

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT is made the 25th day of June, 2018 by Joe Pietryka Incorporated (JPI), a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 85 Charles Colman Boulevard, Pawling, New York.

WHEREAS, 82 and 85 Charles Colman Boulevard are the subject of a Voluntary Cleanup Agreement (VCA) executed by Lumelite Plastics Corporation, ("Lumelite"). (Dutchess County Parcel Id. Nos. 134001-7057-17-045093-0000 (85 Charles Colman Boulevard); and, 134001-7057-17-021092-0000 (82 Charles Colman Boulevard). Lumelite was the name of JPI at the time of the Voluntary Agreement. JPI signed the Voluntary Agreement as part of the New York Department of Environmental Conservation (Department) Voluntary Cleanup Program regarding that parcels of real property located on 82 and 85 Charles Colman Boulevard in the Village/Town of Pawling, County of Dutchess, State of New York, which are part of lands conveyed by JPI, f/k/a Lumelite to JPI by deeds recorded in the Dutchess County Clerk's Office, attached hereto as Exhibit A 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 contamination at the Property and such remedy requires that the Property be subject to restrictive covenants; and

WHEREAS, JPI and all future owners of the property shall maintain and monitor the Property in accordance with the Site Management Plan (SMP), which is described in further detail below.

NOW, THEREFORE, JPI, 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 Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department 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," is first obtained, where contamination remains at the Property, subject to the provisions of the SMP, there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of the controls described in the SMP and referred to below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for commercial, industrial or restricted residential use without the express written waiver of such prohibition by the Department or the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or other purposes, other than its current use as industrial cooling water, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place and unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect the institutional and engineering controls required herein and by the SMP and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency.

Eighth, 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. The owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of this Declaration of Covenants and Restrictions, which must be recorded, and the owner hereby covenants not to contest the authority of the Relevant Agency to seek enforcement of this Declaration.

Ninth, 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.

EXHIBIT A



DUTCHESS COUNTY CLERK RECORDING PAGE

RECORD & RETURN TO :

MCNAMEE LOCHNER TITUS & WILLIAMS PC
JEREMY H SPEICH ESQ
677 BROADWAY STE 500
ALBANY NY 12207

RECORDED: 02/27/2006
AT: 14:09:19
DOCUMENT #: 02 2006 1753

RECEIVED FROM: MCNAMEE LOCHNER...

GRANTOR: JOE PIETRYKA INC
GRANTEE: JOE PIETRYKA INC

RECORDED IN: DEED
INSTRUMENT TYPE: CORR

TAX
DISTRICT: PAWLING

EXAMINED AND CHARGED AS FOLLOWS:

RECORDING CHARGE: 212.50 NUMBER OF PAGES: 5
TRANSFER TAX AMOUNT:
TRANSFER TAX NUMBER: #005481
E & A FORM: Y
TP-584: Y

*** DO NOT DETACH THIS
*** PAGE
*** THIS IS NOT A BILL

STATE OF NEW YORK (COUNTY OF DUTCHESS) SS
REDAFORD KENDALL, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS,
COUNTY DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL
RECORDED IN MY OFFICE ON 02.27.2006
IS A CORRECT TRANSCRIPT THEREOF 02.2006.1753
HEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
Jan 12th, 2018
COUNTY CLERK & CLERK OF THE SUPREME & COUNTY COURTS, DUTCHESS COUNTY

COUNTY CLERK BY: MMB / _____
RECEIPT NO: R14671
BATCH RECORD: D00290

Colette M Lafuente
COLETTE M. LAFUENTE
County Clerk



CORRECTION DEED

THIS INDENTURE, made the 8th day of February, Two Thousand and Six between

JOE PIETRYKA INCORPORATED f/k/a LUMELITE CORPORATION f/k/a THE
RUSSMOUR CORPORATION f/k/a LUMELITE CORPORATION, a New York business
corporation, with an address of 85 Charles Colman Boulevard,
Pawling, New York 12564,

party of the first part, and

JOE PIETRYKA INCORPORATED, a New York business corporation, with an
address of 85 Charles Colman Boulevard, Pawling, New York 12564,

party of the second part:

