

AL 849

AGREEMENT

This agreement made the 26<sup>th</sup> day of June, 1967, by  
 Emma W. VanLoan, residing at 35 Aspinwall Road, Loudonville, New  
 York; Mary W. Chaplin, residing at 40 Upper Loudon Road, Loudon-  
 ville, New York; Louise 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 Pine 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;

WYOMING, N.Y.

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/a 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 OF  
ALBANY COUNTY CLERK

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

WHEREAS, Lewis A. Swyer and Philip E. Roberts, co-partners, 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 Farm 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 parties of the first part are the former officers, directors and stockholders of the McKown Farm 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 assigns will not sue or otherwise seek to enforce such restrictive covenant pertaining to number of stories or elevation above ground



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

On this *26th* 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.



JOHN E. KNAPP  
Notary Public, State of New York  
Residence in Albany County  
Commission expires March 31, 1969.

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


On this *26th* day of *JUNE*, 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.



JOHN E. KNAPP  
Notary Public, State of New York  
Residence in Albany County  
Commission expires March 31, 1969.

STATE OF KANSAS  
COUNTY OF *Wyandotte* ss.:

On this *8th* 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 acknowledged to me that she executed the same.



Florence Gottschew  
Notary Public  
Wyandotte County, Kansas  
my comm. expires: *Oct 2-1968*



STATE OF ARIZONA  
COUNTY OF YAVAPAI

ss.:

On this 12<sup>th</sup> day of JULY, 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 acknowledged to me that she executed the same.

  
*Mellie Gean Taylor*  
NOTARY PUBLIC  
My Commission Expires July 26, 1970

1967-333

NOTARY PUBLIC CERTIFICATE

STATE OF ARIZONA  
County of Yavapai—ss.

I, BARBARA BOYLE Clerk of the Superior Court, the same being a Court of Record of the

aforesaid County, having by law, a seal, do hereby certify that Mellie Gean Taylor by whom the foregoing acknowledgment was taken, and whose name is subscribed hereto, was at the time of taking the same, a Notary Public, residing in said County, duly commissioned and sworn and authorized by the laws of the said State to take the proof of acknowledgment of deeds and other instruments in writing to be recorded in said State, and to administer oaths or affirmations in said County, and that I am well acquainted with the handwriting of such Notary and verily believe that the signature, to the foregoing certificate is genuine. I also certify that a copy of the Notary Seal and original signature is not required to be filed by the Statutes of Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, which is the seal of said Court.

this 12th day of July 1967

BARBARA BOYLE Clerk  
By Margaret A. Spivey Deputy

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

State of Kansas, County of Wyandotte, ss.

I, Richard D. Shannon, Clerk District Court, do hereby certify, that  
Florence Gottesburen is a Notary Public in and for said County and State,  
 duly qualified and commissioned, and that his official acts as such Notary Public, are entitled to full  
 faith and credit; and I further certify that the term of office of said  
Florence Gottesburen as such Notary Public, com-  
 menced on the 2nd day of February A. D. 19 64 and  
 will expire on the 2nd day of February A. D. 19 68  
 In Witness Whereof, I have hereunto set my hand and the seal of said  
 Court, this 17th day of July A. D. 19 67

Richard D. Shannon  
 Clerk District Court, Wyandotte County, Kansas.  
 By Emily Martin Deputy

LEP 1913 PAGE 534

State of New York } ss: Recorder  
 County of Albany }  
 On the... 7 day of Aug. 1967  
 ..... 10:29 A.M. In  
 book... 1913 ..... of  
 ..... Deeds .....  
 at page... 534 ..... and exhibits.

John H. Bond  
 ALBANY COUNTY C.L.P.

EMMA W. VAN LOAN, et al

-TO-

PHILIP E. ROBERTS, et al

AGREEMENT

RECORDED BY  
**INTER-COUNTY TITLE**  
 GUARANTY & MORTGAGE COMPANY  
 132 STATE STREET ALBANY, N. Y. 12207

RETURN TO