

**RESOLUTION**

A regular meeting of the County of Sullivan Industrial Development Agency ("Agency") was convened on June 14, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.108.

The meeting was called to order by Chairperson Suzanne Loughlin, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[ √ ]	[   ]
Edward T. Sykes	[ √ ]	[   ]
Carol Roig	[ √ ]	[   ]
Craig Fleischman	[   ]	[ √ ]
Howard Siegel	[ √ ]	[   ]
Scott Smith	[   ]	[ √ ]
Paul Guenther	[ √ ]	[   ]
Sean Brooks	[ √ ]	[   ]

The following persons were also present:

Jennifer M. Flad, Executive Director  
John W. Kiefer, Chief Executive Officer  
Julio Garaicoechea, Project Manager  
Deborah Nola, Accounting and Financial Analyst  
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by Paul Guenther, and seconded by Sean Brooks, to wit:

Resolution No. 23 - 21

***RESOLUTION AUTHORIZING THE EXECUTION OF DOCUMENTS NECESSARY TO FACILITATE A LAND SWAP TO CURE A BOUNDARY DISPUTE RELATING TO LAND OWNED BY HUNTERS HAVEN CLUB, LLC ("HUNTERS HAVEN") AND LAND OWNED BY THE AGENCY WHICH IS LEASED BY THE AGENCY TO BRR BROTHERS III, LLC ("COMPANY") AND TO AUTHORIZE EXECUTION AND DELIVERY OF MORTGAGE MODIFICATION AGREEMENTS SECURING LOANS MADE TO THE COMPANY AND ITS AFFILIATES BY ULSTER SAVINGS BANK ("USB")***

***WHEREAS***, the Agency was created by Chapter 560 of the Laws of 1970 of the State of New York, as amended, pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

**WHEREAS**, on or about January 28, 2016, the Company and Sullivan County Fabrications, Inc. presented an application ("Application") to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project consisting of the: (i) acquisition, construction, reconstruction, renovation, rehabilitation, installation and equipping of six (6) buildings aggregating approximately 180,000± square feet intended to be used to accommodate a metal fabrication factory and storage of manufactured products (collectively, "Existing Buildings") situate on two (2) parcels of real estate consisting of approximately 138.26± acres located along Glen Wild Road, Town of Fallsburg ("Town"), Woodridge, County of Sullivan ("County"), State and identified on the Town tax map as Section 62, Block 1, Lot 20.1 and Section 63, Block 1, Lot 4 ("Land"); (ii) acquisition, construction and equipping of the Existing Buildings; (iii) acquisition, construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools ("Equipment"); (iv) construction of improvements to the Existing Buildings, the Land and the Equipment (collectively, the Existing Buildings, the Land and the Equipment are referred to as the "Facility" or the "Project"); and (v) lease of the Facility from the Agency to the Company; and

**WHEREAS**, on or about April 22, 2016, the Agency and the Company closed on a sale/leaseback transaction at which time the Agency acquired title to the Land from Catskill Hudson Bank and leased the Land to the Company; and

**WHEREAS**, pursuant to a Commitment Letter, dated November 18, 2019, USB approved a loan to the Company of THREE MILLION and 00/100 (\$3,000,000.00) Dollars to be secured by a mortgage on the Land ("Company Loan"); and

**WHEREAS**, on December 9, 2019 by resolution #67-19 the Agency approved execution of a mortgage to secure the Company Loan; and

**WHEREAS**, pursuant to two Commitment Letters, each dated November 18, 2019, USB approved two loans to Supermarket Parts Warehouse, Inc. ("SPW") in the aggregate principal amount of ONE MILLION FIVE HUNDRED THOUSAND and 00/100 (\$1,500,000.00) Dollars ("SPW Loans"), which Commitment Letters required the SPW Loans to be secured by one or more mortgages on the Land; and

**WHEREAS**, on December 17, 2019 by Resolution #68-19 the Agency approved execution of one or more mortgages to secure the SPW Loans; and