WITNESSETH, That the party of the first part, in consideration of
One Dollar (\$1.00), paid by the party of the second part, does hereby
grant and release unto the party of the second part, its successors and
assigns forever,

ALL THE RIGHT, TITLE and INTEREST, of the party of the first part
in and to the parcels of land as described on Schedule "A-1" and Schedule
"A-2" attached hereto,

This is a Correction Deed given to correct a deed from the party of the
first part to the party of the second part, which deed was dated October
25, 2005 and which deed was recorded in the Dutchess County Clerk's
Office on November 3, 2005 (Document Number: 02 2005 9872).

Said prior deed is amended to describe the real property conveyed from
the party of the first part to the party of the second part as set forth
on Schedule "A-1" and Schedule "A-2" attached hereto which, together,
comprises all of the real property as it appears on the Dutchess County
Real Property Tax Map - SBL #: 7057-17-045093.

BEING the same premises conveyed to the party of the first part
pursuant to the following deeds: (i) Deed from TLB Plastics Corporation
to Lumelite Corporation, which deed was dated September 3, 1985 and which
deed was recorded in the Dutchess County Clerk's Office on September 4,
1985 in Liber 1674 at Page 793; and (ii) Deed from The Masonic Guild of
Pawling, Inc. to Lumelite Corporation, which deed was dated July 6, 1993
and which deed was recorded in the Dutchess County Clerk's Office on
August 20, 1993 in Liber 1932 at Page 121.

TOGETHER with all right, title and interest, if any, of the party
of the first part in and to any streets and roads abutting the above
described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the
parties of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of
the second part, the successors and assigns forever.

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810

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

JOE PIETRYKA INCORPORATED f/k/a
LUMELITE CORPORATION f/k/a
THE RUSSMOUR CORPORATION
f/k/a LUMELITE CORPORATION

By: Joseph W. Pietryka
Name: Joseph W. Pietryka
As its: President

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

On the 8 day of February, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph W. Pietryka, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Colleen P. Liffland
Notary Public

Record and Return To:

McNamee, Lochner, Titus & Williams, P.C.
Attention: Jeremy H. Speich, Esq.
677 Broadway, Suite 500
Albany, New York 12207

COLLEEN P. LIFFLAND
Notary Public, State of New York
No. 4962249
Qualified in Dutchess County
Commission Expires 2/12/ 2006

F:\Data\JWP\LUMELITE\Joe Pietryka, Inc\Correction Deed.wpd

2

Schedule A-1

ALL that parcel of land situate in the Village and Town of Pawling County of Dutchess and State of New York bounded and described as follows:

Beginning at a railroad rail monument recovered under a sidewalk on the easterly line of Charles Colman Blvd. (formerly Maple Blvd., formerly Railroad Avenue) and the southerly line of lands now or formerly of Gagliardi, thence along the southerly line of lands now or formerly of Gagliardi:

