-001-000
DUGGAN, CLAYTON & CHERYL

251-002-000
MARPLE JR, WESLEY W.

251-002-000
MARPLE JR, WESLEY W.

250-003-000
NEW HAMPSHIRE, STATE OF

Honey Brook State Forest

245-001000-000000
DEPT OF RECREATION

246-011000-000000
DEPT OF RESOURCES

246-007000-000000
STATE OF NEW HAMPSHIRE

246-008000-000000
REYNOLDS, ALAN P

246-001000-000000
FARRAS, MARY K.

250-005-001
KUFFEL, DEBORAH

402-015-000
SMITH, DJANEM.

402-003-000
STATE OF NEW HAMPSHIRE

402-016-000
GENDRON, SCOTT & GARY & RANDY

401-013-000
HARRINGTON, AMY

402-005-000
STATE OF NEW HAMPSHIRE

402-016-000
GENDRON, SCOTT & GARY & RANDY

401-010-000
MARPLE, WESLEY W JR & BETTY LOUISE

401-011-000
STATE OF NEW HAMPSHIRE

401-011-000
STATE OF NEW HAMPSHIRE

402-022-000
KINSON, DAVID & LINDA

402-037-001
STEWART, DAVID

402-035-000
CARLIN, MIKE

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🍴 Restaurants

🏨 Hotels

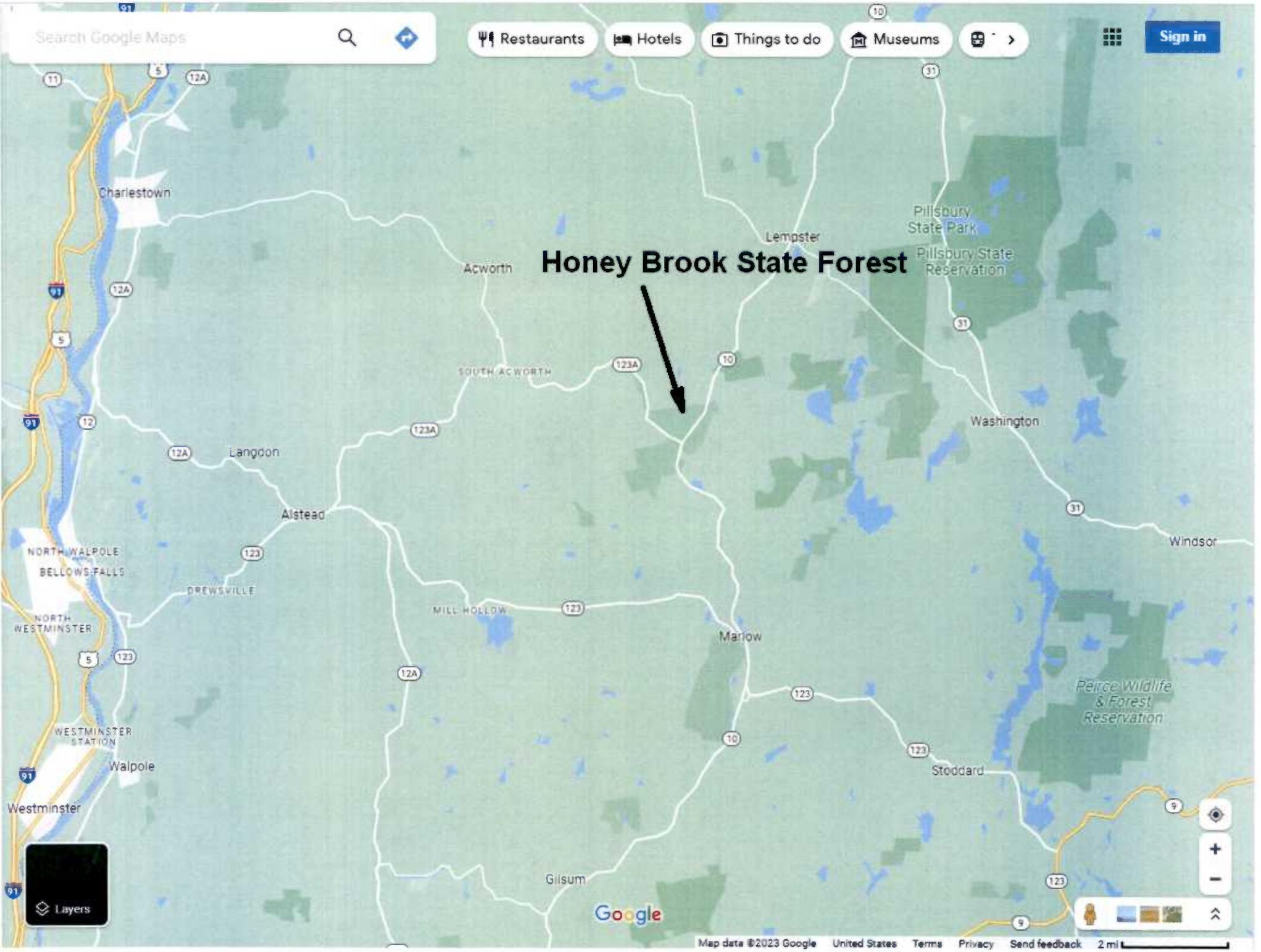
📷 Things to do

🏛️ Museums



Sign in

Honey Brook State Forest



Google