October 30, 2017

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FA/49/2017

On September 29, 2017, The Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"Please note I am seeking information on the Adverse Claim filed against Crown Grant Application No. 149469."

Please be advised that a decision has been made by the Deputy Minister for FLR to provide partial access to the requested information. Please note that access to specific information contained within the records has been refused in accordance with Sections 40 (1) Personal Privacy and Section 29 Policy Advice or Recommendations. A full list of relevant legislation is attached. As required by 8(2) of the Act, we have severed information that is exempt from disclosure and have provided you with as much information as possible.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response
is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

Holly Philpott
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25, of the costs of reproduction, shipping and locating a record.

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.
(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).

Policy advice or recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;
(b) the contents of a formal research report or audit report that in the opinion of the head of the public body is incomplete and in respect of which a request or order for completion has been made by the head within 65 business days of delivery of the report; or

c) draft legislation or regulations.

(2) The head of a public body shall not refuse to disclose under subsection (1)

(a) factual material;

(b) a public opinion poll;

(c) a statistical survey;

(d) an appraisal;

(e) an environmental impact statement or similar information;

(f) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies;

(g) a consumer test report or a report of a test carried out on a product to test equipment of the public body;

(h) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body;

(i) a report on the results of field research undertaken before a policy proposal is formulated;

(j) a report of an external task force, committee, council or similar body that has been established to consider a matter and make a report or recommendations to a public body;

(k) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body;

(l) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy; or

(m) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

(3) Subsection (1) does not apply to information in a record that has been in existence for 15 years or more.
KELLY, Sherry Lynn

From: Smith, Andrew
Sent: Friday, May 27, 2016 2:49 PM
To: Lands Office, Eastern
Subject: RE: 149469 and 149471 - [Redacted] Residential Harbour Main

In Response to the Above-Noted Two Referrals:

Thank you for this opportunity to comment.

Regards,

Andrew C. Smith
Planner III, Land Use Planning
Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL, A1B 4J6
Tel 709.729.4970, Fax 709.729.0477

---Original Message---
From: Lands Office, Eastern
Sent: Thursday, May 26, 2016 10:57 AM
To: Spencer, Garry L.; Deconavalon: Hanlon, Carol; Drake, Martha; Mercer, Delphina
Subject: 149469 and 149471 - [Redacted] Residential Harbour Main

Good Morning,

Please find attached a referral for the above noted applicant. Please complete the attached Referral Agency Letter and return as per the information within the letter. If you have any questions, comments, or concerns please do not hesitate to contact the Eastern Regional Office at 729-2654.

Thank you and have a wonderful day.

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
Lands Branch  
Eastern Regional Lands Office  

November 24, 2015

Dear Sir:

This is with reference to your recent application for Crown land situated in Brownsdale.

Please be advised that your application is considered incomplete and cannot be processed until this Office receives additional information from you.

The land under application is located within a community infilling limit (highlighted in purple) that only allows for residential development; therefore, applications for cottage lots are not permitted. It should also be noted that standard lot size for residential applications requiring the installation of water and sewer facilities is 0.186ha consisting of 30m frontage by 62m depth. As a result, the amount and configuration of the land requested on your application is in excess and must be modified to meet the dimensions as stated above.

Enclosed you will find some Departmental mapping. Please indicate the exact location you wish to apply for, initial and date, and send back to this office.

It is Lands Branch policy to accept only completed applications for Crown land on a first come, first serve basis. Please be advised that this Branch will accept completed applications from other individuals for this site until such time as your application and the requested information is received.

A self addressed envelope has been included for your convenience. If you have any further questions please contact this office at the address listed below.

Yours truly,

Melissa Hickey

LANDS OFFICER II

Howley Building, Higgins Line, Box 8700, St. John's, NL, A1B 4J6, Phone (709) 729-2654, Facsimile (709) 729-0726
BY HAND

November 27, 2015

Government of NL
Dept. of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
Box 8700, St. John's, NL
A1B 4J6

Dear Melissa Hickey (Lands Officer),

Re: Application for a Residential Lot In Brownsdale, NL (Ref. No. 1036190)

Thank you for your correspondence of Nov. 24, 2015. Please proceed with my application as a Residential Development application.

I have attached a revised plan for the land I am interested in, as approximately outlined in black pen with rough estimated distances and identified at P1 (an additional application will be made in short order for the area indicated as P2).

I appreciate your time on this matter and hope the above and the attached are satisfactory. Please call me at your convenience at [redacted].

Sincerely,
[redacted]

KB/kb – encls.
REGISTRY OF DEEDS
CERTIFICATE OF REGISTRATION

Registration Date: February 03, 2014
Registration Time: 11:54 AM
Registration Number: 638841

Registrar of Deeds

Confirmation Date: February 05, 2014
Fee Paid: $118.00
Receipt Number: 59053SLK
Consideration: 1.00

Document Type: Conveyance

Filed By: [redacted]
From Parties: [redacted]
To Parties: [redacted]

Location: Bank Road, Brownsdale

ATIPPA Section 40 (1)
THIS INDENTURE made at St. John's, in the Province of Newfoundland and Labrador, this 13th day of September, 2013.