- (1) South 68°-31'-45" East 223.32 feet to a point on the westerly line of lands now or formerly of the M.T.A. said point formerly marked by a railroad rail monument, thence along the westerly line of the aforementioned lands now or formerly of the M.T.A. the following eight courses and distances;
- (2) 59.40 feet on a curve to the left having a radius of 9,082.75 feet and a long chord of South 33°-09'-05" West 59.39 feet,
- (3) 60.28 feet on a curve to the left having a radius of 9,082.75 feet and a long chord of South 32°-45'-25" West 60.26 feet,
- (4) 186.70 feet on a curve to the left having a radius of 9,082.75 feet and a long chord of South 31°-59'-40" West 186.67 feet,
- (5) South 81°-33'-05" West 13.59 feet,
- (6) South 33°-47'-20" West 89.80 feet,
- (7) South 34°-24'-40" West 92.09 feet,
- (8) South 60°-01'-50" East 12.13 feet,
- (9) South 29°-58'-10" West 212.76 feet to a point on the northerly line of lands of the M.T.A.,
- (10) North 60°-01'-50" West 60.51 feet to a paved road (Maple Blvd. Extension), said point being distant South 22°-28'-55" West 0.23 feet from a railroad spike previously recovered, thence along the easterly line of the aforementioned paved road, the following two courses and distances;
- (11) North 22°-28'-55" East 229.64 feet,
- (12) 61.91 feet on a non-tangential curve to the left having a radius of 66.26 feet and a long chord of North 18°-03'-05" West 59.63 feet thence continuing along the easterly line of Charles Colman Blvd. (formerly Maple Blvd. formerly Railroad Avenue),
- (13) North 19°-53'-50" East 169.64 feet to a point formerly marked by an iron pipe.
- (14) North 27°-24'-55" East 2.95 feet to the southwest corner of lands now or formerly of Masonic Guild of Pawling, Inc., thence along the southerly, easterly and northerly line of said lands of the Masonic Guild of Pawling, Inc., the following three courses and distances;
- (15) South 69°-46'-25" East 111.75 feet,
- (16) North 20°-22'-50" East 48.08 feet,
- (17) North 70°-14'-00" West 110.08 feet, to a point on the aforementioned easterly line of Charles Colman Blvd., thence along the aforementioned easterly line of Charles Colman Blvd.,
- (18) North 22°-24'-55" East 193.00 feet to the point of beginning. Containing 2.07 acres, more or less.

BEING AND INTENDED TO BE the same premises identified as Parcel "A" on the Revised Subdivision Map of the Lands of Lumelite Corporation which map was filed in the records of the Dutchess County Clerk on June 18, 1993, as Map No. 9727.

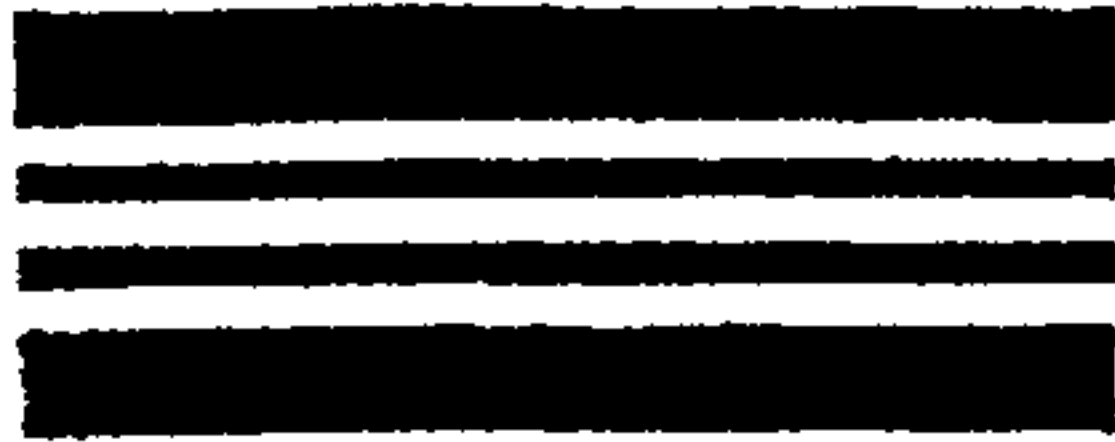
F:\Data\JP\Lumelite\Joe Pietryka, Inc\Description - 85 Charles Colman.lpd

Schedule A-2

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being in the Town of Pawling, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING on the East side of Railroad Street at a point 72' 9-1/4" South of an iron pipe at the Northwest corner of the Sheffield Farms Company property and then running East along the Southerly line of the Sheffield Farms property to a point 110' 1" distant; thence, south along the same Company's property to a point 48' 1" distant from the northerly line of the property herewith conveyed; thence West along the Northerly line of Sheffield Farms Company property to a point at the Northeast corner of Mrs. Green's property and along this property to a point in the Easterly line of Railroad Street which point is 111' 9" distant from the Easterly line of the property herewith conveyed; thence along the Easterly line of Railroad Street for 47' 2-3/4" to the point of beginning. All as shown on the Sheffield Farms Company's drawing #5140F dated May 1, 1940, and revised May 8, 1940.