**WHEREAS**, on December 19, 2019 the Agency and the Company executed a Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of USB securing the Company Loan in an original principal amount not to exceed THREE MILLION and 00/100 (\$3,000,000.00) Dollars ("Company Loan Mortgage"); and

**WHEREAS**, the Company Loan Mortgage was recorded in the Office of the Clerk of Sullivan County on December 31, 2019 as Instrument No. 2019-9287; and

**WHEREAS**, on December 19, 2019 the Agency and the Company executed an Absolute Assignment of Rents and of Landlord's Interest in Leases in favor of USB further securing the Company Loan ("Company Loan ALR"); and

**WHEREAS**, the Company Loan ALR was recorded in the Office of the Clerk of Sullivan County on December 31, 2019 as Instrument No. 2019-9288; and

**WHEREAS**, on December 19, 2019 the Agency and the Company executed a Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of USB securing a FIVE HUNDRED THOUSAND and 00/100 (\$500,000.00) Dollar loan ("SPW Loan") to SPW ("SPW Loan Mortgage"); and

**WHEREAS**, the SPW Loan Mortgage was recorded in the Office of the Clerk of Sullivan County on December 31, 2019 as Instrument No. 2019-9291; and

**WHEREAS**, on December 19, 2019 the Agency and the Company executed an Absolute Assignment of Rents and of Landlord's Interest in Leases in favor of USB further securing the SPW Loan ("SPW Loan ALR") ; and

**WHEREAS**, the SPW Loan ALR was recorded in the Office of the Clerk of Sullivan County on December 31, 2019 as Instrument No. 2019-9292; and

**WHEREAS**, on December 19, 2019 the Agency and the Company executed a Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of USB securing a credit line to the SPW ("SPW Credit Line") in an amount not to exceed ONE MILLION and 00/100 (\$1,000,000.00) Dollars ("SPW Credit Line Mortgage"); and

**WHEREAS**, the SPW Credit Line Mortgage was recorded in the Office of the Clerk of Sullivan County on December 31, 2019 as Instrument No. 2019-9289; and

**WHEREAS**, on December 19, 2019 the Agency and the Company executed an Absolute Assignment of Rents and of Landlord's Interest in Leases in favor of USB further securing the SPW Credit Line ("SPW Credit Line ALR" and together with the Company Loan Mortgage, Company Loan ALR, SPW Loan Mortgage, SPW Loan ALR and SPW Credit Line Mortgage, the "USB Loans Security Documents"); and

**WHEREAS**, the SPW Credit Line ALR was recorded in the Office of the Clerk of Sullivan County on December 31, 2019 as Instrument No. 2019-9290; and

**WHEREAS**, certain ancient property descriptions of the Land and adjoining land have resulted in uncertainty as to the location of a 20-acre parcel now or formerly owned by Hunters Haven; and

**WHEREAS**, the Company (as beneficial owner of the Land leased from the Agency) and Hunters Haven have agreed to establish with certainty the location of a 20-acre parcel to be conveyed by the Agency to Hunters Haven and have further agreed to certain lands to be conveyed by Hunters Haven to the Agency to resolve the dispute; and

**WHEREAS**, the Land is mortgaged to USB and USB has obtained an interest in rents and leases of the Land pursuant to the USB Loans Security Documents; and

**WHEREAS**, USB is willing to release its mortgage and lien on the 20-acre parcel to be conveyed by the Agency to Hunters Haven upon contemporaneously receiving a mortgage and lien on the parcels to be conveyed by Hunters Haven to the Agency; and

**WHEREAS**, the Agency wishes to authorize its Chairman, Chief Executive Officer and Executive Director, each acting individually, to execute any and all deeds, certificates, instruments, documents, mortgages or assignments necessary to facilitate the land swap above-described.

***NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:***

**Section 1.** The Chairman, Chief Executive Officer and Executive Director, each acting individually, are hereby authorized to execute and deliver any and all documents necessary to facilitate a land swap between the Agency and Hunters Haven, including, but not limited to:

- a) A Deed (together with necessary recording forms) to convey from the Agency to Hunters Haven the 20.0-acre parcel described in Exhibit A annexed to this Resolution;
- b) Recording forms necessary to record one or more deeds from Hunters Haven to the Agency to convey the 11.86 acre parcel as described in Exhibit B-1 and the 20± acre parcel, being parcel II in the deed to Hunters Haven dated August 25, 2014 and recorded as Instrument No. 2014-6310, as described in Exhibit B-2 from Hunters Haven to the Agency;
- c) An Omnibus Amendment of Project Documents so that following the transfers described in a) and b) above, the Agency will lease to the Company the 117.92-acre parcel described in Exhibit C.
- d) A mortgage Modification Agreement or such other documents as are required by USB and its legal counsel to release USB's mortgage and lien on the parcel described in Exhibit A and to acquire a mortgage and liens on the parcel described in Exhibit C, including:
  - (i) Mortgage Modification Agreement related to the Company Loan Mortgage;
  - (ii) Modification of Absolute Assignment of Rents and of Landlord's Interest in Leases related to the Company Loan ALR;
  - (iii) Mortgage Modification Agreement related to the SPW Loan Mortgage;

- (iv) Modification of Absolute Assignment of Rents and of Landlord's Interest in Leases related to the SPW Loan ALR;
- (v) Mortgage Modification Agreement related to the SPW Credit Line Mortgage; and
- (iv) Modification of Absolute Assignment of Rents and of Landlord's Interest in Leases related to the SPW Credit Line ALR.

Section 2. The execution and delivery of the documents contemplated by Section 1 is conditioned upon:

- a). Approval of all such documents by the Agency's General Counsel; and
- b) Payment by the Company to the Agency or its professional advisors and all costs or fees incurred by the Agency related to carrying out the intent of these resolutions.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Abstain
Edward T. Sykes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Craig Fleischman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

and therefore, the resolution was declared duly adopted.

STATE OF NEW YORK :  
 :SS  
 COUNTY OF SULLIVAN :

I, the undersigned (Assistant) Secretary of the Agency DO HEREBY CERTIFY THAT:

1. I have compared the foregoing copy of a resolution of the Agency with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
2. Such resolution was passed at a meeting of the Agency duly convened via teleconference on June 14, 2021 at 11:00 a.m., at which the following members were present:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[ <input checked="" type="checkbox"/> ]	[       ]
Edward T. Sykes	[ <input checked="" type="checkbox"/> ]	[       ]
Carol Roig	[ <input checked="" type="checkbox"/> ]	[       ]
Craig Fleischman	[       ]	[ <input checked="" type="checkbox"/> ]
Howard Siegel	[ <input checked="" type="checkbox"/> ]	[       ]
Scott Smith	[       ]	[ <input checked="" type="checkbox"/> ]
Paul Guenther	[ <input checked="" type="checkbox"/> ]	[       ]
Sean Brooks	[ <input checked="" type="checkbox"/> ]	[       ]

3. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Suzanne Loughlin	[   ] Yes	[   ] No	[   ] Absent	[ <input checked="" type="checkbox"/> ] Abstain
Edward T. Sykes	[ <input checked="" type="checkbox"/> ] Yes	[   ] No	[   ] Absent	[   ] Abstain
Carol Roig	[ <input checked="" type="checkbox"/> ] Yes	[   ] No	[   ] Absent	[   ] Abstain
Craig Fleischman	[   ] Yes	[   ] No	[ <input checked="" type="checkbox"/> ] Absent	[   ] Abstain
Howard Siegel	[ <input checked="" type="checkbox"/> ] Yes	[   ] No	[   ] Absent	[   ] Abstain
Scott Smith	[   ] Yes	[   ] No	[ <input checked="" type="checkbox"/> ] Absent	[   ] Abstain
Paul Guenther	[ <input checked="" type="checkbox"/> ] Yes	[   ] No	[   ] Absent	[   ] Abstain
Sean Brooks	[ <input checked="" type="checkbox"/> ] Yes	[   ] No	[   ] Absent	[   ] Abstain

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103(a) and (c) and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public via videoconferencing and public notice of the time and place of said meeting was duly given in accordance with such Sections 103(a) and (c) and 104, (iii) the meeting in all respects was duly held via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.108, and (iv) there was a quorum present throughout.

