

BOOK 234 PAGE 549

## BOUNDARY LINE AGREEMENT OF REAL PROPERTY

THIS AGREEMENT, made this 3rd day of ~~May~~<sup>June</sup>, 2005, by and between ROBERT STUART and PATRICIA STUART, husband and wife, residing at Algonquin Drive, Wells, New York 12190, hereinafter referred to as "Grantors", and JOSEPH M. COTAZINO, JR. and JOY A. COTAZINO, husband and wife, residing at 5 Robin Drive, Voorheesville, New York 12186, hereinafter referred to as "Grantees"

## WITNESSETH:

WHEREAS, Grantors, are the owners of certain real property located in the Town of Wells, County of Hamilton, State of New York as described in a certain deed from George J. Kibler, Dorothy Bradt and Marjorie Arsenault, dated October 5, 1981 and recorded in the Hamilton County Clerk's Office on November 6, 1981 in Book 181 of Deeds at Page 801, Tax Map No. 130.018-3-2.100, and

WHEREAS, Grantees are the owners of certain contiguous real property located in the Town of Wells, County of Hamilton, State of New York as described in a certain deed from Frank Rizzo and Marjorie Rizzo, dated February 10, 1994 recorded in the Hamilton County Clerk's Office on March 3, 1994 in Book 208 of Deeds at Page 898, Tax Map No. 130.018-1-17; and

WHEREAS, the parties hereto are desirous of adjusting the boundary line between the two above referenced adjoining parcels of real property for the purpose of making such adjustment,

NOW, THEREFORE, in consideration of One and 00/100 Dollar (\$1.00), and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors hereby release, quitclaim and convey to the Grantees all their right, title and interest in and to the following described parcel:

Commencing at an iron pipe found which is the point of beginning marking the southwesterly corner of lands owned by Joseph M. Cotazino, Jr. and Joy A. Cotazino recorded in Book 208 of Deeds at Page 898; running thence along the southerly boundary line of Cotazino N. 76°47'20" E. a distance of 200.06 feet to a concrete marker found; running thence in a southerly direction through the lands of Robert Stuart and Patricia Stuart recorded in Book 181 of Deeds at Page 801, a distance of approximately 12 feet, more or less, to the northerly boundary of the 15 feet wide paved roadway known as Kibler Point Road; running thence in a westerly direction along the northerly boundary line of Kibler Point Road approximately 200 feet, more or less, to the westerly boundary line of lands of Robert Stuart and Patricia Stuart recorded in Book 181 of Deeds at Page 801 to a point; running thence in a northerly direction along said westerly boundary line of said Stuart approximately five (5) feet to the iron pipe found and the point of beginning.

It being the parties intention to transfer all rights, title and interest (if any) of the grantors in and to the premises herein above described to the grantees as a rectangular piece of land north of the pavement edge of Kibler Point Road, approximately 200 feet long immediately.

Being a portion of the premises conveyed to Robert Stuart and Patricia Stuart by Warranty Deed from George J. Kibler, Dorothy Bradt and Marjorie Arsenault, dated October 5, 1981 and recorded in the Hamilton County Clerk's Office on November 6, 1981 in Book 181 of Deeds at page 801.

Record and Return to:  
James R. Schultz, Esq.  
6 Tower Place  
Albany, NY 12203

TOGETHER with the appurtenances and all the estate and rights of the Grantors in and to said premises.  
TO HAVE AND TO HOLD the premises herein granted unto the Grantees, their heirs and assigns forever.

In Witness Whereof, this instrument has been duly executed by the parties hereto.

Robert Stuart  
ROBERT STUART

Patricia Stuart  
PATRICIA STUART

Joseph M. Cotazino Jr.  
JOSEPH M. COTAZINO, JR.

