

RECEIPT
Suffolk County Clerk
JUDITH A. PASCALE
County Clerk

Receipt Number : 17-0052671
Payor Name : FARREL FRITZ PC

DESCRIPTION TRANS AMOUNT

Type of Instrument: DECLARATION

| | |
|-------------|----------|
| Page/Filing | \$25.00 |
| Handling | \$20.00 |
| COE | \$5.00 |
| NYS SRCHG | \$15.00 |
| TP-584 | \$0.00 |
| Notation | \$0.00 |
| Cert.Copies | \$5.20 |
| RPT | \$200.00 |

Fees Paid \$270.20

LIBER D00012906

PAGE 439

DATE: 03/29/2017 TIME: 12:43:05 PM

RECEIPT TOTAL \$270.20
CHECK AMT PAID \$270.20
TOTAL AMOUNT PAID \$270.20
CHECK REFUND \$0.00

COMMENTS



COUNTY CLERK'S OFFICE
STATE OF NEW YORK
COUNTY OF SUFFOLK

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court of Record thereof do hereby certify that I have compared the annexed with the original
DECLARATION

recorded in my office on **03/29/2017** under Liber **D00012906** and Page **439** and, that the same is a true copy thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Court this **03/29/2017**.

SUFFOLK COUNTY CLERK

Judith A. Pascale

JUDITH A. PASCALE





SUFFOLK COUNTY CLERK
 RECORDS OFFICE
 RECORDING PAGE

Type of Instrument: DECLARATION
 Number of Pages: 5
 Receipt Number : 17-0052671

Recorded: 03/29/2017
 At: 12:43:05 PM

LIBER: D00012906
 PAGE: 439

District: 0100 Section: 007.00 Block: 01.00 Lot: 025.000

EXAMINED AND CHARGED AS FOLLOWS

Received the Following Fees For Above Instrument

| | | Exempt | | | Exempt |
|-------------|---------|--------|-----------|----------|--------|
| Page/Filing | \$25.00 | NO | Handling | \$20.00 | NO |
| COE | \$5.00 | NO | NYS SRCHG | \$15.00 | NO |
| TP-584 | \$0.00 | NO | Notation | \$0.00 | NO |
| Cert.Copies | \$5.20 | NO | RPT | \$200.00 | NO |
| | | | Fees Paid | \$270.20 | |

THIS PAGE IS A PART OF THE INSTRUMENT
 THIS IS NOT A BILL

JUDITH A. PASCALE
 County Clerk, Suffolk County

Number of pages 5


RECORDED
2017 Mar 29 12:43:05 PM
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
L D00012906
P 439

This document will be public record. Please remove all Social Security Numbers prior to recording.

Deed / Mortgage Instrument Deed / Mortgage Tax Stamp Recording / Filing Stamps

3 FEES

Page / Filing Fee 25 -
Handling 20. 00
TP-584 _____
Notation _____
EA-52 17 (County) _____
EA-5217(State) _____
R.P.T.S.A. 200 -
Comm. of Ed. 5. 00
Affidavit _____
Certified Copy 520
NYS Surcharge 15. 00
Other _____

Sub Total 45 -

Sub Total 225.30
Grand Total 270.20

Mortgage Amt. _____
1. Basic Tax _____
2. Additional Tax _____
Sub Total _____
Spec./Assit. _____
or _____
Spec. /Add. _____
TOT. MTG. TAX _____
Dual Town _____ Dual County _____
Held for Appointment _____
Transfer Tax _____
Mansion Tax _____
The property covered by this mortgage is or will be improved by a one or two family dwelling only.
YES _____ or NO _____
If NO, see appropriate tax clause on page # _____ of this instrument.

4 Dist. 1 3362961 0100 00700 0100 025000

Real Propert Tax Service Agency Verification



5 Community Preservation Fund

Consideration Amount \$ _____
CPF Tax Due \$ _____

6 Satisfactions/Discharges/Releases List Property Owners Mailing Address RECORD & RETURN TO:
Charlotte A. Biblow, Esq.
Farrell Fritz, PC
100 Motor Parkway - Suite 138
Hauppauge, NY 11788

Improved _____
Vacant Land _____
TD _____
TD _____
TD _____

Mail to: Judith A. Pascale, Suffolk County Clerk
310 Center Drive, Riverhead, NY 11901
www.suffolkcountyny.gov/clerk

7 Title Company Information
Co. Name _____
Title # _____

8 Suffolk County Recording & Endorsement Page

This page forms part of the attached Declaration of Covenants and Restrictions made by: _____ (SPECIFY TYPE OF INSTRUMENT)

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 28th day of March 2017, by LJM Associates LLC, a limited liability company organized and existing under the laws of the State of New York and having an office for the transaction of business at 50 Engineers Lane, Farmingdale, New York 11735.