*IN WITNESS WHEREOF*, I have hereunto set my hand and seal on the 14<sup>th</sup> day of June, 2021.

  
Carol Roig, Secretary





**Anthony F. Siciliano, LS, P.C.**

**Licensed Land Surveyor**

248 Main Street, P.O. Box 35

Grahamsville, N.Y. 12740

(845) 985-7551

*anthony@sicilianosurveying.com*

**11.86 Acre Quitclaim Parcel: Hunters Haven Club, LLC to County of Sullivan IDA**

ALL that tract or parcel of land situate in the Town of Fallsburg, County of Sullivan and State of New York, intended to be a portion of the premises described as Parcel II in a deed from Hunters Haven Club to Hunters Haven Club, LLC, dated August 25, 2014, recorded in the Sullivan County Clerk's Office as Instrument No. 2014-6310, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of an old woods road on the northeasterly bounds of a 117.92 Acre Parcel as designated on a map entitled "Survey Map of a Proposed Lot Improvement/Boundary Line Agreement Prepared for BRR Bothers III, LLC", dated May 25, 2021, proposed to be filed in the Sullivan County Clerk's Office, and on the southwesterly bounds of lands described as Tract I in a deed to Byarch USA LLC recorded as Instrument No. 2016-4758, being on the northeasterly bounds of Division No. 11 and the southwesterly bounds of Division No. 12 in Great Lot No. 1 of the Hardenburgh Patent, said point being South 59 degrees 17 minutes 54 seconds East 886.50 feet, as measured along the northeasterly bounds of said 117.92 Acre Parcel and the southwesterly bounds of said lands of Byarch USA LLC, from a ¼-inch diameter iron rod set at the most northerly corner of said 117.92 Acre Parcel, and running thence from said point of beginning along the northeasterly bounds of said 117.92 Acre Parcel and the southwesterly bounds of said lands of Byarch USA LLC, running near traces of old wire fence, South 59 degrees 17 minutes 54 seconds East 380.60 feet to a ½-inch diameter iron rod found on the southwesterly bounds of said lands of Byarch USA LLC at the northeasterly corner of said 117.92 Acre Parcel and the northwesterly corner of lands described in a deed to Aliperti Family 2012 Irrevocable Trust recorded as Instrument No. 2012-6561;

thence running along the westerly and southwesterly bounds of said lands of Aliperti Family 2012 Irrevocable Trust, South 17 degrees 52 minutes 31 seconds West 705.34 feet to a ½-inch diameter iron rod found, and South 62 degrees 05 minutes 59 seconds East 492.59 feet to a point on the southwesterly bounds of said lands of Aliperti Family 2012 Irrevocable Trust at the most northerly corner of lands described in a deed to Joseph Rocco and Gerald Franek recorded in Land Records Liber 2760 at Page 549;

thence running along the westerly bounds of said lands of Rocco and Franek, South 17 degrees 26 minutes 06 seconds West 170.65 feet to a point on the westerly bounds of said lands of Rocco and Franek;

thence running through said 117.92 Acre Parcel, North 59 degrees 17 minutes 54 seconds West 1196.86 feet to a point in the approximate center of said old woods road;

thence running along the approximate center of said old woods road the following eight courses and distances:

- (1) North 36 degrees 50 minutes 42 seconds East 141.13 feet,
- (2) North 55 degrees 06 minutes 18 seconds East 50.96 feet,
- (3) North 64 degrees 47 minutes 20 seconds East 51.43 feet,
- (4) North 43 degrees 21 minutes 14 seconds East 40.20 feet,
- (5) North 24 degrees 24 minutes 57 seconds East 131.97 feet,
- (6) North 44 degrees 59 minutes 42 seconds East 204.16 feet,
- (7) North 38 degrees 12 minutes 19 seconds East 125.60 feet, and
- (8) North 31 degrees 57 minutes 42 seconds East 107.71 feet

to the point of beginning, containing 11.86 acres of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in March of 2006.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on May 26, 2021.

