

MOUNTAIN ABSTRACT COMPANY, INC.

20 Theriot Avenue, P.O. Box 140, Chestertown, NY 12817
(518) 494-2434 phone (518) 494-7583 fax

March 15, 2021

James M. Brooks, Esq.
72 Olympic Drive
Lake Placid, NY 12946

RE: 2021-0069
A Bit of Heaven and Homes, LLC

Dear Jim:

You charged us in determining access, record or otherwise, to the south part of Great Lot 83, Jay Tract, Richards Survey, being Tax Parcel 16.2-1-13 owned by "A Bit of Heaven and Homes LLC". Barbara and I have spent a large number of manhours trying to make this determination over the last couple of years. In reviewing this parcel's chain of title, it remains silent with respect to described access, which is interesting yet not altogether unusual. Its interesting, because we know there is more than one road which bisects this parcel, ultimately leading to a now recognized public highway. It is not unusual for older Adirondack titles to be silent with respect to access, while at the same time, a long-traveled road crosses or touches the premises. This happens in a few scenarios. One can be where an old town road crosses or touches a property. In those cases, it almost never describes access over that road when it touches or crosses through a property, because of the obvious nature of the road.

The research that we have done indicates that there were roads on, over and near the premises described above. There are several maps that show roads crossing the property. Examples of these maps are as follows (in no particular order):

1. Map of Adirondack Logging Corporation filed 12-19-14, as Map #7079, shows a woods road crossing the premises, which terminates on Haselton Road.
2. 1957 Topographical Map shows a woods road reaching the premises from both the John Bliss Road and the Haselton Road.

In examining the adjoining titles for mention of access, we were able to have some success. J. & J. Roges conveyed two (2) parcels of land to the Town of Wilmington (in the area of the Town Dump). This deed was recorded on 9-8-53 at Liber 309 cp. 14. In this deed, at the end of the legal description there is an "also granting paragraph" that reads as follows: "Also granting to the party of the first part the right to use road which is now laid out leading from the main highway to Frank Courtney's."

In 1966, Adirondack Logging conveyed a 10 acre parcel to the Town of Wilmington Dump at Liber 442 cp. 297. As a part of this transaction, a map was filed as Map #2000 on 5-6-1966. Of important note: Please see the "old road to Haselton Black Brook Hwy" as shown on the bottom of the map.

The 10 acres conveyed by Liber 442 cp. 297 immediately adjoins the premises described in Liber 309 cp. 14 mentioned above, "...road which is now laid out leading from the main highway to Frank Courtney's."

Frank Courtney owned the premises in question from 1932 to 1976.

If one refers to the 1957 Topographical map, one can see what appears to be the above-

April 7, 2021
File #: 2021-0069
Page 2 of 2

mentioned road leading from the John Bliss Road to the Haselton Road. One can also see where Frank Courtney's structure was located (near the "k" on Big Brown Brook) and that the road above mentioned leads to and from Frank Courtney's place.

Patrick Remillard's back title comes from several sources. In examining these titles, it is important to look at a deed from J. & J. Rogers Company to Haselton Lumber Company, Inc. at Liber 310 cp. 456. This deed was dated 10-12-1953, recorded 10-12-1953. This deed conveys Great Lots 78, 79, 80, 81, 82 and part of Lot 85 of the Jay Tract. Two things of note:

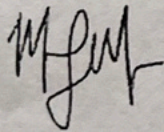
1. There is no access described to these lots. If you follow that chain of title forward, that remains the case.
2. Remember, J. & J. Rogers Company (shortly before) conveyed parcels in Great Lots 85 and 79 Jay Tract to the Town of Wilmington (Town Dump & Gravel Pit area) in Liber 309 cp. 14. This deed was dated 6-11-1949 and recorded 9-8-1953.

It may be that this only satisfies my simple title minded thoughts, but Haselton Lumber Company, Inc. (and their successors and/or assigns) had constructive notice of the road as mentioned in several places in the deed to the Town of Wilmington, which was recorded in the Essex County Clerk's Office over a month before their purchase found in Liber 310 cp. 456.

