

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel

625 Broadway, 14th Floor, Albany, New York 12233-1500

P: (518) 402-9185 | F: (518) 402-9018

www.dec.ny.gov

November 6, 2019

SENT VIA UPS OVERNIGHT
AND ELECTRONIC MAIL dchadsey@kavinokycook.com

Deborah J. Chadsey, Esq.
Kavinoky Cook LLP
726 Exchange Street, Suite 800
Buffalo, NY 14210

RE: Environmental Easement Package
Site Name: Former Buffalo Forge Property
Site No.: C915280

Dear Ms. Chadsey:

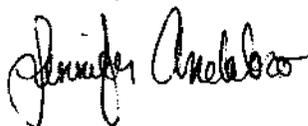
Enclosed, please find one fully executed Environmental Easement, executed termination and release of Environmental Easement and TP-584 tax form referencing the site located at 490 Broadway Street, Buffalo, County of Erie, New York.

Once the Environmental Easement is recorded, the local municipality will need to be notified via Certified Mail, Return Receipt Requested.

Please return a copy of the recorded easement marked by the County Clerk's Office with the date and location of recording, and a certified copy of the municipal notice. The information from the recorded easement and notices are necessary to process the Certificate of Completion.

If you have any further questions or concerns relating to this matter, please contact our office at (518) 408-0409.

Sincerely,



Jennifer Andalaro, Esq.
Section Chief A
Remediation Bureau

ec: B. Burns, Esq., NYSDEC



Department of
Environmental
Conservation

TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

This Termination and Release of Environmental Easement is made as of this 1st day of November 2019, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarters located at 625 Broadway, Albany, New York 12233, Owner(s) Lower West Side Homes II Housing Development Fund Corp., (the "Grantor Fee Owner") having an office at 300 Perry Street, Buffalo, New York 14204, and SAAKC Buffalo Forge, LLC (the "Grantor Beneficial Owner"), having an office at c/o Stuart Alexander and Associates, Inc., 150 SE 2nd Avenue, Suite 300, Miami, Florida 33131, (collectively, the "Grantor").

RECITALS

1. Grantor Fee Owner is the owner of certain land known and designated on the tax map of the Erie County Clerk as tax map parcel numbers: Section 111.41 Block 7 Lot 12.1, Section 111.41 Block 7 Lot 17.1, Section 111.41 Block 6 Lot 1.1, Section 111.41 Block 8 Lot 26, Section 111.41 Block 4 Lot 1.1, Section 111.41 Block 5 Lot 1.1 and Section 111.41 Block 5 Lot 31.1, being the same as that property conveyed to Grantor Fee Owner by deed, dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.
2. Grantor Beneficial Owner is the owner of the beneficial interest in the above-referenced property by means of a Declaration of Interest and Nominee Agreement dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4014.
3. The Department and Grantor entered into that certain Environmental Easement ("Easement Agreement") dated as of September 17, 2019 and recorded in the Erie County Clerk's Office in Liber and Page D11350/8933. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement. The property comprises approximately 12.425 +/- acres, and hereinafter more fully described in Schedule A.
4. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
5. Section 2.A. of the Easement Agreement erroneously stated that the entirety of the Controlled Property may be used for Restricted-Residential, Commercial and Industrial uses described in 6 NYCRR §375-1.8(g) and may only be used consistent with controls set out in that Section 2.A. of the Easement Agreement.

6. Section 2.A. of the Easement Agreement should have stated that a portion of the Controlled Property may be used only for Commercial and Industrial uses described in 6 NYCRR §375-1.8(g) and may only be used consistent with controls set out in that Section 2.A. of the Easement Agreement.
7. In order to correct the previous error, the Parties do hereby agree that a new Environmental Easement will be filed contemporaneously with this Termination in order to address the site management needs of the now remediated site.
8. Pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement, dated September 17, 2019.

