

**This Indenture,**

Made the **29TH** day of **December**  
Nineteen Hundred and **SEVENTY-SIX**

Between

OFFICE OF  
ALBANY COUNTY CLERK  
JUN 4 4 12 PM '77  
ALBANY, N. Y.

F. HOFFMAN, 12 Elmwood Street, Albany, New York, 12203.

State of New York  
County of **ALBANY**  
Recorded on the **4** day  
of **JAN** . 11. 1977 at  
**4:12** o'clock P. M. in Book  
**5125** of DEEDS at page **550**  
and examined.

Clerk

4778022 2.9 5.10

part y of the first part, and

**GARY D. SMITH and KATHERINE A. SMITH, his wife, 12 Elmwood Street, Albany, New York 12203,**

part 1es of the second part,  
Whereas that the part y of the first part, in consideration of

**TEN and NO/100----- Dollars (\$10.00)**  
lawful money of the United States,

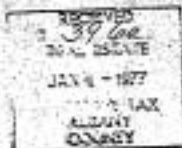
paid by the part 1es of the second part, do hereby grant and release unto the part 1es of the second part, their and assign forever, all that tract and parcel of land situate in the Town of Guilderland, County of Albany, State of New York, known and designated as lots numbers 314, 315, 316 and the southerly portion of 317 on a certain plan of lots entitled "Country Club Highlands" situate in the Town of Guilderland, County of Albany, State of New York, 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 in the State of New York, as Second Revised Map of "Country Club Highlands" bounded and described as follows:

**BEGINNING** at a point in the westerly line of Elmwood Street five hundred and five (505) feet northerly of the point of intersection of said westerly line of Elmwood Street with the northerly line of Western Avenue and running westerly one hundred and fifty (150) feet at an angle of 90 degrees with said westerly line of Elmwood Street; thence northerly seventy (70) feet parallel with said westerly line of Elmwood Street; thence easterly one hundred and fifty (150) feet at an angle of 90 degrees with said westerly line of Elmwood Street; thence southerly seventy (70) feet along said westerly line of Elmwood Street to the point of beginning. Said lots in the aggregate represent a rectangular area of seventy (70) feet by one hundred and fifty (150) feet or ten thousand five hundred (10,500) square feet.

Said premises are known as No. 12 Elmwood Street, McKownville, Albany, New York.

This deed also conveys all that other tract and parcel of land, situate, lying and being in the Town of Guilderland, County of Albany, State of New York, known and designated as lots numbered 353, 354, 355, and the southerly ten (10) feet of lot 356 as shown on a certain plan of lots entitled "Country Club Highlands" surveyed for Arthur F. Pitkin and Benjamin F. Witbeck by Leslie Allen, Surveyor, and filed December 31, 1912 in the office of the County Clerk of Albany County, New York as Revised Map of "Country Club Highlands" bounded and described as follows:

3375



BEGINNING at a point at the easterly line of Fuller Road at the junction of the northwest corner of lot number 352 and southwest corner of lot number 353; thence easterly along the northerly line of lot 352 a distance of fifty-one (51) feet nine (9) inches; thence northerly and at a right angle a distance of seventy (70) feet; thence westerly and along a line parallel to the said northerly line of lot number 352 a distance of thirty-eight (38) feet two (2) inches to the easterly line of Fuller Road; thence southerly along the easterly line of Fuller Road a distance of seventy-one (71) feet nine (9) inches to the point of beginning.

EXCEPTING therefrom, however, all that parcel of land designated as Parcel No. 8 on Map No. 2 prepared by New York State Department of Public Works re the improvement of a highway known as "Fuller Road-County Road P.A.S.S. No. 156" bounded and described as follows:

BEGINNING at a point on the southeasterly boundary of the existing Fuller Road Highway, at the intersection of the said boundary with the division line between the property of Roger H. and Olga W. Briggs (reputed owners) on the south and the property of McKown Farm Realty Corporation (reputed owner) on the north, said point being 36+ feet distant southeasterly measured at right angles from Station 10+ 39+ of the hereinafter described survey baseline for the construction of the Fuller Road P.A.S.S. No. 156; thence easterly along said division line 12+ feet to a point 48 feet distant southeasterly measured at right angles from Station 10+ 41+ of the said base line; thence north 33° -33' east 71+ feet to a point on the division line between the property of McKown Farm Realty Corporation (reputed owner) on the south and the property of Vincent J. Powers (reputed owner) on the north, the last mentioned point being 48 feet distant southeasterly measured at right angles from Station 11+ 12+ of the said base line; thence westerly along said division line 11+ feet to its intersection with the southeasterly boundary of said existing highway, the last mentioned point being 37+ feet distant southeasterly measured at right angles from Station 11+ 10+ of the said base line; thence southwesterly along the last mentioned southeasterly boundary of said existing highway 71+ feet to the point of beginning, being 0.019 acres more or less.

The above mentioned survey base line is a portion of the 1959 survey base line for the Fuller Road and is described as follows: Beginning at Station 5+00; thence north 33° -33' east 800 feet to Station 13+00. All bearings referred to True North.

Subject to all applicable covenants, conditions, restrictions and easements of record and to any state of facts disclosed by an accurate survey.

Being the same premises conveyed to the party of the first part by Faculty-Student Association of State University of New York at Albany, Inc. by deed executed on the 4th day of May, 1972 and to be recorded herewith.

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

And said party of the first part, covenants as follows:  
First. That the parties of the second part shall quietly enjoy the said premises:

Second. That said party of the first part, will forever Warrant the title to said premises.  
Third. That, in Compliance with Sec. 13 of the Lien Law, 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 the improvement and 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 Presence of

John F. Hoffman  
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\_\_\_\_\_  
\_\_\_\_\_

State of New York  
County of ALBANY } ss.

On this 29TH day of DECEMBER  
Nineteen Hundred and SEVENTY-SIX  
before me, the subscriber, personally appeared

JOHN F. HOFFMAN

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

John K. Kauf  
Notary Public

State of New York  
County of } ss.

On this 7TH 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.