

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ULSTER

FRANCES BARRY and EMILY GREINER,

PLAINTIFFS,

AGAINST

AMERICAN LAND PRESERVATION CORP.,

DEFENDANT.

JUDGMENT

INDEX NO. 07-4774

3 FILED  
H 10 M  
JUL 24 2008  
NINA POSTUPACK  
ULSTER COUNTY CLERK  
✓

Upon the summons, complaint and notice of pendency of action heretofore filed herein in the office of the Clerk of the County of Ulster on the 30<sup>th</sup> day of October, 2007, to compel the determination of claims to real property described in paragraph "8" and as Schedule "A" of the complaint herein; which said property is more particularly described in the survey description of Richard W. Carlson, Jr. attached hereto as Exhibit "1"; the affidavits of service of Robin Brandow sworn to on the 13<sup>th</sup> day of November, 2007 and Al D'Angelo sworn to on the 8<sup>th</sup> day of January, 2008, which proofs of service were duly filed herein from all of which it appears that service on the defendant was made either personally or through the New York Secretary of State; and that more than 30 days have elapsed since personal service or service through the New York Secretary of State has been completed, and that the defendant so served either personally or through the Secretary of State has failed to appear or answer, and that the time to do so has expired and has not been extended, and due to proof of service on all defendants having been filed herein, and upon the affidavit of merit of Frances Barry, sworn to the 28<sup>th</sup> day of May, 2008, the affidavit of regularity of Robert D. Cook, sworn to on the 3<sup>rd</sup> day of June, 2008, and the exhibits

annexed thereto having been filed herein and due proofs of the plaintiff's complaint, as required by law having been made and the plaintiff being entitled to the equitable relief sought by them,

NOW, on motion of Cook, Netter, Cloonan, Kurtz & Murphy, P.C., Robert D. Cook, Esq., of counsel, attorney for the plaintiffs, it is

ORDERED, ADJUDGED and DECREED that the plaintiff have judgment for relief demanded in the complaint; and it is further

ORDERED, ADJUDGED and DECREED that the plaintiffs are the sole owners in fee simple and are entitled to the immediate and exclusive possession of the premises described in paragraph "8" and Schedule "A" of the complaint and more specifically identified and described in Exhibit "1" attached to this Order and made a part hereof; and it is further

ORDERED, ADJUDGED and DECREED that the plaintiffs, Frances Barry and Emily Greiner, have good and valid title in fee simple to the premises above described, and to each and every part thereof, free and clear of any lien, claim, right, interest, or easement on the part of the defendant, and it is further

ORDERED, ADJUDGED and DECREED that the defendant in this action, and each and every person claiming through or under them, or any of them, have no claim or right to estate, right, title or interest in or easement over the premises hereinabove described, and that the said defendant, and each and every one of them have no lien or encumbrance thereon; that the said defendants and any person claiming under them or any of them, by title acquired after the filing of the notice of pendency of action herein, be and they hereby

are forever barred from any and all claim to any estate in the said premises, or any part thereof, and from any and all claim to any interest or easement therein or lien or encumbrance thereon, and it is further

ORDERED, ADJUDGED and DECREED, that at any time hereafter, by application of this Court, ex parte, plaintiff may have added at the foot of this judgment any other or further relief, consistent with the intent of this judgment, which the Court may deem just, proper and equitable.

ENTER:

  
J.S.C. 7/16/08

Kimberly A. O'Connor  
Acting Supreme Court Justice

**FILED**  
**3 H 10 M**  
**JUL 24 2008**  
**NINA POSTUPACK**  
**ULSTER COUNTY CLERK**

# **Exhibit**

# **1**



Consulting, Municipal & Environmental Engineers  
Planners • Surveyors • Landscape Architects

1607 Route 300, Suite 101  
Newburgh, NY 12550  
Tel: 845.564.4495 • Fax: 845.564.0278  
www.maserconsulting.com

**DESCRIPTION OF PROPERTY  
TOWN OF MARLBOROUGH  
ULSTER COUNTY, NEW YORK**

**LANDS OF FRANCES BARRY  
SECTION 103.3, BLOCK 3, LOT 27  
PROJECT No. 05001320A  
May 2, 2008**

All that certain lot, tract or parcel of land situate, lying and being in the Town of Marlborough, in the County of Ulster and in the State of New York, being a portion of Section 103.3, Block 3, Lot 27 as shown on a Boundary Survey entitled "Lot Line Reconciliation for Frances Barry, Section 103.3, Block 3, Lot 27, 1612 Route 9W" as prepared by Maser Consulting, P.A. on November 15, 2006, and being more particularly bounded and described as follows, to wit:

**BEGINNING** at a point located N85°58'18"E, a distance of 1102.49' from a bent iron rod found near the southwest corner of other lands of Frances Barry, said rod also being located near the northwest corner of Tax Lot 103.3-2-28.5, lands now or formerly of American Land Preservation Corp., and running from said **POINT AND PLACE OF BEGINNING**-

1. N 86° 01' 30" E passing an iron bar found 5.50 feet East and 0.97 feet South of said Point and Place of Beginning, for a distance of 499.97 feet, along the southerly bounds of lands now or formerly Onusco, Section 103.3, Block 3, Lot 19, to a point, thence-
2. S 00° 51' 44" E for a distance of 362.98 feet, along lands now or formerly West Shore and Buffalo Railroad, to a point, thence-
3. N 85° 51' 37" W for a distance of 395.92 feet, along the northerly bounds of lands now or formerly American Land Preservation Corp., Section 103.3, Block 3, Lot 28.12, to a point marked by a found angle iron, thence-
4. N 51° 40' 28" W for a distance of 201.27 feet, continuing along the aforesaid northerly bounds of American Land Preservation Corp., to a point, thence-
5. N 15° 31' 06" E for a distance of 181.50 feet along the easterly bounds of lands now or formerly Hain, Section 103.3, Block 3, Lot 28.7, and generally along a stone wall, to the Point and Place of **BEGINNING**.

Containing 165,055 square feet of land more or less, or 3.7891 acres of land more or less.

The foregoing description was prepared by the undersigned surveyor for the firm of Maser Consulting P.A. and is based on the aforesaid survey by Maser Consulting, P.A., dated November 15, 2006.

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RICHARD W. CARLSON, JR., P.L.S.  
NEW YORK PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER 50595

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