BETWEEN: __________________ of Carbonear, in the Province of Newfoundland and Labrador, as Administrator of the Estate and Effects of the late ___________ of Brownsdale, in the Province of Newfoundland and Labrador, and ___________ of Brownsdale, aforesaid, as Administrator of the Estate and Effects of the late ___________ aforesaid

(hereinafter called the “Vendors”)

of the one part

AND: __________________ of Carbonear, in the Province of Newfoundland and Labrador

(hereinafter called the “Purchaser”)

of the other part

WHEREAS the property described in Schedule “A” was owned and utilized by the late ___________ on a continuous basis from at least the early 1940’s, until the date of his death on or about February 11, 1980, intestate;

AND WHEREAS the widow of the aforesaid ___________ died on or about April 22, 2007, intestate;

AND WHEREAS Letters of Administration of the Estate and Effects of the late ___________ were issued from the Supreme Court of Newfoundland and Labrador to ___________ (one of the Vendors herein) on the 30th day of December, 2009, which Letters of Administration are entered in the Acts Book of the Supreme Court, as Estate No. 2009 01E 8370;

AND WHEREAS Letters of Administration of the Estate and Effects of the late ___________ were issued from the Supreme Court of Newfoundland and Labrador to ___________ (the other Vendor herein) on the 30th day of December, 2009, which Letters of Administration are entered in the Acts Book of the Supreme Court, as Estate No. 2009 01E 8371;
AND WHEREAS for the consideration hereinafter appearing, the Vendors have agreed to convey, and the Purchaser has agreed to purchase, the said piece or parcel of land described in Schedule “A” hereto annexed;

NOW THEREFORE THIS INDENTURE WITNESSETH that for and in consideration of the sum of one dollar ($1.00) paid by the Purchaser to the Vendors on or before the execution of these presents (the receipt of which is hereby acknowledged), the Vendors, as Administrators and Personal Representatives of the Estates and Effects of the late [redacted] and the late [redacted], hereby sell, assign, transfer and convey unto the Purchaser ALL THAT piece or parcel of land more particularly described in Schedule “A” hereto annexed (which Schedule “A” forms part and parcel of these presents) TOGETHER WITH all buildings and erections thereon TO HAVE AND TO HOLD the same unto the Purchaser, absolutely and forever.

IN WITNESS WHEREOF the Vendors have hereunto their hands and seals subscribed and set the day and year first before written.

SIGNED, SEALED AND DELIVERED by the Vendor, [redacted] as Administrator of the Estate and Effects of [redacted] in the presence of:

[Signature]

ATIPPA Section 40 (1)

SIGNED, SEALED AND DELIVERED by the Vendor, [redacted] as Administrator of the Estate and Effects of [redacted] in the presence of:

[Signature]
MLETS AND BOUNDS DESCRIPTION OF PROPERTY SURVEYED FOR xxxxx LOCATED AT BROWNSDALE, IN THE ELECTORAL DISTRICT OF TRINITY - BAY DE VERDE, PROVINCE OF NEWFOUNDLAND AND LABRADOR AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that lot, piece or parcel of land situate to the southwest of Bank Road.

Beginning at a point, such point being a capped iron bar located at the northwestermost angle of said described land and having NAD83 coordinates of N 13 211 998.497 and E 295 953.223 of the modified three degree transverse mercator projection for the Province of Newfoundland and Labrador;

Thence running along said Bank Road north sixty-eight degrees eighteen minutes forty-six seconds east (N68°18'46"E) a distance of thirty-seven decimal eight five seven meters (37.857m);

Thence running along said Bank Road south seventy-three degrees forty-two minutes thirty-four seconds east (S73°42'34"E) a distance of thirteen decimal nine two six meters (13.926m);

Thence running along said Bank Road south forty-seven degrees twenty-one minutes zero eight seconds east (S47°21'08"E) a distance of ten decimal seven two one meters (10.721m);

Thence running along said Bank Road south twelve degrees forty-four minutes twelve seconds east (S12°44'12"E) a distance of forty decimal seven three six meters (40.736m);

Thence running along the property of xxxxx south seventy-four degrees twenty-two minutes fifty-six seconds west (S74°22'56"W) a distance of fifteen decimal zero nine two meters (15.092m);

Thence running along said property of xxxxx south eighty-six degrees thirty-four minutes thirty-five seconds west (S86°34'35"W) a distance of seventeen decimal seven four zero meters (17.740m);

Thence running along said property of xxxxx south seventy-five degrees fifty-nine minutes fifty-two seconds west (S75°59'52"W) a distance of forty-two decimal nine seven meters (42.397m);

Thence running along said property of xxxxx north five degrees fifty-seven minutes eighteen seconds west (N05°57'18"W) a distance of twenty-seven decimal four four seven meters (27.447m);

Thence running along the property of the United Church of Canada north twenty-three degrees twenty-three minutes fifty-seven seconds east (N23°23'57"E) a distance of twenty-seven decimal two three six meters (27.236m), more or less, to the point of commencement.

