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THIS AGREEMENT made and entered into this 4th day of September, 1958, between JOHN E. HOLT-HARRIS JR. and SUSAN EDITH HARRIS, his wife, of Waverly Place, McKownville, Albany County, N.Y., parties of the first part, and DONALD F. NOORD and BEVERLY B. NOORD, his wife, of No. 10 Victor Street, Albany, N.Y., parties of the second part, WITNESSETH:

WHEREAS, the parties of the first part are the owners of certain lands described in two deeds from Katherine L. Perkins to the parties of the first part recorded in Albany County Clerk's Office in Book No. 1112 of Deeds at page 179 and Book No. 1354 of Deeds at page 179, respectively, and

WHEREAS, the parties of the second part intend to and are about to purchase premises at McKownville, Albany County, N.Y., from said Katherine L. Perkins, which premises are contiguous to the premises of the parties of the first part in a northerly direction therefrom,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations, lawful money of the United States of America, in hand paid by parties of the second part to the parties of the first part, the parties of the first part hereby give and grant to parties of the second part, their heirs and assigns, as an appurtenance to the parties of the second part's premises the full and free right in common with the parties of the first part and the heirs and assigns of the parties of the first part, at all times hereafter, to enter upon and use the present roadway leading from the public way known as Waverly Place, in the Hamlet of McKownville, Town of Guilderland, Albany County, N.Y., in, over, upon and through the lands of the parties of the first part to the lands of the parties of the second part for the ordinary purposes of ingress and egress over said roadway by the parties of the second part, their heirs, assigns and invitees.

The said easement and right of way is granted to the parties of the second part, their heirs and assigns upon the following conditions:

1. The premises of the parties of the second part shall not be used or sold for business or professional purposes of any kind whatsoever and shall be used solely for dwelling and residential purposes by parties of the second part, their heirs and assigns.

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2. The parties of the first part shall not be required to repair or maintain said roadway.

3. In the event the parties of the first part shall grant and easement of ingress or egress over said roadway to any other abutting owners of said lands the agreement shall provide that the roadway shall be kept in repair and maintained by parties of the second part in common with such other grantee or grantees.

4. The parties of the second part agree to indemnify and save harmless the parties of the first part from any and all manner of claims, demands, causes of action, judgments and other things which may hereafter arise in connection with the use, repair or maintenance of said roadway by the parties of the second part, their heirs, assigns and invitees.

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals the day and year first above written.

John E. McNeil Jr. L.S.

Sam S. H. H. H. L.S.

Donald F. Reed L.S.

Burley B. Wood L.S.

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STATE OF NEW YORK :
: SS.:
CITY & COUNTY OF ALBANY :

On this ~~4th~~ day of September, 1953, before me, the subscriber, personally appeared JOHN E. HOIT-HARRIS JR. and SUSAN HOIT-HARRIS, his wife, to me known and known to me to be the same persons described in and who executed the foregoing instrument and they duly acknowledged to me that they executed the same.

Estelle H. Smith

ESTELLE H. SMITH
Notary Public in the State of New York
Residing in Rensselaer County
Certificate filed in Albany County
My Commission Expires March 28, 1955

STATE OF NEW YORK :
: SS.:
CITY & COUNTY OF ALBANY :

On this 4th day of September, 1953, before me, the subscriber, personally appeared DONALD F. MOORD and BEVERLY B. MOORD, his wife, to me known and known to me to be the same persons described in and who executed the foregoing instrument and they duly acknowledged to me that they executed the same.

Robert J. ...
Notary Public Albany Co. N.Y.
My Comm. Exp. 12/31/54

State of New York }
County of Albany } SS:
recorded
On the 8th day of Sept 19 53
1953 in
book 1972 of
at page 292 and examined
[Signature]