EXHIBIT

B-1

Also Quit claiming any right title and interest in and to the following described Premises:

**ALL** that piece or parcel of land situate in the Town of Fallsburgh, County of Sullivan and State of New York, in Division 11, Great Lot No. one, of the Hardenburgh Patent and being a piece of wooded land and a part of the former John R. Elliott (formerly J. W. Hait) farm, and described as follows:

Beginning at a stake set in a stone wall and being the corner between Andrew Warren, Mary Bowers and John R. Elliott and running thence North 62° West 14 chains and 16 links to the center of the road leading from Glen Wild to Centerville and known as the Miller Road; thence along the center of the said road in a southwesterly direction and far enough to take in twenty acres of land; thence in a southeasterly direction on a line parallel with the first mentioned line to the line between John Sengstacken and John R. Elliott; thence northerly along said line to the corner between Mary Bowers and Sengstacken; thence northerly along the line between Mary E. Bowers and John R. Elliott to the place of beginning, containing twenty acres as surveyed by Wm H. Fitzsimmons, December 26, 1901.

The said first party also grants to said second parties, a right of passage way for themselves and teams for ingress and egress to said above described twenty acre wood lot. The same to be used by the parties hereto their servant's, heirs and assigns in common.

Being the same premises as the second parcel described in a Deed from John R. Elliott and Rebecca Elliott, his wife to Simon Miller, Davis Bernstein and Sarah Bernstein dated January 9, 1902, recorded January 13, 1902 in Liber 130 at page 8 in the Sullivan County Clerk's Office.

Intending to be the same premises described as Parcel II in a deed from Hunters Haven Club to Hunters Haven Club, LLC, dated August 25, 2014, recorded in the Sullivan County Clerk's Office as Instrument No. 2014-6310, more particularly bound and described in that deed as follows:

**ALL** that tract or parcel of land situate in the Town of Fallsburg, County of Sullivan and State of New York, in Division 11, Great Lot 1, Hardenburgh Patent and being a part of the former John R. Elliott farm, described as follows:

Beginning at a stake set in a stone wall and being the corner between Andrew Warren, Mary Bowers and John R. Elliott and running thence North 62° West 14 chains and 16 links to the center of the road leading from Glen Wild to Centerville and known as the Miller Road; thence along the center of the said road in a southeasterly direction and far enough to take in twenty acres of land; thence in a southwesterly direction on a line parallel with the first mentioned line to the line between John Sengstacken and John R. Elliott; thence northerly along said line to the corner between Mary Bowers and John R. Elliott to the place of beginning, containing twenty acres as surveyed by William H. Fitzsimmons, surveyor, December 21, 1901.

Also a right of way over an extension of the old Miller Road to the above 20 acres as described in a deed from Elliott to Sarah Bernstein and others.

EXHIBIT

B-2

Being part of premises conveyed by John Simihtis and Elena Simihtis to Robert Cherry and Margaret J. Cherry by deed dated 9/8/69 and recorded 9/9/69 in Liber 735 page 992 in the Sullivan County Clerk's Office.

Being the same premises described in a Deed from Robert Cherry and Margaret J. Cherry, his wife to Hunters Haven Club dated July 17, 1984 and recorded July 18, 1984 in Liber 1132 pg 45 in the Sullivan County Clerk's Office.

It is the intention of the parties here in to terminate their joint use of the right of way above referenced, for ingress and egress to the above described 20 acre parcel. Rights of access to the aforementioned premises is intended to be by reason of it's contiguity with other lands of the party of the second part set forth in Deed instrument # 2016-3344 known as tax map #62-1-20.1.