.../2
All bearings are referenced from the modified three degree transverse mercator projection having a central meridian of fifty-three degrees west longitude and the whole parcel containing a calculated area of 0.352 hectares, more or less, and is more particularly shown, outlined in red, on the attached plan.

December 15, 2006
IN THE MATTER OF The Family
Law Act for the Province of
Newfoundland and Labrador

AFFIDAVIT OF STATUS

1. [Redacted] of Carboner, in the Province of Newfoundland and Labrador, make oath and say as follows:

THAT I am of the full age of majority. I am executing this Affidavit in my capacity as Administrator of the Estate and Effects of the late [Redacted]

2. THAT the word "spouse" as herein used means a spouse as defined in Section 2(l)(e) of the Family Law Act for the Province of Newfoundland and Labrador, R.S.N.L. 1990 Ch. F-2, (as amended) (hereinafter called the "Act").

3. THAT the late [Redacted] died intestate on February 11, 1980, and, at that time, he was a spouse as that term is defined in the Family Law Act, and the property described in the attached Indenture (the "Property") was not occupied as a matrimonial home within the meaning of the Act, immediately prior to his date of death.

4. THAT prior to his death, the said [Redacted] had not entered into a cohabitation agreement, separation agreement, marriage contract or designation pursuant to Sections 62, 63 and 64 respectively of the Act, and he had not entered into a designation pursuant to Section 9 of the Act in respect of the herein described property.

5. THAT at the time of his death, the said deceased was a resident of Canada within the intent and meaning of the Income Tax Act (Canada), R.S.C. 1985 (5th. supp.).

6. THAT at the time of his death, the deceased was not liable for any tax imposed under s. 35(1) and (2) of the Revenue Administration Act, S.N.L. 2009, c.R-15.01.

7. THAT at the time of his death, the said deceased was not an employer as defined under either the Workplace Health, Safety and Compensation Commission Act, RSNL 1990, c. W-11, Labour Standards Act, R.S.N. 1990, c. L-2, as amended, or the Revenue Administration Act, S.N.L. 2009, c.R-15.01, and neither is the Estate of the said deceased an employer under the said legislation, nor has it been.

8. THAT prior to his death, the said deceased had not made an Assignment in Bankruptcy pursuant to the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended.

9. THAT to the best of my personal knowledge, at this date, there are no statutory liens of any kind whatsoever charging or encumbering the assets of the Estate and Effects of the said deceased and specifically the Property herein.

10. THAT immediately prior to his death, the said deceased had not operated a proprietorship, had not been a partner in a partnership, and had not been a director of an incorporated company.
11. THAT prior to his death, the said deceased had not operated a commercial venture required to pay or collect a Provincial tax or royalty.

12. THAT prior to his death, the said deceased was not an HST registrant and he was not liable for any tax imposed under the Excise Tax Act, and the sale of the said Property is an "Exempt Supply" as defined in the Excise Tax Act, 1985, c. E-15.

13. THAT I swear this Affidavit knowing that it is a criminal offence to give false information in an Affidavit.

SWORN TO at St. John's, in the Province of Newfoundland and Labrador, this 13th day of Sept. 2013, before me-

[Signature]

as the Administrator and Personal Representative of the Estate and Effects of [Redacted]

ATIPPA Section 40 (1)

ATIPPA Section 40 (1)
IN THE MATTER OF The Family Law Act for the Province of Newfoundland and Labrador

AFFIDAVIT OF STATUS

[REDACTED] of Carbonear, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. THAT I am of the full age of majority. I am executing this Affidavit in my capacity as Administrator of the Estate and Effects of the late [REDACTED].

2. THAT the word "spouse" as herein used means a spouse as defined in Section 2(l)(e) of the Family Law Act for the Province of Newfoundland and Labrador, R.S.N.L. 1990 Ch. F-2, (as amended) (hereinafter called the "Act").

3. THAT the late [REDACTED] died intestate on April 22, 2007, and, at that time, she was not a spouse as that term is defined in the Family Law Act, and the property described in the attached Indenture (the "Property") was not occupied as a matrimonial home within the meaning of the Act, immediately prior to her date of death.

4. THAT prior to her death, the said [REDACTED] had not entered into a cohabitation agreement, separation agreement, marriage contract or designation pursuant to Sections 62, 63 and 64 respectively of the Act, and she had not entered into a designation pursuant to Section 9 of the Act in respect of the herein described property.

5. THAT at the time of her death, the said deceased was a resident of Canada within the intent and meaning of the Income Tax Act (Canada), R.S.C. 1985 (5th. supp.).

6. THAT at the time of her death, the deceased was not liable for any tax imposed under S. 35(l) and (2) of the Revenue Administration Act, S.N.L. 2009, c.R-15.01.

7. THAT at the time of her death, the said deceased was not an employer as defined under either the Workplace Health, Safety and Compensation Commission Act, RSNL 1990, c. W-11, Labour Standards Act, R.S.N. 1990, c. L-2, as amended, or the Revenue Administration Act, S.N.L. 2009, c.R-15.01, and neither is the Estate of the said deceased an employer under the said legislation, nor has it been.