I hope this is helpful. If you have any further questions or want us to further explore something, please do not hesitate to contact our office.

Very truly yours,

MOUNTAIN ABSTRACT COMPANY, INC.



MTN/jg
encs.

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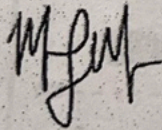
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Very truly yours,

MOUNTAIN ABSTRACT COMPANY, INC.



MTN/jg
encs.

CORPORATION WARRANTY DEED - 222 A
(WITH LATE COVENANT)

INDEX 309 . 14
309

This Indenture

Made the Eleventh day of June, in the
year Nineteen Hundred and Forty Nine

Between J. & J. Rogers Company, An Sable Forks, New York,

party of the first part, and

Town of Wilmington, Essex County, New York,

party of the second part,

~~Witnesseth~~ that the said party of the first part, in consideration of
ONE ----- Dollar
(\$ 1.00-----), lawful money of the United States,

paid by the said party of the second part,
does hereby grant and release unto the said party of the second part,

its and assigns forever, ALL that certain piece and parcel of
land in Lot 85 Jay Tract in the Town of Wilmington, County of Essex, State of New
York, BEGINNING at the northeast corner of Lot 85 which is a pile of stone, one being
drilled with a nickel bolt, thence south along Lot 85 east line twelve hundred ninety
feet (1290 ft.) more or less to a road leading east to Frank Courtney's and west to
main highway leading from Black Brook to Wilmington; thence along said road west on
north side of said road fifteen hundred eighty (1580) feet more or less to the main
highway leading from Black Brook to Wilmington; thence along said highway north four
hundred thirty-five (435) feet more or less to the county line; thence east along
county line fifteen hundred (1500) feet more or less to the place of beginning, con-
taining thirty-one (31) acres of land more or less. ALSO that piece and parcel of
land in Lot 79 Jay Tract, Town of Wilmington, Essex County, New York, commencing at
the northeast corner of Lot 85, thence east three hundred fifty (350) feet more or
less to a post and stone, thence south twelve hundred ninety (1290) feet more or less

to the road leading from highway to Courtney's, thence west three hundred fifty (350) feet more or less to the east line of Lot 85.

Also granting to the party of the second part the right to use road which is now laid out leading from the main highway to Frank Courtney's.

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

~~They have and to hold~~ the above granted premises, unto the said party of the second part, its heirs and assigns forever.

~~And~~ the said J. & J. ROGERS COMPANY, party of the first part, does covenant with the said party of the second part as follows:

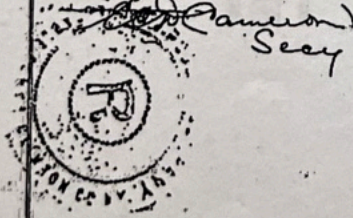
~~First~~ - That the party of the second part shall quietly enjoy the said premises.

~~Second~~ - That the said J. & J. ROGERS COMPANY, party of the first part will forever ~~Warrant~~ the title to said premises.

~~Third~~ 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 any improvement, that has been commenced upon the premises and has not been completed at least four months before the making and recording of this deed, 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.

~~The Witness Whereof~~ the said J. & J. Rogers Company has caused its Corporate Seal to be hereunto affixed, and this Instrument to be signed by its President the day and year first above written.

In Presence of

W. D. Cameron
Secy


J. & J. ROGERS COMPANY

By *J. Hasbroun* *Chief of Police*

309

18 STATE OF NEW YORK,

County of Clinton
Town of Black Brook
On this Eleventh day of June Nineteen Hundred
and Forty Nine before me personally came I. Hasbrouck Chahoon
to me known, who, being by me duly sworn, did depose and say that he
resides in Au Sable Forks, Clinton County, New York
that he is the President of J. & J. Rogers Company

the corporation described in and which executed the foregoing Instrument; that
he knows the seal of said corporation; that the seal affixed to said Instrument is
such corporate seal; that it was so affixed by order of the Board of Directors
of said corporation, and that he signed his name thereto by like order.

