

May 18, 2018

Lincoln Land Services, LLC  
324 South Service Road, Suite 302  
Melville, NY 11747  
Attention: Amanda Vitale, Recording

**Re: DFCI Solutions, Inc. to Thomas Ghents**  
**Premises: 425 Union Boulevard, West Islip, NY 11795**  
**Account No. 549; Search No. 91651**

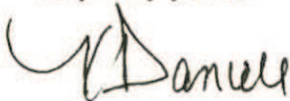
Dear Ms. Vitale:

Please be advised that I represent the Seller, DFCI Solutions, Inc., concerning the above-referenced matter.

Enclosed please find an original Declaration of Covenants and Restrictions dated November 17, 2017 with property description attached. Kindly arrange for the filing of the document with the Office of the Suffolk County Clerk and return the recorded document to my office. I enclose my Attorney Check payable to Lincoln Land Services, LLC in the amount of \$310.00 representing payment of your invoice issued in this matter.

Of course, should you have any questions or wish to discuss this matter further, please feel free to contact me.

Very truly yours,



KELLY DANIELE  
KD/sja

Enclosures

cc: DFCI Solutions, Inc.

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**DECLARATION of COVENANTS and RESTRICTIONS**

**THIS COVENANT**, made the 17 day of November, 2017, by **DFCI SOLUTIONS, INC.** (formerly known as **DZUS FASTENER CO. INC.**; referred to herein as "**DFCI**") a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 425 Union Blvd., West Islip, NY 11795.

**WHEREAS**, DFCI is the owner property located at 425 Union Blvd., West Islip, NY 11795, Suffolk County, consisting of approximately 4.02 acres, identified as Suffolk County Tax Map District 500, Section 455, Block 1, Lot 64.1, and being more particularly described in Appendix "A," attached to this declaration and made part hereof, and hereinafter referred to as "the Property"; and

**WHEREAS**, the Property is subject to Order on Consent Index # W1-0538-90-04 issued by the New York State Department of Environmental Conservation to DFCI on December 13, 1993; and

**WHEREAS**, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal on the Site in an Operable Unit 1 Record of Decision ("OU-1 ROD") dated March 1995, and such OU-1 ROD or the Work Plan for the implementation of the OU-1 ROD required that the Property be subject to restrictive covenants; and

**WHEREAS**, the remedy selected in the OU-1 ROD has been implemented, except for the on-going Operation, Maintenance, and Monitoring phase; and

**WHEREAS**, DFCI previously executed a Declaration of Covenants and Restrictions for the Property dated June 2, 2004 and recorded in the Suffolk County Clerk's Office on June 9, 2004 at Liber D00012323, Page 907.

**WHEREAS**, recent testing on the Property has revealed the potential for soil vapor intrusion issues.

**NOW, THEREFORE, DFCI, for itself and its successors and/or assigns, covenants that:**

First, the Property shall remain subject to the Declaration of Covenants and Restrictions dated June 2, 2004 and all terms, restrictions and obligations thereunder remain unchanged.

Second, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "B" and made a part hereof.

Third, the owner of the Property shall evaluate the potential for vapor intrusion for any buildings developed on the Property prior to occupancy, including existing and new buildings.

Fourth, the owner of the Property shall monitor or mitigate any identified potential soil vapor impacts in accordance with the *New York State Department of Health Guidance for Evaluating Soil*

*Vapor Intrusion in the State of New York, October 2006* (and subsequent revisions) and shall implement the actions recommended to address exposures related to soil vapor intrusion, provided however, that while the existing building(s) remains unoccupied, the owner of the Property does not have to monitor or mitigate.

Fifth, the owner of the Property shall provide the monitoring results and an annual certification that any necessary mitigation system is operating properly to the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency".

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions recorded by this Declaration of Covenants and Restrictions, and hereby covenants not to contest the authority of the Department to seek enforcement.

Seventh, the owner of the Property may petition the Department to modify or terminate this Declaration of Covenants and Restrictions at such time as it can certify that reliance upon such covenants and restrictions is no longer required to meet the goals of the Remedial Program. Such certification shall be made by a Professional Engineer. The Department shall not unreasonably withhold its consent to such petition.

Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

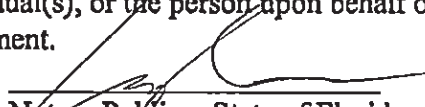
IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

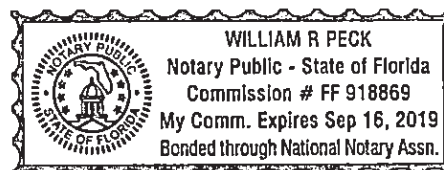
DFIC SOLUTIONS, INC.