Joy A. Cotazino  
JOY A. COTAZINO

45  
RECEIVED  
\$ 32.00  
REAL ESTATE  
JUG 17 2005  
TRANSFER TAX  
HAMILTON COUNTY

STATE OF NEW YORK )  
COUNTY OF Fulton ) SS.:

On the 3rd day of June in the year 2005 before me, the undersigned, personally appeared ROBERT STUART and PATRICIA STUART, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Sheila A. Cramer  
Notary Public

SHEILA A. CRAMER  
Notary Public, State of New York  
#01CR5031177  
Qualified in Fulton County 2006  
Commission Expires August 01, 2006

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) SS.:

On the 31st day of July in the year 2005 before me, the undersigned, personally appeared JOSEPH M. COTAZINO and JOY A. COTAZINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Patricia A. Castro  
Notary Public

PATRICIA A. CASTRO  
Notary Public, State of New York  
Qualified in Schoharie County  
No. 01CA5045667  
Commission Expires June 26, 2007

RECORDED August 17 2005  
at 10:25 A.M. Book 234  
of Deeds  
Page 544 of 549  
Jane S. Zarecky  
Schoharie County Clerk  
by Harker H. Farber Deputy

Warranty Deed

RECORDED March 3 1994  
at 11:45 A.M. P. 208  
BY Deeds  
PAGE 898  
Margaret P. Perkins  
CLERK

**THIS INDENTURE**, Made the 10 day of February, 1994,

**BETWEEN**

**FRANK RIZZO and MARJORIE RIZZO, husband and wife,**  
of 36 Plattekill Turnpike, Newburgh, NY 12550

parties of the first part,

and

**JOSEPH M. COTAZINO, JR and JOY A. COTAZINO, husband and wife**  
of 5 Robin Drive, Voorheesville, NY 12186

parties of the second part,

**WITNESSETH**, that the parties of the first part, in consideration of One and 00/100 Dollar (\$1.00) paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever,

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Wells, County of Hamilton and State of New York, being Lot 1A, located in a subdivision of the property of George and Alice Kibler.

**BEGINNING** at an iron pipe sunk in the ground for a corner at the southwesterly corner of said Lot 1A, on the division line between Lot No. 1 on the west and Lot No. 1A on the east; thence N 70 degree 30 minutes E, a distance of 200 feet to an iron pipe sunk in the ground for a corner; thence N 45 degrees 30 minutes W, a distance of 75 feet to an iron pipe sunk in the ground for a corner, at approximately Contour 987 feet, referred to the U.S.G.G. survey datum plane; thence westerly along said contour 987 feet a distance of 100 feet to its intersection on the division between Lot 1, on the west and Lot 1A on the east, an iron pipe sunk in the ground for a corner; thence S 21 degrees 30 minutes west, a distance of 111 feet to point and place of beginning, containing 0.20 of an acre of land. A magnetic survey dated July 1955.

The parties of the first part grant and give to the parties of the second part their heirs and assigns forever a right of way to be used in common with others over the present road as laid out as shown leading from the present state highway to the property, Lot No. 1A, herein described.

**BEING** the same premises conveyed by Ralph V. Rizzo to Frank Rizzo and Marjorie Rizzo by deed dated May 17, 1977 and recorded in the Hamilton County Clerk's Office on May 19, 1977 in Book No. 170 of Deeds at page 429.

**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

parties of the second part, their heirs and assigns forever.

AND, said parties of the first part covenant as follows:

FIRST, that the parties of the second part shall quietly enjoy the said premises;

SECOND, that the parties of the first part will forever WARRANT the title to said premises.

THIRD, that in compliance with Sec. 13 of the Lien Law, the grantor 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, has hereunto set their hands and seals the day and year first above written.

*Frank Rizzo*  
FRANK RIZZO

*Marjorie Rizzo*  
MARJORIE RIZZO

STATE OF NEW YORK )  
                                  ) SS:  
COUNTY OF Orange )

On this 21st day of January, 1994 before me, the subscribers, personally appeared FRANK RIZZO and MARJORIE RIZZO to me personally known and known to me to be the same person described in and who executed the within Instrument, and they duly acknowledged to me that he executed the same.

*Nancy M. Schustal*  
Notary Public  
Date Comm. Exp.: Sept. 10, 1994

NANCY M. SCHAUSTAL  
Notary Public, State of New York  
No. 4971806  
Qualified in Orange County  
Term Expires, Sept. 10, 1994

RECORD & RETURN TO:

~~LAW OFFICE OF SCHUR & McNEILIPPE~~  
~~241 South Main Street~~  
~~Northville, NY 12134~~  
*Maynard O'Connor & Smith*  
*80 State St*  
*Albany NY 12207*

430  
RECEIVED  
\$180.-  
REAL ESTATE  
MAR 3 1994  
TRANSFER TAX  
HAMILTON COUNTY