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CP-113

BARGAIN AND SALE  
FORM XXXXXXXXXXXX DEED WITH LIEN COVENANT

NATIONAL LEGAL SUPPLY, INC.  
66 BEAVER STREET ALBANY, N.Y. 12207

# This Indenture,

11  
30-

Made the 14th day of May  
Nineteen Hundred and eighty-eight  
Between

State of New York  
County of } ss.  
JUL 14 10 13 AM '88

Recorded on the 16th day  
of 37-19 at  
of DEEDS at page  
and examined.

Clerk

Thomas F. McPhillips of 4 Broadacres Road, Glens Falls, New York 12801; Elizabeth A. McPhillips of 36 Creeley Road, Belmont, MA, 02178; Jane M. Cobb of 72 Bradford Road, Watertown, MA, 02172; Emily Moriarty of 104 Lewis Road, Belmont, MA, 02178; Bernice McPhillips of 272 Adam Street, Newton, MA, 02158; Martha M. Blaney of 45 Roundup, Box 1858, Sedona, Arizona, 86336; and Mary A. Saunders of 218 Superior Avenue Southwest, Calgary, Alberta Canada T3C2B9  
parties of the first part, and

Niagara Mohawk Power Corporation, a corporation organized and existing under the laws of the State of New York and having its principal place of business at 300 Erie Boulevard West, in the City of Syracuse, New York,

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

.....One and no/100..... Dollar (\$ 1.00 )  
lawful money of the United States, and other good and valuable consideration,  
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 certain piece or parcel of land situate, lying and being in the Town of Johnsburg, County of Warren and State of New York bounded and described as follows:

Beginning at a point in the division line between the lands of the parties of the first part on the northwest and the lands now or formerly of H. Lawrence Clofine & R. Ronald Glenn on the southeast at Station 1180+11.9 of the traverse for the proposed right of way for the proposed electric transmission line of the party of the second part extending from its Warrensburg Substation to its North Creek Substation and running thence from said point of beginning South 40 degrees 12 minutes West along said division line 50.0 feet to a point distant 50.00 feet southwesterly measured at right angles from said traverse; thence, North 49 degrees 05 minutes 30 seconds West parallel to said traverse 1668.2 feet to a point in the division line between the lands of the parties of the first part on the northeast and the lands now or formerly of Oliver A. Stromberg on the southwest; thence North 33 degrees 56 minutes West along the last mentioned division line and passing through Station 1198+64.0 of said traverse 222.8 feet to a found iron pipe; said iron pipe being the westerly corner of the lands of the parties of the first part, said point also being in the division line between the lands of the parties of the first part on the southeast and lands now or formerly of Thomas P. McPhillips et al. (Book 159 of Deeds on Page 106) on the northwest; thence, North 50 degrees 14 minutes East along said last mentioned division line 42.3 feet to a point distant 50.00 feet northeasterly measured at right angles from said traverse; thence South 49 degrees 05 minutes 30 seconds East parallel to said traverse 1875.1 feet to a point in the first mentioned division line; thence, South 40 degrees 12 minutes West along said first mentioned division line 50.0 feet to the point or place of beginning containing 4.17 acres be the same more or less.

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All bearings refer to NYS grid coordinates.

Being a portion of the premises conveyed by Thomas P. McPhillips and Bernard F. McPhillips to parties of the first part herein by deed dated December 30 1986 and recorded at the Warren County Clerk's Office on December 31, 1986 in Book 689 of Deeds at Page 298.

TOGETHER with the permanent right to cut, trim and remove all brush, trees or obstructions (except buildings) either by mechanical means or by approved vegetative management techniques upon the adjoining premises of the party of the first part which may in the opinion of the party of the second part, its successors or assigns, interfere with or be likely to interfere with the successful operation of an electric transmission line or lines now or hereafter to be constructed on the lands above described, or upon the adjoining lands of the party of the second part.

TOGETHER with the right at all times to cross and recross the adjoining premises of the party of the first part on foot and with motor vehicles and other equipment for the purpose of constructing, operating, inspecting or repairing any and all structures or fixtures of every kind and nature which the party of the second part, its successors or assigns, may erect, operate, construct or maintain upon the above-described premises, said right of entry to be confined to routes designated by the party of the first part if practicable and reasonable; the party of the second part to reimburse the party of the first part for all physical damage to the lands or crops growing thereon in the exercise of such right of crossing.

RESERVING, however, unto the party of the first part, its heirs and assigns, the right to cross and recross the lands above described at three points fifty feet in width to be designated by the party of the second part, its successors or assigns. The use of said crossing shall be at the sole risk of the party or parties using the same.

RECEIVED  
\$30.00  
REAL ESTATE  
JUL 14 1998  
TRANSFER TAX  
WARREN  
COUNTY

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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 premises herein granted unto the party of the second part, its successors and assigns forever.

~~ANY AND ALL PARTIES OF THE FUTURE PARTY DO HEREBY~~

XXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

[illegible]

SECRET//NOFORN

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

*Third, That, in Compliance with Sec. 13 of the Lien Law, the grantors 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.*

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

### The Presence of

**Bernice McPhillips**

Martha M. Blaney  
State of New York  
County of Warren

Thomas F. McPhillips

Elizabeth A. McKillop

Elizabeth A. McPhillips

Jane M. Cobb

3. Aluminum

Emiky/Moriarty

Mary A. Saunders

On this 14th day of May  
Nineteen Hundred and eighty-eight

before me, the subscriber, personally appeared Elizabeth A. McPhillips, Bernice  
McPhillips, Jane M. Cobb, Thomas F. McPhillips and Emily Moriarty

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they acknowledged to me that they executed the same.

Bernard R Majumdar

STATE OF NEW YORK }  
COUNTY OF WARREN }

**\$\$:**

RECORD & RETURN TO:  
Walter A. Mc Clusky  
P.O. Box 130  
Red Hook, NY 12571

On this 14th day of May, 1988, before me personally came ROSE E. McPHILLIPS to me known to be the individual described in, and who executed the foregoing Instrument and to me known to be the Attorney-in-Fact for MARY A. SAUNDERS and MARTHA M. BLANEY, the individuals described in and who, by their Attorney-in-Fact, executed the same and acknowledged that she executed said Instrument as the act and deed of the said MARY A. SAUNDERS and MARTHA M. BLANEY, by virtue of Powers of Attorney dated December 30, 1976, recorded on May 4, 1984 in Book 661 of Deeds at Page 273 for MARY A. McPHILLIPS (a/k/a MARY A. SAUNDERS) and at Page 239 for MARTHA McPHILLIPS, (a/k/a MARTHA M. BLANEY).

Bernard M. Thilly  
Notary Public