8. THAT prior to her death, the said deceased had not made an Assignment in Bankruptcy pursuant to the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended.

9. THAT to the best of my personal knowledge, at this date, there are no statutory liens of any kind whatsoever charging or encumbering the assets of the Estate and Effects of the said deceased and specifically the Property herein.

10. THAT immediately prior to her death, the said deceased had not operated a proprietorship, had not been a partner in a partnership, and had not been a director of an incorporated company.
11. **THAT** prior to her death, the said deceased had not operated a commercial venture required to pay or collect a Provincial tax or royalty.

12. **THAT** prior to her death, the said deceased was not an HST registrant and she was not liable for any tax imposed under the Excise Tax Act, and the sale of the said Property is an "Exempt Supply" as defined in the Excise Tax Act, 1985, c. E-15.

13. **THAT** I swear this Affidavit knowing that it is a criminal offence to give false information in an Affidavit.

**SWORN TO** at St. John's, in the Province of Newfoundland and Labrador, this 13th day of **Sept** 2013, before me:

[Signature]

As the Administrator and Personal Representative of the Estate and Effects of [Redacted]

ATIPPA Section 40 (1)
AFFIDAVIT OF LONG POSSESSION

I, [name] of Brownsdale, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. THAT I am the full age of [age] and legal [status].

2. THAT I am familiar with the lands more particularly described in Schedule "A" hereto annexed (hereinafter, the "Property") and, in fact, I have lived within 1 mile of the Property all of my life.

3. THAT I first recall the Property being owned by the late [name] from in or about the year 1943. At that time, [name] utilized the Property for purposes of growing hay thereon on an annual basis. He would also cure the hay on the Property, until transporting it back to his homestead property, for storage purposes and utilization, which homestead property was situate approximately one mile away from the Property. In the autumn months of each year, September to November, approximately, the aforesaid [name] would also utilize the Property as pasture land for his cattle.

4. THAT I am uncertain as to when the aforesaid [name] discontinued utilizing the Property annually for purposes of cutting hay and as pasture land for his cattle, although I can state with certainty that he did continue these practices on the Property until the early 1960's, at least, and possibly into the 1970's, as well.

5. THAT throughout the time period 1943 onwards, the aforesaid [name] always maintained complete fencing around the Property by a combination of either or both, longer fencing and stake and wire fencing. The Property remained completely fenced until approximately 15 years ago, to my recollection. Approximately 90% of the fencing still exists around the Property to the present date, in fact.

6. THAT following the death of the aforesaid [name] in 1980, the Property has remained within the [family] and has been maintained by them to date.

7. THAT I am not related to the aforesaid individuals.

8. THAT to the best of my knowledge, information and belief, the aforesaid [name] was in exclusive, open, notorious and continuous possession of the Property from in or about the year 1943 until his death in the year 1980, and in the manner outlined herein. From the year 1980 to the present date, the Property has been in the exclusive, open, notorious and continuous possession of the [family], to the exclusion of all other individuals.

9. THAT to the best of my knowledge, information and belief, there are no existing disputes over the Property, I am not aware of any disputes respecting the Property which may have taken place in the past, I am not aware of any person, corporation or government entity which has made any claim adverse to the interest of or in conflict with the ownership of the Property as described herein, and I am not aware of any public roads or other such easements going through or affecting the ownership of the Property, as outlined herein.
10. THAT I make this Affidavit having the day hereinafter written identified the Property as being the property described in Schedule "A" hereto annexed.

11. THAT I make this Affidavit knowing that it is an offence to give false information under oath.

SWORN TO at Brownsdale, in the Province of Newfoundland and Labrador, this 2nd day of March, 2013, before me:

[Signature]

ATIPPA Section 40 (1)
AFFIDAVIT OF LONG POSSESSION

[REDACTED] retired school teacher, of Brownsdale, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. THAT I am the full

2. THAT I am familiar with the lands more particularly described in Schedule “A” hereto annexed (hereinafter, the “Property”) and, in fact, I lived within one mile of the Property from 1931 to the late 1950’s, and from 1993 to the current date. From the late 1950’s to 1993, I resided in St. John’s, NL, but spent all of my summers within this time period, in my home in Brownsdale, and also sporadically during the winters within that time period.

3. THAT I first recall the Property being owned by the late [REDACTED] from in or about the year 1941. At that time, [REDACTED] utilized the Property for purposes of growing hay thereon on an annual basis. He would also cut the hay on the Property, until transporting it back to his homestead property, for storage purposes and utilization, which homestead property was situated approximately one mile away from the Property. In the autumn months of each year, it is also likely that the aforesaid [REDACTED] would also utilize the Property as pasture land for his cattle, although I have no direct recollection of this.

4. THAT I am uncertain as to when the aforesaid [REDACTED] discontinued utilizing the Property annually for purposes of cutting hay, although I can state with certainty that he did continue these practices on the Property until 1953, at least.

