THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY

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his Indenture,

Made the

and

22nd

day of

February

nineteen hundred

Seventy-four Between

NELSON O. SHULTIS, residing at (no street number) Wittenberg Road, Bearsville, Town of Woodstock, County of Ulster and State of New York,

> part y of the first part,

and

MALTBY VALLEY FALLS CORP., a business corporation organized and existing under the laws of the State of New York, having its principal place of business at (no street number) Wittenberge Brank Brank Street Str Road, West Shokan, Town of Olive, County of Ulster and State of New York,

of the second part, part y

Colitnesseth, that the party of the first part, in consideration of -----

----ONE and No/100-----

lawful money of the United States,

paid by the part v of the second part

do es hereby grant and release unto the part y of the second part, its successors

and assigns forever,

THOSE CERTAIN TRACTS OR PARCELS OF LAND, lying in the Towns of Olive and Shandaken, County of Ulster and State of New York, in Great Lot No. 7, Hardenburgh Patent, being parts of lot No. 9 in sub-division 2 in said Great Lot No. 7, which are described as follows:

PARCEL 1

ALL THAT TRACT OF LAND in said Towns of Olive and Shandaken in said County of Ulster, bounded and described as follows:

BEGINNING at a heap of stones on the north side of the Hanover Mountain, a corner of formerly Moses Eckert in the line of division 2 and 3 in said Great Lot and runs from thence North 52° West 110 chains to a heap of stones against the southeast side of the Wittenberg Mountain, a corner of Lots 8 and 9 in Division 2 and 3, thence along lot #8 in the Division 2 North 35° East to the bounds of a lot surveyed for Garrison Davis and Peter Burger, now Henry Every; thence along the same South 35° East to a heap of stones, a corner of said lot; thence South 70° West 39 chains to a heap of stones on the ridge; thence South 18° West 51 chains to a heap of stones on the South side of middle ridge; thence South 70° East 43 chains to a heap of stones on a ledge of rocks, a corner of a 300acre lot hereinafter described; thence along the same South 56° West 46 chains to a heap of stones on the North side of the mountain; thence South 46° East 56 chains to stones, being a beech tree marked E.B. 1847 M.L. about 10 links from a ledge of rocks on the south side of the mountain; then North 58° East 24 chains to stones around a beech tree, a corner of the Burgher Mill lot; thence along the same South 70° East 15 chains to stones around a beech tree; thence North 62° East 10 chains to the south bank of the Wittenberg Stream, a corner of Garrison Davis; thence South 28° West 21 chains to a heap of stones on a ledge of rocks; then South 57° East 20 chains, a corner of formerly Moses Eckert

aforesaid; thence along his bounds West 17 chains and 50 links to a heap of stones on a rock, then South 45° West 11 chains to stones on a rock; then South 10° West 19 chains to the place of beginning, containing 350 acres of land more or less.

EXCEPTING and RESERVING a 50 acre lot conveyed by Jacob Bush to Every by

deed dated December 28, 1861.

PARCEL II

ALL THAT TRACT OF LAND in said Towns of Olive and Shandaken in said County of Ulster, adjoining the above Parcel I, and bounded and described as follows:

BEGINNING at a heap of stones near a hemlock tree in the line of formerly John Ennist, Jr., now Garrison Davis, being the north corner, and runs from thence along the same N 58° E 12 chains to a heap of stones on the line of said Davis by a small brook against the Blackberry Mountain; thence N 32° W 26 chains and 50 links to the division line of the Towns of Olive and Shandaken, a heap of stones on said line; thence N 62° W 30 chains to stones and a rock and a small hemlock tree on the North side of a ridge; and thence through the hollow of the west branch of the Wittenberg Stream S 58° W 56 chains to a heap of stones against the North side of the second ridge of mountain in a stony place; thence along the North side of said ridge, S 47° E 56 chains to a heap of stones by a beech tree marked E. B. M. L. 1847; then N 58° E 43 chains to a hemlock tree near a bridge across the north branch of said Wittenbergh Stream in the line of Garrison Davis aforesaid and then N 24° W about 4 chains to the place of beginning. Containing 300 acres more or less.

