

SCOTT AND HOYT

ATTORNEYS AND COUNSELORS AT LAW

J. BRADLEY SCOTT (1894-1962)
JULIUS LARKIN HOYT

323 BORDEN ROAD
POST OFFICE BOX 0
WALKILL, NEW YORK 12589

PLEASE REPLY TO:
POST OFFICE BOX 0
WALKILL, NEW YORK 12589

(914) 895-3952
FAX (914) 895-9092

August 25, 1997

Mr. Donald Glan
84 Sumner Avenue
Yonkers, NY 10704-1938

Re: Town of Newburgh, Orange County
Logging Project

Dear Sir:

This office represents Richard Lang who is the owner of lands off North Fostertown Road through which runs a private road designated as Still Hollow Road.

Title searches indicate that there is a right-of-way over Still Hollow Road to a certain 5 acre lot to the northwest.

We are advised that there is a logging operation you are involved with which is logging from substantial additional acreage beyond the 5 acre lot and that access thereto is over Still Hollow Road.

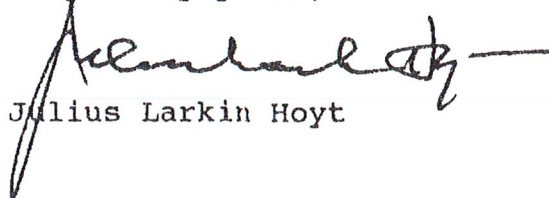
(26.1) Leroy

Since the right-of-way granted to the 5 acre lot over Still Hollow Road benefits the 5 acre lot only, the right-of-way cannot be enlarged or enhanced to go beyond the 5 acre lot to other premises. Use of Still Hollow Road is confined for the benefit of the 5 acre lot only and not to any additional or adjoining lands.

Therefore, this letter is to advise that use of Still Hollow Road for the benefit of the back land beyond the 5 acre lot must be discontinued immediately.

This matter has been reviewed and discussed with the Town of Newburgh municipal offices and they are in accord with Mr. Lang's position.

Very truly yours,



Julius Larkin Hoyt

JLH:bmm
cc: Mr. Richard Lang

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PLEASE REPLY TO:
POST OFFICE BOX 0
WALLKILL, NEW YORK 12589

September 22, 1997

Mr. Richard Lang
8 Overdell Lane
Newburgh, NY 12550

Re: Still Hollow Road Use

Dear Dick:

I received a call from Glas' attorney in response to my August 20th letter concerning the use of Still Hollow Road for the benefit of interior lots.

Before we discussed the right-of-way and which lots it benefits, the attorney made it clear that the "logging activity" was not logging in the commercial sense. There was a certain clearing of a portion of the back land to accommodate the use of these back lots for summer/vacation use. I'm not sure of the extent or of the particulars but I did come away with the feeling that it was a one time kind of occurrence.

As to the right-of-way and the extent of it's benefit to the lots to the North and beyond the lot for which Chadwick specifically gave the 25 foot right-of-way across his (Chadwick's) other lands which became your subdivision, my file goes back to 1987 and I found a Title Report against Tax Lots 11 and 12 (the 2 Northerly lots beyond Lot 26.1 Chadwick conveyed). The Title Report refers to Lots 11 and 12 as interior lots and although there was the ancient 12 foot right-of-way coming up through the lots on the South, it did not run to or connect with Lots 11 and 12.

The Title Report makes no mention of the 25 foot right-of-way from Chadwick as benefiting Lots 11 and 12.

The report's conclusion was that rights of ingress/egress could not be insured.

One does not know if this refusal to insure is confined to the old 12 foot right-of-way only or whether it is good as a denial against the ingress and egress over your subdivision.

SCOTT AND HOYT

I did not find any Title Report as to your purchase. I believe you did this through Steve Tarshis who may have set up the Corporation.

The basic question gets down to whether the right-of-way to benefit Lot 26.1 can be piggy-backed to benefit the lots to the North, Lots 11 and 12.

Since Lots 11 and 12 adjoin other lands to the West which may have access to North Fostertown Road or some other road (Frozen Ridge Road) we can take the position that they do not need access through Still Hollow Road.

The real question however is whether Lots 11 and 12 can use the 25 foot right-of-way benefiting Lot 26.1. I believe this depends on whether all 3 lots have common ownership. Without benefit of a Title Report this cannot be determined for certain but the enclosed current (updated) tax map shows Buhl owns Lots 11 and 12 and that Glas owns 26.1. The problem is the accessor's ownership is frequently only one of two owners or the first name of a double grantee ownership.

