

ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

BOX 30

SCIOLI
ANTHONY J III
SCIOLI
ANTOINETTE
LETTIERI
SUSAN
WALNUT CAPITAL PARTNERS-
AMHERST LP

COUNTY	\$	27.00
STATE	\$	25.00
COE	\$	5.00
TRANSFER	\$	1,760.00
	\$	.00
NFTA TT	\$	2,200.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	4,017.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK

Index DEED LIBER

Book 10963 Page 6674

No. Pages 0004

Instrument DEED

Date : 2/28/2000

Time : 1:18:19

Control # 200002280719

TT# TT 1999 016064

Employee ID EMS

TRANSFER TAX

CONSIDERATN \$ 440,000.00

TRANSFER TAX \$ 3,960.00



D109636674

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 24th day of February, 1968, ~~between~~ Two Thousand

BETWEEN

J.
ANTHONY SCIOLI, III, ANTOINETTE SCIOLI and SUSAN LETTIERI, residing at
P.O. Box 154, Getzville, New York 14068
166 Cimenand, Amherst NY 14221.

party of the first part, and

Walnut Capital Partners-Amherst, L.P.
located at 5000 Walnut Street, Suite 300, Pittsburgh, PA 16232

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

PARCEL "A"
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York being part of Lot No. 63, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a concrete monument in the southeasterly line of Millersport Highway at its intersection with said southeasterly line with the south line of lands conveyed to Kopec by a deed recorded in the Erie County Clerk's Office in Liber 3666 of Deeds at Page 382, at a distance of 1154.34 feet northerly from the southerly line of said Lot No. 63; running thence easterly along the southerly line of premises conveyed to Frank Kopec by deed dated January 2, 1945 and recorded in the Erie County Clerk's Office in Liber 3666 of Deeds at page 382 on February 20, 1945, a distance of 500 feet to a point; thence northerly at right angles, 200 feet; thence westerly at right angles to the last described boundary line, 377.79 feet to the southeast line of Millersport Highway; thence southwesterly along the southeasterly line of the Millersport Highway, 234.39 feet to said concrete monument, the place of beginning, containing 2.015 acres.

PARCEL "B"
ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 63, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southeasterly line of Millersport Highway, 234.39 feet northeasterly from a concrete monument situate in the easterly line of Millersport Highway distant 1154.33 feet northerly from the south line of Lot No. 63, said point of beginning being the southerly line of lands conveyed to Frank Kopec by a deed recorded in the Erie County Clerk's Office in Liber 3811 of Deeds at Page 519; running thence easterly along the southerly line of lands of Kopec, 378.08 feet to the easterly line of lands conveyed to Claude J. Sievers by a deed recorded in the Erie County Clerk's Office in Liber 3811 of Deeds at page 467; thence northerly along the easterly line of lands so conveyed by Liber 3811 of Deeds at page 467, 50 feet; thence at right angles westerly to the easterly line of Millersport Highway and thence southwesterly along the southerly line of Millersport Highway, about 61.68 feet to the place of beginning.

EXCEPTING and RESERVING THEREFROM, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 63, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southeasterly line of Millersport Highway, distant 16250 feet (chord distance) northerly from its intersection with the south line of lands conveyed to Charles Wolf by a deed recorded in the Erie County Clerk's Office in Liber 1073 of Deeds at Page 323; (1) thence easterly and parallel with the south line of lands so conveyed to Charles Wolf, a distance of 307 feet to a point; (2) thence

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 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. 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:

AMH
9/10345 DIB-3

On the day of , 19 , before me
personally came

ANTHONY J. SCIOLI, III, ANTOINETTE SCIOLI
SUSAN LETTERI

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

On the day of 19 , before me
personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that _____ executed the same _____

Anthony J. Leich III

X Antoinette Sciolé

X Susan Lettieri

STATE OF NEW YORK)

COUNTY OF Franklin

§ 5.

On the 24 day of February, in the year 2000, before me, the undersigned, a notary public in and for said state, personally appeared Anthony J. Scioli, III, Antoinette Scioli and Susan Lettieri, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 the person upon behalf of which the individual(s) acted, executed the instrument.

RANDY H. GUGINO
Notary Public
County of Erie
State of New York
Expires: Dec. 31, 2002

Notary Public

RANDY H. GUGINO
Notary Public
County of Erie
State of New York
Expires: Dec.31, 2002

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

Box 30 (LPM)

TO

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

Zip No.

northerly, 110 feet to a point; (3) thence westerly, parallel with the south line of lands so conveyed to Charles Wolf, 232 feet to the southeast line of Millersport Highway; (4) thence southerly along the southeast line of Millersport Highway, 133.13 feet (chord distance) to the point or place of beginning.

RESTRICTIONS ON SUBJECT PREMISES.

1. The restricted property shall be all that certain parcel of land situate in the Town of Amherst, County of Erie and State of New York, being bounded and described as follows: and as set forth on Exhibit A hereto:

BEGINNING at a concrete mounument at the intersection of the southerly lane of the lands conveyed to Frank Kopel recorded in Liber 3666 of Deeds at Page 382 with the easterly highway boundary of Millersport Highway; thence South $89^{\circ} 54' 38''$ East along the southerly line of said Kopel, 410.00 feet to the true point of beginning; thence from the true point of beginning South $89^{\circ} 54' 38''$ East along the southerly line of said Kopel, 90 feet to a point; thence North $00^{\circ} 05' 22''$ East for a distance of 250 feet to a point; thence North $89^{\circ} 54' 38''$ West along the northerly line of property identity at Liber 6316, Page 181, a distance of 90 feet to a point; thence South $00^{\circ} 05' 22''$ West, a distance of 250.00 feet to the point of true beginning. Containing approximately 0.52 acres.

2. Except as provided below, grantee shall not build or erect any improvement upon the Restricted Property.

3. Notwithstanding anything contained herein to the contrary, grantee shall be permitted to perform clearing, installing, maintaining and servicing any storm water detention areas, utility, water and sewage lines, erected improvements, parking areas and roadways necessary to implement the site plan, as amended, and comply with the requirements of any governmental or regulatory authority, within, on or about the Restricted Property.

4. The restrictions set forth in paragraph 2 of this Agreement shall remain in full force and effect for such time as the lease between grantee and Eckerd Corporation remains in effect.