5. THAT throughout the time period 1941 onwards, the aforesaid [REDACTED] always maintained complete fencing around the Property by a combination of either or both, longer fencing and stake and wire fencing. The Property remained completely fenced until approximately 15 years ago, to my recollection. Approximately 90% of the fencing still exists around the Property to the present date, in fact.

6. THAT following the death of the aforesaid [REDACTED] in 1980, the Property has remained within the [REDACTED] family, and has been maintained by them to date.

7. THAT I am not related to the aforesaid individuals.

8. THAT to the best of my knowledge, information and belief, the aforesaid [REDACTED] was in exclusive, open, notorious and continuous possession of the Property from in or about the year 1941 until his death in the year 1980, and in the manner outlined herein. From the year 1980 to the present date, the Property has been in the exclusive, open, notorious and continuous possession of the Head family, to the exclusion of all other individuals.
9. THAT to the best of my knowledge, information and belief, there are no existing disputes over the Property, I am not aware of any disputes respecting the Property which may have taken place in the past, I am not aware of any person, corporation or government entity which has made any claim adverse to the interest of or in conflict with the ownership of the Property as described herein, and I am not aware of any public roads or other such easements going through or affecting the ownership of the Property, as outlined herein.

10. THAT I make this Affidavit having the day hereinafter written identified the Property as being the property described in Schedule “A” hereto annexed.

11. THAT I make this Affidavit knowing that it is an offence to give false information under oath.

SWORN TO at Brownsdale, in the Province of Newfoundland and Labrador, this 21 day of July, 2013, before me:
AFFIDAVIT OF VALUE

I, [redacted] of Carbonear, in the Province of Newfoundland and Labrador, make oath and say that the value of the property passing in the within Conveyance does not exceed the sum of $5,000.00.

SWORN to at St. John's, in the Province of Newfoundland and Labrador, this 15th day of April, 2013, before me:

[Signature]
ATIPPA Section 40 (1)

Hold Pending
Adverse Claim
Investigation
App# 149479
App# 149471

How do you input adverse claim in Tracts?
How do I notify Applicants of adverse claim?

ATIPPA Section 29 (1) (a)

5381-219: 1966
81008 256:
1981
A-13264-105:
1951

151093
0-38779
June 14/16 - Adverse Claim

Mr. [redacted] of Brownsdale Carbouwe came into front counsel and is claiming an adverse claim on land in Brownsdale. This land is being applied for under Crown Lands Application # [redacted] and may also take in...
APPLICATION FOR GRANT OF LAND
UNDER SECTION 98 OF THE LANDS ACT
CHAPTER 38, S.N.L. 1991, AS AMENDED

FOR DEPARTMENT USE ONLY

APPLICATION NO. 151093
FILE NO. 1-38779
RECEIPT NO. 84994
AMOUNT $72.50
DATE Oct. 27, 2016
INDICATED ON PLAN NO. JH
DATE REGISTERED Feb. 21, 2017
TOPO NO. INITIAL

APPLICANT INFORMATION

SURNAME [redacted]
MALE/ FEMALE [redacted]
DATE OF BIRTH [redacted]
MAILING ADDRESS [redacted]
CITY/TOWN [redacted]
PROVINCE [redacted]
POSTAL CODE [redacted]
BUSINESS TELEPHONE [redacted]
HOME TELEPHONE [redacted]
ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF MUNICIPAL AFFAIRS? NO [X]

THE LAND IS SITUATED AT
Austins Road (Shoreline Road) at Brownesdale ("See attached "Deed of Conveyance" Schedule "A")

IN THE PROVINCIAL ELECTORAL DISTRICT OF
Newfoundland

DESCRIPTION OF LAND:
APPROXIMATE DIMENSIONS: FRONTAGE 80 metres DEPTH 145 metres
BOUNDED ON NORTH BY [redacted] FOR 140 metres
BOUNDED ON SOUTH BY [redacted] FOR 150 metres
BOUNDED ON EAST BY [redacted] ("Austins Shoreline Road") FOR 73 metres
BOUNDED ON WEST BY [redacted] FOR 30m + 93 metres

A MAP OR SKETCH OF THE LAND MUST ACCOMPANY THIS APPLICATION

AFFIDAVIT OF APPLICANT

I, [redacted] of [redacted] New York, USA.
do hereby make oath and declare as follows:

A. The information contained in this application is true and correct to the best of my knowledge and belief.
B. I have acquired an interest in the whole of the land described above based upon open, notorious, continuous and
   exclusive possession for 20 years prior to the 1st day of January 1977, in the following manner:
   (a) continuously over a period of 20 years prior to the 1st day of January 1977 and up to the present the land has been in
   open, notorious and exclusive possession of me or undecomposed persons, all of whose equitable rights in and to the land
   and possession thereof have passed to me as follows:

