



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

25 Capitol Street - Room 120
Concord, New Hampshire 03301

MAR 24 '22 PM 2:01 RCVD

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Charles M. Arlinghaus
Commissioner
(603) 271-3201

Joseph B. Bouchard
Assistant Commissioner
(603) 271-3204

Catherine A. Keane
Deputy Commissioner
(603) 271-2059

March 21, 2022

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

REQUESTED ACTION

Authorize the Department of Administrative Services (the "Department"), acting pursuant to RSA Chapter 563-B (Uniform Disclaimer of Property Interests Act) and/or RSA 554:18-b (Waiver of Rights to Devised or Inherited Real Property), to disclaim and/or waive on behalf of the State of New Hampshire any interest that the State may now have or be eligible to acquire in certain land parcel remnants located on either side of the Central Court right-of-way in Derry, New Hampshire, so that the Town of Derry may quiet title to such land without obstacle from the State's competing statutory interest.

EXPLANATION

On November 3, 1904, Emma A. Abbott conveyed by Warranty Deed to Rosecrans W. Pillsbury a fee simple absolute interest in a certain parcel of land in Derry, New Hampshire, having an area of approximately 4,510 square feet, shown as "Lot 6" on a subdivision plat entitled "Plan of Lots in Pillsbury Park, Derry, N.H." dated 1909, prepared by Arthur W. Dudley, C.E. (the "Property"). Rosecrans W. Pillsbury apparently died intestate (without a will) in 1932, survived by two children, both of whom were themselves deceased by 1983. Recent efforts by a guardian ad litem to trace the heirs of Rosecrans W. Pillsbury to the 4th degree of kinship, as required under the New Hampshire intestate distribution statute (RSA 561:1), have identified no living heirs. Therefore, pursuant to RSA 561:1, II(g), ownership of the Property ostensibly passes to the State, but only by order of "the probate court." It appears that the State was unaware of its potential interest in the Property until late 2021.

In 2002, the Town of Derry commenced a road layout procedure to accept or confirm the public road known as Central Court, which now dominates and runs through the middle of the Property. The Derry Town Council confirmed by resolution dated July 10, 2003 that Central Court is a public road. The Town has indicated that it would have purchased or taken by eminent domain those remnants of the Property that are not now part of the Central Court right-of-way, but it cannot locate any rightful owner. The Town has further indicated that it has not taxed anyone for any part of the Property "for decades," and that other plans prepared by other parties since 1985 show

no ownership of the portions of the Property located outside of the Central Court right-of-way. As a result, the Town of Derry has filed an action in Rockingham County Superior Court to quiet title to that portion of the Property that has not already become part of a Town road. The State of New Hampshire is named as a respondent in such action by virtue of its apparent interest in the remnants of the Property pursuant to RSA 561:1, II(g).