Henry D. Ryan
Notary

HENRY D. RYAN
Notary Public in the State of New York
Residing in the County of Clinton
Clinton County Official Number 338
My Commission expires 12.31.52

CERTIFICATE FILED IN ESSEX COUNTY



J. & J. ROGERS COMPANY

TED

TOWN OF WILMINGTON

Dated, June 11, 19 49

County of Essex
State of New York

RECORDED
ON THE 8th day of Sept., 1949
at 2 o'clock P.M.
in LIBER 309 of DEEDS
at Page 14 and examined.

Henry M. Van Duzend
CLERK

This Indenture,

Made the 22nd day of March
Nineteen Hundred and sixty-six

Between ADIRONDACK LOGGING CORPORATION

RECORDED April 15, 1966

TIME 9:45

BOOK 442 Books

PAGE 297

Clara Bernard King
ESSEX CO. CLERK

a corporation organized under the laws of the State of New York, with principal offices located in the Town of Wilmington, County of Essex, State of New York,

party of the first part, and

the TOWN OF WILMINGTON

a municipal corporation with offices located in the Town of Wilmington, County of Essex, State of New York,

party of the second part,

Witnesseth that the party of the first part, in consideration of

One hundred ----- Dollars (\$100.00)
lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever, all that tract or parcel of land situate in the Town of Wilmington, County of Essex, State of New York, being part of Lot 79, Jay Tract, bounded and described as follows:

Beginning at a point marked by a ½" pipe found in the County Line, which point lies in the northeasterly corner of premises now (1966) owned by the Town of Wilmington, and which point of beginning also lies 350.0 feet easterly from the northwesterly corner of said Lot 79 as found marked by a drill hole in a small stone;

Thence S 83° 04' E, along the County line, 416.0 feet to a 2" pipe;

Thence S 29° 52' W, 1136.9 feet to a ¾" pipe;

Thence N 83° 04' W, 416.0 feet to a 1" pipe set in the easterly line of lands presently owned by the Town of Wilmington;

Thence N 29° 52' E, along said easterly line, 1136.9 feet to the point or place of beginning;

Containing 10.0 Acres of land;

Being a portion of premises conveyed to Adirondack Logging Corporation by deed dated November 14, 1956 and recorded on January 29, 1958 in Essex County Clerk's Office in Book 356, Page 328.

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, its successors and assigns forever.

And the party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises; Second, That the party of the first part will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, 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 will apply the same first to the payment of the cost of the improvement before using any part of the total of the sums for any other purpose.

In Presence of

In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed, by its duly authorized officer this 27th day of March Nineteen Hundred and sixty-six.



ADIRONDACK LOGGING CORPORATION

By [Signature]
VICE PRESIDENT

State of New York
County of Chenango

On this 27th day of March
Nineteen Hundred and sixty-six
before me personally came Charles E. Haselton

to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Wilmington, State of New York, that he is the Vice President of Adirondack Logging Corporation, that he is the corporation described in, and which executed, the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed, by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Betty J. Alford