PARCEL III

ALL THAT TRACT OF LAND in the Town of Olive in said County of Ulster, adjoining the above Parcel I and II and bounded and described as follows:

BEGINNING at the south bank of the Wittenberg Stream, a corner of Garrison Davis, and runs from thence S 62° W 10 chains to stones; then N 70° W 15 chains to a heap of stones; then N 62° E about 18 chains to the hemlock tree at the end of the bridge across the Wittenberg Stream; and then down the same as it winds and turns to the place of beginning, containing about 20 acres.

PARCEL IV

ALL THAT TRACT OF LAND in the Town of Olive in said County of Ulster, bounded and described as follows:

BEGINNING at a heap of stones between a birch and a hemlock tree, a corner of John D. Watson, in the division line between the Towns of Olive and Shandaken and runs thence along said division line N 23° E 32 chains to a heap of stones on the North side of the Hanover Mountain, a corner of Jacob Eckert; thence along his bounds S 52° E 20 chains to a heap of stones around a beech sapling in the southerly brow of the Hanover Mountain; thence along the same and along a line of marked trees 22 chains and 30 links to stones around two red oak saplings in the line of John D. Watson formerly, and then his bounds N 50° W 15 chains to the place of beginning. Containing 40 acres of land more or less, being part of Lot #9 in Division 3, in the sub-divisions of Great Lot No. 7 Hardenbergh Patent.

PARCEL V

ALL THAT TRACT OF LAND in the Town of Olive in said County of Ulster, bounded and described as follows:

BEGINNING at the northeast corner of a parcel of 800 acres more or less conveyed by Garrison Davis and Mary Ann Davis, his wife, to Caleb S. Maltby by deed recorded in the Ulster County Clerk's Office on April 26, 1881 in Liber 228 of Deeds at page 573, at a heap of stones near a hemlock stump, and running thence S 35° W 18 chains and 44 links to stones in the line of Weed lot on the south side of the Hanover Mountain; thence along the same N 49° 40′ W 36 chains to a hemlock stump in the division line between the lines of the Towns of Olive and Shandaken; thence along the same in a northeasterly direction to the north line of the said 800 acre parcel conveyed to Caleb S. Maltby by said deed recorded in Ulster County Clerk's Office in Liber 228 of Deeds at page 573; and running thence along the north line of said 800 acre parcel S 49° 40′ E to the point and place of beginning.

Parcels I-IV are the same as the first four parcels described in deed from Herbert N. Hover and Mary Hover to Caleb S. Maltby recorded in Ulster County Clerk's Office on March 2, 1881 in Liber 227 of Deeds at page 603.

Parcel V is taken from the northeast corner of an 800 acre parcel described in deed from Garrison Ann Davis and Mary Ann Davis to Caleb C. Maltby recorded in Ulster County Clerk's Office on April 26, 1881 in Liber 228 of Deeds at page 573, and consists of that portion of the said 800 acre-parcel which lies within the Town of Olive.

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BEING the same premises as conveyed by Warner Nicol Bayley to Nelson O. Shultis, Robert F. Miles and John Maxwell Frame by deed dated May 27, 1957 and recorded on October 23, 1957 in the Ulster County Clerk's Office in Liber 1017 of Deeds at page 147.

ALSO BEING the same premises as conveyed by Ottilie M. Mills to Nelson O. Shultis, Robert F. Miles and John Maxwell Frame by deed dated July 18, 1957 and recorded on October 23, 1957 in the Ulster County Clerk's Office in Liber 1017 of Deeds at page 153.