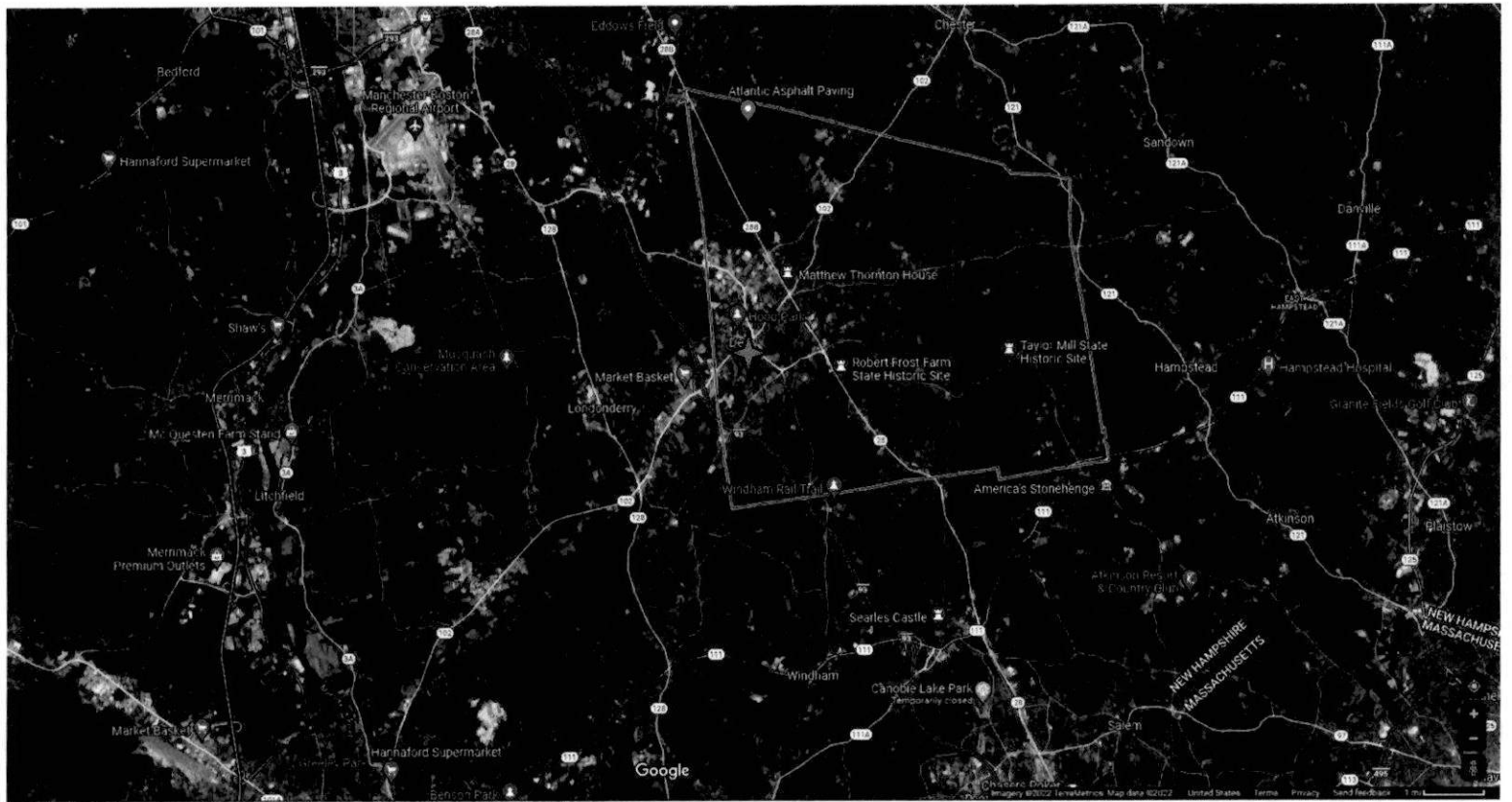
The Department became involved when the New Hampshire Department of Justice approached the Department's Real Property Asset Manager for advice and assistance in responding to the Town's action to quiet title. Given that the remnants of the Property remaining on either side of the Central Court right-of-way are too small, too irregularly shaped, and too poorly located for productive use or beneficial sale by the State as stand-alone parcels, the Department recommends that the State disclaim or waive any interest that it may have or be eligible to acquire in the Property, thereby eliminating all known interests or potential interests in the Property that could stand in opposition to the Town's petition to quiet title. It does not appear that the State has ever formally acquired a present interest in the Property or that an interest has ever been allocated to any particular executive branch agency. Pursuant to RSA 21-I:11, I(c)(3), the Department has "custody of all state-owned or rented real property not specifically charged to some other department," so the Department would appear to be the proper State agency to disclaim and waive the State's non-vested (absent a court order) future interest in the Property pursuant to RSA Chapter 563-B (Uniform Disclaimer of Property Interests Act) and/or RSA 554:18-b (Waiver of Rights to Devised or Inherited Real Property), respectively. Because the State's interest in the Property has not vested, the State has no present interest in the Property, itself, and it may never obtain a present interest in the Property unless and until the Rockingham County Superior Court so orders. Furthermore, the Department believes that the State's apparent statutory right to receive distribution of what remains of the Property is, itself, not transferable and thus not subject to the surplus State real property disposal requirements of RSA 4:40.

Therefore, for the reasons set forth above, the Department proposes to disclaim and/or waive any interest that the State may now have or be eligible to acquire in the Property as set forth above pursuant to RSA Chapter 563-B and/or RSA 554:18-b.