NOTE: A non-refundable processing fee of One Hundred and Fifty Dollars (plus H.S.T.) must accompany this application.
<table>
<thead>
<tr>
<th>Names of Persons Formerly and/or Currently Occupying Land (Including Applicants)</th>
<th>List Improvements and Year They Were Made</th>
<th>Describe How Land Was Acquired, e.g., Deeds, Wills, Etc.*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Prior to 1951 TO 1955</td>
<td>3 Structures - House, Shed, and Root Cellar (and fence lines)</td>
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<tr>
<td></td>
<td>YEAR</td>
<td>YEAR</td>
</tr>
<tr>
<td>2.</td>
<td>Prior to 1961 TO 1965</td>
<td>3 (2) Structures - House, Shed (and fence lines)</td>
</tr>
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<td>YEAR</td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td>See Crown Lands Air Photo Library Copies</td>
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<tr>
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<td></td>
<td>NPLD 81008 - 259 (1961), and 99042 - 168 (30-07-85)</td>
</tr>
<tr>
<td>3.</td>
<td>Prior to 1951 TO 1955</td>
<td>2 Structures - House, Shed (and fence lines)</td>
</tr>
<tr>
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<td>YEAR</td>
<td>YEAR</td>
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<td>NPLD 81008 - 259 (1951), and 99042 - 168 (30-07-85)</td>
</tr>
<tr>
<td>4.</td>
<td>Prior to 1961 TO 1965</td>
<td>2 Structures - House, Shed (and fence lines) [1960 - 2007]</td>
</tr>
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<td>YEAR</td>
<td>YEAR</td>
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<td>See Crown Lands Air Photo Library Copies</td>
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<tr>
<td>5.</td>
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<td>2 Structures - House, Shed (and fence lines) [1960 - 2007]</td>
</tr>
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<td></td>
<td>YEAR</td>
<td>YEAR</td>
</tr>
</tbody>
</table>

* If extra space is needed, please contact the Regional Lands Office for assistance.
** Copies of any documents (wills, deeds, etc.) noted above must accompany this application.

C. I am not aware of any claim to or in respect of the land by any other person either through occupation, improvements, possession or otherwise adverse to or inconsistent with any claim to any part of the land or to any interest therein.

If any other person occupies this land with you, you must contact the Regional Lands Office for further instruction.

D. If this application is approved, I will provide to the satisfaction of the Minister of Municipal Affairs a survey of the land and an indemnity to the Minister against claims by any other person in respect of the land as conditions precedent to the issue of any grant in respect of the land.

Sworn before me at:

57 Crystal Ave. Derry, NH, USA 03088

on 10/6/2016

DATE

Jeremy Bolduc
Notary Public, State of New Hampshire
My Commission Expires Oct. 07, 2020

OFFICIAL ADMINISTER OATH
(COMMISSIONER OF OATHS, JUSTICE OF THE PEACE, NOTARY PUBLIC, ETC.)

ATIPPA Section 40 (1)
AFFIDAVIT IN SUPPORT OF APPLICATION
(To be made by a person who has been familiar with this land since, at least, January 1, 1957, and who is not a member of the applicant’s family.)

In the Provincial Electoral District of Trinity-Bay de Verde
in the Province of Newfoundland make oath and say as follows:

1. I am ___ years of age and that I am now residing or did previously reside at Beowmeldale
   for ___ years.

2. I am fully acquainted with the land described in the foregoing application for grant of land under the Lands Act, Chapter 36 S.N.L. 1991, as amended.

3. I have read the foregoing affidavit made by the applicant concerning the use and occupation of this land (or it has been read to me) and all the statements made therein are true in substance and in fact, to the best of my knowledge, information and belief.

4. I am not aware of any claim to or in respect of the land by any other person either through occupation, improvements or otherwise adverse to or inconsistent with the applicant’s claim to any part of the land or to any interest therein.

Sworn before me at:

Old Perlican, Nfld.

on __________, 20__

DATE

[Signatures of Official Administering Oath and Supporting Person]

ADDRESS

Beowmeldale, Nfld.

TELEPHONE NUMBER

[Redacted]
<table>
<thead>
<tr>
<th>Approved (Complete section below)</th>
<th>Refused (Give reason)</th>
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<tbody>
<tr>
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<td></td>
<td></td>
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<tr>
<td>Date</td>
<td>Regional Lands Manager</td>
</tr>
</tbody>
</table>

This section to be completed by Regional Office when approval is recommended.

<table>
<thead>
<tr>
<th>Area approved (approx.)</th>
<th>Frontage (approx.)</th>
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Cabinet approval required:  
- Yes  
- No  

| Consideration $ | |
|-----------------| |
|                 | |

Special survey instruction (if applicable):

<p>| |</p>
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</table>

Departmental decision:

This application is  
- Approved  
- Refused  
- Sent to Cabinet

Comments:

<p>| |</p>
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<table>
<thead>
<tr>
<th>Date</th>
<th>Authorized Signing Official</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BETWEEN:

A "DEED OF CONVEYANCE"

AND:

ROLAND A. BREWER, B.C.L.
BARRISTER & SOLICITOR
P. O. BOX 190, GOFF AVENUE
CARBONEAR, NEWFOUNDLAND

ATIPPA Section 40 (1)
ATIPPA Section 40 (1)
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies on the schedule located in the e-referral folder. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

