

Statement on Garage Encroachment onto Campbell Lane
at 104 Campbell Lane, Deering NH

- The Garage is a 30' by 30' structure on the rear parcel of Deering tax lot 229-20, known as 104 Campbell Lane.
- Lot 229-20 has two parcels, separated by Campbell Lane.
- The Garage was accidentally built in the wrong location by a contractor sometime between 1978 and 1982, while the owner was away for the winter.
- The front of this 30' deep Garage encroaches about 6' onto 40' wide the Campbell Lane right-of-way.
- The encroachment has never interfered with traffic on the road.
- There has never been any complaint or legal action taken related to this encroachment in the 40 years the garage has been there
- Campbell is a private road, or right-of-way, not accepted or maintained by the Town of Deering or any other governing body.
- There is no recognized owner of the road, identified on some older town tax maps as lot 229-29, and currently shown without a number.
- It is believed that title to the land under the road legally defaults equally to the two abutting property owners, which in this case are both the owner of split lot 229-20. If this is true the Garage is entirely on lot 229-20.
- There has never been any legal entity established to be responsible for road maintenance.
- Maintenance, including snow removal, for the road has been done informally by property owners in the development.
- It is only likely that the encroachment would become an issue is if there was an effort to have the Town of Deering formally accept the road. This is unlikely, as the road does not have many of the stringent characteristics needed for such an acceptance.
- The probability of any other party in the development taking legal action should be zero:
 - There is no evidence they could use to prove claim any partial ownership of that section of the road.
 - It would be extremely difficult to prove they would be harmed by the garage obstructing their use of the right-of-way.
- For more information see the documents with file names:
 - "0645 Introduction to Development Road Lot..."
 - "0685 Introduction to Taxes Title, Taxes Restrictions...".
 - "3411A Boundary Adjustment 1982 6 15"
 - "3412 Lot - Adjustment"

Prepared by Arthur C. Stickney, Seller