

WARRANTY DEED WITH LIEN COVENANT

THIS INDENTURE, made this 12 day of October, 2017

BETWEEN, Alan J. Higgins and Susan L. Waide, residing at 777 Satin Leaf Circle, Ocoee, Florida 34761, Party(ies) of the First Part

and

Stephen Hawryschuk and Catherine Telehany, residing at 1747 Elmwood Circle, Farmington, New York 14425, Party(ies) of the Second Part, *as joint tenants with right of survivorship*

WITNESSETH that the Party of the First Part, in consideration of ONE DOLLAR (\$1.00) lawful money of the United States, and other valuable consideration paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, its heirs or successors, and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, (see attached Schedule A)

Subject to and together with all covenants, easements and restrictions of record, if any, affecting said premises.

Being and intending to convey the same premises conveyed to the Party(ies) of the First Part by Deed dated October 15, 2001 and recorded on October 16, 2001 in the Ontario County Clerk's Office in Liber 1064 of Deeds, at page 412.

TAX ACCOUNT NUMBER: 97.04-1-55.100
PROPERTY ADDRESS: 3614 Middle Cheshire Road, Town of Canandaigua, Ontario County
TAX MAILING ADDRESS: _____

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, its heirs or successor and assigns forever.

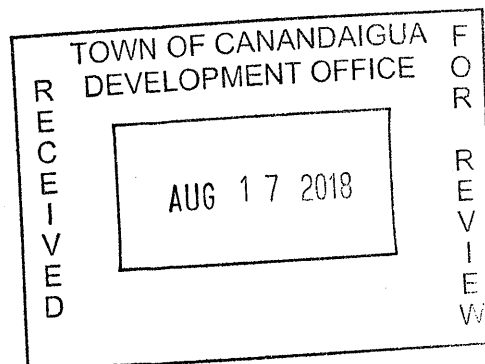
AND said Party of the First Part covenants as follows:

FIRST, that the Party of the Second Part shall quietly enjoy the said premises;

SECOND, that said Party of the First Part will forever WARRANT the title to said premises.

THIRD, that, in compliance with Sec. 13 of the Lien Law, 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.

WHENEVER the sense of this instrument so requires, the words "Party of the First Part" and "Party of the Second Part" shall be construed in their plural forms.



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Schedule A

All that tract or parcel of land situate in the Town of Canandaigua, County of Ontario, State of New York bounded and described as follows: Commencing at an iron pipe set in the west line of Middle Cheshire Road which point is 299.32 feet southwesterly from the intersection of the north line of Town Lot 66 with the west line of Middle Cheshire Road as measured along the west line of Middle Cheshire Road; running thence southwesterly along the west line of Middle Cheshire Road on a curve having a radius of 1399.46 feet a distance of 77.28 feet to an iron pipe; running thence north 36° 34' 30" west a distance of 494.28 feet to an iron pipe; running thence north 80° 50' 24" west along the north line of Town Lot 66 a distance of 918.55 feet to an iron pipe; running thence north 21° 58' 20" west along lands now or formerly of Margaret M. Miller a distance of 1216.91 feet to an iron pipe; running thence north 75° 29' 30" east along lands now or formerly of Margaret M. Miller a distance of 62.34 feet to an iron pipe; running thence north 71° 45' 00" east along lands now or formerly of Margaret M. Miller a distance of 281.72 feet to a p.k. nail driven in a 14" hickory tree; running thence north 73° 19' 40" east along lands now or formerly of Margaret M. Miller a distance of 215.61 feet to a p.k. nail driven in a 14" hickory tree; running thence north 66° 34' 30" east along lands now or formerly of Margaret M. Miller a distance of 330.87 feet to an iron pipe; running thence south 18° 06' 56" east along lands now or formerly of Comings a distance of 1165.88 feet to an iron pipe; running thence south 71° 53' 00" west a distance of 611.41 feet to an iron pipe; running thence south 21° 58' 20" east a distance of 90.00 feet to an iron pipe; running thence south 80° 50' 24" east a distance of 760.80 feet to an iron pipe; running thence south 36° 34' 30" east a distance of 506.18 feet to an iron pipe set in the west line of Middle Cheshire Road, the point and place of beginning.

Subject to and together with all covenants, easements and restrictions of record affecting said premises, if any.

IN WITNESS WHEREOF, the Party of the First Part has executed this Deed on the day and year first above written.

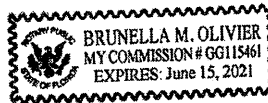
Alan J. Higgins
Alan J. Higgins

Susan L. Waide
Susan L. Waide

STATE OF Florida)
COUNTY OF Orange) ss:

On the 17th day of October, 2017, before me, the undersigned a notary public in and for said state, the undersigned personally appeared **Alan J. Higgins**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.

[Signature]
Notary Public



STATE OF New York)
COUNTY OF Ontario) ss:

On the 12 day of October, 2017, before me, the undersigned a notary public in and for said state, the undersigned personally appeared **Susan L. Waide**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.