**Anthony F. Siciliano, LS, P.C.**

**Licensed Land Surveyor**

248 Main Street, P.O. Box 35

Grahamsville, N.Y. 12740

(845) 985-7551

*anthony@sicilianosurveying.com*

**117.92 Acre Parcel, Town of Fallsburg S-B-L No. 62-1-20.1**

ALL that tract or parcel of land situate between Rock Hill and Woodridge in the Town of Fallsburg, County of Sullivan and State of New York, intended to be a portion of the second described parcel of land in a deed from Catskill Hudson Bank to County of Sullivan Industrial Development Agency, dated April 22, 2016, recorded in the Sullivan County Clerk's Office as Instrument No. 2016-3344, together with an 11.86 acre parcel of land proposed to be quitclaimed by Hunters Haven Club LLC to County of Sullivan Industrial Development Agency, intended to be the 117.92 Acre Parcel as designated on a map entitled "Survey Map of a Proposed Lot Improvement/Boundary Line Agreement Prepared for BRR Bothers III, LLC", dated May 25, 2021, proposed to be filed in the Sullivan County Clerk's Office, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of travelled way of Glen Wild Road (County Road No. 57) at the most southerly corner of lands described in a deed to Alan Kaplan and Dawn Kaplan recorded in Land Records Liber 2943 at Page 386, said point being South 29 degrees 03 minutes 10 seconds West 207.60 feet, as measured along the approximate center of travelled way of said Glen Wild Road, from a point in the approximate center of travelled way of said Glen Wild Road at the most easterly corner of said lands of Alan and Dawn Kaplan on the projection of a stonewall, and running thence from said point of beginning along the bounds of said lands of Alan and Dawn Kaplan, running through a 3/4-inch diameter iron rod set at 30.00 feet, North 59 degrees 40 minutes 48 seconds West 91.88 feet to a 1/2-inch diameter iron rod found, North 29 degrees 19 minutes 12 seconds East 29.86 feet to a 1/2-inch diameter iron rod found, North 67 degrees 36 minutes 54 seconds West 207.47 feet to a 3/4-inch diameter iron rod set, and North 16 degrees 30 minutes 43 seconds East 164.74 feet to a 3/8-inch diameter iron rod found in a stonewall corner at the northwesterly corner of said lands of Alan and Dawn Kaplan at a corner of lands described in a deed to Joseph Rocco and Gerald Franek recorded in Land Records Liber 2760 at Page 549;

thence running along the bounds of said lands of Rocco and Franek and along a stonewall, North 16 degrees 44 minutes 06 seconds East 146.02 feet to a 3/8-inch diameter iron rod found at a stonewall corner, North 66 degrees 50 minutes 54 seconds West 258.35 feet to a stonewall corner and North 32 degrees 34 minutes 54 seconds West 277.85 feet to a stonewall corner;

thence continuing along the bounds of said lands of Rocco and Franek, running northerly of said stonewall for most of this course, North 84 degrees 50 minutes 54 seconds West 314.50 feet to an eighteen inch beech tree at the westerly end of said stonewall;

thence continuing along a bounds of said lands of Rocco and Franek, South 43 degrees 23 minutes 06 seconds West 119.70 feet to a 3/4-inch diameter iron rod set in another stonewall;

thence continuing along a bounds of said lands of Rocco and Franek, running along the last mentioned stonewall, North 46 degrees 15 minutes 54 seconds West 225.33 feet to a 3/4-inch diameter iron rod set at the northwesterly end of said stonewall;

thence running along the westerly bounds of said lands of Rocco and Franek, North 16 degrees 05 minutes 54 seconds West 317.86 feet to a pile of stones found, and North 17 degrees 26 minutes 06 seconds East 750.66 feet to a point on the southwesterly bounds of lands described in a deed to Allperti Family 2012 Irrevocable Trust recorded as Instrument No. 2012-6561 at the most northerly corner of said lands of Rocco and Franek;