ALSO BEING the same premises as conveyed by The Union and New Haven Trust Co., as Ancillary Executor of Ethel Copp Nicol, to Nelson O. Shultis, Robert F. Miles and John Maxwell Frame by deed dated July 18, 1957 and recorded on October 23, 1957 in the Ulster County Clerk's Office in Liber 1017 of Deeds at page 1.60.

ALSO BEING the same premises as conveyed by Barbara E. Nicol to Nelson O. Shultis, Robert F. Miles and John Maxwell Frame by deed dated June 4, 1957 and recorded on October 23, 1957 in the Ulster County Clerk's Office in Liber 1017 of Deeds at page 167.

ALSO BEING the same premises as conveyed by Ann Elizabeth B. Kingsbury to Nelson O. Shultis, Robert F. Miles and John Maxwell Frame by deed dated May 27, 1957 and recorded on October 23, 1957 in the Ulster County Clerk's Office in Liber 1017 of Deeds at page 173.

ALSO EEING the same premises as conveyed by Mary Foster Nicol Kingdon a/k/a Mary Foster Longhurst to Nelson O. Shultis, Robert F. Miles and John Maxwell Frame by deed dated May 31, 1957 and recorded on October 23, 1957 in the Ulster County Clerk's Office in Liber 1017 of Deeds at page 179.

ALSO ALL THOSE CERTAIN TRACTS OR PARCELS OF LAND lying in the Towns of Olive and Shandaken, County of Ulster and State of New York, in Great Lot No. 7, Hardenburgh Patent, being parts of lot No. 9 in subdivision 2 in said Great Lot No. 7, which are described as follows:

Parcels I through and including Parcel V as hereinabove described.

PARCEL VI

ALL THAT PARCEL OF LAND in the Town of Shandaken, County of Ulster and State of New York, which is part of Lot #9 in Division Three of Great Lot Number 7, Hardenburg Patent and is bounded and described as follows:

BEGINNING at a point in the easterly line of a parcel of 800 acres more or less conveyed by Garrison Davis and Mary Ann Davis, his wife, to Caleb S. Maltby by deed recorded in Ulster County Clerk's Office on April 26, 1881 in Liber 228 of Deeds at page 573, said point of beginning being in the division line between the Towns of Olive and Shandaken and being at the northeast corner of lot now or formerly of Charles Eckert, and running thence along his bounds North 63° 30' West 25 chains to a stake and stones against the mountain, thence South 23° W 23 chains to a heap of stones between an ash sapling and a hard maple tree at the head of the Nine Hollow, thence South 63° 30' East 25 chains to a heap of stones in the town line aforesaid and thence along the same South 23° West 13 chains and 40 links to a heap of stones in the division line between Towns of Olive and Shandaken in the division line between lands of formerly Livingston and Verplank, which point is the southeast corner of the said 800 acre parcel conveyed to Caleb S. Maltby by Liber 228 of Deeds at page 573; thence along the line of Verplank now or lately N.W. Watson North 49° 40' West 58 chains and 13 links to the corner of lot number 8 in said Division three, thence along lot

number 8 North 35° East 101 chains to a heap of stones against the Wittenberg Mountain, in a corner of the Hover lot, thence along said lot South 49° 40' East about 68 chains to the division line between the said Towns of Olive and Shandaken; and thence running South 23° West along said division lines between said towns about 67.5 chains to the point or place of beginning.

BEING all that portion of the said 800 acre parcel conveyed to Caleb S. Maltby by Liber 228 of Deeds at page 573 as lies within the Town of Shandaken.

PARCEL VII

ALL THAT CERTAIN TRACT OR PARCEL OF LAND situate, lying and being in the Town of Shandaken, in the County of Ulster and State of New York and is a part of Lot Number 8 in division 2 Great Lot 7 Hardenburgh Patent and is bounded as follows, viz:

BEGINNING at a heap of stones near a beech tree against the southeast side of the Wittenburgh Mountain in the Division line between Divisions two and three and a corner of lots number 8 and 9 and runs thence North 51° 15' West 75 chains, then South 85° East 90 chains to a heap of stones a corner of Lemuel Boice formerly Henry Every, and thence South 35° W 54 chains and 60 links to the place of beginning. Containing 200 acres more or less.

