

# This Indenture,

Made the 15<sup>th</sup> day of JULY  
Nineteen Hundred and EIGHTY

Between

ALAN W. FRANKLE and PATRICIA M. FRANKLE,  
both residing at 8 Elmwood Street, Albany, New  
York, 12201

State of New York  
County of Albany

Recorded on the 23 day  
of July, 1928, at  
3:42 o'clock P. M. in  
219<sup>th</sup> DEEDS of page 26  
and examined.

*Luigi T. Pagan* Clerk

parties of the first part, and

STANTON A. WARREN and JUDITH A. WARREN, husband and  
wife, as tenants by the entirety, residing at 51 HIGHLAND AVE.,  
ALBANY, NY. 12203

parties of the second part,

Witnesseth that the part 1st 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  
part 1st 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 Lot  
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 design-  
ated 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:

38, Ad 36 F. 12-28

RECEIVED  
\$ 40.15  
REAL ESTATE  
JUL 23 1928  
TRANS. &  
ALBANY  
COUNTY

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 at page 531.

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

BEING the same premises conveyed to the parties of the first part by Robert B. Pettengill and Janet B. Pettengill by deed dated September 12, 1973 and recorded September 14, 1973 in the Albany County Clerk's office in Liber 2070 of Deeds at Page 981.

This conveyance is made and accepted subject to an indebtedness secured by a mortgage upon said premises held by CITY AND COUNTY SAVINGS BANK which mortgage was recorded in the County Clerk's office, on the 14th day of September 1973, in Book 2048 of Mortgages at page 1042, on which there is an unpaid principal of Twenty three thousand, six hundred twenty-eight and forty three hundredth Dollars, (\$23,628.43), with interest from July, 1980, at the rate of 7 1/2 per cent per annum, which said mortgage debt the parties of the second part hereby assume and agree to pay, as part of the purchase price of the above described premises, and the parties 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.

Together with the appurtenances and all the estate and rights of the parties 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 parties of the first part

covenant as follows:

First, That the parties 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 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 payment 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 sums for any other purpose.

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

*Alan W. Frankle*  
 ALAN W. FRANKLE  
*Patricia M. Frankle*  
 PATRICIA M. FRANKLE  
*Stanton A. Warren*  
 STANTON A. WARREN  
*Judith K. Warren*  
 JUDITH K. WARREN

State of New York  
 County of ALBANY

} ss.

On this 15<sup>th</sup> day of July  
 Nineteen Hundred and Eighty

before me, the subscriber, personally appeared

ALAN W. FRANKLE and PATRICIA M. FRANKLE

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.

STANTON A. WARREN  
 Notary Public, State of New York  
 Qualified in Albany County  
 Commission Expires March 30, 1922  
*Stanton A. Warren*  
 NOTARY PUBLIC, STATE OF NEW YORK

State of New York  
 County of Albany

} ss.

On this 23<sup>rd</sup> day of July  
 Nineteen Hundred and Eighty

before me, the subscriber, personally appeared

STANTON A. WARREN and JUDITH A. WARREN

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

*Mark E. Warren*  
 NOTARY PUBLIC, STATE OF NEW YORK  
 MARK E. WARREN  
 Com. Exp. 1/20/22