EXHIBIT

C

thence running along the southwesterly and westerly bounds of said lands of Aliperti Family 2012 Irrevocable Trust, North 62 degrees 05 minutes 59 seconds West 492.59 feet to a ½-inch diameter iron rod found, and North 17 degrees 52 minutes 31 seconds East 705.34 feet to a ½-inch diameter iron rod found at the northwesterly corner of said lands of Aliperti Family 2012 Irrevocable Trust on the southwesterly bounds of lands described as Tract I in a deed to Byarch USA LLC recorded as Instrument No. 2016-4758;

thence running along the southwesterly bounds of said lands of Byarch USA LLC, being the northeasterly bounds of Division No. 11 and the southwesterly bounds of Division No. 12 in Great Lot No. 1 of the Hardenburgh Patent, running near traces of old wire fence, North 59 degrees 17 minutes 54 seconds West 1267.10 feet to a ¾-inch diameter iron rod set on the southwesterly bounds of said lands of Byarch USA LLC at the northeasterly corner of lands described in a deed to John Letourneau recorded in Land Records Liber 2509 at Page 610 and the northeasterly corner of Lot No. 1 as designated on a map entitled "Minor Re-Subdivision Lands of Letourneau", prepared by Joseph C. Woods, Licensed Land Surveyor, dated July 25, 2006, filed in the Sullivan County Clerk's Office on January 9, 2007 as Map No. 10-475, said iron rod set being at the northeasterly corner of lands formerly of Walter S. Denniston described in Deed Liber 19 at Page 421;

thence running along the easterly bounds of lands described in said deed to Letourneau and the easterly bounds of said Lot 1, running near traces of old wire fence, South 19 degrees 29 minutes 54 seconds West 1530.01 feet to a ¾-inch diameter iron rod set on the easterly bounds of lands described in said deed to Letourneau and the easterly bounds of said Lot 1, at the northwesterly corner of a 20.00 Acre Parcel as designated on said BRR Brothers III, LLC filed map;

thence running along the northerly and easterly bounds of said 20.00 Acre Parcel, South 70 degrees 30 minutes 06 seconds East 965.86 feet to a spike in a pile of stones set on top of a boulder, and South 19 degrees 33 minutes 17 seconds West 995.68 feet to a ¾-inch diameter iron rod set in a stonewall at the most southerly corner of said 20.00 Acre Parcel, the northeasterly corner of lands described as Parcel I in a deed to Hunters Haven Club, LLC recorded as Instrument No. 2014-6310 and the northwesterly corner of the first described parcel of land in said deed to County of Sullivan Industrial Development Agency recorded as Instrument No. 2016-3344;

thence running along the northeasterly bounds of said first described parcel of land in Instrument No. 2016-3344, running along the last mentioned stonewall, South 59 degrees 08 minutes 43 seconds East 441.80 feet to a stonewall corner at the northeasterly corner of said first described parcel of land in Instrument No. 2016-3344;

thence running along the easterly bounds of said first described parcel of land in Instrument No. 2016-3344, running generally along a stonewall for a portion of the way, South 20 degrees 39 minutes 17 seconds West 1186.08 feet to a point in the approximate center of travelled way of Old Glen Wild Road (Town Road No. 103) at the southeasterly corner of said first described parcel of land in Instrument No. 2016-3344;

thence running along the approximate center of travelled way of said Old Glen Wild Road, North 76 degrees 03 minutes 56 seconds East 196.82 feet, North 79 degrees 31 minutes 11 seconds East 123.17 feet and North 82 degrees 42 minutes 25 seconds East 82.07 feet to a point in the approximate center of travelled way of said Old Glen Wild Road on the westerly bounds of lands described as Parcel 1 in a deed to Irving Henkus recorded in Land Records Liber 1641 at Page 682;

thence running along the westerly bounds of said lands of Henkus, running through a ¾-inch diameter iron rod set at 25.00 feet, North 20 degrees 53 minutes 34 seconds East 142.45 feet to a ¾-inch diameter iron rod set in the approximate center of an old road at the most northerly corner of said lands of Henkus;

