



Department of Public Health
Medical Use of Marijuana Program
RMD Applications
99 Chauncy Street, 11th Floor
Boston, MA 02111



Siting Profile Response to Request for Information issued June 9, 2016

1. Regarding the Wareham property, please explain to the Department how the purchase and sale agreement combined with a letter purporting to assign the interest in the purchase and sale agreement consists of a property interest as required under the Application Instructions. To focus your response, Section B of the Siting Profile requires a demonstration of the applicant's property interest in the proposed location, namely (a) a clear legal title to the proposed site; (b) an option to purchase the proposed site; (c) a lease; (d) a legally enforceable agreement to give such a title under (a) or (b), or such lease under (c), in the event that Department determines that the applicant qualifies for registration as a RMD; or e) evidence of binding permission to use the premises. As the applicant does not appear to have satisfied (a), (b) or (c), the Department is attempting to determine whether the information submitted, a purchase and sale agreement, combined with the assignment letter (rather than an agreement), create a legally enforceable agreement to lease when combined with the lease under (d). In your response, please cite to supporting legal authority.

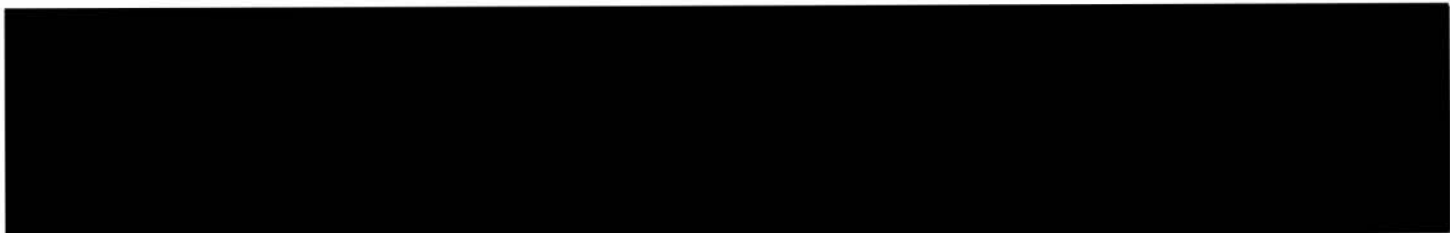
Response:

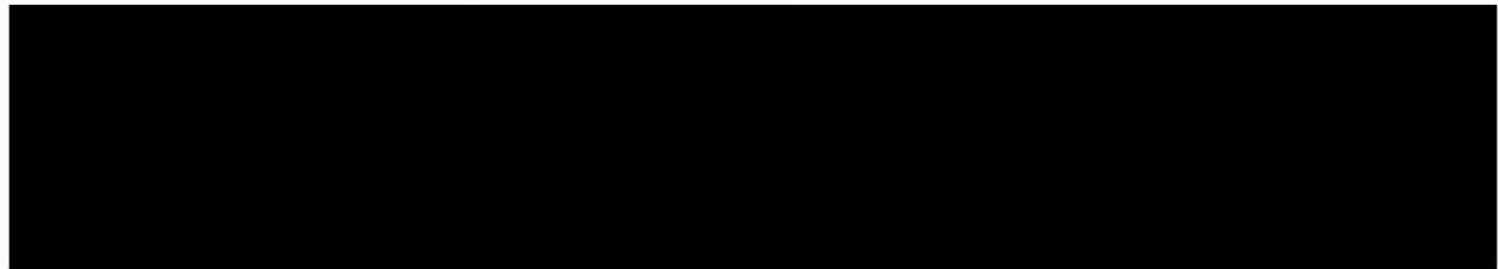
1. Attached is clear legal title to the proposed dispensary site at 112 Main Street, Wareham, MA, in the form of a registered, signed QuitClaim Deed from the previous owners of the property by a grant to Beach Equities LLC. A copy of the lease from Beach Equities LLC to BHA was submitted to DPH in our March 17, 2016 submission and an independent legal opinion on that lease was submitted in a May 18, 2016 submission. The title and the lease demonstrate BHA's property interest in 112 Main Street, as required in Section B of the Siting Profile (a) a clear legal title to the proposed site and (c) a lease. The lease is a legally binding lease executed in compliance with the laws of the Commonwealth.

2. From the aerial map provided by the applicant for its Holliston site, it appears that Betania 2 may be within 500 feet of the proposed dispensary location. Please submit detailed information regarding Betania 2, as it relates to regularly scheduled events for children, or information otherwise demonstrating that the proposed Holliston site will comply with 105 CMR 725.110(A)(14).

Response:

Please see submission regarding compliance for the Holliston facility received by the Department June 10, 2016.







