

This Indenture,

Made the *sixteenth* day of March, Nineteen Hundred and Fifty,

Between MARY WITBECK, by her attorney in fact, Emma W. Van Loan, residing at 37 Lenox Avenue, Albany, New York,

party of the first part, and

ROGER H. BRIGGS and OLGA H. BRIGGS, his wife, residing at 10 Elmwood Street, in the Town of Guilderland, County of Albany, State of New York,

parties of the second part,

Witnesseth, that the party of the first part, in consideration of

One Dollar

(\$ 1.00) lawful money of the United States, and other good and valuable consideration paid by the parties of the second part,

do es hereby grant and release unto the parties of the second part, their heirs and assigns forever, all that tract or parcel of land situate in the Town of Guilderland, County of Albany, State of New York known and designated as lots 349, 350, 351 and 352 on a certain plan of lots entitled "Country Club Highlands" in said Town of Guilderland surveyed for Arthur F. Pitkin and Benjamin F. Witbeck by Leslie Allen, Surveyor, and filed November 21, 1928 in the Office of the County Clerk of Albany County, State of New York, as revised, "Map of Elmwood Street", bounded and described as follows: Beginning at a point in the easterly line of Fuller Road 425 feet northerly of the northerly line of Western Avenue and running easterly 67.3 feet at right angles to the westerly line of Elmwood Street; thence northerly 80 feet parallel with said westerly line of Elmwood Street; thence westerly 51.8 feet at right angles to said westerly line of Elmwood Street; thence southerly 81.5 feet along said easterly line of Fuller Road to the point of beginning, said plot containing approximately 4,768 square feet.

Being a part of the premises conveyed to the grantor from William

W. Farley by deed dated November 16, 1942 and recorded in the Albany County Clerk's office September 13, 1944 in Book 963 of Deeds at page 238.

This conveyance is made upon the express conditions which shall be continuous and run with the land that

1. No intoxicating liquors shall be sold upon the premises.
2. No business nor manufacturing shall be carried on upon said premises, and
3. No dwelling house shall be erected upon said premises, and no building shall be erected other than one as an appurtenance to one family dwelling on parcel including Lots Nos. 310, 311, 312 and 313 at No. 10 Elmwood Street and not less than twenty (20) feet from said easterly line of Fuller Road.

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

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said Mary Witbeck, party of the first part

covenants as follows:

First. That said Mary Witbeck, party of the first part

seized of said premises in fee simple, and has good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said Mary Witbeck

will forever Warrant the title to said premises.

Sixth. That the grantor receive the consideration for this conveyance 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 improvement before using any part of the total of the same for any other purposes.

IN WITNESS WHEREOF, the party of the first part has caused this instrument to be signed in her name and to be sealed on the date above written by Emma W. Van Loan pursuant to a Power of Attorney authorizing the same recorded in the office of the Clerk of Albany County on September 18, 1945, said Power of Attorney being dated July 18, 1945.

~~The Witnesses~~ ~~Witnesses~~ ~~of the first part~~

~~Witnesses~~ ~~and seal~~ ~~thereof~~ ~~and~~ ~~has~~ ~~been~~ ~~above~~ ~~written.~~

In Presence of



Mary Witbeck
By Emma W. Van Loan
As Attorney in Fact.

17 11 40 AM '51
ALBANY N. Y.



State of New York)
County of) SS.

On this _____ day of _____ Nineteen Hundred and _____ before me, the subscriber, personally appeared

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On this *sixteenth* day of March, 1950, before me personally came EMMA W. VAN LOAN, to me known to be the individual described in and who executed the foregoing instrument and to me known to be the attorney in fact of Mary Witbeck, the individual described in and who by her attorney in fact executed the same, and acknowledged that she executed said instrument as the act and deed of said Mary Witbeck by virtue of a Power of Attorney dated July 18, 1945 and recorded in the Office of the Clerk of Albany County on September 18, 1945.

Stella F. Lane
Stella F. Lane, Notary Public in State of New York
Albany County
Com. expires March 30, 1950

2856
ALBANY

FULL COVENANT WITH LIEN COVENANT

MARY WITBECK, By her attorney in fact, Emma W. Van Loan

TO

ROGER H. BRIGGS and OLGA H. BRIGGS, his wife

Dated, March 16th 1950

STATE OF NEW YORK

County of Albany) SS.

RECORDED ON THE
17 day of March A.D. 1950
at 11:40 o'clock A.M.
in LIBER 1295 of DEEDS
at PAGE 163 and examined
Roman P. Lynch

CLERK

Roman P. Lynch

PATTISON, ROBERTS & SAMPSON
12 FIRST STREET
TROY, N. Y.