

003048

LIBER 2180 PAGE 431

This Indenture,

Made the 16th day of November, 1931, and Seventy-nine

Between JOSEPH J. CASEY and THE BANK OF NEW YORK,

RECEIVED
\$ 52.80
REAL ESTATE
DEC 1 0 1979
TRANSFER TAX
ALBANY COUNTY

DEC 10 1 35 PM '79
ALBANY, N.Y.

as executors of the Estate of Mary Lux under the last will and testament of Mary Lux late of 6 Elmwood Street, Town of Guilderland, County of Albany, State of New York, deceased, parties of the first part, and

EDMUND LUX and ROSALIE LUX, residing at 6 Elmwood Street, Town of Guilderland, County of Albany and State of New York,

parties of the second part,

Witnesseth, that the parties of the first part, by virtue of the power and authority to given in and by said last will and testament, and in consideration of

FORTY EIGHT THOUSAND and 00/100 (\$48,000.00)-----Dollars, lawful money of the United States, and other good and valuable consideration

paid by the part of the second part,

do hereby grant and release unto the parties of the second part,

and assigns forever,

All that tract or parcel of land, together with the improvements thereon, situate in the Town of Guilderland, County of Albany, State of New York, known and designated as lots numbered 304, 305, 306 and the northerly portion of lot number 303 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 21st, 1928 in the office of the County Clerk of Albany County, 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 300 feet northerly of the point of intersection of said westerly line of Elmwood Street with the northerly line of Western Avenue and running westerly 150 feet along a line at an angle of 90 degrees with said westerly line of Elmwood Street; thence northerly 65 feet parallel with said westerly line of Elmwood Street; thence easterly 150 feet along a line at an angle of 90 degrees with said westerly line of Elmwood Street; thence southerly 65 feet along said westerly line of Elmwood Street to the point of beginning. Said parcel represents a rectangular area 65 feet by 150 feet or 9,750 square feet.

Being the same premises described in and conveyed by a deed dated April 2, 1931, from Leonard J. Klett and Harriet L. Klett to August M. Lux and Marie O. Lux, which deed is recorded in the Albany County Clerk's Office on the 2nd day of April, 1931 in Book 834 of Deeds at Page 413.

ALSO, 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 Nos. 343, 344, 345 and the northerly part of 342 on a certain plan of lots entitled "Country Club Highlands" and filed on 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 three hundred feet (300 ft).

northerly of the northerly line of Western Avenue and running easterly ninety-one feet eight inches (91 ft. 8 in.) along a line at an angle of 90 degrees with the westerly line of Elmwood Street; thence northerly sixty-five feet (65 ft) parallel with said westerly line of Elmwood Street; thence westerly seventy-nine feet (79 ft.) at an angle of 90 degrees with said westerly line of Elmwood Street to said easterly line of Fuller Road; thence southerly sixty-six and twenty-one one-hundredths feet (66.21 ft) along said line of Fuller Road to the point and place of beginning. Containing about fifty-five hundred forty-six square feet.

Excepting therefrom the premises conveyed by August Lux and Marie Lux, his wife (also known as Mary Lux) to the County of Albany by deed dated March 14, 1961 and recorded in the Albany County Clerk's Office on August 11, 1961 in Book 1692 of Deeds at Page 349 and being a strip of land approximately 15 feet in depth and approximately 66 feet in width along Fuller Road.

Being part of the same premises described in and conveyed by a deed dated May 18, 1949 from Mary Witbeck to August Lux and Marie O. Lux which deed is recorded in the Albany County Clerk's Office on the 23rd day of May, 1949 in Book 1167 of Deeds at Page 113.

This conveyance is made subject to all easements, covenants, conditions and restrictions of record and any unpaid installments of street and improvement assessments payable after the date of transfer of title to the premises and any state of facts which an inspection and/or an accurate survey may show.

The said August M. Lux died in the City and County of Albany, State of New York on the 19th day of June, 1972 and Mary Lux died on the 20th day of October, 1977 leaving a Last Will and Testament which was duly admitted to probate by the Surrogate's Court of Albany County on the 30th day of January, 1978, by which Last Will and Testament the Bank of New York and Joseph J. Casey were appointed Executors.

Marie O. Lux is the same person as Mary Lux.

Together with the appurtenances, and also all the estate which the said testator had

at the time of his decease in said premises, and also the estate therein, which the parties of the first part had or have power to convey or dispose of, whether individually, or by virtue of said will or otherwise.

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

The grantor, in compliance with Section 13 of the Lien Law, covenants 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 the improvement 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.

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

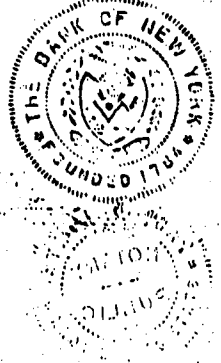
In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In presence of:

Signature of Joseph J. Casey

THE BANK OF NEW YORK

By Signature of Andrew B. Amerling



State of NEW YORK } ss:
County of ALBANY

On the 29th day of November nineteen hundred and Seventy-nine before me came JOSEPH J. CASEY.

to me known and known to me to be the individual described in, and who executed, the foregoing instrument, and acknowledged to me that he executed the same.

Signature of Andrew B. Amerling
ANDREW B. AMERLING, Notary Public
Notary Public, State of New York
Qualified in Albany County
Commission Expires March 30, 1981

State of NEW YORK

County of N.Y.

On the 16th day of NOVEMBER 19 79 before me called

JAMES S. CLINCH

to me known, who, being by me duly sworn, did depose and say that he resides in

R. D. # 1 WEST TOWN, New York

that he is the VICE PRESIDENT of THE BANK OF NEW YORK

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 by name thereto by like order.

Paul De Fontes
Notary Public

PAUL DE FONTES
NOTARY PUBLIC, State of New York
No. 30-0899373
Qualified in Nassau County
Commission Expires March 30, 1981

Estate of Mary Lee

TO

Edmund Lee and
Rosalie Lee

Executor's Deed

Dated, _____ 19 _____
The land affected by the within instrument lies in

RECORD AND RETURN TO
Mrs Edmund Lee
6 Elmwood Street
Albany, New York
12203

Reserve this space for use of Recording Office.

State of New York } ss. Recorded
County of Albany } DECEMBER 6 1979
On _____
At 1:35 P. M. In
book 2157 of
Deeds Os
page 431 and examined

Guy T. Ryan
ALBANY COUNTY CLERK