BEING AND INTENDED TO BE the same premises identified as Parcel "B" on the Revised Subdivision Map of the Lands of Lumelite Corporation which map was filed in the records of the Dutchess County Clerk on June 18, 1993, as Map No. 9727.



DUTCHESS COUNTY CLERK RECORDING PAGE

RECORD & RETURN TO:

MCNAMEE LOCHNER TITUS & WILLIAMS PC
ATTN JEREMY H SPEICH ESQ
677 BROADWAY STE 500
ALBANY NY 12207

RECORDED: 11/03/2005
AT: 16:34:18
DOCUMENT #: 02 2005 9871

RECEIVED FROM: MCNAMEE LOCHNER TITUS & WILLIA

GRANTOR: JOE PIETRYKA INC
GRANTEE: JOE PIETRYKA INC

RECORDED IN: DEED TAX
INSTRUMENT TYPE: DISTRICT: PAWLING

EXAMINED AND CHARGED AS FOLLOWS:

RECORDING CHARGE: 209.00 NUMBER OF PAGES: 4
TRANSFER TAX AMOUNT:
TRANSFER TAX NUMBER: #002516
E & A FORM: Y *** DO NOT DETACH THIS
TP-584: Y *** PAGE
*** THIS IS NOT A BILL

STATE OF NEW YORK (COUNTY OF DUTCHESS) SS:
BRADFORD KENDALL, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS,
DUTCHESS COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL
INSTRUMENT FILED OR RECORDED IN MY OFFICE ON 11-03-2005
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF 02-2005-9871
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
Jan 12th, 2018 GID
COUNTY CLERK & CLERK OF THE SUPREME & COUNTY COURTS, DUTCHESS COUNTY

COUNTY CLERK BY: AAF / _____
RECEIPT NO: R83021
BATCH RECORD: D00106

Colette M. Lafuente

COLETTE M. LAFUENTE
County Clerk



DEED

THIS INDENTURE, made the 25 day of October, Two Thousand and Five between

JOE PIETRYKA INCORPORATED f/k/a LUMELITE CORPORATION, a New York business corporation, with an address of 85 Charles Colman Boulevard, Pawling, New York 12564,

party of the first part, and

JOE PIETRYKA INCORPORATED, a New York business corporation, with an address of 85 Charles Colman Boulevard, Pawling, New York 12564,

party of the second part:

WITNESSETH, That the party of the first part, in consideration of One Dollar (\$1.00), paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

ALL THE RIGHT, TITLE and INTEREST, of the party of the first part in and to the parcel of land as described on Schedule "A" attached hereto,

BEING the same premises conveyed by a deed from William C. Kiernan to Lumelite Corporation, which deed was dated July 1, 1996 and which deed was recorded in the Dutchess County Clerk's office on July 8, 1996 in Liber 1981 at Page 478.

This deed being given to reflect Joe Pietryka Incorporated as the record owner of the premises described herein in place and stead of Lumelite Corporation, a New York business corporation, which entity changed its name to Joe Pietryka Incorporated pursuant to a Certificate of Amendment of Certificate of Incorporation filed with the New York Department of State on January 6, 2003.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the successors and assigns forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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AND the party of the first part in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

JOE PIETRYKA INCORPORATED
f/k/a LUMELITE CORPORATION

By: Joseph W. Pietryka
Name: Joseph W. Pietryka
As its: President

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

On the 25 day of October, in the year 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joseph W. Pietryka**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Maureen Zelazny
Notary Public, State of New York
No. 490409 Dutchess
Qualified in Westchester County
Commission Expires July 27, 2009