WHEREAS, Cantor Brothers, Inc. Site is the subject of a Voluntary Cleanup Agreement executed by LJM Associates LLC as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that parcel of real property located on 50 Engineers Lane in the Village of Farmingdale, County of Suffolk, State of New York, which is part of lands conveyed by Arthur M. Cromarty, Esq. as Referee to LJM Associates, LLC by deed dated October 5, 1998 and recorded in the Suffolk County Clerk's Office in Liber and Page 11923 at pg. 475, and being more particularly described in Schedule "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, LJM Associates LLC, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Exhibit "1" and made a part hereof.

Second, the owner of the Property shall prohibit the Property from ever being used for purposes other than for Commercial or Industrial use without the express written waiver of such prohibition by the Department or Relevant Agency.

Third, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first notifies and obtains written approval to do so from the Department or Relevant Agency.

Fourth, the owner of the Property shall provide a periodic certification, prepared and submitted by a qualified environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional control put in place is unchanged from the previous certification and has not been impaired, or alternatively, the Property owner may certify in instances where the certification relates solely to land and groundwater use restrictions.

Fifth, the owner of the Property shall continue in full force and effect any institutional control required for the Remedy and maintain such control, unless the owner first obtains permission to discontinue such controls from the Department or 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 consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Voluntary Cleanup Agreement requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or 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.

By: Linda Wynkoop

Print Name: Linda Wynkoop

Title: Member Date: 3/28/17

STATE OF NEW YORK)
) ss
COUNTY OF NASSAU)

On the 28th day of March, 2017, before me, the undersigned personally appeared, Linda Wynkoop, 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 person upon behalf of which the individual(s) acted, executed the instrument.

Charlotte Biblow

Notary Public

CHARLOTTE BIBLOW
Notary Public, State of New York
No. 02BI4796874
Qualified in Queens County
Commission Expires July 31, 2017

SCHEDULE A

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being at Pinelawn, Town of Babylon, County of Suffolk and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Engineers Lane, distant 645.82 feet northerly as measured along the westerly side of Engineers Lane from the northeasterly terminus of a line having a length of 14.44 feet and bearing North 48 degrees 20 minutes 35 seconds East which line connects the westerly side of Engineers Lane with the northerly side of Central Highway, as widened (all of the aforesaid is shown on a certain map entitled, "Map of Engineers Lane to be dedicated to the Town of Babylon", filed in the Office of the Clerk of the County of Suffolk on June 20, 1962 as Map No. A188);

RUNNING THENCE North 87 degrees 51 minutes 50 seconds West, 159.34 feet to the easterly line of Lot 21 as shown on "Map of Subdivided Farms Lands, the property of M.L. Byrne:", filed in the Suffolk County Clerk's Office on March 7, 1889 as Map No. 540;

THENCE North 2 degrees 08 minutes 10 seconds East and along the easterly side of said lot 21, 348.83 feet;

THENCE South 85 degrees 27 minutes 00 seconds East, 450.42 feet;

THENCE South 2 degrees 08 minutes 10 seconds West, 200.45 feet to the northerly side of Engineers Lane as shown on "Map of Extension of Engineers Lane and other land to be dedicated in fee to the Town of Babylon for Highway purposes", filed in the Suffolk County Clerk's Office on September 17, 1963, as Map No. A-201;

THENCE westerly along the said northerly side of Engineers Lane, the following courses and distances:

- 1.) On the arc of a curve bearing to the left having a radius of 60 feet a distance of 81.53 feet to a point of reverse curve;
- 2.) On the arc of a curve bearing to the right having a radius of 60 feet a distance of 62.83 feet to a point;
- 3.) North 87 degrees 51 minutes 50 seconds West, 39.93 feet to a point of curve;
- 4.) On the arc of a curve bearing to the left having a radius of 92 feet a distance of 79.93 feet to the northerly terminus of Engineers Lane as shown on "Map of Engineers Lane", filed in the Suffolk County Clerk's Office on June 20, 1962 as Map No. A 188;

THENCE westerly and southwesterly along the northerly and northwesterly side of Engineers Lane on the arc of a curve bearing to the left, having a radius of 60 feet a distance of 75.28 feet to the westerly side of Engineers Lane, at the point or place of BEGINNING.

EXHIBIT 1



50 Engineers Ln
Farmingdale, NY
Cleanup Agreement Site No. V00193
Approximate Site Boundaries (Not For Scale)