BETTY J. ALFORD

Notary Public, State of New York

No. 187227790

Qualified in Chenango County

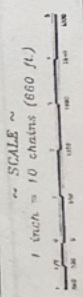
Commission Expires March 28, 1968



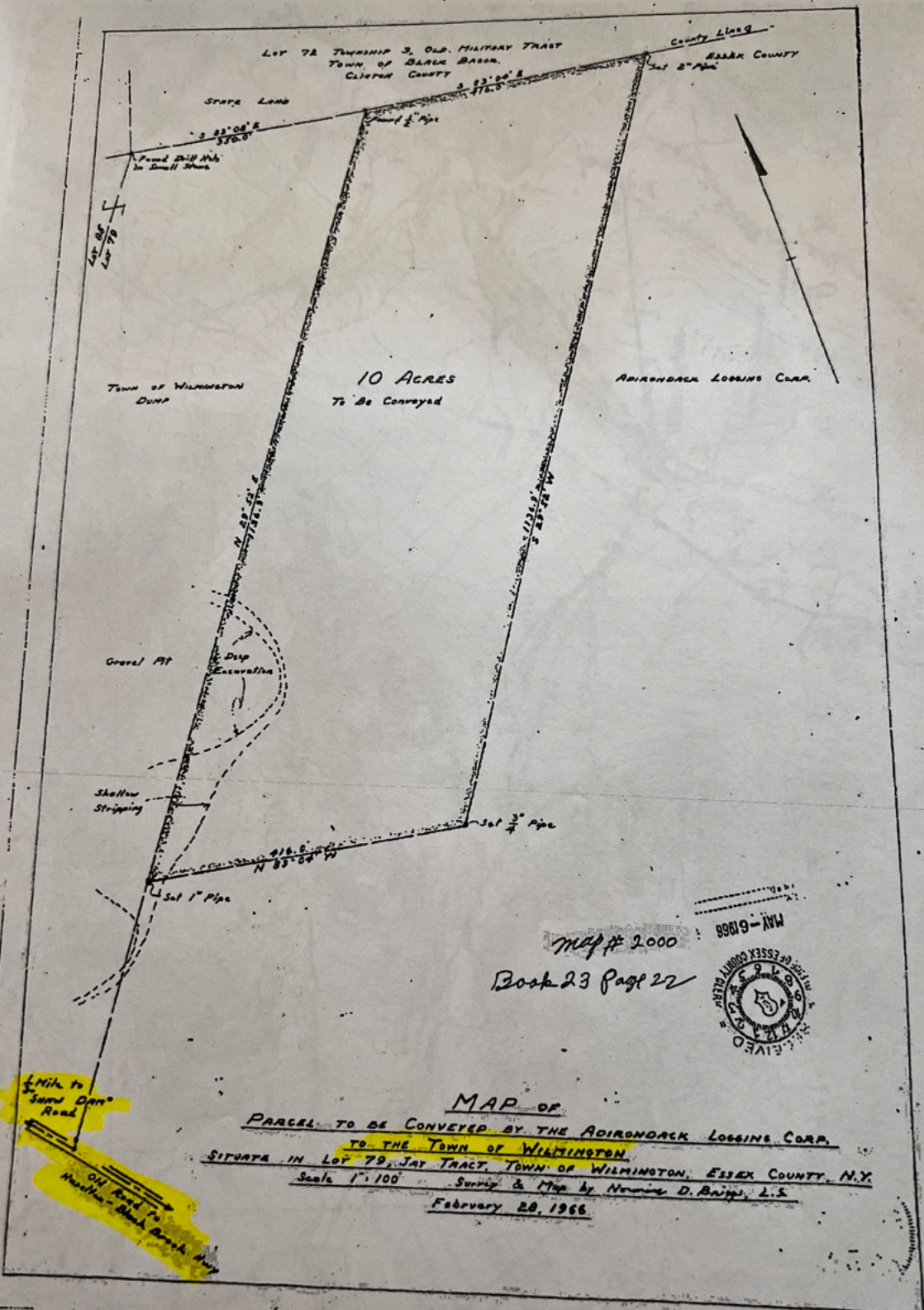
Lot No.	Acres	Owner	Remarks
70	100.00	Adirondack Logging Corp.	
71	100.00	Adirondack Logging Corp.	
72	100.00	Adirondack Logging Corp.	
73	100.00	Adirondack Logging Corp.	
74	100.00	Adirondack Logging Corp.	
75	100.00	Adirondack Logging Corp.	
76	100.00	Adirondack Logging Corp.	
77	100.00	Adirondack Logging Corp.	
78	100.00	Adirondack Logging Corp.	
79	100.00	Adirondack Logging Corp.	
80	100.00	Adirondack Logging Corp.	
81	100.00	Adirondack Logging Corp.	
82	100.00	Adirondack Logging Corp.	
83	100.00	Adirondack Logging Corp.	
84	100.00	Adirondack Logging Corp.	
85	100.00	Adirondack Logging Corp.	

