

This Indenture

LERR 1401 REG 419

Made the 7th day of April, in the year Nineteen Hundred and Fifty-Four

Between ALBANY COUNTRY CLUB, a membership corporation organized and existing under the laws of the State of New York, having its office at Western Avenue (no street address) in the City and County of Albany, State of New York, party

of the first part, and
WESTERN TURNPIKE HEALTY CO., INC., a domestic corporation with an office located at 100 State Street, Albany, New York,

party of the second part,

Witnesseth, that the said party of the first part, in consideration of Twenty-Five Thousand - - - - - Dollars,
(\$ 25,000.00), lawful money of the United States,

paid by the said party of the second part,
does hereby grant and release unto the said party of the second part, its successors and assigns forever, ALL that piece or parcel of land located on the northerly side of Western Avenue in the City and County of Albany, State of New York, bounded and described as follows:

Beginning at a point in the northerly line of Western Avenue where it is intersected by the easterly line of the lands of the party of the first part and running thence northwesterly along the north line of Western Avenue for a distance of 332.53 feet to the center of an iron pipe at the southeasterly corner of the parcel of land described in a certain lease made by the party of the first part to Socony-Vacuum Oil Co., Inc., dated July 20, 1951, and recorded in Albany County Clerk's Office in Book 1297 of Deeds at Page 345; thence northeasterly at right angles to the northerly line of Western Avenue for a distance of 345.45 feet to an iron pipe at the northwesterly corner of the parcel herein described; thence southeasterly with an interior angle of $94^{\circ} 52' 47''$ for a distance of 434.05 feet to the easterly line of the lands of the party of the first part; thence southwesterly along the said easterly line of the lands of the party of the first part with an interior angle of $70^{\circ} 28' 13''$ for a distance of 395.20 feet to the place of beginning, the last described course making an interior angle of $104^{\circ} 39'$ with the northerly line of Western Avenue; the premises herein described containing 3.147 acres more or less.

This conveyance is made subject to any and all use restrictions and more particularly the restriction against the development or use, in whole or in part, of the premises hereby conveyed for the storage, advertising or sale or other distribution of petroleum products as contained in said lease from the party of the first part to said

Socony-Vacuum Oil Co., Inc. dated July 20, 1951, and recorded in Albany County Clerk's Office in Book 1297 of Deeds at Page 345 and to any and all other restrictions of record.

By the acceptance of this conveyance, the party of the second part, for itself and its successors and assigns, covenants and agrees with the party of the first part, its successors and assigns, which covenant shall run with the land, that it will maintain along the northerly portion of the parcel hereby conveyed sufficient lateral support for the land of the party of the first part adjoining the parcel hereby conveyed for the purpose of maintaining the contour and crest of the land of the party of the first part adjoining the parcel hereby conveyed on the north at substantially its present elevation and that it will not perform any act on the parcel of land hereby conveyed which will disturb or change the elevation or contour of the land of the party of the first part immediately to the north of and adjoining the parcel hereby conveyed.

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Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

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To have and to hold the above granted premises, unto the said party of the second part, its successors ~~heirs and assigns~~ ^{and} assigns forever.

And the said ALBANY COUNTRY CLUB, party of the first part, does covenant with the said party of the second part as follows:

First.—That the party of the second part shall quietly enjoy the said premises.

Second.—That the said ALBANY COUNTRY CLUB party of the first part will forever **Warrant** the title to said premises.

Third. That the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of any improvement, that has been commenced upon the premises and has not been completed at least four months before the making and recording of this deed, and that the grantor will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the said ALBANY COUNTRY CLUB has caused its Corporate Seal to be hereunto affixed, and this Instrument to be signed by its President the day and year first above written.

In Presence of

ALBANY COUNTRY CLUB

Robert B. Butcher

As its President



STATE OF NEW YORK,

County of ALBANY

ss.:

CITY of ALBANY

On this 7th day of April Nineteen Hundred and fifty-four before me personally came ROBERT B. BERTENSHAW, to me known, who, being by me duly sworn, did depose and say that he resides in the City and County of Albany, State of New York that he is the President of ALBANY COUNTRY CLUB

the corporation described in and which executed the foregoing Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Trustees of said corporation, and that he signed his name thereto by like order.

E. Mac [Signature]

Notary Public, State of New York
Residing in Albany County
Albany County Clerk No. 122
My Commission expires March 20, 1955

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OFFICE OF
ALBANY COUNTY CLERK
MAY 10 9 12 AM '54
ALBANY, N. Y.

[Handwritten signature]

ALBANY COUNTRY CLUB

2211

WESTERN TURNPIKE
REALTY CO., INC.

Dated, April 7 19 54

County of Albany
STATE OF NEW YORK
of \$5.

RECORDED
ON THE
18 day of May A.D. 1954
at 9:12 o'clock A.M.
in LIBER 1401 of DEEDS
at PAGE 419 and examined.

[Signature]
CLERK

Box 7