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Albany County Clerk  
Deed Books (Record Room)  
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INDENTURE



**THIS INDENTURE**, made the <sup>3<sup>rd</sup></sup> day of ~~July~~ <sup>August</sup>, two thousand and five **BETWEEN**  
Michael Gagliardi and Donna Gagliardi, husband and wife, residing at Freehold, New York

Party of the first part, and

John Fortini, residing at 739 Sunside Road, Cairo, New York

Albany County Clerk  
Document Number 9587531  
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Party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

Beginning at a concrete post in the ground along roadway that extends in a southerly and northerly direction and running West 232 feet along lands owned by Berlin C. Willsie to a concrete post in the ground, thence North 75 feet and along lands owned by Berlin C. Willsie to a concrete post in the ground, thence East 250 feet along lands owned by Berlin C. Willsie to a concrete post in the ground along first mentioned roadway, thence South 75 feet along said roadway to a point of beginning, containing about one half acre of land be the same more or less.

Together with certain rights of way for vehicles and pedestrians over roadway now existing and definitely outlined by stakes in the ground, as granted by articles of agreement made the 10<sup>th</sup> day of December 1928 between Berlin C. Willsie, Harold Furman and Dewitt Sisson.

Also right of way to shore of a lake known as Sackett Lake by roadway now existing (the northern roadway) extending in an easterly and westerly direction.

Also right of way to shore of a lake known as Sackett Lake by roadway now existing – the Northern Roadway extending in an easterly and westerly direction as set forth I a deed from Berlin C. Willsie and Nellie K. Willsie, his wife, to John Anton Stapf and Frances T. Stapf, his wife, by deed dated June 12, 1936 and recorded June 14, 1937, in the Albany County Clerk's Office in Liber 894 of Deeds at page 10.

Also such rights of access to and use of said lake, as heretofore granted by said decedent, Berlin C. Willsie and wife, in writing and recorded in Albany County Clerk's Office to any grantee whose premises do not abut on said lake and this right and privilege is personal to such owners and exists only while they or their, successors or assigns are the owners of such property, intending hereby to grant such right and privilege to such party or party as own the aforesaid premises only while such party or party own said premises.

Being the same premises described in a deed to Marie C. Cali from Michael Vena dated February 3, 1987, recorded April 6, 1987 in Liber 2334 page 715.

Parcel II

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Westerlo, County of Albany and State of New York, bounded and described as follows, to wit:

Beginning at the northeast corner of premises conveyed by John R. Riley, as executor of the Estate of Frances F. Stapf, late of the city of Albany, County of Albany and State of New York, deceased to Michael Vena and Helen Vena, his wife, by deed dated October 3, 1963 and recorded October 4, 1963 in the Albany County Clerk's Office in Liber 1772 of Deeds at page 245 and running thence in a westerly direction along the northerly boundary line of said Venas' property a distance of 250 feet to the northwest corner of said Venas' property; thence in a straight line towards the southwesterly corner of property conveyed by Catherine A Herst to Andrew C. Storms and Helen L. Storms, his wife, by deed dated June 30, 1962 and recorded in the Albany County Clerk's Office July 12, 1962 in Liber 1724 of Deeds at page 81 to a point midway between said southwest corner of said Storms' property and said northeast corner of said Venas' property; thence in an easterly direction on a line parallel with said Storms' southerly boundary line and said Venas' northerly boundary line to a point in the westerly boundary line of a road called the Lake Road and sometimes referred to as the Willsie Road, midway between the southeasterly corner of said Storms' property; and the northeasterly corner of said Venas' property; and thence southerly along the westerly boundary line of said road for a distance of 45 feet more or less to the point of beginning.

Being the same premises described in a deed to Marie C. Cali from Michael Vena dated February 3, 1987 recorded in the Albany County Clerk's Office on April 6, 1987 in Liber 2334 page 713.

Being the same premises conveyed to Michael Gagliardi and Donna Gagliardi, husband and wife by deed dated September 9, 2004 and recorded in the Albany County Clerk's Office on September 16, 2004 in Liber 2779 page 863.

**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 party 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 heirs or successors and assigns of the party of the second part forever.

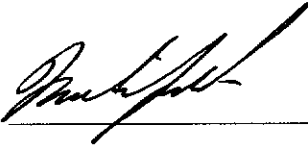
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

AND the party of the first part covenants as follows: that said party of the first part is seized of the said premises in fee simple, and has good right to convey the same; that the party of the second part shall quietly enjoy the said premises; that the said premises are free from encumbrances, except as aforesaid; that the party of the first part will execute or procure any further necessary assurance of the title to said premises; and that said party of the first part will forever warrant the title to said premises.

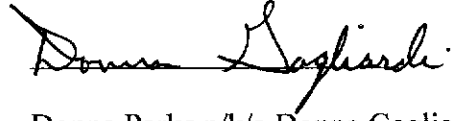
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

In Presence of

  
\_\_\_\_\_


Michael Gagliardi

  
\_\_\_\_\_

Donna Parks n/k/a Donna Gagliardi

State of New York)  
County of Greene ) ss.:

On the 3<sup>rd</sup> day of August in the year 2005, before me, the undersigned, a Notary Public in and for said state, personally appeared Michael Gagliardi, 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.

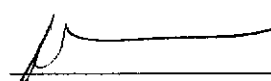
  
\_\_\_\_\_

Notary Public

DENISE J. KERRIGAN  
Notary Public, State of New York  
Qualified in Greene Co. #02KE5012709  
Commission Expires 6/15/07

State of New York)  
County of Greene ) ss.:

On the 3<sup>rd</sup> day of August in the year 2005, before me, the undersigned, a Notary Public in and for said state, personally appeared Donna Gagliardi, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
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Notary Public

DENISE J. KERRIGAN  
Notary Public, State of New York  
Qualified in Greene Co. #02KE5012709  
Commission Expires 6/15/07

Return by Mail to:

John Fortini  
739 Sunside Road  
Cairo, New York 12413