2016 00038342
 Bk: 46914 Pg: 303 Page: 1 of 2
 Recorded: 05/12/2016 01:00 PM
 ATTEST: John R. Buckley, Jr. Register
 Plymouth County Registry of Deeds

QUITCLAIM DEED

principal, acting through his duly appointed attorney-in-fact, ^{William C. Decas,}
 We, *George C. Decas* being unmarried and *Katherina C. Decas*, being unmarried, both of Wareham, Plymouth County, Massachusetts, for consideration of Four Hundred Fifteen Thousand Dollars (\$415,000.00) paid, grant to *Beach Equities, LLC*, having an usual place of business at 81 Technology Park Drive East, Falmouth, Massachusetts 02536, with QUITCLAIM COVENANTS, the land with improvements thereon at 112 Main Street, Wareham, Plymouth County, Massachusetts, described and measured as follows:

Beginning on the Southwesterly side of the main road, Narrows Village, at the Southeasterly end of the front wall of the homestead of the heirs of Joshua B. Tobey;

Thence running South sixty-three degrees and thirty minutes West (S 63° - 30' W) by the division wall and fence now standing, one hundred eighty-eight feet and six inches to a stone wall and angle in the line;

Thence South sixty-seven degrees and thirty minutes West (S 67° - 30' W) forty-two feet to a high stone wall and land of heirs of said Tobey, a corner of the described lot;

Thence South, twenty-three degrees East (S 23° E) Seventy feet and six inches along the line of stone wall to land of Aveni P. Thompson.

Thence North sixty-seven degrees and thirty minutes East (N 67° - 30' E) by the line of said Thompson's land and through the center of a drive way and iron bolt in side walk to the main road about two hundred and thirty feet;

Thence along said main road eighty-one and one-quarter feet to the place of beginning.

Together with and subject to any easements of record which may be applicable, and together with all buildings on the premises.

PROPERTY ADDRESS: 112 Main Street, Wareham, MA.

The undersigned hereby voluntarily releases all rights of Homestead as set forth in M.G.L. Chapter 188, if any, and certifies that there are no other persons entitled to any such rights.

For our title see deed from George C. Decas et al to George C. Decas and Katherina C. Decas dated December 28, 1992 and recorded with Plymouth County Registry of Deeds in Book 11652, Page 205. For prior title see deed to them from Geraldine T.N. Besse and Francis H. Farrell dated November 28, 1980 and recorded in said Registry in Book 4919, Page 295.

WITNESS our hands and seals this 10th day of May, 2016.

William C. Decas for George C. Decas
 George C. Decas, through William C. Decas, as attorney-in-fact
 for George C. Decas, see Power of
 Attorney recorded in Book 42608, Page 1

Katherina C. Decas
 Katherina C. Decas

MASSACHUSETTS EXCISE TAX
 Plymouth District ROD #11 001
 Date: 05/12/2016 01:00 PM
 Ctrl# 091118 21434 Doc# 00038342
 Fee: \$1,892.40 Cons: \$415,000.00

CANCELLED

COMMONWEALTH OF MASSACHUSETTS

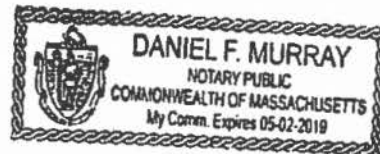
Plymouth, SS:

On this 11th day of May, 2016 before me, the undersigned notary public, personally appeared **Katherina C. Decas**, proved to me through satisfactory evidence of identification which was Commonwealth of Massachusetts driver's license, to be the person whose name is signed on the attached document, and acknowledged to me that she signed it voluntarily for is stated purpose.

Daniel F. Murray

Notary Public:

My Commission Expires: 5/2/2019



COMMONWEALTH OF MASSACHUSETTS

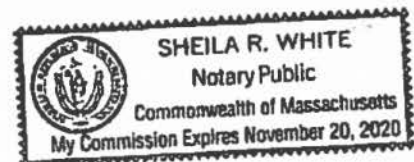
Plymouth, SS:

On this 10th day of May, 2016 before me, the undersigned notary public, personally appeared **William C. Decas**, as attorney-in-fact for George C. Decas, proved to me through satisfactory evidence of identification which was Commonwealth of Massachusetts driver's license, to be the person whose name is signed on the attached document, and acknowledged to me that he signed it voluntarily for is stated purpose, and as the free act and deed of George C. Decas.

Sheila R. White

Notary Public: Sheila R. White

My Commission Expires: November 20, 2020



The foregoing is a true copy from the
Plymouth County Registry of Deeds.
Book 46914 Page 303
Attest: *John R. Bunkley Jr.*
Register