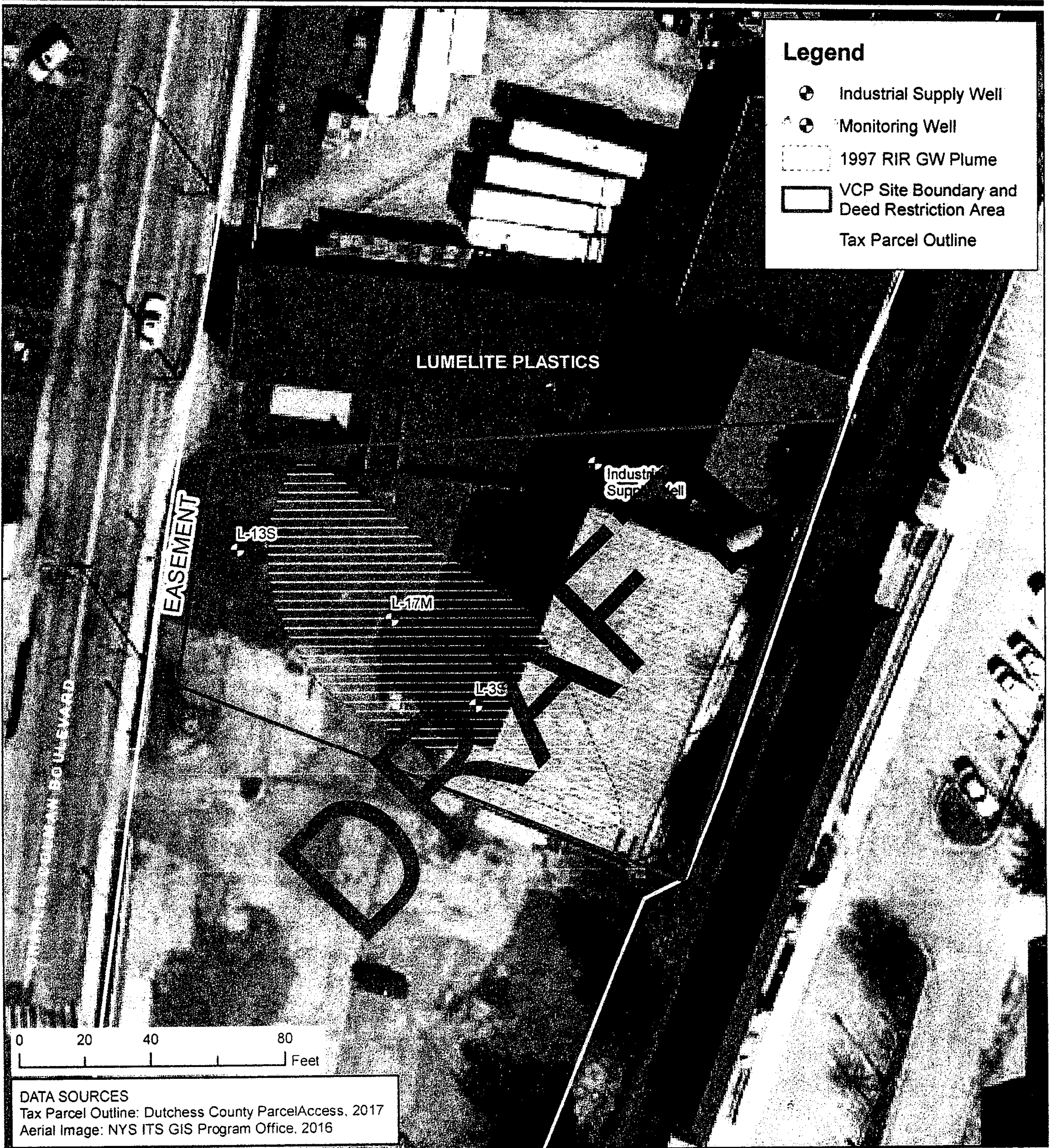
Record and Return To:
McNamee, Lochner, Titus & Williams, P.C.
Attention: Jeremy H. Speich, Esq.
677 Broadway, Suite 500
Albany, New York 12207

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the VILLAGE & TOWN OF PAWLING, Dutchess County, New York, bounded and described as follows:


PARCEL 1: BEGINNING at a point, said point being the intersection of the northerly line of Union Street with the westerly line of Maple Boulevard; thence from said point of beginning along the northerly line of Union Street North $68^{\circ} 35' 20''$ West 75.00 feet to the southeasterly corner of lands of now or formerly Chertocki; thence along same North $21^{\circ} 24' 0''$ East 115.00 feet; thence North $68^{\circ} 35' 30''$ West 16.00 feet; thence north $21^{\circ} 24' 40''$ East 35.00 feet; thence south $68^{\circ} 35' 20''$ East 93.00 West to a point on the westerly line of Maple Boulevard; thence along said Boulevard South $21^{\circ} 24' 40''$ West 150.00 feet to the point of beginning.

