

# Warranty Deed

This Indenture, made the 11<sup>TH</sup> day of February, Nineteen Hundred and Ninety-Eight (1998)

Between EDGAR A. PLOETZ, residing at 6231 Plato Road, West Valley, New York 14171 and LEONARD A. PLOETZ, residing at 6135 Beaver Meadow Road, Ellicottville, New York 14731,

parties of the first part, and

UNITED STATES OF AMERICA/FEDERAL AVIATION ADMINISTRATION, J.F.K. International Airport, Jamaica, New York 11430,

party of the second part,

Witnesseth, that the parties of the first part, in consideration of - - - - -

Eight Thousand- - - - - Dollars (\$8,000.00- - - - -) lawful money of the United States of America, paid by the party of the second part, do hereby grant and release unto the party of the second part, its successors and assigns forever,

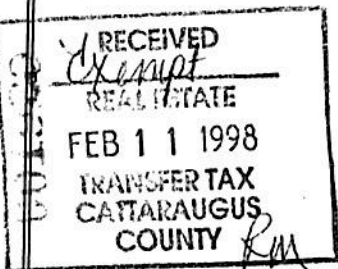
All That Tract Or Parcel Of Land, situate in the Town of Ellicottville, County of Cattaraugus and State of New York, distinguished by being part of Lot 41, Township 4 and Range 6 of the Holland Land Company's survey, and being bounded and described as follows:

Beginning at a point in the northerly line the third parcel of lands described in a deed from Gerald Farrington to Edgar A. Ploetz and Leonard A. Ploetz dated January 2, 1957 and recorded January 6, 1958 in the Cattaraugus County Clerk's office in Liber 578 of Deeds at page 438, said point of beginning being north 88 degrees 37 minutes 30 seconds west a distance of 57.23 feet from the intersection of the said northerly line with the center line of Jackman Hill Road, and also being a distance of 551.1 feet southerly of the north line of Lot 41, and said point of beginning also being north 53 degrees 13 minutes 25 seconds east a distance of 216.0 feet from the center of the radar microwave link repeater station tower; thence north 88 degrees 37 minutes 30 seconds west, continuing along the said northerly line of Ploetz and distant 551.1 feet southerly of the north line of Lot 41, a distance of 339.72 feet to a rebar (reinforcing rod) with plastic cap marked "LYNN PULLIS NY LS 46562" set; thence counterclockwise, through the property of Ploetz, on a curve to the left having a radius of 216.00 feet the following four courses: (1) southwesterly 18.67 feet to a rebar with cap set, said rebar being north 55 degrees 25 minutes 39 seconds west in line with and 11.1 feet from the end of the northwesterly tower guy wire; (2) thence southerly and easterly 452.19 feet along said curve to the left to a rebar with cap set, said rebar being south 04 degrees 37 minutes 29 seconds west in line with and 2.8 feet from the end of the southerly tower guy wire; (3) thence southerly and easterly along said curve to the left a distance of 452.71 feet to a rebar with cap set, said rebar being north 64 degrees 32 minutes 27 seconds east in line with and 0.6 feet from the end of the northeasterly tower guy wire; (4) thence northwesterly and along said curve to the left a distance of 42.66 feet to the point of beginning. This parcel contains 2.916 acres, be the same more or less.

Also Conveying to the party of the second part, its successors and assigns, All That Tract Or Parcel Of Land, situate in the Town of Ellicottville, County of Cattaraugus and State of New York, distinguished as being part of Lot 41, Township 4 and Range 6 of the

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Holland Land Company's survey, bounded and described as follows: Beginning at a point in the center line of Jackman Hill Road where it intersects a line constructed from the center of the tower south 69 degrees 20 minutes 32 seconds east a distance of 300.78 feet to said center line; thence from said point north 89 degrees 51 minutes 34 seconds west a distance of 93.17 feet to the circumference of the above described premises, which line forms a base line for the premises to be conveyed; the premises shall then be bounded on the east by the center line of Jackman Hill Road; on the north by a line parallel with and distant 15 feet northerly of the said base line extending from the center of Jackman Hill Road westerly to the circumference of the above described parcel of 2.916 acres; bounded on the south by a line parallel with the base line and distant 15 feet southerly therefrom running from the center line of Jackman Hill Road to the circumference of said parcel of 2.916 acres; and bounded on the west by the easterly bounds of the said 2.916 acre parcel.