Section	Area	Remarks
1	100.00	
2	100.00	
3	100.00	
4	100.00	
5	100.00	
6	100.00	
7	100.00	
8	100.00	
9	100.00	
10	100.00	

MAP OF SURVEY
 ADIRONDACK LOGGING CORPORATION
 1910
 100.00 ACRES



For Information



LOT 78 TOWNSHIP 3, OLD MILITARY TRACT
TOWN OF BARRE BASIN,
CLINTON COUNTY

County Line
ESSEX COUNTY

Town of Wilmington
Dump

10 ACRES
To Be Conveyed

ADIRONDACK LOGGING CAMP

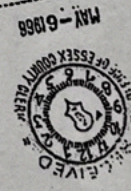
Gravel Pit

Deep
Excavation

Shallow
Striping

Map # 2000

Book 23 Page 27



MAP OF

PARCEL TO BE CONVEYED BY THE ADIRONDACK LOGGING CORP.
TO THE TOWN OF WILMINGTON.

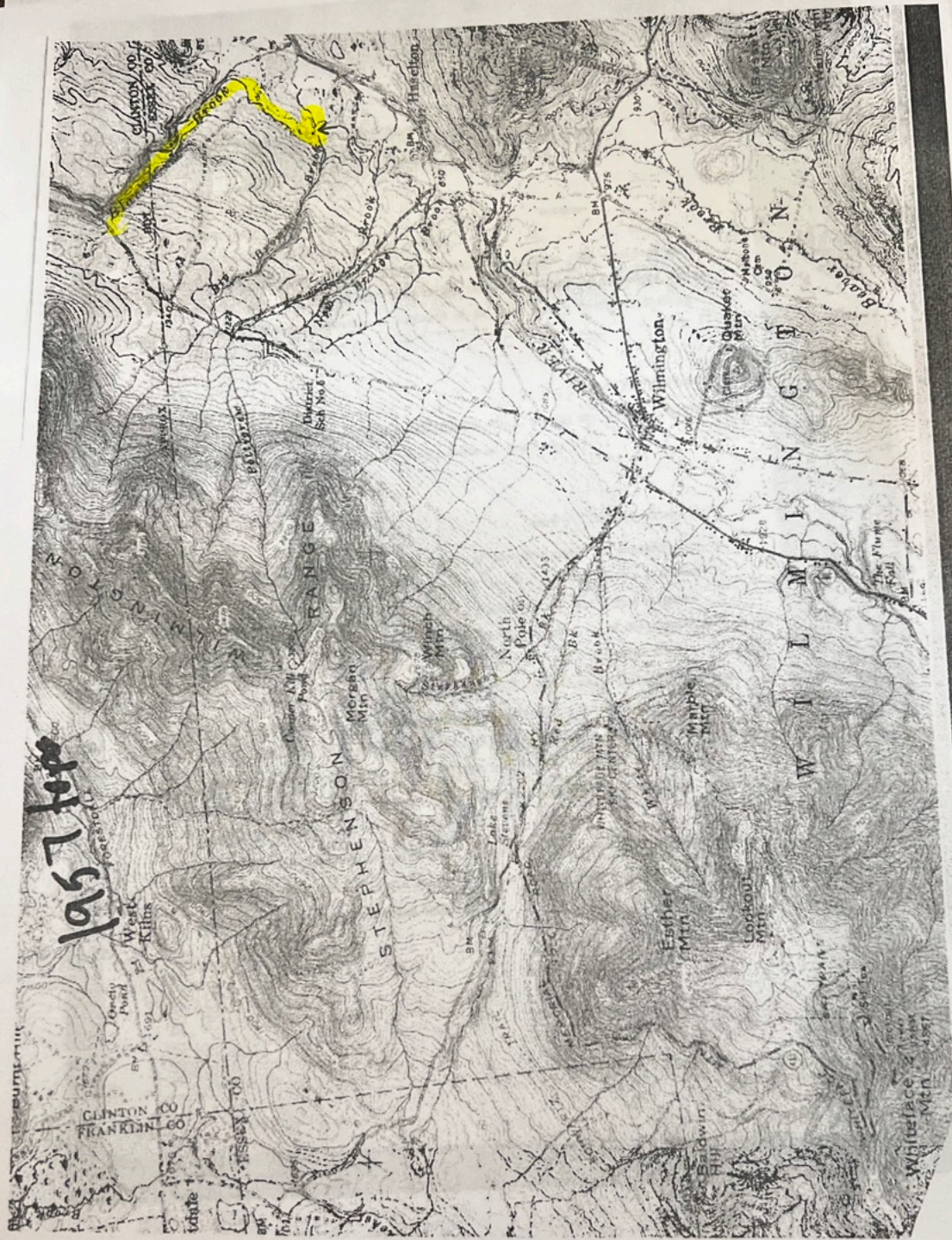
SITUATE IN LOT 79, JAY TRACT, TOWN OF WILMINGTON, ESSEX COUNTY, N.Y.