Jayna L. Wagner
Notary Public

Jayna L. Wagner
Notary Public, State of New York
01WA6345503
Qualified in Ontario County
My Commission Expires 7-26 2020

198812190021

12/19/1988 12:00:00 AM

D 00881 0259

Form 583X N. Y. DEED—WARRANTY with Lien Covenant



TUTTLE LAW FIRM, PUBLISHERS, RUTLAND, VT 05701

This Indenture

Made the 19th day of December

Nineteen Hundred and Eighty-Eight

Between

ROBERT H. WYFFELS and MARGARET WYFFELS,
his wife, both residing at 3586 Middle
Cheshire Road, Canandaigua, New York,

parties of the first part, and

DAVID E. COOK, residing at 4572 West
Lake Road, Canandaigua, New York,

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

-----One and 00/100-----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, his heirs
and assigns forever, and

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Canandaigua, County of Ontario and State of New York, bounded and described as follows: Commencing at an iron pipe set in the west line of Middle Cheshire Road which point is 299.32 feet southwesterly from the intersection of the north line of Town Lot 66 with the west line of Middle Cheshire Road as measured along the west line of Middle Cheshire Road; running thence southwesterly along the west line of Middle Cheshire Road on a curve having a radius of 1399.46 feet a distance of 77.28 feet to an iron pipe; running thence north 36° 34' 30" west a distance of 494.28 feet to an iron pipe; running thence north 80° 50' 24" west along the north line of Town Lot 66 a distance of 918.55 feet to an iron pipe; running thence north 21° 58' 20" west along lands now or formerly of Margaret M. Miller a distance of 1216.91 feet to an iron pipe; running thence north 75° 29' 30" east along lands now or formerly of Margaret M. Miller a distance of 62.34 feet to an iron pipe; running thence north 71° 45' 00" east along lands now or formerly of Margaret M. Miller a distance of 281.72 feet to a p.k. nail driven in a 14" hickory tree; running thence north 73° 19' 40" east along lands now or formerly of Margaret M. Miller a distance of 215.61 feet to a p.k. nail driven in a 14" hickory tree; running thence north 66° 34' 30" east along lands now or formerly of Margaret M. Miller a distance of 330.87 feet to an iron pipe; running thence south 18° 06' 56" east along lands now or formerly of Comings a distance of 1165.88 feet to an iron pipe; running thence south 71° 53' 00" west a distance of 611.41 feet to an iron pipe; running thence south 21° 58' 20" east a distance of 90.00 feet to an iron pipe; running thence south 80° 50' 24" east a distance of 760.80 feet to an iron pipe; running thence south 36° 34' 30" east a distance of 506.18 feet to an iron pipe set in the west line of Middle Cheshire Road, the point and place of beginning. Intending to convey 25.003 acres of land according to a map of a survey entitled, "Land to be Conveyed by Robert H. Wyffels and Margaret Wyffels", made by Ronald M. Phillips, Land Surveyor, dated September 21, 1988, and to be filed in the Ontario County Clerk's Office.

R/R CONRAD HANLEY
25 CORTLAND ST., N.Y. 14724
CANANDAIGUA, N.Y. 14724

LIBER 881-253

TOWN OF CANANDAIGUA
DEVELOPMENT OFFICE

AUG 17 2018

RECEIVED

FOR REVIEW

198812190021

12/19/1988 12:00:00 AM

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LIBER 881 PAGE 260

Being a portion of lands conveyed to Robert H. Wyffels and Margaret Wyffels by three deeds, the first from Margaret M. Miller dated January 19, 1984 and recorded in the Ontario County Clerk's Office in Liber 826 of Deeds at page 1182, the second from Cheshire Heights Inc. dated December 13, 1985 and recorded in the Ontario County Clerk's Office in Liber 846 of Deeds at page 829, and the third from George D. and Evelyn M. Coleates dated October 21, 1986 and recorded in the Ontario County Clerk's Office in Liber 855 of Deeds at page 702.

Subject to covenants, easements, and restrictions of record, if any, which may affect the herein conveyed premises.

The parties of the first part reserve unto themselves, their heirs and assigns, a right-of-way for ingress and egress from the Middle Cheshire Road over the 75 foot strip of land running in a northerly and northwesterly direction from Middle Cheshire Road for a distance of approximately 1,200 feet. Said strip of land is as shown on the aforesaid survey made by Ronald M. Phillips.

Said right-of-way shall be used in common by the parties of the first part with the party of the second part, his heirs and assigns. The aforementioned right-of-way is reserved for the benefit of lands owned by the parties of the first part lying easterly and northerly of said 75 foot strip.

Subject to the right and easement of Margaret Miller, her successors and assigns, to clean out the creek that runs along the westerly edge of said property for the purpose of maintaining drainage.

GRANTOR AGREES TO IMPROVE THE ABOVE RIGHT-OF-WAY WITH A GRAVEL DRIVEWAY 12' IN WIDTH FROM MIDDLE CHESHIRE RD. TO A POINT APPROXIMATELY 240' SOUTH OF THE NORTHERLY BOUNDARY, AND SHALL COMPLETE SAID DRIVEWAY BY JANUARY 1, 1990.

R.W.
inc

198812190021

12/19/1988 12:00:00 AM

D 00881 0259.b

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, his heirs and assigns forever.

And said

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

Second, That said

will forever Warrant the title to said premises.

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 hand and seal the day and year first above written.

In Presence of

Robert H. Wyffels
Robert H. Wyffels

Margaret Wyffels
Margaret Wyffels

State of New York } ss.
County of Ontario }
before me, the subscriber, personally appeared

On this 19th day of December
Nineteen Hundred and Eighty-Eight

ROBERT H. WYFFELS and MARGARET WYFFELS

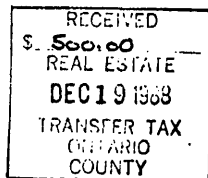
to me personally known and known to me to be the same persons described in and who executed the within instrument, and they acknowledged to me that they executed the same.

Robert E. Muehe
Notary Public

ROBERT E. MUEHE
Notary Public, State of New York
No. 35-8046150, Reg. in Ontario County
My Commission Expires March 31, 1990

5-31-1990

00-1642



ONTARIO COUNTY S.S.

Recorded on Dec 19 19 88
at 12:10 P.M. in Book 881
of DEC 03 Page 259
and examined
Renato S. Vecchi
RENATO S. VECCHI, County Clerk