Parcels I through VII BEING the same premises as conveyed by McLaughlin Forestry Company, Inc. to Nelson O. Shultis by deed dated July 25, 1966 and recorded on August 9, 1966 in the Ulster County Clerk's Office in Liber 1186 of Deeds at page 418.

EXCEPTING from the above described parcels, all that tract or parcel of land as conveyed by the grantor herein to Glenn W. Johnston by deed dated October 17, 1970 and recorded on January 5, 1971 in Liber 1253 of Deeds at page 392 in the Ulster County Clerk's Office.

ALSO ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the conticting same transfer sectors and state of New York, as described in rider hereto attached and made part hereof prepared by Robert G. Cross, N.Y.S. P.L.S. Reg. No. 39301, and as surveyed by him and shown on map dated June 4, 1970 recorded in Ulster County Clerk's Office April 26, 1971 as Map No. 2617.

Containing ninety-six and seventy-five one hundredths (96.75) acres, more or less.

SUBJECT to easements and restrictions of record.

SUBJECT to rights of way of record.

SUBJECT to rights of way described herein.

RESERVING unto the party of the first part, their heirs and assigns a right of way over a certain bridge across the Wittenberg Creek to be constructed by the party of the second part which bridge is to replace the former bridge leading from Moonhaw Road across said Wittenberg Creek to the premises of the party of the first part which will hereafter be upon premises of the party of the second part, at or near the site of the former bridge, and over such lands of the party of the second part as may be necessary to correct said Moonhaw Road and bridge with the present and remaining roadway of the party of the first part, and of the same width, for ingress and egress.

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, situate lying and being at West Shokan in the Town of Olive, County of Ulster and State of New York, being bounded and described as follows:

BEGINNING at a bitternut tree standing at the intersection of stonewalls marking the division of lands of the parties of the first part, Robert and Kate Larsen on the east and lands of Francis Every on the west and runs thence along lands of Francis Every and along a stonewall the following three (3) courses and distances, North 1 degree 26 minutes 00 seconds East

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634. 70 feet to a point marked by an rion rod set in said wall, North 1 degree 50 minutes 10 seconds East 193.86 feet to a point in said wall, North 4 degrees 57 minutes 10 seconds East 207.64 feet to a point marked by an iron rod set at the end of said wall, thence still along lands of Francis Every and partly along a stonewall and wire fence North 79 degrees 53 minutes 50 seconds West 712.16 feet to a point marked by an iron rod driven in the ground in range with a stonewall; thence still along lands of Every north 44 degrees 55 minutes 20 seconds west 75.00 feet to a point marked by an iron rod driven in the ground; thence still along lands of Every and along a stonewall South 76 degrees 51 minutes 20 seconds West 314.08 feet to a point in said wall; thence still along same South 81 degrees 32 minutes 30 seconds West 131.16 feet to a point at the end of said wall; thence still along lands of Francis Every and generally along a wire fence the following five (5) courses and distances. South 79 degrees 43 minutes 50 seconds West 269.15 feet to a point, South 63 degrees 56 minutes 00 seconds West 62.22 feet to a large red oak tree marked; South 58 degrees 06 minutes 00 seconds West 162.35 feet to a point, South 52 degrees 20 minutes 40 seconds West 131.47 feet to a 12 inch maple tree marked, North 47 degrees 38 minutes 50 seconds West 958.06 feet to a point marked by an iron rod driven in the ground; thence along other lands of the party of the second party, (Nelson Shultis) North 50 degrees 11 minutes 10 seconds West 1703.91 feet to a point marked by stone set on end in a pile of stones on a rock ledge; thence still along lands of NelsonShultis North 33 degrees 55 minutes 00 seconds East 1254.62 feet passing over an iron rod set in a pile of stones to a point in the center of the Wittenberg Creek; thence down and along the center of said Wittenberg Creek the following twenty-eight (28) courses and distances.