Please be advised that the site on the map, located in the e-referral folder, cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS - REFERRAL

Applicant: 

Telephone: 

Application Number: 149469
Application Type: Grant
Purpose: Residential
Use: Residence
Location: Harbour Main
Area (hectares): 0.186
Frontage (metres): 30
Map Number: 02C03225
Comments:

REFERRAL AGENCY ONLY

Date: 5/30/2016
Department/Agency: BTCRD/Archaeology
Address: Confed Bldg, West Block

COMMENTS: Click here to enter text.
Name of Respondent: Martha Drake
Phone No.: 729-2462

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
DEAR SIR/MADAM:

RE: APPLICATION NO.: 149469
TYPE: Grant
PURPOSE: Residential
LOCATION: Harbour Main

This will acknowledge receipt of the above referenced application for a Crown title. The application has now been registered and via a copy of this letter, the Department and/or agencies on the attached schedule have been asked to forward their comments and recommendations on your application to the Regional Lands Office.

Your application will be reviewed and a final decision will be made when the recommendations have been received from these Departments and/or agencies.

To assist inspectors in locating the area applied for and to avoid delays in processing your application it is advisable to place your name and application number on the site. Your application is being processed for the site indicated on the attached map.

Please note that the land is not to be occupied until you receive a fully executed title document. If you require any additional information concerning the processing of this application please contact the Regional Lands Office at the address below.

Yours truly,

[Signature]

LANDS OFFICER

Attachment(s)
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies on the schedule located in the e-referral folder. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

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Frontage (metres): 30  
Map Number: 02C03225

Comments:

REFERRAL AGENCY ONLY

Date: 6/9/2016

Department/Agency: Transportation and Works

Address: Avalon Region / White Hills

Name of Respondent: Bill Skanes

Phone No.: 729-3264

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
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Date: 5/30/2016
Department/Agency: BTCRD/Archaeology
Address: Confed Bldg., West Block

COMMENTS: Click here to enter text.
Name of Respondent: Martha Drake
Phone No.: 729-2462

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
Nickerson, Jeffrey

From: [Redacted]
Sent: Thursday, September 21, 2017 1:43 PM
To: [Redacted]
Subject: Crown Land Application #151093
Attachments: Scan5374.pdf

Good Day Jeff,

Thank you for the assistance on my Crown Land Application. The maps you provided were very helpful in outlining the site boundaries. Base Map 1.pdf and Base Map 2.pdf provided the most helpful guide. (especially when I overlaid the two).

Based on the enclosed copy of SCHEDULE "A" (from my DEED OF CONVEYANCE August 15, 1990); I have drawn in the boundary lines. These lines should closely approximate the parcel of land as noted in the SCHEDULE "A" description.

Hope this is helpful in your review.
Do not hesitate to call for additional information.
Please also let me know if there is anything else I need to do assist in the processing of this application.
Sincerely,

This message (including any attachments) is intended only for the use of the addressee(s) and may contain information that is privileged and confidential. If you are the intended recipient, further disclosures are prohibited without proper authorization. If you are not the intended recipient or an authorized representative of the intended recipient, the use, dissemination or reproduction of this communication is prohibited and may be a violation of federal or state law and regulations. If you have received this communication in error, please destroy all copies of the message and its attachments and notify the sender immediately. Northeast Reclaiming Services and its affiliate Summit Records Management hereby claim all applicable privileges related to this information.

From: Administrator
Sent: Thursday, September 21, 2017 11:58 AM
To: [Redacted]
Subject: Scan from NER Konica Scanner
SCHEDULE "A"

ALL THAT certain lot, piece or parcel of land

situate, lying and being at Brownsdale, in the
Province of Newfoundland, and more particularly
described as follows, that is to say:

COMMENCING at the intersection of the westerly
boundary of a Public Road and the Southerly
boundary of lands of [redacted], thence
running in a general Southerly direction,
following the said Southerly boundary of the
Public Road, for a distance of two hundred forty
(240') feet more or less or to the Northerly
boundary of lands of [redacted], thence
turning and running in a general Wasterly
direction, following the said Wasterly boundary
of the lands of [redacted] for a distance of
one hundred eighty (180') feet more or less or
to a fence placed in the Easterly boundary of
lands of [redacted], thence running and running in a general Northerly direction, following the
said fence placed in the Easterly boundary of
lands of [redacted] for a distance of one
hundred (100') feet more or less, thence turning
and running in a general Wasterly direction,
following the line fence placed in the Northerly
boundary of the lands of [redacted] for a
distance of three hundred ten (310') feet more
or less or to the Easterly boundary of lands of
[redacted], thence running and running in a
general Northerly direction, following the Easterly
boundaries of [redacted] and

land, for a distance of three hundred four
(304') feet more or less or to the Southerly boundary
of lands of [redacted], thence turning and running
in a general Easterly direction, following the
Southerly boundaries of [redacted] the old School
House, and the lands of [redacted] for a distance
of four hundred sixty (460') feet more or less or
to the point of commencement.
THIS INDENTURE made at Carbonear, in the Province of Newfoundland, this day of , 1990.