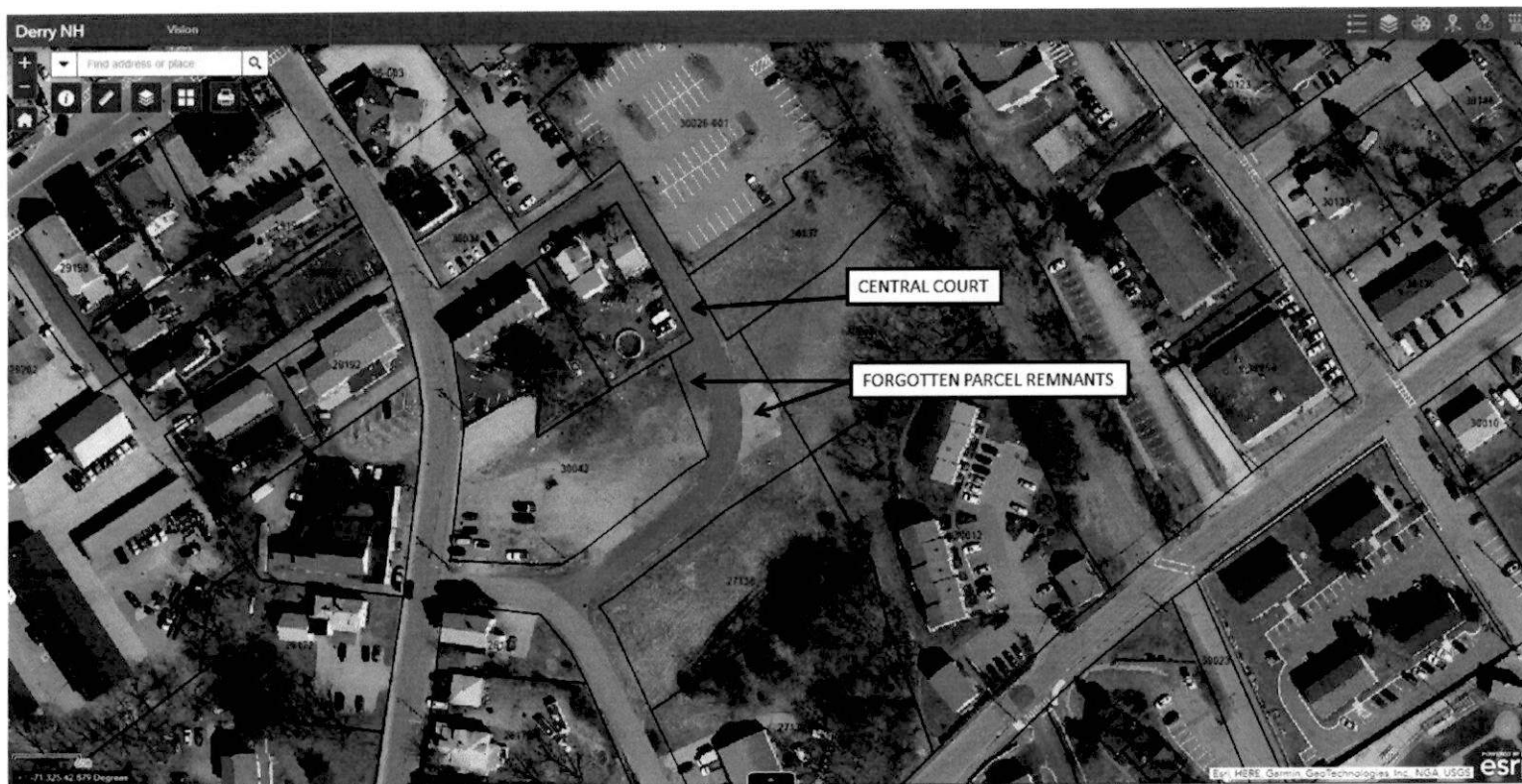
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ch Arlinghaus", written in a cursive style.

Charles M. Arlinghaus
Commissioner



**General Location of Forgotten Parcel Remnants
Central Court
Derry, New Hampshire**



**Tax Map Detail with Aerial Imagery Overlay
Approximate Location of Forgotten Parcel Remnants
Central Court
Derry, New Hampshire**