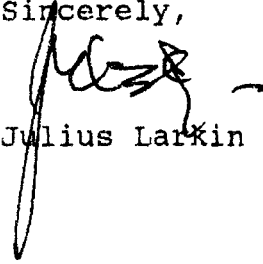
If there is common ownership of the 3 lots it is difficult to ascertain the origin of where any user comes from. You cannot police each entry/exit as to whether it is confined to Lot 26.1 and by law common ownership of all 3 lots may extend the benefit to the Northerly (Lots 11 and 12) lands.

We do know that the Title Company will take a long hard look before it will insure ingress/egress to Lots 11 and 12, considering all of the circumstances and the history of the conveyancing.

To arrive at a definite answer it will take a current Title Report that will involve the several change of title and the interconveyancing between the Buhls and Glas. This could be extensive and expensive.

Hopefully our letter at least serves notice that we are monitoring the use of Still Hollow Road and that may be enough.

Sincerely,


Julius Larkin Hoyt

JLH:lp

Zoning Board of Appeals
JUN 13 2016
Town of Newburgh

CERTIFICATE OF TITLE

*First American Title Insurance Company
of New York*

Title No. 740-0-2890

Certifies to STEVEN L. TARSHIS, ESQ.

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of title insurance policy in favor of the proposed insured, covering premises described in Schedule A, in the amounts hereinafter set forth, insuring the fee and/or mortgage and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

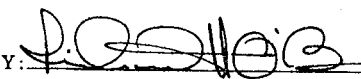
COUNTERSIGNED


AUTHORIZED SIGNATURE

Robert D. McEachern/bb



FIRST AMERICAN TITLE INSURANCE COMPANY
OF NEW YORK

BY: 
PRESIDENT

*First American Title Insurance Company
of New York*

Title No. 740-0-2890

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the town of Newburgh, County of Orange, State of New York, described as follows:

BEGINNING at an iron stake on the Northeast corner of other lands owned by Buhl and Glas and proceeding along the line of lands now or formerly of T. Chadwick N 16° 7' 20" W 543.2 ft. to a stone wall thence along the stone wall and the line of lands now or formerly of E. Griffen N 71° 24' 40" W 184.7 ft. and N 14° 20' 20" E 324.7 ft., thence along the line of lands now or formerly of J. Mazzola N 79° 24' 40" W 743.2 ft., thence along other lands of Buhl and Glas S 15° W 786.7 ft. and S 72° 47' 50" E 919.3 ft. to the place of beginning. Together with a right of way recorded in Liber 260 page 403.

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

FOR
CONVEYANCING
ONLY

TOGETHER with all the right, title and interest of the party of the first party, of, in and to the land lying in the street in front of and adjoining said premises.

*First American Title Insurance Company
of New York*

Title No. 740-0-2890

SCHEDULE B

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

DISPOSITION

1. Rights of tenants or persons in possession, if any.
2. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.
3. Proof of no other name for ten years past: Aneta G. Buhl
4. Any state of facts an accurate survey would show. In the absence of a certified survey, the exact courses, distances and location of the premises are not insured.
5. Premises are an interior parcel. A right of way was granted in Liber 260 page 403 over premises which appear to be tax lot 6-1-25 and a right of way was reserved over lot 26.1 in Liber 2299 page 233, however, we find no right of way over tax lot 24; consequently rights of ingress and egress to and from the premises are not insured.

Title Certified in:

*First American Title Insurance Company
of New York*

Proposed Insured:

Purchaser Dan J. Friedman

Title No. 740-0-2890

Effective Date: 6/12/87

Redated:

Mortgagee

Amount of Insurance

Fee	\$ 145,000.00
Mortgage	\$
	\$

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:

STEVEN N. BUHL and ANETA G. BUHL, his wife, and DONALD GLAS who acquired title by Deed dated 10/24/83 and recorded in the Orange county Clerk's Office on 10/31/83 in Liber 2266 page 1153 from Aneta G. Buhl, Steven N. Buhl and Donald Glas.

Premises described in Schedule "A" are known as:

Address: Frozer Ridge Road

County: Orange

City:

District:

Town: Newburgh

Section: 6

Block: 1

Lot: 11 & 12

First American Title Insurance Company of New York

TAX SEARCH

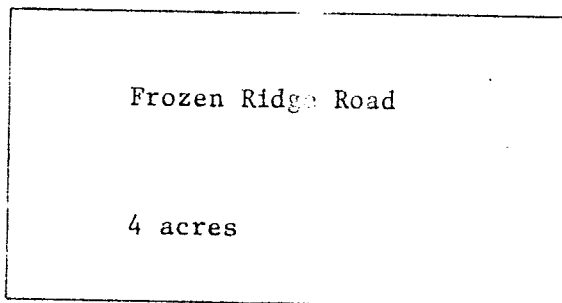
Title No. 740-0-2890

ASSESSED TO: Steven Buhl &
Aneta Buhl, &
Donald Glas

Assessed Valuation:

Land \$ 2,000.00

Total \$ 2,000.00



County Orange

City

School District City of Newburgh

Borough

Town Newburgh

Village

Section 6

Block 1

Lot 11

1987 State, County and Town Tax: \$24.83 - PAID - 1/31/87.

1986/87 School Tax: Information to follow.