South 41 degrees 04 minutes 40 seconds East 96.02 feet to a point, South 15 degrees 28 minutes 50 seconds East 350.10 feet to a point, South 49 degrees 42 minutes 10 seconds East 68.73 feet to a point, South 86 degrees 29 minutes 50 seconds East 61.05 feet to a point, South 52 degrees 08 minutes 50 seconds East 794.48 feet to a point, South 33 degrees 33 minutes 30 seconds East 223.63 feet to a point, South 48 degrees 06 minutes 20 seconds East 109.92 feet to a point, South 75 degrees 43 minutes 10 seconds East 97.91 feet to a point, South 49 degrees 48 minutes 40 seconds East 106.66 feet to a point, South 47 degrees 37 minutes 20 seconds East 163.09 feet to a point, South 68 degrees 30 minutes 40 seconds East 119.82 feet to a point, South 61 degrees 18 minutes 10 seconds East 337.46 feet to a point, South 52 degrees 16 minutes 20 seconds East 246.60 feet to a point, South 60 degrees 09 minutes 40 seconds East 178.99 feet to a point, South 81 degrees 15 minutes 40 seconds East 88.67 feet to a point, North 62 degrees 35 minutes 10 seconds East 136.77 feet to a point, South 59 degrees 26 minutes 10 seconds East 174.02 feet to a point, South 22 degrees 14 minutes 40 seconds East 186.39 feet to a point, South 62 degrees 30 minutes 00 seconds East 71.81 feet to a point, North 78 degrees 26 minutes 40 seconds East 132.41 feet to a point, South 66 degrees 44 minutes 20 seconds East 126.67 feet to a point, South 48 degrees 41 minutes 30 seconds East 180.04 feet to a point, South 23 degrees 52 minutes 50 seconds East 144.13 feet to a point, South 47 degrees 22 minutes 10 seconds East 118.15 feet to a point, North 87 degrees 23 minutes 50 seconds East 210.69 feet to a point, North 72 degrees 48 minutes 00 seconds East 181.04 feet to a point, South 79 degrees 14 minutes 50 seconds East 40.74 feet to a point, South 66 degrees 36 minutes 30 seconds East 44.74 feet to a point, thence leaving said creek and along other lands of Robert and Kate Larsen, (parties of the first part) the following eleven (11) courses and distances, South 37 degrees 10 minutes 30 seconds West passing over an iron rod set on line 138.73 feet to a point marked by an iron rod driven in the ground,

South 63 degrees 31 minutes 20 seconds West 160.82 feet to a point marked by an iron rod driven in the ground, South 11 degrees 11 minutes 40 seconds West 102.04 feet to a point marked by an iron rod driven in the ground, South 10 degrees 55 minutes 40 seconds East 29.17 feet to a point marked by an iron rod driven in the ground, South 27 degrees 30 minutes 50 seconds East 71.61 feet to a point marked by an iron rod driven in the ground, South 11 degrees 23 minutes 20 seconds East 35.96 feet to a point marked by an iron rod driven in the ground, South 5 degrees 45 minutes 00 seconds West 45.62 feet to a point, marked by an iron rod driven in the ground, South 16 degrees 23 minutes 40 seconds West 43.23 feet to a point marked by an iron rod driven in the ground, South 45 degrees 06 minutes 20 seconds West 156.34 feet to a point marked by an iron rod driven in the ground, South 58 degrees 22 minutes 30 seconds West 77.62 feet to a point marked by a ceder stake set in a stonewall; thence along said stonewall South 0 degrees 13 minutes 50 seconds East 617.48 feet to a point marked by an iron rod set in a stonewall corner; thence along another stonewall north 87 degrees 32 minutes 00 seconds West 268.70 feet to the point and place of beginning.