However, Excepting and Reserving to the parties of the first part, their heirs, distributees, grantees and assigns, a non-exclusive easement and right-of-way thirty feet in width for all purposes of ingress and egress from the center of Jackman Hill Road located along a center line as follows: Beginning at the point of intersection of the base line of said second parcel as conveyed above with the center line of Jackman Hill Road, thence westerly and along said base line north 89 degrees 51 minutes 34 seconds west a distance of 93.17 feet to the easterly bounds of the said 2.916 acre parcel, and thence continuing westerly north 89 degrees 51 minutes 34 seconds west a distance of 377.05 feet to the westerly edge of the circumference of the above described premises.

Also Granting to the party of the second part, its successor and assigns a right-of-way or rights-of-way for maintaining the pole line and underground lines providing electric power, telephone and telecommunication facilities to the premises and in particular being a telephone cable extending from Jackman Hill Road near the northeast corner of the premises to the premises, and Niagara Mohawk overhead electric lines running along the north bounds of the premises and the premises of Ploetz.

Subject To an oil and gas lease given by Edgar A. Ploetz and Leonard A. Ploetz to National Fuel Gas Supply Corporation dated March 16, 1978 and recorded April 21, 1978 in Liber 782 of Deeds at page 324 as assigned to Seneca Resources Corporation by Assignment dated March 26, 1982 and recorded June 29, 1982 in Liber 823 of Deeds at page 204 and as further assigned to Empire Exploration Inc. by Assignment dated March 20, 1985 and recorded April 12, 1985 in Liber 850 of Deeds at page 903, but nevertheless assigning and conveying to the party of the second part all of the right, title and interest of the party of the first part in and to said lease as the same may affect the above conveyed premises.

Subject To right-of-way given to Columbia Gas Transmission Corporation dated August 18, 1982 and recorded November 22, 1982 in Liber 827 of Deeds at page 59.

Subject To easement given to New York Telephone Company dated April 6, 1994 and recorded June 23, 1994 in Liber 937 of Deeds at page 1095.

Excepting and Reserving to the parties of the first part the right to harvest all trees on the premises to and until June 30, 1998, with rights of ingress and egress to and from the premises for the purpose of trimming, cutting and removing the trees from the premises, from time to time, to the public highway, conditioned, however, and subject to at all times, to the prior approval of the Federal Aviation Administration.

The above premises are conveyed in fee simple to the party of the second part subject to the matters recited above.

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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 above granted premises unto the said party of the second part, its successors and assigns forever,

And said Edgar A. Ploetz and Leonard A. Ploetz

First, that the party of the second part shall quietly enjoy the said premises; covenant as follows:

Second, that said Edgar A. Ploetz and Leonard A. Ploetz

will forever Warrant the title to said premises.

Third, that this conveyance is subject to the trust fund provisions of section thirteen of the lien law.

In Witness Whereof, the parties of the first part have hereunto set their hand(s) and seal(s) the day and year first above written.

In Presence of

Edgar A. Ploetz  
Edgar A. Ploetz ls

Leonard A. Ploetz  
Leonard A. Ploetz ls  
ls

State of New York )

County of CATTARAUGUS ) ss.

On this 11TH day of February Nineteen Hundred and Ninety-Eight (1998 )  
before me, the subscriber personally appeared Edgar A. Ploetz,

to me personally known and known to me to be the same person(s) described in and who executed the within Instrument, and he (she) (they) acknowledged to me that he (she) (they) executed the same.

State of New York )

County of CATTARAUGUS ) ss.

On this 11TH day of February Nineteen Hundred and Ninety-Eight (1998 )  
before me, the subscriber personally appeared Leonard A. Ploetz,

to me personally known and known to me to be the same person(s) described in and who executed the within Instrument, and he (she) (they) acknowledged to me that he (she) (they) executed the same.

State of New York )

County of ) ss.

On this day of  
before me, the subscriber personally appeared

Charles M. Harrigan, Jr.  
CHARLES M. HARRIGAN, JR. Notary Public  
Notary Public, State of New York  
Qualified in Cattaraugus County  
My Commission Expires 12/31/2008

Nineteen Hundred and Ninety (199 )

to me personally known and known to me to be the same person(s) described in and who executed the within Instrument, and he (she) (they) acknowledged to me that he (she) (they) executed the same.

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Charles M. Harrigan, Jr.  
Attorney at Law  
10180 Route 240  
West Valley, NY 14171  
(716) 942-3831

STATE OF NEW YORK SS  
COUNTY OF CATTARAUGUS  
RECORDED Feb 11 1998  
AT 2:07 P.M. IN LIBER 972  
PAGE 170 OF Needs  
AND EXAMINED

CLERK  
Anne L. Griffith