NOV 29 AM 9:48

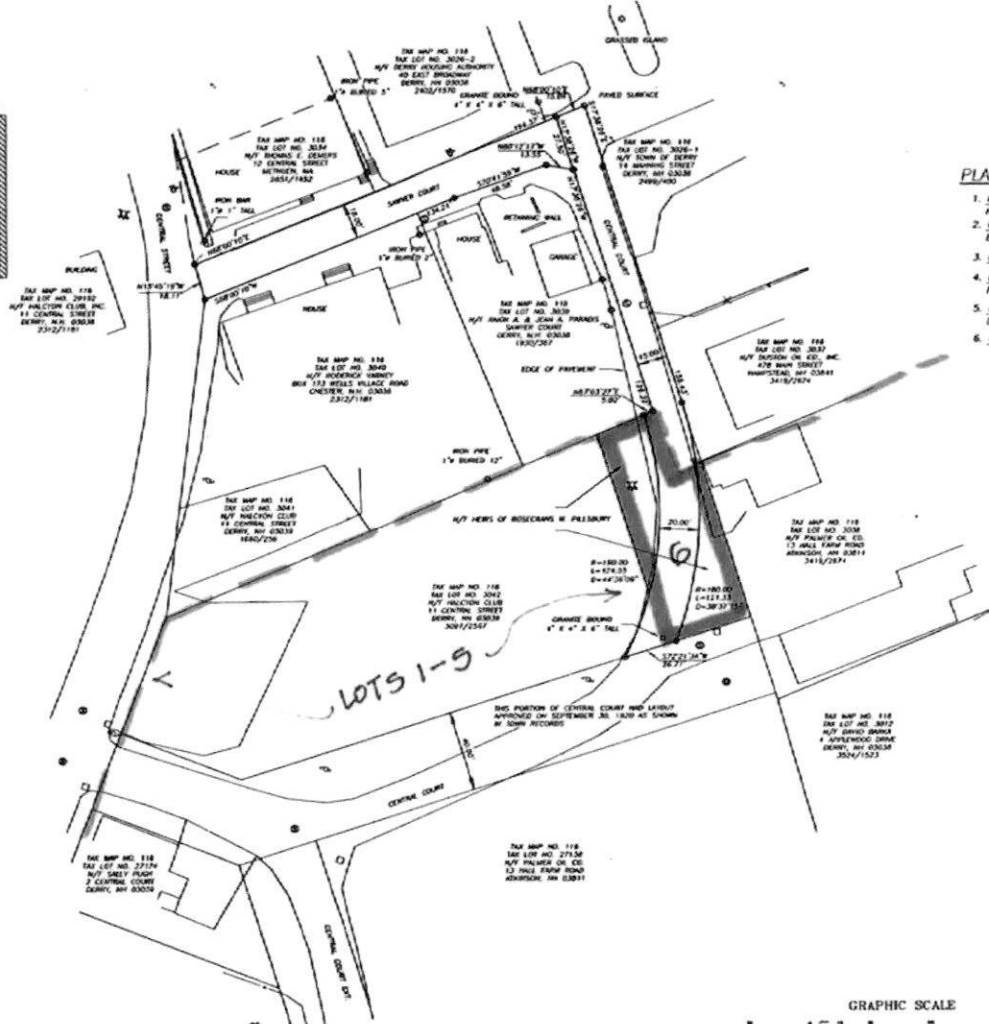
090064

LEGEND

- DEMOTES 1/2" STEEL REINFORCING ROD SET
- DEMOTES GRANITE BOUND
- ⊙ DEMOTES EXISTING UTILITY POLE



VICINITY



NOTES

- PURPOSE OF PLAN TO SHOW THE BOUNDARIES OF SAWYER COURT AND CENTRAL COURT AS CLAIMED BY THE TOWN OF DERRY, NH BY PRESCRIPTION.
- I HEREBY CERTIFY THAT THIS SURVEY AND PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY CONDUCTED BY DEC. 2001 USING A LEICA TOTAL STATION AND STEEL TAPE AND HAS A BRIDGE ERROR OF CLOSURE EXCEEDING 1/10,000 ON ALL PROPERTY LINES BORDERING ON THE SUBJECT PROPERTY.

R. J. Blaisdell

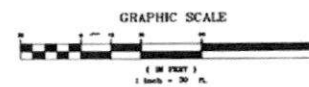
PLAN REFERENCES

- R.C.R.D. #D-10232 "TAX MAP 30 LOTS 26, 27, 28, 29, 35 & 36 BOUNDARY PLAN OF LAND IN DERRY, NH PREPARED FOR DERRY HOUSING AUTHORITY" BY DAVIS, BENNETT & TESSIER, INC. DATED JUNE 24, 1981.
- R.C.R.D. #D-15061 "PLAT PLAN FOR RECORDING ONLY FOR TAX LOT 30-42 CENTRAL ST., DERRY, NH" BY BRIAN L. DUDLEY ASSOC., INC. DATED OCTOBER 4, 1985.
- R.C.R.D. #D-10158 "PLAN OF LOTS IN FILLBURY PARK DERRY, NH" BY ARTHUR W. DUDLEY DATED 1909.
- R.C.R.D. #D-10142 "TAX MAP 30 LOTS 30, 31 & 32 BOUNDARY PLAN OF LAND IN DERRY, NH PREPARED FOR DERRY HOUSING AUTHORITY" BY DAVIS, BENNETT & TESSIER, INC. DATED FEBRUARY 10, 1991.
- R.C.R.D. #D-11430 "SUBDIVISION & CONSOLIDATION PLAN OF LAND IN DERRY, NH PREPARED FOR DERRY HOUSING AUTHORITY" BY RONALD R. BURD, INC. DATED JANUARY 3, 1983.
- UNRECORDED SANBORN FIRE INSURANCE MAP DATED DECEMBER 1921.