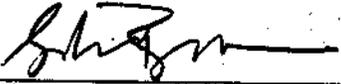
TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Termination and Release of Environmental Easement.
- B. The Department confirms that the date hereof is the "Termination Date" and the Department accordingly hereby terminates and releases the property as described in Schedule A.
- C. This Termination and Release of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- D. This Termination and Release of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

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IN WITNESS WHEREOF, Grantor Fee Owner has caused this Termination and Release of Environmental Easement to be signed in its name.

Lower West Side Homes II Housing Development Fund Corp.:

By: 

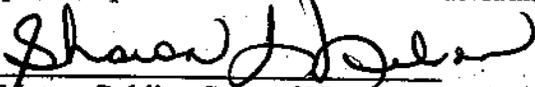
Print Name: Gillian Brown

Title: Chief Operating Officer Date: 10/23/2019

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

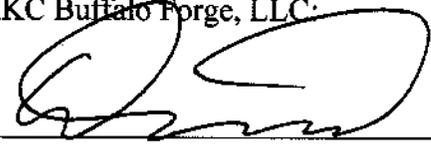
On the 23 day of October, in the year 20 19, before me, the undersigned, personally appeared Gillian Brown, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by 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.


Notary Public - State of New York

SHARON L. NELSON
Notary Public, State of New York
No: 01NE6289252
Qualified in Erie County
My Commission Expires September 23, 2021

IN WITNESS WHEREOF, Grantor Beneficial Owner has caused this Termination and Release of Environmental Easement to be signed in its name.

SAAKC Buffalo Forge, LLC:

By: 

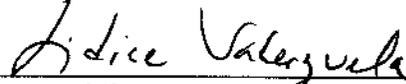
Print Name: DAVID Alexander

Title: Authorized Signatory Date: 10/22/19

Grantor's Acknowledgment

~~STATE OF NEW YORK~~)
FLORIDA) ss:
COUNTY OF MIAMI DADE)

On the 22 day of October, in the year 20 19, before me, the undersigned, personally appeared DAVID ALEXANDER 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 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.


Notary Public - State of ~~New York~~
FLORIDA



LIDICE VALENZUELA
Commission # GG 306890
Expires June 24, 2023
Bonded Thru Budget Notary Services

SCHEDULE "A" PROPERTY DESCRIPTION

516 Spring Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 120 in said City, bounded and described as follows:

BEGINNING at a point in the westerly line of Spring Street 138.21 feet southerly of the southerly line of Sycamore Street; thence westerly at an exterior angle of $89^{\circ} 57' 42''$, 132.0 feet to a point; thence southerly parallel with the westerly line of Spring Street 100.0' feet to a point; thence easterly at an interior angle of $90^{\circ} 02' 18''$, 132 feet to Spring Street; thence northerly along the westerly line of Spring Street 100.0' feet to the place of beginning, including all of Lot No. 123 and 124 as shown on a map recorded in Liber 85 of Deeds at page 329 in the Erie County Clerk's Office.

498 Spring Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 120 in said City, bounded and described as follows:

BEGINNING at a point in the westerly line of Spring Street 288.21 feet southerly of the southerly line of Sycamore Street; thence westerly at an exterior angle of $89^{\circ} 57' 42''$, 132.0 feet to a point; thence southerly parallel with the westerly line of Spring Street 100.0' feet to a point; thence easterly at an interior angle of $90^{\circ} 02' 18''$, 132 feet to Spring Street; thence northerly along the westerly line of Spring Street 100.0' feet to the place of beginning, including all of Lot No. 126 and 127 as shown on a map recorded in Liber 85 of Deeds at page 329 in the Erie County Clerk's Office.

490 Broadway

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Sycamore Street with the easterly line of Spring Street; thence easterly along the southerly line of Sycamore Street, a distance of 415.23 feet to a point in the westerly line of Mortimer Street; thence southerly along the westerly line of Mortimer Street, a distance of 947.23 feet to a point in the northerly line of Broadway; thence westerly along the northerly line of Broadway, a distance of 228.93 feet to a point; thence northerly at an interior angle of $90^{\circ} 02' 18''$, a distance of 190.0 feet to a point; thence westerly at an exterior angle of $90^{\circ} 02' 18''$, a distance of 185.0 feet to a point in the easterly line of Spring Street; thence northerly along the easterly line of Spring Street, a distance of 709.21 feet to a point on the southerly line of Sycamore Street at the True Point or Place of Beginning.

