

Joel Cordero
4 Earle Street
Fairhaven, MA

March 30, 2026

Re: Opinion of Title - 4 Earle Street, Fairhaven, MA and rights to Earle Street and Benson Street

Dear Mr. Cordero:

Upon research and review of the records recorded in the registry of Deed and the Fairhaven Assessors Office I have formed the following legal Opinion regarding ownership and rights to Earle Street.

1. Title to the locus (4 Earle Street) originates from a Deed of Mary D. Vander Pol to VDEV Development Corp. recorded at Book 12784, Page 248 on 5/7/2019, (P58 of the attached title examination). The land is identified as Parcel E on Plan recorded in Plan Book 152, Page 26. (p12) Note, the plan refers to Earle Street as "Perry Street". The parcel is also identified as Plat #31, Lot 453 (which is a reference to the Assessor Map). Note: the parcel also appears as Lot 1 on Plan Book 177, Page 74. The deed also conveys Plat #31, Lot 434 to VDEV Development Corp., which is the lot across Earle Street from the locus. (P5)

Consequently, at that time, the fee to Earle Street was owned by VDEV Development Corp. and the owner of Lot 433 (P5), Jessica L. Raimondo (see Deed at Book 12912, Page 97, not included in title report). Each party owned the fee to the centerline of Earle Street on the adjacent border of their property.

2. VDEV Development Corp then conveyed the locus, 4 Earle Street, to Joel Cordero and Tasha R. Cordero by Deed recorded at Book 12926, Page 80 on 9/13/2026. The land is identified as Lot 1 on a plan entitled "Definitive Subdivision of Modified Earle Street in Fairhaven, Massachusetts, prepared for VCORP, LLC". The deed does not reserve any rights or fee in Earle Street. (see deed to Cordero attached)
3. The locus at 4 Earle Street abuts Earle Street but also continues along Benson Street. This can be observed on Plan Book 177, Page 74 and the Assessor Map. Michael Gaj acquired Plat #31, Lot 460, 461, 462, 463 and 464 by deed recorded in Book 4440, page 212. (attached) The deed identifies the aforementioned lots but does not include a grant of any additional rights to GAJ in Benson Street. Nor does the deed reserve any rights to Benson Street to the Grantor. Therefore, in accordance with the Derelict Fee Statute, as Gaj hold title to Lot 460 and Lot 460 abuts Benson Street, Gaj holds a fee to the centerline of Benson Street, but nothing more. And in turn Cordero, as the holder of title to 4 Earle Street (a/k/a Plat #31, Lot 453) which is also borders and abuts Benson Street holds a fee to the other half of Benson Street.

In Massachusetts, private ways are typically owned by abutting property owners, who hold title to the center line of the way. This is referred to as the Derelict Fee Statute, and is codified in M.G.L. c. 183, § 58. The statute mandates that a deed conveying property abutting a way, "*includes the grantor's interest in that feature up to its centerline, unless stated otherwise.*" Abutters possess easement rights for access, while maintenance, liability, and care belong to these owners of the private way rather than the municipality. The deed identifies the aforementioned lots but does not include a grant of any additional rights to Benson Street. Nor does the deed reserve any rights to Benson Street. Therefore, in accordance with the Derelict Fee Statute, as Gaj hold title to

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Lot 460 and Lot 460 abuts Benson Street, Gaj holds a fee to the centerline of Benson Street, but nothing more. And in turn Cordero, as the holder of title to 4 Earle Street (a/k/a Plat #31, Lot 453) which is also borders and abuts Benson Street.

When VDEV conveyed title to 4 Earle Street to Cordero, a fee to the centerline of Earle Street was included. Consequently, at this time, the fee to Earle Street is held by Cordero, VDEV and Raimondo, each owning to the centerline of the private way adjacent to (or directly in front of) their parcels.

Sincerely,

Andrew F. Reservitz

Andrew F. Reservitz, Esq.