thence running along the approximate center of said old road for a portion of the way, running to and along the approximate center of travelled way of said Old Glen Wild Road, running along the northeasterly bounds of said lands of Henkus, South 61 degrees 10 minutes 03 seconds East 472.10 feet to a point in the approximate center of travelled way of said Old Glen Wild Road at the most westerly corner of a 2.36 Acre Parcel as designated on a map entitled "Survey Map of a Lot Improvement Prepared for Robert L. & Phil M. Kaplan", dated March 26, 2009, filed in the Sullivan County Clerk's Office May 4, 2009 as Map No. 12-47 A&B, being the more westerly of two 2.36 acre parcels, being lands described in a deed to Phil M. Kaplan and Anne M. Kaplan recorded as Instrument No. 2014-5260;

thence running along the northwesterly bounds of said more westerly 2.36 acre parcel, running through a 3/4-inch diameter iron pipe found at 24.06 feet, North 27 degrees 50 minutes 34 seconds East 305.18 feet to a 3/4-inch diameter iron rod set at the most northerly corner of said more westerly 2.36 acre parcel;

thence running along the northeasterly bounds of said more westerly 2.36 acre parcel, South 60 degrees 50 minutes 26 seconds East 335.86 feet to a 3/4-inch diameter iron rod set at the most easterly corner of said more westerly 2.36 acre parcel on the northwesterly bounds of another 2.36 Acre Parcel as designated on said Kaplan Lot Improvement filed map, being the more easterly of the two 2.36 acre parcels and being lands described in a deed to Robert and Merryll Kaplan Revocable Trust recorded as Instrument No. 2017-5958;

thence running along the northwesterly bounds of said more easterly 2.36 acre parcel, North 26 degrees 19 minutes 32 seconds East 101.11 feet to a 3/4-inch diameter iron rod set at the most northerly corner of said more easterly 2.36 acre parcel;

thence running along the northeasterly bounds of said more easterly 2.36 acre parcel, South 59 degrees 55 minutes 41 seconds East 272.36 feet to a 3/4-inch diameter iron rod set at the most easterly corner of said more easterly 2.36 acre parcel;

thence running along the southeasterly bounds of said more easterly 2.36 acre parcel, running through a 3/4-inch diameter iron rod set 25.00 feet from the terminus of this course, South 26 degrees 19 minutes 32 seconds West 355.37 feet to a point in the approximate center of travelled way of said Old Glen Wild Road at the most southerly corner of said more easterly 2.36 acre parcel;

thence running along the approximate center of travelled way of said Old Glen Wild Road, South 70 degrees 04 minutes 58 seconds East 71.05 feet to a point in the approximate center of travelled way of said Old Glen Wild Road on a projection of the northwesterly bounds of lands described in a deed to 4 Glen Wild Road LLC recorded as Instrument No. 2018-6377, the last mentioned point being North 70 degrees 20 minutes 42 seconds West 174.59 feet, as measured along the approximate center of travelled way of said Old Glen Wild Road, from the intersection of the approximate center of travelled way of said Old Glen Wild Road with the approximate center of travelled way of said Glen Wild Road (County Road No. 57);

thence running to and along the northwesterly bounds of said lands of 4 Glen Wild Road LLC, running through a 5/8-inch diameter iron rod found at 26.87 feet, North 33 degrees 14 minutes 40 seconds East 174.68 feet to a 5/8-inch diameter iron rod found at the northwesterly corner of said lands of 4 Glen Wild Road LLC;

thence running along the northerly bounds of said lands of 4 Glen Wild Road LLC and a projection thereof, running through a 5/8-inch diameter iron rod found 25.60 feet from the terminus of this course, South 70 degrees 08 minutes 35 seconds East 175.28 feet to a point in the approximate center of travelled way of said Glen Wild Road (County Road No. 57);

thence running along the approximate center of travelled way of said Glen Wild Road, North 33 degrees 35 minutes 23 seconds East 677.50 feet, North 31 degrees 08 minutes 51 seconds East 238.09 feet and North 27 degrees 28 minutes 18 seconds East 32.84 feet to the point of beginning, containing 117.92 acres of land,

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in March of 2006.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on May 25, 2021.

