

BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST GRANTOR (CORPORATION)

STATUTORY FORM BB

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE SIGNING.

THIS INDENTURE, made the 4th day of January, Two Thousand Two, between ~~Bovina United~~ PRESBYTERIAN CHURCH a/k/a BOVINA CENTER PRESBYTERIAN CHURCH, a religious corporation organized under the laws of New York State whose mailing address is Bovina Center, New York 13740, Grantor, and the BOVINA HISTORICAL SOCIETY a corporation chartered by the New York State Board of Regents whose mailing address is Bovina Center, New York 13740 Grantee:

WITNESSETH, that the Grantor, in consideration of ONE DOLLAR (\$1.00) dollars, lawful money of the United States, paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever, all that tract or parcel of land, together with the improvements thereon erected, being more particularly bounded and described in Schedule A annexed hereto and made a part hereof.

ALSO CONVEYING AND EXCEPTING AND RESERVING septic and driveway easement more particularly described in an Agreement dated August 23, 2000 and recorded in the Delaware County Clerk's Office in Liber 926 of Deeds at page 318.

BEING THE SAME premises described in a deed to First Party dated September 27, 2000 and recorded in the Delaware County Clerk's Office in Liber 930 of Deeds at page 209.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and/or assigns forever; **PROVIDED, HOWEVER**, that the Grantee, its successors and/or assigns, may use the premises only in compliance with the following restrictions, which shall be deemed to be and construed as express conditions subsequent, on which this conveyance is made:

1. The premises may be used only as a General Store or Museum under the name "Russell's Store" in accordance with the Grantee's charitable or educational purposes. Space in the store building on the premises may also be leased to the United

States Postal Service or any related entity for use as a post office serving the Bovina community.

2. Flashing, neon or electronic exterior signing shall not be permitted on the premises for any reason.

3. The existing "Russell's Store" building on the premises (or in the event of its destruction by act of God the replacement thereof) shall be maintained in good structural condition and its 19th century architectural style and appearance shall be maintained.

4. Alcoholic beverages may not be sold or consumed on the premises.

If Grantee, or its successors and/or assigns, shall neglect or fail to perform and comply strictly with the restrictions numbered 1-4 set forth above, then Grantor may at any time thereafter serve on Grantee a notice in writing specifying the particular in which default or a breach has been made and directing Grantee to remedy the default or breach. Should Grantee thereafter for a period of thirty (30) days (time being of the essence of this provision) fail fully and entirely to remedy the breach or default, then a notice in writing may be served on Grantee by Grantor notifying it that Grantor elects that title to the whole of the conveyed premises shall revert to Grantor, and title to the whole of said premises shall then immediately and without the necessity of any further action on the part of Grantor, revert to and reinvest in Grantor, and Grantee shall lose all of its rights, title and interest in and to the whole of the conveyed premises and to the improvements and fixtures on it, and Grantor shall have the right to reentry to the property conveyed by this instrument.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

This conveyance is made pursuant to an Order of the Hon. Joseph P. Hester, Jr., Supreme Court Justice, entered in the Delaware County Clerk's Office on or about December 10, 2001 under Index Number 2001-863.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer

SCHEDULE A

Parcel I, Descriptive Boundary of land of Marjorie Russell Trust

All that certain piece or parcel of land situate in the hamlet of Bovina Center, Town of Bovina, Delaware County and New York State being bounded and described as follows:

Beginning at a point in the centerline of Delaware County Route 6, also known as Main Street, said point being the West corner of land of Marjorie Russell Trust (L. 799 P. 339) and said point being distant 134.56 feet northwesterly, as measured along the centerline of Main Street, from the intersection of the centerline of Main Street with the centerline of Pink Street; thence North $45^{\circ}39'11''$ West along the centerline of Main Street 43.32 feet to a point in range with a line 12.67 feet northwesterly from and parallel to the foundation of the northwest side of the store building; thence North $41^{\circ}19'16''$ East along a line of 12.67 feet northwesterly from and parallel to the store building foundation and along land now or formerly of Cecil H. Russell (L. 482 P. 205) 137.72 feet to a set railroad spike in a gravel driveway in the line of land of Timothy H. Bray (L. 793 P. 185); thence South $45^{\circ}25'44''$ East along land of Bray 49.50 feet to a set railroad spike in the line of land of Marjorie Russell Trust (L. 799 P. 339); thence South $43^{\circ}53'33''$ West along said land of Marjorie Russell Trust 137.34 feet to the point and place of beginning, said last mentioned bearing of South $43^{\circ}53'33''$ West at a distance of 100.10 feet passes through a set P.K. nail being 10.1 feet southeasterly from the South Corner of the store building.

