

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CASE NO. 1:12-cv-00130-JAW
)
)
 CHARLES R. UPTON and)
 IDA M. UPTON)
)
 Defendants.)

AMENDED JUDGMENT OF FORECLOSURE AND SALE

This amended judgment is being entered pursuant to Rule 60(a) of the Federal Rules of Civil Procedure to correct a clerical error in the legal description of the judgment entered on August 17, 2012. This judgment is being entered Nunc Pro Tunc, so that it doesn't have an adverse impact on the original judgment or the time frames set forth in said judgment.

The legal description is being amended as follows:

Upton Farm

The following described parcels of land situated in said Town of Monticello, in said County of Aroostook, to wit: Fifty (50) acres off of the south side of that part of Lot numbered One Hundred Twenty (120) in said Monticello, according to a Plan and Survey of said town by Joel Wellington, which was conveyed to James Foster by James S. Wellington and James C. Madigan by their deed dated April 9, 1873, and recorded in the Aroostook Registry of Deeds in Vol. 48, Page 162.

Also five (5) acres off of the south part of said Lot numbered One Hundred Twenty (120) immediately south of and adjoining the first herein described parcel of fifty (50) acres, which was excepted in the above mentioned deed from said James C. Wellington and James C. Madigan to James Foster recorded in said Registry in Book 48, Page 162 as aforesaid.

The above described premises are the same as those conveyed to Ivan C. Upton by Guy F. Pryor by his warranty deed dated October 23, 1948, and recorded in Vol. 600, Page 307 of said Registry.

Old Storage

A certain lot or parcel of land situated in Lot Thirty-two (32) in the Town of Monticello, County of Aroostook and State of Maine, being more particularly described as follows, to wit: Beginning at a point eight and ninety-five hundredths (8.95) feet west of the center line of Bangor and Aroostook Railroad Company's Spur "B", so-called, at Monticello Siding, said Point being opposite a point in the center line of said Spur "B" one thousand (1,000) feet as measured along the center line of said Spur "B" from the southerly point of switch; thence westerly at right angles to a tangent to said Spur "B", forty-six (46) feet to a point; thence northerly at right angles fifty-nine and nine-tenths (59.9) feet to a point; thence easterly at right angles forty-six (46) feet to a point; thence southerly at right angles fifty-nine and nine-tenths (59.9) feet, more or less, to the point of beginning. Meaning and intending hereby to convey that parcel of land under the warehouse now or formerly owned by Morris Cole.

Said parcel containing six-hundredths (0.06) acres, more or less, and is a portion of those premises described in a deed from W. R. Foster et als, to Bangor and Aroostook Railroad Company dated November 23, 1894, and recorded in Vol 134, Page 42 of the Southern District of the Aroostook Registry of Deeds.

Also, the right in common with the Bangor and Aroostook Railroad Company and others to use a right-of-way as established for access to and from the above described parcel. Subject to, the Grantee agrees that before selling the land above described, they will offer it to the railroad at the highest price offered by a third party, however, should the railroad not exercise its option, then the option shall run with the deed to any third party, however, should the railroad not exercise its option, the option shall run with the deed to any third party, their heirs, executors, administrators, or assigns.

The above premises are the same as those conveyed to Charles R. Upton and Ida M. Upton by the Bangor and Aroostook Railroad Company by its deed dated April 11, 1972, and recorded in Vol. 1099, Page 628 of said Registry.

Delong/Campbell Farm

The following described pieces or parcels of real estate situated in Monticello, in the County of Aroostook and State of Maine, viz:

Sixty (60) acres off the north side of Lot numbered One Hundred Two (102); forty (40) acres off the south side of Lot numbered One Hundred fifteen (115), conveyed by John Hodgdon to Edward B. Jewell, September 5, 1863, and recorded in Vol. 25, Page 285 of the Aroostook Registry of Deeds.

Also, that portion of Lot numbered One Hundred Fifteen (115) conveyed to Edward B. Jewell by Edward B. Nickerson, December 1865, in Vol. 30, Page 239 of said Registry, containing one hundred (100) acres.