By:   
Stephen Meshover, President

STATE OF FLORIDA     )  
  ) ss:  
COUNTY OF ORANGE    )

On the 17<sup>th</sup> day of November, in the year 2017, before me the undersigned, personally appeared Stephen Meshover, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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 hi/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public – State of Florida



**SCHEDULE "A"**

1-01131716

TRACT I (AS TO DEED IN LIBER 2046 PAGE 153):

All that certain tract, piece or parcel of land situate, lying and being on the northerly side of Union Street Extension, West Islip, Town of Islip, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Union Street Extension distant easterly, measured along the northerly side thereof, 114.92 feet from the corner formed by the intersection of the northerly side of Union Street Extension with the easterly side of Beach Street, said point of beginning being marked by a monument, and from said point of beginning.

Running thence North 18 deg. 20 min. East along land now or formerly of Long Island Seashore Co. Inc., 333.73 feet to land of the Long Island Rail Road Montauk Division said point being marked by a monument;

Thence running North 80 deg. 00 min, East along Land last mentioned, 876.55 feet to a point marked by a rail monument;

Thence still along said land last mentioned 324.54 feet by an arc having a radius of 3464.87 feet; the chord of which bears North 77 deg. 19 min. last 384.48 feet to a point on the northerly side of Union Street Extension marked by a rail monument;

Thence running south 74 deg. 38 min. West along the northerly side of Union Street Extension, 82.13 feet to a point marked by a monument;

Thence along the northerly side of Union Street Extension, 363.44 feet by an arc having a radius of 1940.08 feet, the chord of which bears South 69 deg. 16 min. West, 362.91 feet to a point marked by a monument;

thence still along the northerly side of Union Street Extension South 63 deg. 54 min. West, 773.76 feet to a point marked by a monument;

Thence still along the northerly side of Union Street Extension, 150.13 feet by an arc having a radius of 1402.69 feet, the chord of which bears south 66 deg. 58 min. West 150.13 feet to the point or place of BEGINNING.

TRACT II (AS TO DEED IN LIBER 10673 PAGE 144):

ALL those tracts, pieces, or parcels of land, situated in the Town of Islip, County of Suffolk, State of New York, and bounded and described as follows, to wit:

LOTS 1 TO 5 INC. BALANCE OF LOT 9, Northwest part of lot 10, Block A, Map 92, Babylon Development of Long Island Seashore Company, Inc.

Excepting that part of the premises herein, if any, that may have been taken by Suffolk County for highway purposes or damaged or destroyed by the elements.

ALSO EXCEPTING THEREFROM THE FOLLOWING PARCEL OF LAND:

BEGINNING at the northwest corner of Lot No. 1 on the southerly line of Prospect Avenue and running thence easterly along the southerly line of Prospect Avenue and the northerly line of Lot 1, 108.12 feet to the easterly line of Lot No. 1;

RUNNING THENCE southerly along the easterly line of Lot No. 1, 5.4 feet;

RUNNING THENCE westerly 5 feet from and parallel to the southerly line of Prospect Avenue and the northerly line of Lot No. 1, 102.72 feet;

RUNNING THENCE southerly 5 feet from and parallel to the easterly line of Beach Street about 193 feet to the northerly new line of Washington Avenue (Union Street);

RUNNING THENCE westerly along the northerly new line of Washington Avenue (Union Street) 5.4 feet to the easterly line of Beach Street;

RUNNING THENCE northerly 5 feet from and parallel to the easterly line of Beach Street 198 feet to the BEGINNING POINT.

District: 0500 Section: 455.00 Block: 01.00 Lot: 064.001

For information only: 425 Union Boulevard, West Islip, NY 11795

**THE FIRST NTL BANK OF LONG ISLAND**  
GLEN HEAD, NY 11545

**KELLY DANIELE, P.C.**  
**OPERATING ACCOUNT**  
181 WEST MAIN STREET, SUITE 100  
BABYLON, NY 11702

PAY TO THE  
ORDER OF  
LINCOLN LAND SERVICES, LLC

Three Hundred Ten Only\*\*\*\*\*

**\$\*\*310.00**

DOLLARS 

MEMO APCA/425 Union Blvd  
91651

**AUTHORIZED SIGNATURE**

"B607000" "597720" "5500082"

### Security Features Included