BETWEEN: of Chester, New Hampshire being one of the States of the United States of America, and of the same place, (hereinafter called the "Vendors")

OF THE ONE PART

AND: of Chester, New Hampshire being one of the States of the United States of America, (hereinafter called the "Purchaser")

OF THE OTHER PART

WITNESSETH that for and in consideration of the sum of One Dollar ($1.00) paid by the Purchaser to the Vendors on or before the execution of these presents, the receipt whereof is hereby acknowledged, the Vendors as beneficial owners hereby grant, assign and convey unto the Purchaser ALL THAT certain lot, piece or parcel of land situate at Brownsdale, in the Province of Newfoundland, and more particularly described in Schedule "A", hereto attached, which Schedule forms part and parcel of these presents, TOGETHER WITH all buildings and erections thereon TO HOLD the same unto the Purchaser, his heirs, executors, administrators and assigns in title forever.

IN WITNESS WHEREOF the Vendors have hereunto their hands and seals subscribed and set the day and year first before written.

SIGNED, SEALED AND DELIVERED )

by the Vendors in the presence of:

CHERYL A. CLIMBY, Notary Public
My Commission Expires August 7, 1992
IN THE MATTER OF A Deed of Conveyance

BETWEEN: of Chester, New Hampshire, being one of the States of the United States of America, and of the same place.

AND: of Chester, New Hampshire, being one of the States of the United States of America,

and dated the day of August , 1990

AFFIDAVIT OF AGE AND SPOUSAL STATUS

We, of Chester, New Hampshire, being one of the States of the United States of America, severally make oath and say:

1. WITHIN THE MEANING OF Section 2 (1) (e) of the FAMILY LAW ACT:

   (i) We were spouses of one another.

   (ii) We were each at least 19 years old.

   (iii) Neither of us had any former spouse with a right to possession of the property referred to in the attached instrument.

   (iv) Neither of us had made a co-habitation agreement under Section 63 of the said Act.

2. WITHIN THE MEANING AND INTENT OF the Income Tax Act (Canada) and amendments thereto, THAT at the time of execution of the attached instrument we were and will continue to be, at least until the registration of this instrument, residents of Canada.

3. THAT we warrant that the property conveyed herein does not contain Urea Formaldehyde Foam Insulation.

4. THAT the property being dealt with herein was never used for commercial purposes.
(SEVERAL) SWORN TO)

before me at Chester,
New Hampshire, being one
of the States of the
United States of America,
this day of_
1990.

CHERYL A. GUMBY, Notary Public
My Commission Expires August 7, 1992
"AFFIDAVIT OF VALUE"

NEWFOUNDLAND
CARBONEAR
TO WIT:

I, Roland A. Brewer of Bristol's Hope
in the Province of Newfoundland, make oath and say that I am
familiar with the land and buildings described in that fore-
going Indenture and that the value of same does not exceed
Five Hundred dollars ($ 500.00 )
over and above encumbrances.

SWORN TO before me
at Carbonear, in the
Province of Newfoundland,
this day of August,
1990.

[Signature]

Registrar (Nfld.)
August 15, 1990

Dear Madam:

Re: Transfer of Lands - [Sender's Address]

I enclose Deed of Conveyance - [Sender's Address]

Please attend upon a Notary Public and execute the conveyance before him/her. The Notary should impress his Notarial Seal on the document. When this has been done, please return the conveyance in the enclosed self-addressed envelope.

Thank you for retaining me in this matter. I enclose my account for fees and disbursements.

Yours very truly,

[Signature]

ROLAND A. BREWER

RAB/bv
encl. (2)
IN ACCOUNT WITH  ROLAND A. BREWER  
Barrister, Solicitor and Notary

To interview, drafting of Deed of Conveyance and forwarding documents for execution;  

To paid Registry of Deeds to register Deed;  

Fee----------------------------- $250.00  
Disbursement---------------------  50.00  

Total Fee & Disbursements----------------------------- $300.00 Canadian
To interview, drafting of Deed of Conveyance
and forwarding documents for execution;

To paid Registry of Deeds to register
Deed;

Fee----------------------------- $250.00
Disbursement--------------------- 50.00

Total Fee & Disbursements------- $300.00 Canadian

[Paraphrase of handwritten note]

Dear Mr. Brewer,

Enclosed is a check in the amount of $270. American. Please let us know if the exchange rate requires additional funds to cover this bill ($300 Canadian). Also note that the dates have not been entered on the conveyance. Please enter the appropriate date in the three (3) areas that require entry, and proceed accordingly.

Thank you for your services.

[Signature]

10/8/90
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Map Number: 02C03225
Comments: 

REFERRAL AGENCY ONLY

Date: Click here to enter a date.

Department/Agency: Click here to enter text.

Address: Click here to enter text.

RECOMMENDATION: Click here to select your recommendation.

COMMENTS: Click here to enter text.

Name of Respondent: Click here to enter text.

Phone No.: Click here to enter text.

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