

COPY

Bargain & sale deed, with covenant against grantor's acts

THIS INDENTURE, made the 31 day of May, 2022, effective as of June 3, 2022

BETWEEN

S: 109.1
B: 4
L: 29.1 &
29.4

BAYSIDE CONSTRUCTION, LLC a New York limited liability company having an address of 1451 47th Street, Brooklyn, NY 11219,

party of the first part, and

BAYSIDE MARLBORO LLC, a New York limited liability company, having a mailing address of c/o AE Baxter LLC, 278 Mill Street, Poughkeepsie, New York 12601,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York, being more particularly bounded and described on Schedule A annexed hereto and made a part hereof.

EXCEPTING AND RESERVING from this transfer unto the party of the first part all that certain plot, piece or parcel of land, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York known on the tax maps as Section 109.1, Block 4, Lots 29.2 and 29.3, being more particularly bounded and described on Schedule B annexed hereto and made a part hereof.

SUBJECT TO any and all covenants, easements and grants and restrictions of record.

BEING AND INTENDED TO BE a portion of the same premises conveyed to the party to the first part by deed dated June 7, 2005, from Anthony J. Bria and Geraldine Bria, as Trustees of the John and Gerry Bria Family Trust, which deed was recorded in the Ulster County Clerk's Office on June 17, 2005 in instrument no. 2005-16147.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF: BAYSIDE CONSTRUCTION, LLC

BAYSIDE CONSTRUCTION, LLC

By: ash
Asher Sussman, Member

STATE OF NEW YORK)
COUNTY OF Kings)
ss:

On the 31 day of May in the year 2022, before me, the undersigned, a Notary Public in and for the State, personally appeared, Asher Sussman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacities, and that by his/her/their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Notary Public

ABRAHAM GOLDBERGER
Notary Public, State of New York
No. 01GO6276100
Qualified in Kings County
Commission Expires 02/11/2025

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

BAYSIDE CONSTRUCTION, LLC

to

BAYSIDE MARLBORO LLC

SECTION 109.1
BLOCK 4
LOT 29.1 and 29.4
T/ MARLBOROUGH; C/ULSTER

Record and Return to:

Meghan B. Mossey, Esq.
Levine & Levine PLLC
2 Jefferson Street, Suite 100
Poughkeepsie, NY 12601

Schedule "A"
Legal Description of Lands Conveyed

Fidelity National Title Insurance Company

Title Number: **FHT949**
Page 1

SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York and being designated as Lot No.: 1 on Map entitled "Subdivision Plat for BAYSIDE CONSTRUCTION, LLC" filed in the Ulster County Clerk's Office on 8/6/2020 as Filed Map No.: 20-148.

ALSO Proposed Town Road:

All that tract, lot, part, or piece of land situate in the Town of Marlborough, Ulster County and State of New York as shown as Proposed Town Road on a plan entitled "Subdivision Plat for Bayside Construction, LLC Section 109.1 Block 4 Lot 29", prepared by Maser Consulting, P.A., September 19, 2017, being more particularly bounded and described as follows:

BEGINNING at a point in the westerly highway boundary of New York State Route 9W (S.H. 5114) at its intersection with the southern line of Proposed Lot 2; thence along said highway boundary the following four courses and distances:

1. South $32^{\circ}35'32''$ West 10.08 feet to a point;
2. South $30^{\circ}47'32''$ West 29.14 feet to a point;
3. South $88^{\circ}19'31''$ West 40.48 feet to a concrete monument;
4. South $30^{\circ}01'16''$ West 13.26 feet to a point in the division line with Lot 3;

Thence along said division line the following six courses and distances:

1. North $59^{\circ}06'32''$ West 18.39 feet to a point;
2. Along the arc of a curve to the left having a radius of 86.00 feet, an arc length of 59.49 feet, a chord bearing and distance of North $78^{\circ}55'34''$ West 58.31 feet to a point;
3. South $81^{\circ}15'24''$ West 208.98 feet to a point;
4. Along the arc of a curve to the right having a radius of 225.00 feet, an arc length of 110.36 feet, and a chord bearing and distance of North $84^{\circ}41'30''$ West 109.26 feet to a point;
5. North $70^{\circ}38'25''$ West 206.11 feet to a point;
6. South $19^{\circ}21'35''$ West 19.49 feet to a point in the division line with lands now or formerly of Marlboro Central School District #1;

Thence along said division line South $86^{\circ}03'32''$ West 86.13 feet to a point in the division line with Proposed Lot 1;

Thence along said division line the following four courses and distances:

1. North $19^{\circ}21'35''$ East 103.56 feet to a point;
2. South $70^{\circ}38'25''$ East 285.22 feet to a point;

Fidelity National Title Insurance Company

Title Number: **FHT949**

Page 2

3. Along the arc of a curve to the left having a radius of 175.00 feet, an arc length of 85.84 feet, and a chord bearing and distance of South $84^{\circ}41'30''$ East 84.98 feet to a point;
4. North $81^{\circ}15'24''$ East 121.97 feet to a point in the division line with Lot 2;

Thence along said division line the following four courses and distances:

1. North $81^{\circ}15'24''$ East 87.01 feet to a point;
2. Along the arc of a curve to the right having a radius of 136.00 feet, an arc length of 94.08 feet, and a chord bearing and distance of South $78^{\circ}55'34''$ East 92.21 feet to a point;
3. South $59^{\circ}06'32''$ East 27.56 feet to a point;
4. Along the arc of a curve to the left having a radius of 25.00 feet, an arc length of 38.53 feet, and chord bearing and distance of North $76^{\circ}44'30''$ East 34.83 feet to the point of beginning.

Being a portion of the same premises as described in Deed Instrument No. 2005-16147.

For Information Only:

Said Premises being known as 18 Birdsall Avenue, Marlborough, NY 12542

Section: 109.1 Block: 4 Lot: 29.100 and Section: 109.1 Block: 4 Lot: 29.4
(Proposed Town Road)

Schedule "B"
Legal Description of Lands Retained

ALL those certain plots, pieces or parcels of land, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York and being designated as Lot No.: 2 and Lot No.: 3 on Map entitled "Subdivision Plat for BAYSIDE CONSTRUCTION, LLC" filed in the Ulster County Clerk's Office on 8/6/2020 as Filed Map No.: 20-148.