233 Mortimer Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Matthews Street with the easterly line of Mortimer Street; thence easterly along the northerly line of Matthews Street, a distance of 204.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 43' 49''$, a distance of 142.07 feet to a point; thence westerly at an interior angle of $90^{\circ} 16' 11''$, a distance of 204.00 feet to a point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 142.07 feet to a point on the northerly line of Matthews Street being the True Point or Place of Beginning.

213 Mortimer Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of George Street with the easterly line of Mortimer Street; thence easterly along the northerly line of George Street, a distance of 215.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 52' 24''$, a distance of 104.00 feet to a point; thence westerly at an interior angle of $90^{\circ} 07' 36''$, a distance of 15.00 feet to a point; thence northerly at an exterior angle of $90^{\circ} 07' 36''$, a distance of 89.00 feet to a point in the southerly line of Matthews Street; thence westerly along the southerly line of Matthews Street, a distance of 200.00 feet to a point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 193.50 feet to a point of the northerly line of George Street being the True Point or Place of Beginning.

187 Mortimer Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Ray Street with the easterly line of Mortimer Street; thence easterly along the northerly line of Ray Street, a distance of 370.26 feet to a point; thence northerly at an interior angle of $106^{\circ} 30' 58''$, a distance of 85.35 feet to a point; thence westerly at an interior angle of $90^{\circ} 05' 50''$, a distance of 81.63 feet to a point; thence northerly at an exterior angle of $95^{\circ} 18' 00''$, a distance of 96.72 feet to a point in the southerly line of George Street; thence westerly along the southerly line of George Street, a distance of 31.00 feet to a point; thence southerly at an interior angle of $95^{\circ} 34' 27''$, a distance of 89.09 feet to a point; thence westerly at an interior angle of $78^{\circ} 57' 39''$, a distance of 21.79 feet to a point; thence southerly at an interior angle of $73^{\circ} 15' 37''$, a distance of 17.56 feet to a point; thence westerly at an exterior angle of $89^{\circ} 52' 24''$, a distance of 28.00 feet to a point; thence northerly at an exterior

angle of $90^{\circ} 07' 36''$, a distance of 100.00 feet to a point in the southerly line of George Street; thence westerly along the southerly line of George Street, a distance of 247.00 feet to point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 200.00 feet to a point in the northerly line of Ray Street being the True Point or Place of Beginning.

498 Broadway

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Broadway with the easterly line of Mortimer Street; thence easterly along the northerly line of Broadway, a distance of 134.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 52' 24''$, a distance of 108.00 feet to a point; thence easterly at an exterior angle of $89^{\circ} 52' 24''$, a distance of 59.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 52' 24''$, a distance of 100.00 feet to a point in the southerly line of Ray Street; thence westerly along the southerly line of Ray Street, a distance of 193.00 feet to a point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 208.00 feet to a point on the northerly line of Broadway being the True Point or Place of Beginning.

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 1st day of November, 2019, between Owner(s) Lower West Side Homes II Housing Development Fund Corp., (the "Grantor Fee Owner") having an office at 300 Perry Street, Buffalo, New York 14204, and SAAKC Buffalo Forge, LLC (the "Grantor Beneficial Owner), having an office at c/o Stuart Alexander and Associates, Inc., 150 SE 2nd Avenue, Suite 300, Miami, Florida 33131, (collectively, the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 516 Spring Street in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 7 Lot 12.1, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, Grantor, is the owner of real property located at the address of 498 Spring Street in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 7 Lot 17.1, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, Grantor, is the owner of real property located at the address of 490 Broadway in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 6 Lot 1.1, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, Grantor, is the owner of real property located at the address of 233 Mortimer Street in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 8 Lot 26, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, Grantor, is the owner of real property located at the address of 213 Mortimer Street in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 4 Lot 1.1, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, Grantor, is the owner of real property located at the address of 187 Mortimer Street in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 5 Lot 1.1, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, Grantor, is the owner of real property located at the address of 498 Broadway in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 111.41 Block 5 Lot 31.1, being a portion of the property conveyed to Grantor by deed dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4007.

