

AGREEMENT

THIS AGREEMENT is made this 27th day of August, 1992, by and between FRANK P. PROTO, hereinafter "Proto" and LAWRENCE E. LATTIN and JANET L. LATTIN, hereinafter "Lattin".

WHEREAS, Proto is the owner of certain real property in the Town of Caroline, Tompkins County, New York, and described in a deed from Charles Vorhis and recorded in the Tompkins County Clerk's Office in Liber 558 of Deeds at page 521; and

WHEREAS, Lattin is the owner of real property known as 475 Brooktondale Road in the Town of Caroline, Tompkins County, New York, described in a deed recorded in said Clerk's Office in Liber 577 of Deeds at page 1058; and

WHEREAS, the easterly line of said Lattin adjoins the westerly line of said Proto; and

map
WHEREAS, a corner of a shed and railroad tie retaining wall erected by Lattin projects over the common property line on to the Proto property according to a survey titled "Survey Map Showing House Location at 475 Brooktondale Rd., Town of Caroline, Tompkins Co., New York", which survey is attached hereto and which is being recorded herewith; and

WHEREAS, Lattin and Proto are desirous of providing for an understanding with respect to the shed and said retaining wall;

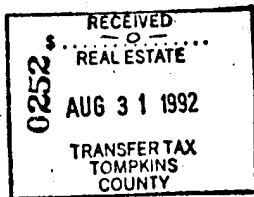
NOW THEREFORE, in consideration of One Dollar, and the mutual promises herein, the parties agree as follows:

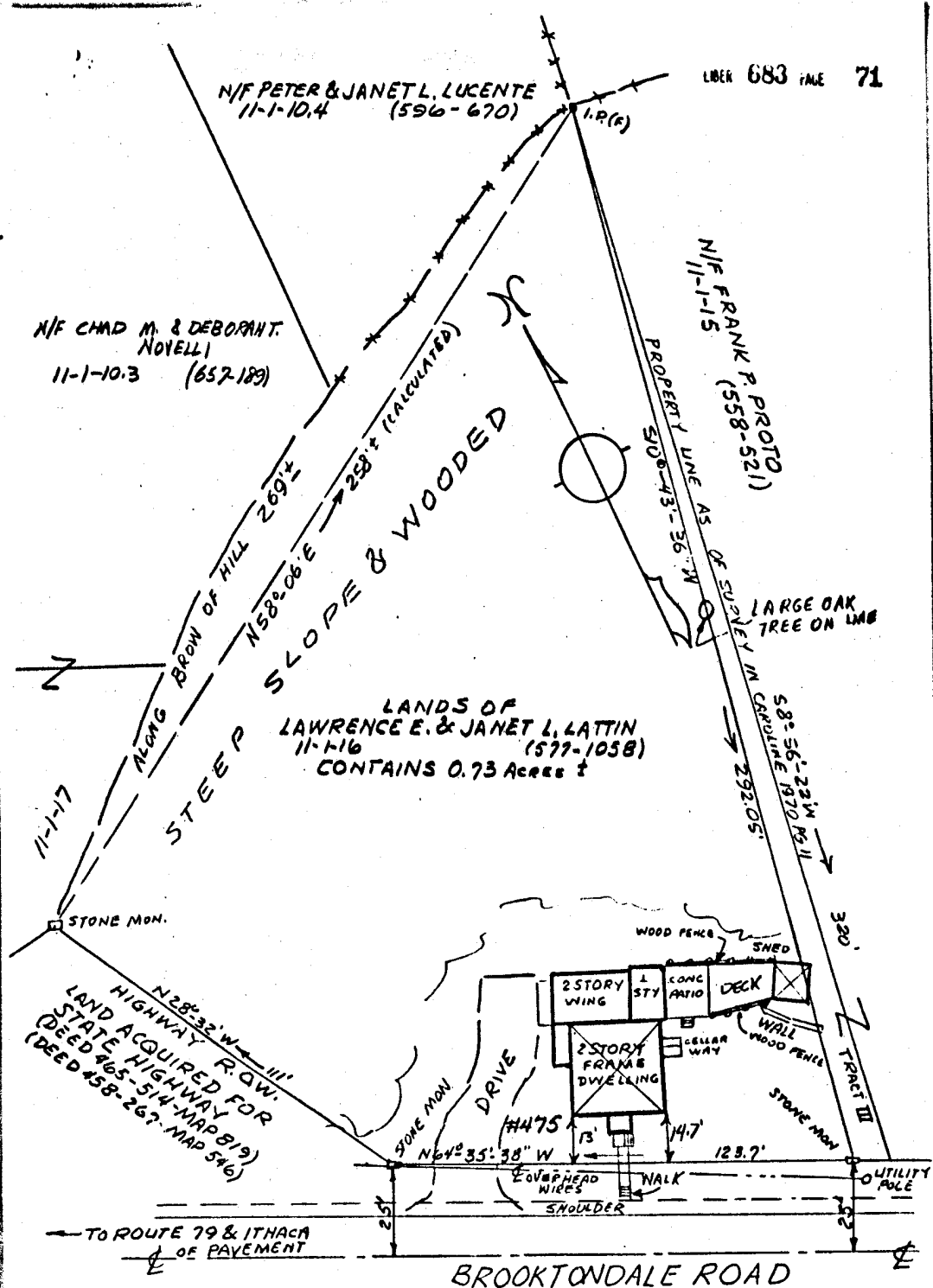
- 1) Proto agrees, subject to provision 2 hereof, to permit the portion of the shed and retaining wall projecting on to his property to remain.
- 2) Lattin agrees that when the shed and/or retaining wall is rebuilt or removed, any replacement building or retaining wall will be located entirely within the boundary lines of the Lattin property.
- 3) The parties agree that this Agreement shall be binding on their respective heirs, successors and assigns and does not nor will it constitute a recognition of adverse possession in any respect.