CONTAINING one hundred forty-six thousandth (0.146) of an acre of land.

BEARINGS are with reference to magnetic North 1994.

Subject to the rights of the public in and to that portion of Delaware County Route 6, also known as Main Street, included in the herein described premises.

Subject to any utility easements of record.

Being the same premises conveyed by Marjorie Russell to Marjorie Russell Trust by deed dated 30 July 1996 and filed in the Delaware County Clerk's Office in Liber 799 of Deeds at page 337.

As surveyed 31 December 1999 by Steven J. Roberts Land Surveying, P.C.

Schedule A Parcel II

Descriptive Boundary
of land now or formerly of
Cecil H. Russell

All that certain piece or parcel of land situate in the hamlet of Bovina Center, Town of Bovina, Delaware County and New York State being bounded and described as follows:

Beginning at a point in the centerline of Delaware County Route 6, also known as Main Street, said point being the West corner of land of Marjorie Russell Trust (L.799 P.337) and said point being distant 177.88 feet northwesterly, as measured along the centerline of Main Street, from the intersection of the centerline of Main Street with the centerline of Pink Street; thence North 45°39'11" West along the centerline of Main Street 18.03 feet to a point; thence North 41°19'16" East along land of Timothy H. Bray (L.793 P.185) and along a line 18.00 feet distant from and parallel to the northwest line of said land of Marjorie Russell Trust 136.77 feet to a set railroad spike, said last mentioned bearing of North 41°19'16" East at a distance of 28.77 feet passes through a set railroad spike in the North edge of the sidewalk; thence South 48°40'44" East along land of Bray 18.00 feet to a set railroad spike in a gravel driveway marking the North corner of said land of Marjorie Russell Trust; thence South 41°19'16" West along a line 12.67 feet northwesterly from and parallel to the foundation of the northwest side of the store building 137.72 feet to the point and place of beginning.

CONTAINING fifty-seven thousandths (0.057) of an acre of land. BEARINGS are with reference to magnetic North 1994.

Subject to the rights of the public in and to that portion of Delaware County Route 6, also known as Main Street, included in the herein described premises.

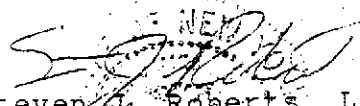
Subject to any utility easements of record.

Subject to any drainage rights of others.

Subject to the rights of Timothy H. Bray to travel over the herein described premises as the same rights were reserved by Helen L. Boggs Tyrrell in L.482 P.205.

Being the same premises conveyed by Helen L. Boggs Tyrrell to Cecil H. Russell by deed dated 29 September 1967 and filed in the Delaware County Clerk's Office in Liber 482 of Deeds at page 205.

As surveyed 31 December 1999 by Steven J. Roberts Land Surveying, P.C.


Steven J. Roberts, L.S.
registration no. 49937



STATE OF NEW YORK)
) ss.:
COUNTY OF DELAWARE)

On the 4th day of JANUARY in the year 2002 before me, the undersigned, a Notary Public in and for said State, personally appeared SHANNON SHOEMAKER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual 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.

Larisa Obolesky
Notary Public

LARISA OBOLENSKY
Notary Public, State of New York
No. 02-085020167
Qualified in Delaware County
My Commission Expires Nov. 08, 2005

6:00
5:00
4:17
2:12
JAN - 9 2002 4:50pm
Deed
Bovina United Pres. Church ✓
to
Bovina Historical Soc. ✓

RECEIVED
J.K.C.
REAL ESTATE
JAN 9 2002 1450
TRANSFER TAX
DELAWARE
COUNTY

Delaware County Clerk's Office
Recorded on the 9th day of Jan, 2002
4:50 P. M. Recorded in Liber 973
Deeds at Page 80 and
amined Mary J. Cady
County Clerk

1 Delaware Division
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