This agreement made the 267Hday of June, 1967, by Emma W. VanLoan, residing at 35 Aspinwall Road, Loudonville, New York; Mary W. Chaplin, residing at 40 Upper Loudon Road, Loudonville, New York; Louis W. Perry, residing at 9410 Riggo Road, Overland Park, Kansas; and Ruth W. Snowden, residing at 544 Roma Street, Prescott, Arizona, parties of the first part, and Philip E. Roberts and Ann M. Roberts, residing at 36 Fine Tree Lane, Albany, New York, and Lewis A. Swyer and Ann Swyer, residing at 30 Pine Tree Lane, Albany, New York, individually and as co-partners doing business under the firm name and style of Western Avenue Associates, parties of the second part;

WMENESSETH:

WHEREAS, McKown Farm Realty Corporation by deed dated August 30, 1960 and recorded in the Albany County Clerk's Office in Book 1659 of Deeds at Page 20 conveyed certain premises situated on the southerly side of Great Western Turnpike in the Town of Guilderland, Albany County, New York, to Beverwyck Manor, Inc., and

WHEREAS, Beverwyck Manor, Inc. conveyed said premises to Lewis A. Swyer and Philip E. Roberts, co-partners, d/b/s Western Avenue Associates, by deed dated December 27, 1961 and recorded in the Albany County Clerk's Office in Book 1706 of Deeds at Page 187, and

WHEREAS, McKown Farm Realty Corporation by correction deed, dated the 25th day of June, 1962, conveyed said premises to Lewis A. Swyer and Philip E. Roberts, co-partners, d/b/a Western Avenue Associates, which deed was recorded in the Albany County

Clerk's Office on July 12, 1962 in Book 1724 of Deeds at Page 73,

WHEREAS, Lewis A. Swyer and Philip E. Roberts, copartners, d/b/a Western Avenue Associates conveyed said premises to Lewis A. Swyer and Ann Swyer and Philip E. Roberts and Ann M. Roberts, co-partners, d/b/a Western Avenue Associates by deed, dated October 23, 1962, recorded in the Albany County Clerk's Office on October 23, 1962 in Book 1735 of Deeds at Page 351, and

whereas, there was imposed upon said premises, by the above mentioned deeds, a restriction that "no building or buildings shall be erected on the said premises herein conveyed containing more than three stories or an elevation of 36 feet above ground level", and

WHEREAS, McKown Parm Realty Corporation was voluntarily dissolved on May 23, 1960, by certification of dissolution filed in the Secretary of State's Office on May 24, 1960, pursuant to Section 105 of the Stock Corporation Law, and

WHEREAS, the perties of the first part are the former officers, directors and stockholders of the McKown Parm Realty Corporation and the sole successors in interests to the rights, privileges and interests of said corporation and the owners and holders of any of the real property owned by said corporation at the time of its dissolution, as aforesaid, and

WHEREAS, the parties of the second part are about to construct upon the premises described in the above mentioned deeds a building or buildings of more than three stories with an elevation or elevations of more than 36 feet above ground level, and

WHEREAS, the parties of the first part have agreed that
in the event that such building or buildings are constructed upon
said premises that they and their heirs and distributees or
assigne will not sue or otherwise seek to enforce such restrictive
covenant pertaining to number of stories or elevation above ground

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level,

NOW, THEREPORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt whereof is hereby acknowledged, the parties of the first part hereby covenant and agree with the parties of the second part that they have no objections to the construction upon said premises of of a building or buildings of more than three stories and having an elevation or elevations of more than thirty-six (36) feet above ground level and they, for themselves and their heirs, distributees and assigns, hereby waive and release any right which they presently have or may hereafter have to bring an action or actions at law or in equity for the enforcement of such govenant, or for redress in the event of the breach of such covenant. ance of the agreement the parties of the first part hereby release the parties of the second part from any and all claim, demand, right or cause of action which they may now or hereafter have against the parties of the second part, their heirs, distributees or assigns by reason of any present or future breach or non performance of the aforesaid covenant contained in said deeds.

For the purpose of this agreement it is understood and agreed that the premises referred to herein and in said deeds are shown on a map entitled "Map showing about 7 1/hth acres of land in the Town of Guilderland, Albany County, New York, to be conveyed by NcKown Parm Realty Corp. to Beverwyck Manors, Inc." made by Ben B. Hershberg, G. E., dated July 21, 1960, and filed in the Albany County Clerk's Office on August 30, 1960 as Map No. 3793 in Drawer No. 160.

IN WITHESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

MARY W. CHAPAIN

L.S.

LOUISE W. PERRY

RUTH W. SNOWDER

STATE OF NEW YORK)
COUNTY OF ALBANY

On this 267% day of JUNE , 1967, before me, the subscriber, personally appeared Emma W. VanLoan to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly acknowledged to me that she executed the same.

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Action Public, State of Story Tork
Basistan in Adult, County
Oceanies augment March 50, 50-7969.

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

On this 267% day of VNE, 1967, before me, the subscriber, personally appeared Mary W. Chaplin to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly acknowledged to me that she executed the same.

District San many
District States of How York
Basistine in Alberta Comple
Commission engines March 30, 187/9 to

STATE OF KANSAS
COUNTY OF Wyandette ss.:

On this Ith day of July, 1967, before me, the subscriber, personally appeared Louise W. Perry to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly acknowledge to me that she executed the same.

Alarence Gottesburen notary Rublic sunty, Konsos my comm. expiler: Dat. 2-1968 STATE OF ARIZONA COUNTY OF YAVAPAI

55. :

On this 12m day of May , 1967, before me, the subscriber, personally appeared Ruth W. Snowden to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly scknowledged to me that she executed the same.

(Seally)

WITTARY PIGHT TO WY Commission Expires way 26, 1970

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NOTARY	D1 124	IO OCEN	MINERAL PROPERTY.

STATE	OF A	MIZONA
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BARBARA BOYLE

aforesid County, having by law, a seal, do hereby certify that.

Bellie Gean Exylor
by when the feregoing extraosledgment was taken, and whose same is advantable thereto, was at the time of taking the same, a Notary Fablic,
residing in raid County, deby commissioned and owers and sathshined by the fame of the said State to the fine proof of acknowledgment of deads
and other instruments in writing to be recorded in said State, and to administer oaths or efforestions in said County, and that I am well acquainted
with the hardwriting of such Notary and verify believe that the signalure, to the foreigning calificate is governe. I also senting that a copy of the
Notary Seal and original signature is not regarded to be filled by the Statutes of Archards at A

IN WITNESS WHEREOF, I have become not my hand and affixed my Official Seal, which is the seel of said Gount.

th 12th 4m of July 167

BARBARA BOYLE

marken a. maine um

NOTAKI	CENTRACATA	and a second sec	UPT OF W	YANDOTTE COUNTY, KANSAS	1
	IN THE	DESTRICT CO	te. ss.		
2000	Richard	tesburen	is a	, Clerk District Court, do hereby certify Notary Public in and for said County and Soial acts as such Notary Public, are emitted	to full
duly qui	nlified and con	faith and Flor menced o will expi	eredit; and ence Poti	I further certify that the term of office temburen as such Notary Publid day of February A. D. 19 2nd day of February A. D. I have hereunto set my hand and the seal day of July A. D. 19 67	ic, com- 64 and 19 68
,a 🚓	# #	E.		Richard B. Shannon Clerk District Court! Wyandojie County, By Muly Mandojie County,	Kansas. Deputy
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PHILIP E. ROBERTS, et al EMMA W. VAN LOAN, et 81 AOREENENT