APPENDIX B



VCP BOUNDARY
 LUMELITE PLASTICS
 85 CHARLES COLEMAN BOULEVARD
 VILLAGE OF PAWLING, DUTCHESS COUNTY, NEW YORK

DRAFT FIGURE		
	DATE:	2/21/2018
	SCALE:	As Indicated
	PROJECT NUMBER:	561114
ALL LOCATIONS APPROXIMATE		



48 Springside Avenue
 Poughkeepsie, New York 12603
 Phone: (845) 454-2544
 Fax: (845) 454-2655



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 checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> check if more than one grantor) Joe Pietryka Incorporated Mailing address 85 Charles Colman Boulevard City State ZIP code Pawling NY 12564 Single member's name if grantor is a single member LLC (see instructions)	Social security number Social security number Federal EIN 13-2773623 Single member EIN or SSN
Grantee/Transferee <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> check if more than one grantee) Joe Pietryka Incorporated Mailing address 85 Charles Colman Boulevard City State ZIP code Pawling NY 12564 Single member's name if grantee is a single member LLC (see instructions)	Social security number Social security number Federal EIN 13-2773623 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
7057-17-045093-0000	134001	85 Charles Colman Blvd.	Pawling	Dutchess
7057-17-021092-0000	134001	82 Charles Colman Blvd.		

Type of property conveyed (check 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 type="checkbox"/> Vacant land	5 <input checked="" type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input type="checkbox"/> Other _____	Date of conveyance <table style="margin-left: auto; margin-right: auto; border: 1px solid black;"> <tr> <td style="padding: 2px 10px;">06</td> <td style="padding: 2px 10px;">25</td> <td style="padding: 2px 10px;">2018</td> </tr> <tr> <td style="font-size: 8px; text-align: center;">month</td> <td style="font-size: 8px; text-align: center;">day</td> <td style="font-size: 8px; text-align: center;">year</td> </tr> </table>	06	25	2018	month	day	year	Percentage of real property conveyed which is residential real property _____ 0 % (see instructions)
06	25	2018							
month	day	year							

Condition of conveyance (check 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 type="checkbox"/> Conveyance of an easement

p. <input checked="" type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)

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 checked="" type="checkbox"/> Other (describe) <u>Declaration of C & R</u> |
|--|--|--|

For recording officer's use	Amount received Schedule B., Part I \$ _____ Schedule B., Part II \$ _____	Date received	Transaction number
-----------------------------	--	---------------	--------------------

Schedule B – Real estate transfer tax return (Tax Law, Article 31)

Part I – Computation of tax due

1	Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) <input checked="" type="checkbox"/> Exemption claimed	1.		00
2	Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)	2.		
3	Taxable consideration (subtract line 2 from line 1)	3.		
4	Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3	4.		
5	Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)	5.		
6	Total tax due* (subtract line 5 from line 4)	6.		00

Part II – 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 I, line 1)	1.		
2	Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.		
3	Total additional transfer tax due* (multiply line 2 by 1% (.01))	3.		

Part III – Explanation of exemption claimed on Part I, line 1 (check 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, the state of New York, 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, section 1401(e) (attach documents supporting such claim) k

*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. 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 12205-5045.

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: (check 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:
 - 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.
 - 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).
 - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - 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.



Please 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.

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 certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - 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 or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

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	Controller, CFO, COO _____ Title	 _____ Grantee signature	Controller, CFO, COO _____ 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 checked 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 or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 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 II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

Part I - New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (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, please 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, section 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, section 685(c), but not as a condition of recording a deed.

Part II - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (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, section 663(c), check 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, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please 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 page 1 of Form TP-584-I.

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, section 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 _____ to _____ (see instructions).
Date Date
- 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