Excepting and reserving a part of Lot numbered One Hundred Fifteen (115) in the town ship of Monticello, in the County of Aroostook and State of Maine, beginning at an iron rod on the easterly margin of Old U. S. Route No.1, so-called, said iron rod being one thousand, two hundred sixty-nine (1,269) feet southerly along said margin of said road from its intersection with the north line of Lot numbered One Hundred Fifteen (115); thence South Seventy-five Degrees Forty-five Minutes Ten Seconds East (S 75°45' 10" E), one hundred seventy-six and twenty-two hundredths (176.22) feet to an iron rod; thence south twenty-three degrees fifty-five minutes no seconds west (S 23° 55' 00" W) one hundred twenty-five and seven-tenths (125.7) feet to an iron rod; thence South Eighty-one Degrees Twenty Minutes Fifteen Seconds West (S 81° 20' 15" W), ninety and fifty-three hundredths (90.53) feet to an iron rod; thence North Seventy-three Degrees Sixteen Minutes Eleven Seconds West (N 73° 16' 11" W), one hundred forty-one and ninety-three hundredths (141.93) feet to an iron rod on the easterly margin of said road; thence North Thirty-eight Degrees fifty-one Minutes Eighteen Seconds East (N 38° 51' 18" E), one hundred sixty-eight and twenty-nine hundredths (168.29) feet to the point of beginning, containing six hundred eighty-five thousandths (0.685) acres.

Also, Lot numbered One Hundred Sixteen (116) in said Monticello conveyed to Edward B. Jewell by Eli Russell, March 27, 1862, recorded in Vol. 25, Page 310 of said Registry. All of the above described premises are according to plan and survey of said Town by Joel Wellington, and the last parcel containing one hundred sixty (160) acres. Excepting and reserving, one hundred twenty (120) acres off the north side of the premises; the dividing line running east and west and on a line parallel with the north line of Lot One Hundred Fifteen (115) and One Hundred Sixteen (116). The spring near said line of Lot One Hundred Fifteen reserved to use in common with occupant of reserved premises. Also reserving ten (10) acres, more or less, sold out by Edward B. Jewell to Mina and Perley Fullerton, June 11, 1907. Also reserving land sold to the State of Maine, in Vol.452, Page 522 of said Registry.

Also, excepting and reserving land conveyed to Jerome Delong in Vol. 3675 Page 105 of The Aroostook Registry of Deeds as follows: A certain piece or parcel of land situated in Monticello, County of Aroostook and State of Maine, to wit: Beginning at the northwest corner of those premises deeded to Jerome Delong by Eugene and Sharon Delong by Warranty Deed dated September 21, 1987 and recorded in the Southern Aroostook Registry of Deeds in Vol. 2025, Page 84; thence along the north bound of those premises S 75°45' 10"E, 176.22', more or less to an iron pin; thence along the east bound of those premises S 23° 55' 00" W, 125.7', more or less, to an iron pin; thence S 75° 45' 10" W, 40.0', more or less, to an iron pin; thence No 23° 55' 00" E, 175.7', more or less, to an iron pin; thence N 75° 34' 32" W, 223.39', more or less, to an iron pin on the easterly margin of Old US Highway #1; thence S 15° 35' 05" W, 50.0', more or less, to the place of beginning, containing 0.364 acres, and subject to whatever rights the public may have to that portion of Old US Route #1, along the easterly margin of said road.

Also excepting and reserving land conveyed to the United States of America in Vol. 648, Page 374 of said Registry.

Being the same premises acquired by the United States of America, acting through the Farmers Home Administration, USA, by virtue of an assignment of foreclosure rights from First National Bank of Aroostook, as evidenced by an assignment recorded in Vol. 1226, Page 93 of the southern District of the Aroostook Registry of Deeds on April 6, 1976.

The said premises are also the same as those conveyed to Charles R. Upton and Ida M. Upton by the United States of America acting through the Farmers Home Administration, USDA, by their deed dated October 6, 1976 and recorded in Vol. 1283, Page 9 of the Southern District of the Aroostook Registry of Deeds.

Excepting and reserving, however, those premises conveyed to Vernon R. Upton by Warranty Deed of Charles R. Upton and Ida M. Upton dated June 27, 2005 and recorded in the Southern Aroostook Registry of Deeds in Vol. 4145, Page 58.

Dated: 8/17/2012

/s/John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF U.S. DISTRICT JUDGE