WHEREAS, the seven (7) lots which comprise of the property subject to this Environmental Easement (the "Controlled Property") contain a combined area of approximately 12.425 +/- acres, and are hereinafter more fully described in the Land Title Survey dated September 19, 2018 as last revised on July 22, 2019 prepared by Francis C. Delles of Millard, MacKay & Delles Land Surveyors, LLP, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A;

WHEREAS, Grantor Beneficial Owner, is the owner of the beneficial interest in the Controlled Property being the same as a portion of that beneficial interest conveyed to Grantor Beneficial Owner by means of a Declaration of Interest and Nominee Agreement dated October 25, 2018 and recorded in the Erie County Clerk's Office in Liber and Page D11336/4014 ; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C915280-09-13, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

- A. (1) The Controlled Properties located at 490 Broadway, 187 Mortimer Street, 213 Mortimer Street, 233 Mortimer Street, 498 Spring Street and 516 Spring Street may be used for:

Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

- (2) The Controlled Property located at 498 Broadway may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(3) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(4) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(5) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(6) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(7) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(8) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(9) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(10) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(11) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Properties located at 490 Broadway, 187 Mortimer Street, 213 Mortimer Street, 233 Mortimer Street, 498 Spring Street and 516 Spring Street shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The Controlled Property located at 498 Broadway shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement

D. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

E. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

F. Grantor covenants and agrees that until such time as the Environmental Easement

is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

G. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

H. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property,

including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C915280
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

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SCHEDULE "A" PROPERTY DESCRIPTIONS

TRACK 4 RESTRICTED RESIDENTIAL

490 Broadway

111.41-6-1.1

Allowable use under Environmental Easement: Restricted Residential/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Sycamore Street with the easterly line of Spring Street; thence easterly along the southerly line of Sycamore Street, a distance of 415.23 feet to a point in the westerly line of Mortimer Street; thence southerly along the westerly line of Mortimer Street, a distance of 947.23 feet to a point in the northerly line of Broadway; thence westerly along the northerly line of Broadway, a distance of 228.93 feet to a point; thence northerly at an interior angle of $90^{\circ} 02' 18''$, a distance of 190.0 feet to a point; thence westerly at an exterior angle of $90^{\circ} 02' 18''$, a distance of 185.0 feet to a point in the easterly line of Spring Street; thence northerly along the easterly line of Spring Street, a distance of 709.21 feet to a point on the southerly line of Sycamore Street at the True Point or Place of Beginning.

187 Mortimer Street

111.41-5-1.1

Allowable use under Environmental Easement: Restricted Residential/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Ray Street with the easterly line of Mortimer Street; thence easterly along the northerly line of Ray Street, a distance of 370.26 feet to a point; thence northerly at an interior angle of $106^{\circ} 30' 58''$, a distance of 85.35 feet to a point; thence westerly at an interior angle of $90^{\circ} 05' 50''$, a distance of 81.63 feet to a point; thence northerly at an exterior angle of $95^{\circ} 18' 00''$, a distance of 96.72 feet to a point in the southerly line of George Street; thence westerly along the southerly line of George Street, a distance of 31.00 feet to a point; thence southerly at an interior angle of $95^{\circ} 34' 27''$, a distance of 89.09 feet to a point; thence westerly at an interior angle of $78^{\circ} 57' 39''$, a distance of 21.79 feet to a point; thence southerly at an interior angle of $73^{\circ} 15' 37''$, a distance of 17.56 feet to a point; thence westerly at an exterior angle of $89^{\circ} 52' 24''$, a distance of 28.00 feet to a point; thence northerly at an exterior angle of $90^{\circ} 07' 36''$, a distance of 100.00 feet to a point in the southerly line of George Street; thence westerly along the southerly line of George Street, a distance of 247.00 feet to point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 200.00 feet to a point in the northerly line of Ray Street being the True Point or Place of Beginning