Scale 1" = 100'

Survey & Map by Norman D. Briggs, L.S.
February 20, 1966

1/4 Mile to
Sumner Dam
Road

OH Road to
Hamilton - Black Brook Hwy



BOOK 310 PAGE 456

Warranty Deed

Made the 12th day of October, in the year Nineteen Hundred and Fifty-three,

~~Between~~ J. & J. ROGERS COMPANY, a corporation duly organized and existing under the laws of the State of New York, and having its principal office and place for the transaction of business at Au Sable Park, County of Clinton, State of New York, party

of the first part, and

HASELTON LUMBER COMPANY, Inc., having its principal place of business in Wilmington, Essex County, State of New York,

party of the second part,

~~Witnesseth~~ that the said party of the first part, in consideration of

One (1) ----- Dollar,

(\$ 1.00 -----), lawful money of the United States, and other valuable consideration, paid by the said party of the second part,

does hereby grant and release unto the said party of the second part, its successors and assigns forever, ALL our rights, title and interest in lots located in the Jay Tract, Essex County, New York, as follows:

Lot #78, #79, #80, #81, #82 and part of #85. This property is bounded on the North by the State of New York; on the East by Crowley, Newberry and Courtney; on the South by Washburn and Haselton; on the West by Dokes, State of New York and Town of Wilmington.

RESERVING, however, the rights of the Party of the First Part or its assigns to take the water out of Little Black Brook, so called, above any of these lots and return it to the River below these lots.

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

~~Do hereby~~ the above granted premises, unto the said party of the second part, their heirs and assigns forever.

And the said J. & J. ROGERS COMPANY, party of the first part, does covenant with the said party of the second part as follows:

First. — That the party of the second part shall quietly enjoy the said premises.

Second. — That the said J. & J. ROGERS COMPANY, party of the first part will forever ~~maintain~~ the title to said premises.

Third. 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 any improvement, that has been commenced upon the premises and has not been completed at least four months before the making and recording of this deed, 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 Witness Whereof the said J. & J. ROGERS COMPANY has caused its Corporate Seal to be hereunto affixed, and this Instrument to be signed by its President, the day and year first above written.

In Presence of
Ed. Cameron
Secretary

J. & J. ROGERS COMPANY
By J. Hasbrouck Adams
President

County of Clinton

ss.:

On this 12th day of October Nineteen Hundred and Fifty-three, before me personally came I. H. Chahoon, to me known, who, being by me duly sworn, did depose and say that he resides in Au Sable Forks, Clinton County, New York; that he is the President of J. & J. Rogers Company,

the corporation described in and which executed the foregoing Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Henry D. Ryan

HENRY D. RYAN
Notary Public in the State of New York
Residing in the County of Clinton
Clinton County Official Number 338
My Commission expires 1956

Notary Public



J & J ROGERS COMPANY

TWO

HASELTON LUMBER CO. INC.

Dated, October 12, 1953

County of *Schoharie* State of New York

RECORDED ON THE 25 day of October 1953 at 9 o'clock A.M. in LIBER 310 - of DEEDS at Page 456 and permitted.

Henry H. Minding
CLERK