1987/88 School Tax: A lien as of 7/1/87 due and payable during September, 1987.

Our policy does not insure against such items which have not become a lien up to the date of closing, or installments due after such date. Neither our tax search nor our policy covers any part of streets on which the premises to be insured sit.

If the tax lots above mentioned cover more or less than the premises under examination, this fact will be noted herein. In such case, the interested parties should take the necessary steps to make the tax map conform to the description to be insured.

*First American Title Insurance Company
of New York*

TAX SEARCH

Title No. 740-0-2890

ASSESSED TO: Steven Buhl &
Aneta Buhl &
Donald Glas

Assessed Valuation:

Land \$ 6,200.00

Total \$ 6,200.00

Prozer Ridge Road

11.50 acres

County Orange	City	School District City of Newburgh
Borough	Town Newburgh	Village
Section 6	Block 1	Lot 12

1987 State, County and Town Tax: \$76.96 - PAID - 1/31/87.

1986/87 School Tax: Information to follow.

1987/88 School Tax: A lien as of 7/1/87 due and payable during September, 1987.

Our policy does not insure against such items which have not become a lien up to the date of closing, or installments due after such date. Neither our tax search nor our policy covers any part of streets on which the premises to be insured' but.

If the tax lots above mentioned cover more or less than the premises under examination, this fact will be noted herein. In such case, the interested parties should take the necessary steps to make the tax map conform to the description to be insured.

562-7118 BULL
9

THIS INDENTURE, made the 1st day of June, nineteen hundred and eighty two

BETWEEN THOMAS M. CHADWICK, by his Attorney in Fact, DAVID E. TOWER, 45 Grand Street, Newburgh, New York

Zoning Board of Appeals
JUN 13 2016
Town of Newburgh

party of the first part, and STEVEN BUHL and ANETA G. BUHL, husband and wife, both residing at 4 South Delaware Drive, Nyack, NY 10960 and Donald Glas, residing at 94 Sumner Avenue, Yonkers, NY 10704

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100-----
-----(\$10.00)-----dollars,

lawful money of the United States, paid
by the party of the second part, does hereby remise, release and quitclaim 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 Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point at the northeasterly corner of lands now or formerly of William W. Elford, said point being S 16° 07' 20" W 39.02' from an iron pipe found; and running thence, along the northerly line of lands of said Elford, N 72° 15' 00" W, 914.38' to a point on the westerly line of Francis Harrisons Patent, said point being on the easterly line of other lands of Steven M. Buhl, Aneta G. Buhl and Donald Glas; thence, along said line N 15° 00' 00" E 260.70' to a point at the southwesterly corner of lands now or formerly of James F. and Carrie W. Sheddon; thence, along the southerly line of lands of said Sheddon, S 72° 47' 50" E 919.28' to a point, said point being S 16° 07' 20" W 36.41' from an iron pipe found; thence S 16° 07' 20" W 269.20' to the point or place of beginning; as surveyed on May 18, 1962 by Anthony D. Valdina, registered land surveyor.

Containing 5.6 acres of land more or less.

Act: 6/11/82
Rec: 6/7/82

party of the first part, and STEVEN BUHL and ANETA G. BUHL, husband and wife, both residing at 4 South Delaware Drive, Nyack, NY 10960 and Donald Glas, residing at 94 Summer Avenue, Yonkers, NY 10704

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Containing 5.6 acres of land more or less. (26.1 Leroy)

Subject to a right of way for the American Telephone and Telegraph Company.

The party of the first part does hereby grant unto the parties of the second part a right of way twenty five feet in width for all ordinary purposes of ingress and egress over other lands of the party of the first part leading from North Fostertown Road in a northwesterly direction to the premises hereby conveyed. This easement is granted on the condition that the parties of the second part will enter into and execute any instrument required by the local municipalities in order that this twenty five foot right of way might become part of a public highway.

Att. 6/1/82
Rec. 6/7/82

Handwritten mark resembling a stylized arrow or signature.