IN WITNESS WHEREOF, the parties have duly executed this Agreement on the day and year first above written.

Frank P. Proto
FRANK P. PROTO

Lawrence E. Lattin
LAWRENCE E. LATTIN
Janet L. Lattin
By *Lawrence E. Lattin* P.O.A.
JANET L. LATTIN
By: LAWRENCE E. LATTIN,
Attorney-in-Fact





THIS MAP IS MADE TO CERTIFY THAT THE UNDERSIGNED HAS EXAMINED A SURVEY BY GORDON E. RICE (1898) & FOUND THE EASTERLY COURSE DIFFERENT THAN THAT FOUND ON A SURVEY OF LANDS OF FRANK P. PROTO, BY THOMAS MILLER, IN 1910. THE LATTER SURVEY WAS FOUND TO BE CORRECT.



SURVEY MAP
SHOWING HOUSE LOCATION AT
475 BROOKTONDALE RD.
TOWN OF CAROLINE, TOMPKINS CO.
NEW YORK

Scale: 1"=30'
FEB 21, 1980
RESURVEYED JUN 27, 1989
RESURVEYED JULY 22, 1992

PREPARED BY
HOWARD R. SCHLIEDER
N.Y.S. R.E. & L.S. 043780

AB-23ab

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

On the 27th day of August, 1992, before me personally came FRANK P. PROTO, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Jean M. Cookingham
Notary Public

JEAN M. COOKINGHAM
Notary Public, State of New York
No. 4790144
Qualified in Tompkins County
Commission Expires May 31, 1993

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

On the 27th day of August, 1992, before me personally came LAWRENCE E. LATTIN, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Jean M. Cookingham
Notary Public

JEAN M. COOKINGHAM
Notary Public, State of New York
No. 4790144
Qualified in Tompkins County
Commission Expires May 31, 1993

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

On this 27th day of August, 1992, before me personally came LAWRENCE E. LATTIN, to me personally known to be the person described in and appointed attorney in fact in and by a certain power of attorney executed by JANET L. LATTIN dated July 28, 1992, and acknowledged to me that he had executed the foregoing instrument as the act of the said JANET L. LATTIN, and he declared to me that the Power of Attorney is in full force and effect.

Jean M. Cookingham
Notary Public

JEAN M. COOKINGHAM
Notary Public, State of New York
No. 4790144
Qualified in Tompkins County
Commission Expires May 31, 1993

Recorded on the 31st day of August, 1992, at 3:22 o'clock P.M., in Liber 683 of 20 Pages, and examined by Aurora R. Valente