Containing 96.75 acres of land.

Bearings are with reference to magnetic north of 1969 as surveyed by Robert G. Cross, Professional Land Surveyor.

The right of way hereinbefore described is more particularly bounded and described as being a fifty (50) foot right of way for ingress and egress across the above described parcel to other lands of the parties of the first part to be described as follows:

BEGINNING at a point in the center of the Wittenberg Stream, said point being North 66 degrees 36 minutes 30 seconds West 33.67 feet from the Northeasterly corner of the above described parcel and runs thence along the Easterly bounds of said fifty (50) foot right of way South 00 degrees 50 minutes 50 seconds East 37.91 feet to a point; thence South 05 degrees 32 minutes 00 seconds East 13.78 feet to a point marked by an iron rod driven in the ground; thence along other lands of the parties of the first part South 37 degrees 10 minutes 30 seconds West 73.72 feet to a point; thence along the Westerly bounds of said fifty (50) foot right of way and along other lands of the party of the second part North 05 degrees 32 minutes 00 seconds West 70.00 feet to a point; thence still along same North 00 degrees 50 minutes 50 seconds West 52.69 feet to a point in the center of the aforementioned stream; thence down and along the center of said stream South 79 degrees 14 minutes 50 seconds East 40. 74 feet to a point; thence still along same South 66 degrees 36 minutes 30 seconds East 11.07 feet to the point and place of beginning.

BEING the same premises as conveyed by Robert Larsen and Kate H. Larsen to Nelson O. Shultis by deed dated May 9, 1971 and recorded on May 10, 1971 in the Ulster County Clerk's Office in Liber 1258 of Deeds at page 472.

EXCEPTING therefrom all that parcel that was conveyed by the grantor herein to Edward Kain and Alice Kain, his wife, by deed dated June 16, 1971 and recorded on June 25, 1971 in the Ulster County Clerk's Office in Liber 1260 of Deeds at page 1165.

ALSO ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, situate, lying and being in the Town of Olive, County of Ulster and State of New York, being bounded and described as follows:

BEGINNING at a point in the center of a town road leading Northerly from West Shokan to the head of Malby Hollow, known as the Malby Hollow Road. Said point being in the Northerly line of lands of the parties of the first part, William and Lillian Rustemeyer, and being in the Southerly line of lands of the party of the second part, Nelson Shultis, and runs thence along the center of said road the following four (4) courses and distances,

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South 21°39' 40" East 82.72 feet to a point,

South 13°01' 40" East 81.19 feet to a point,

South 00° 09' 00" East 136.47 feet to a point,

South 06° 08' 00" East 59.62 feet to a point,

thence along other lands of William and Lillian Rustemeyer South 85° 31' 10" West 136.96 feet to a point in the center of the Wittenberg Stream; thence up and along the center of said stream North 08° 19' 20" East 267.24 feet to a point; thence still along the center of said stream North 35° 52' 00" West 77.45 feet to a point; thence along lands of Nelson Shultis North 68° 06' 20" East 94.48 feet to the point and place of beginning.

Containing 0.824 of an acre of land.

SUBJECT to the rights of the public in and to the use of the aforementioned Malby Hollow Road.

Bearings are with reference to Magnetic North of 1970.

BEING the same premises as conveyed by William Rustemeyer and Lillian Rusten.eyer, his wife, to Nelson Shultis by deed dated August 7, 1972 and recorded on August 8, 1972 in the Ulster County Clerk's Office in Liber 1283 of Deeds at page 450.

Together with the appurtenances and all the estate and rights of the part y of the first part in and to said premises.

To have and to hold the premises herein granted unto the part y of the second part, and assigns forever. its successors

And the said party of the first part that · he not done or suffered anything whereby the said premises have been covenant incumbered in any way whatever.

The grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor 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 that the grantor 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 Mitness Mihereof, the part y of the first part has hereunto set and seal the day and year first above written. In presence of:

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