A SURVEY AND PLAT OF
SAWYER COURT
AND
CENTRAL COURT
AS CLAIMED BY THE
TOWN OF DERRY
SITUATED IN THE TOWN OF
DERRY, NH



PREPARED BY:
BLAISDELL SURVEY, LLC
ROSCOE T. BLAISDELL, LLS
22 SCRIPPER ROAD, RAYMOND, N.H. 03077
DATE: 5/12/05 095-9947 JCB NO. 1175
FD NO. 9 DRAWING NAME: 1175JURY DRAWN BY: JCB



D-30844

NOV. 1, 2021

ARAGO
LAND CONSULTANTS, LLC

PURSUANT TO RSA 676:8B(1) and RSA 672:14
I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown.

Date: 7-22-03 R. J. Blaisdell
LICENSED LAND SURVEYOR

*A COPY OF THIS PLAN HAS BEEN FILED WITH THE TOWN OF DERRY, N.H. PLANNING BOARD. Date: 7-27-03

RETURN TO:

Brenda E. Keith, Esq.
Boutin Law PLLC
1 Buttrick Road
P.O. Box 1177
Londonderry, NH 03053

DISCLAIMER

The **STATE OF NEW HAMPSHIRE**, acting through its Department of Administrative Services pursuant to RSA Chapter 563-B and/or RSA 554:18-b, as authorized by the Governor and Executive Council on _____, 2022 (Meeting Agenda Item # _____), with a mailing address of Department of Administrative Services, Office of the Commissioner, 25 Capitol Street, Concord, New Hampshire 03301 (the "State"), hereby disclaims and waives any right, title, or interest that the State may have in or to certain land parcel remnants located on either side of Central Court in the Town of Derry, County of Rockingham, State of New Hampshire (the "Premises"), said right or interest being more particularly described as follows:

Any and all right, title, and interest as the State may have pursuant to RSA 561:1, II(g) in and to those remaining portions of certain land now or formerly of the Heirs of Rosecrans W. Pillsbury, shown as "Lot 6" on that certain "Plan of Lots in Pillsbury Park, Derry, N.H." dated 1909, prepared by Arthur W. Dudley, C.E., recorded in the Rockingham County Registry of Deeds as Plan # 158, and more particularly described in Warranty Deed of Emma A. Abbott to Rosecrans W. Pillsbury dated November 3, 1904, recorded in the Rockingham County Registry of Deeds at Book 643, Page 176, which remaining portions presently abut both sides of the Central Court road layout as shown on that certain "Survey and Plat of Sawyer Court and Central Court as claimed by the Town of Derry, situated in the Town of Derry" dated May 12, 2003, prepared by Blaisdell Survey, LLC, recorded in the Rockingham County Registry of Deeds as Plan # D-30844.

Meaning and intending to describe, disclaim, and waive any interest in the Premises that the State may now have or be eligible to acquire pursuant to the New Hampshire Intestate Distribution Statute (RSA 561:1).

By executing and delivering this Disclaimer, the State hereby disclaims, releases, waives, and terminates any and all right, title, and interest as the State may currently have in and to the Premises, whether present, future, or contingent.

Dated this _____ day of _____ 2022.

STATE OF NEW HAMPSHIRE
By and through its
DEPARTMENT OF ADMINISTRATIVE
SERVICES

By: _____
Charles M. Arlinghaus, Commissioner

STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this _____ day of _____ 2022, personally appeared the
above-named Charles M. Arlinghaus, known to me (satisfactorily proven) to be the person
whose name is subscribed to the foregoing instrument, and acknowledged that he is the duly
authorized Commissioner of the New Hampshire Department of Administrative Services and
that he executed the foregoing instrument for the purposes therein contained.

Notary Public / Justice of the Peace
My Commission Expires: _____
(SEAL)