

6872

This Indenture,

Made the 5th day of June

Nineteen Hundred and Seventy-Nine

Between RICHARD KILLIAN,
residing at No. 12 Elmwood Street,
Albany, New York,

State of New York
County of } ss.

Recorded on the _____ day
of _____ A. D., 19 _____ at
_____ o'clock M. in liber
of DEEDS at page
and examined.

[Signature] Clerk

party of the first part, and

RICHARD KILLIAN and CAROL A. KILLIAN, his wife, both residing at
No. 12 Elmwood Street, Albany, New York,

Witnesseth that the party of the first part, in consideration of _____ parties of the second part,

-----ONE AND 00/100THS----- Dollar ----(\$ 1.00-----)
lawful money of the United States, and other good and valuable consideration,
paid by the parties of the second part, does hereby grant and release unto the
parties of the second part, their heirs and assigns 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:

ALBANY N.Y.
JUN 7 2 48 PM '79
OFFICE OF ALBANY COUNTY CLERK

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 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 F.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 H. 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 F.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 Gary D. Smith and Katherine A. Smith, his wife, by deed executed on January 24, 1979, and recorded in the Albany County Clerk's Office on February 8, 1979, in Book 2164 of Deeds at Page 1027.

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 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 Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

Richard Killian
RICHARD KILLIAN



In Presence of
Consideration herein being
less than \$100.00.

State of New York
County of ALBANY

} ss.

On this 5th day of June
Nineteen Hundred and Seventy Nine

before me, the subscriber, personally appeared
RICHARD KILLIAN

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.

William J. Sheehan
WILLIAM J. SHEEHAN
Notary Public

Notary Public, State of New York
Qualified in Albany County
Commission Expires March 30, 1981

State of New York
County of

} ss.

On this 5th 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 } ss: Recorded
County of Albany }
On JUN 7 1979
At 2:45 P M. In
book 2170 of
17 Deeds On
page 167 and examined

Ray J. [Signature]

ALBANY COUNTY CLERK



WARRANTY WITH LIEN CONSENT

RICHARD KILLIAN

TO

RICHARD KILLIAN and
CAROL KILLIAN, his wife.

Dated, June 5, 1979

Record and Return to:

Richard Killian
12 Elmwood Street
Albany, N.Y. 12203