213 Mortimer Street

111.41-4-1.1

Allowable use under Environmental Easement: Restricted Residential/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of George Street with the easterly line of Mortimer Street; thence easterly along the northerly line of George Street, a distance of 215.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 52' 24''$, a distance of 104.00 feet to a point; thence westerly at an interior angle of $90^{\circ} 07' 36''$, a distance of 15.00 feet to a point; thence northerly at an exterior angle of $90^{\circ} 07' 36''$, a distance of 89.00 feet to a point in the southerly line of Matthews Street; thence westerly along the southerly line of Matthews Street, a distance of 200.00 feet to a point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 193.50 feet to a point of the northerly line of George Street being the True Point or Place of Beginning.

233 Mortimer Street

111.41-8-26

Allowable use under Environmental Easement: Restricted Residential/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Matthews Street with the easterly line of Mortimer Street; thence easterly along the northerly line of Matthews Street, a distance of 204.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 43' 49''$, a distance of 142.07 feet to a point; thence westerly at an interior angle of $90^{\circ} 16' 11''$, a distance of 204.00 feet to a point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 142.07 feet to a point on the northerly line of Matthews Street being the True Point or Place of Beginning.

498 Spring Street

111.41-7-17.1

Allowable use under Environmental Easement: Restricted Residential/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 120 in said City, bounded and described as follows:

BEGINNING at a point in the westerly line of Spring Street 288.21 feet southerly of the southerly line of Sycamore Street; thence westerly at an exterior angle of $89^{\circ} 57' 42''$, 132.0 feet to a point; thence southerly parallel with the westerly line of Spring Street 100.0' feet to a point; thence easterly at an interior angle of $90^{\circ} 02' 18''$, 132 feet to Spring Street; thence northerly along

the westerly line of Spring Street 100.0' feet to the place of beginning, including all of Lot No. 126 and 127 as shown on a map recorded in Liber 85 of Deeds at page 329 in the Erie County Clerk's Office.

516 Spring Street

111.417-7-12.1

Allowable use under Environmental Easement: Restricted Residential/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 120 in said City, bounded and described as follows:

BEGINNING at a point in the westerly line of Spring Street 138.21 feet southerly of the southerly line of Sycamore Street; thence westerly at an exterior angle of $89^{\circ} 57' 42''$, 132.0 feet to a point; thence southerly parallel with the westerly line of Spring Street 100.0' feet to a point; thence easterly at an interior angle of $90^{\circ} 02' 18''$, 132 feet to Spring Street; thence northerly along the westerly line of Spring Street 100.0' feet to the place of beginning, including all of Lot No. 123 and 124 as shown on a map recorded in Liber 85 of Deeds at page 329 in the Erie County Clerk's Office.

TRACK 4 COMMERCIAL

498 Broadway

111.41-5-31.1

Allowable use under Environmental Easement: Commercial/Track 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 119 in said City, bounded and described as follows:

BEGINNING at the intersection of the northerly line of Broadway with the easterly line of Mortimer Street; thence easterly along the northerly line of Broadway, a distance of 134.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 52' 24''$, a distance of 108.00 feet to a point; thence easterly at an exterior angle of $89^{\circ} 52' 24''$, a distance of 59.00 feet to a point; thence northerly at an interior angle of $89^{\circ} 52' 24''$, a distance of 100.00 feet to a point in the southerly line of Ray Street; thence westerly along the southerly line of Ray Street, a distance of 193.00 feet to a point in the easterly line of Mortimer Street; thence southerly along the easterly line of Mortimer Street, a distance of 208.00 feet to a point on the northerly line of Broadway being the True Point or Place of Beginning.



Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A - Information relating to conveyance

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input checked="" type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantor) SAAKC Buffalo Forge, LLC	Social Security number
	Mailing address 150 SE 2nd Avenue, Suite 300	Social Security number
	City State ZIP code Miami FL 33131	EIN 82-1719628
	Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantee) New York State Department of Environmental Conservation	Social Security number
	Mailing address 625 Broadway	Social Security number
	City State ZIP code Albany NY 12233-0001	EIN 14-6013200
	Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN

Location and description of property conveyed

Tax map designation - Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
See attached Schedule A	140200		Buffalo	Erie

Type of property conveyed (mark an X in applicable box)

1 <input type="checkbox"/> One- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input checked="" type="checkbox"/> Vacant land	5 <input type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input type="checkbox"/> Other	Date of conveyance 11 / 01 / 2019 <small>month day year</small>	Percentage of real property conveyed which is residential real property <u>0</u> % <small>(see instructions)</small>
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Condition of conveyance (mark all that apply)

a. <input type="checkbox"/> Conveyance of fee interest b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%) c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%) d. <input type="checkbox"/> Conveyance to cooperative housing corporation e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F) g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G) h. <input type="checkbox"/> Conveyance of cooperative apartment(s) i. <input type="checkbox"/> Syndication j. <input type="checkbox"/> Conveyance of air rights or development rights k. <input type="checkbox"/> Contract assignment	l. <input type="checkbox"/> Option assignment or surrender m. <input type="checkbox"/> Leasehold assignment or surrender n. <input type="checkbox"/> Leasehold grant o. <input checked="" type="checkbox"/> Conveyance of an easement p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3) q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state r. <input type="checkbox"/> Conveyance pursuant to divorce or separation s. <input type="checkbox"/> Other (describe) _____
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For recording officer's use	Amount received Schedule B, Part 1 \$ _____ Schedule B, Part 2 \$ _____	Date received	Transaction number
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Schedule B – Real estate transfer tax return (Tax Law, Article 31)

Part 1 – Computation of tax due

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark the exemption claimed box, enter consideration and proceed to Part 3) Exemption claimed
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)
- 3 Taxable consideration (subtract line 2 from line 1)
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)
- 6 Total tax due* (subtract line 5 from line 4)

1.		1 00
2.		
3.		
4.		
5.		
6.		

Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

- 1 Enter amount of consideration for conveyance (from Part 1, line 1)
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		
2.		
3.		

Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule C - Credit Line Mortgage Certificate (Tax Law, Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (mark an X in the appropriate box)

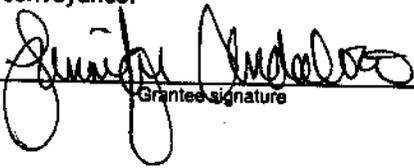
1. The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- e Other (attach detailed explanation).
3. The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

Signature (both the grantor(s) and grantee(s) must sign)

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Grantor signature	Title	 Grantee signature	NYS DEPT Attorney Title
Grantor signature	Title	Grantee signature	Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, Designated Private Delivery Services.

Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark the second box under Exemptions for nonresident transferor(s)/seller(s), and sign at bottom.

Part 1 – New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law, § 685(c), but not as a condition of recording a deed.

Part 2 – Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, § 663(c), mark the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

Exemption for nonresident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, § 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date to _____ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

SCHEDULE A TO FORM TP584

Tax Map designation	Swiss Code	Street Address	City, town, or Village	County
111.41-6-1.1	140200	490 Broadway	Buffalo	Erie
111.41-5-31.1	140200	498 Broadway	Buffalo	Erie
111.41-5-1.1	140200	187 Mortimer	Buffalo	Erie
111.41-4-1.1	140200	213 Mortimer	Buffalo	Erie
111.41-8-26	140200	233 Mortimer	Buffalo	Erie
111.41-7-17.1	140200	498 Spring	Buffalo	Erie
111.417-7-12.1	140200	516 Spring	Buffalo	Erie