

This Indenture,Made the 7th day of AUGUSTNineteen Hundred and SIXTY - EIGHT

Between

JOHN H. ROSEBACH and NAN ELLIOTT ROSEBACH, his wife, both residing at 8 Elmwood Street, Town of Guilderland, County of ~~Albany~~ Saratoga State of New York,State of New York
County of AlbanyRecorded on the 9
of May A. D. 1968 at
3:52 o'clock P. M. in Book
1749 of DEEDS at page 357
and examined.John H. Rosebach Clerk

LBN 1949 REC 357

NY-9-68AD22 209 80***422.55

parties of the first part, and

MONSIEUR B. PETTENWILL and JANET B. PETTENWILL, his wife, both residing at 1 McCombs Drive, Town of Bethlehem, County of Albany, State of New York,

parties of the second part,

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

ONE and 00/100 ----- Dollar (\$1.00 ---) lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever, all that tract or parcel of land situated in the Town of Guilderland, County of Albany and State of New York, known and designated as Lots Numbers Three hundred seven (307) Three hundred eight (308) and Three hundred nine (309) on a certain plan of lots entitled "Country Club Highlands" situate in the Town of Guilderland, County of Albany and State of New York, surveyed for Arthur F. Pitkin and Benjamin F. Witbeck, by Leslie Allen, Surveyor, 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 westerly line of Elmwood Street distant three hundred sixty-five (365) feet northerly from the point of intersection of said westerly line of Elmwood Street with the northerly line of Western Avenue, and running thence westerly, along a line at an angle of ninety (90) degrees with said westerly line of Elmwood Street, the distance of One hundred fifty (150) feet; thence northerly, parallel with said westerly line of Elmwood Street, the distance of Sixty (60) feet; thence easterly, along a line at an angle of ninety (90) degrees with said westerly line of Elmwood Street, the distance of One hundred fifty (150) feet, and thence southerly, along said westerly line of Elmwood Street, the distance of Sixty (60) feet to the point of beginning. Said lots in the aggregate comprising a rectangular area of sixty (60) feet by one hundred fifty (150) feet or nine thousand (9,000) square feet.

ALSO, ALL that tract or parcel of land situate in the town of Guilderland, County of Albany and State of New York, known and designated as Lots Numbers Three hundred forty-six (346), Three hundred forty-seven (347) and Three hundred forty-eight (348) 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 Three hundred sixty-five (365) feet northerly from the northerly line of Western Avenue and running easterly Seventy-nine (79) feet along a line at an angle of ninety (90) degrees with the westerly line of Elmwood Street; thence northerly sixty (60) feet along a line parallel with said westerly line of Elmwood Street; thence westerly Sixty-seven (67) feet four (4) inches along a line at an angle of ninety (90) degrees with said westerly line of Elmwood Street to the said easterly line of Fuller Road; thence southerly Sixty-one (61) feet, one and three-eighths (1-3/8) inches along said easterly line of Fuller Road to the point of beginning.

EXCEPTING and reserving therefrom all that piece or parcel of land conveyed to Albany County for Highway purposes by deed recorded in the Albany County Clerk's Office on March 6, 1961 in Book of Deeds 1676 sp page 531.

OFFICE OF
ALBANY COUNTY CLERK
AUG 9 3 52 PM '68
ALBANY, N. Y.

This conveyance is made subject to all restriction, conditions and easements of record.

BEING the same premises conveyed to the parties of the first part by Robert S. Wallace and Emma S. Wallace by deed dated June 8, 1961 and recorded in the Albany County Clerk's Office on June 29, 1961 in book of Deeds 1688 at page 73.

1949 APR 358

REAL ESTATE STATE OF
TRANSFER TAX NEW YORK
Dept. of Taxation, Finance & Control
07.70

REAL ESTATE STATE OF
TRANSFER TAX NEW YORK
Dept. of Taxation, Finance & Control
09.35

This conveyance is made and accepted subject to an indebtedness secured by a mortgage upon said premises held by CITY AND COUNTY SAVINGS BANK, 100 State Street, Albany, New York

which mortgage was recorded in ALBANY County Clerk's office, on the 29th day of June 1861, in Book 2509 of Mortgages at page 429, on which there is an unpaid principal of Fourteen Thousand One Hundred Eighty Two and 95/100 - - - - - Dollars, (\$ 14,182.95 - - - - -), with interest from APRIL 1 1860, at the rate of 5% per cent per annum, which said mortgage debt the part 1st of the second part hereby assumes and agrees to pay, as part of the purchase price of the above described premises, and the part 2nd of the second part hereby execute and acknowledge this instrument for the purpose of complying with the provisions of the General Obligations Law, Section 5-705.

LEV 1949 REC 359

Together with the appurtenances and all the estate and rights of the part 1st of the first part in and to said premises.

To have and to hold the premises herein granted unto the part 1st of the second part, their heirs and assigns forever.

And said parties of the first part

covenant as follows:

First, That the part 1st of the second part shall quietly enjoy the said premises;

Second, That said parties of the first part

will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantors 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.

and second part

In Witness Whereof, the parties of the first part have hereto set their hand and seal the day and year first above written.

In Presence of

William A. Towner, Jr.

John H. Rosbach
Mary Eliza Rosbach
G. B. Pittenhill
Janet B. Pittenhill

State of New York
County of ALBANY

} ss.

On this 19th day of JUNE
Nineteen Hundred and SIXTY - EIGHT

before me, the subscriber, personally appeared

JOHN H. ROSEBACH, MARY ELIZA ROSEBACH, ROBERT B. PITTEHILL and JANET B. PITTEHILL

to me personally known and known to me to be the same persons described in and who executed the within instrument, and they duly acknowledged to me that they executed the same.

William A. Towner, Jr.

WILLIAM A. TOWNER, JR.
Notary Public, State of New York
Residing in Albany County
Commission Expires March 25, 1969

State of New York
County of

} ss.

On this
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.

Witness my hand and official seal this 19th day of June, 1968, at Albany, New York.