

R+R: Timothy R. Smith  
Attorney at Law  
2296 Saranac Avenue  
Lake Placid, New York 12946

Recorded  
10-18-19  
Book 1967  
Page 282

**WARRANTY DEED WITH LIEN COVENANT**

(Lot 13)

**THIS INDENTURE**, made this 11<sup>th</sup> day of October, Two Thousand Nineteen,

**BETWEEN:** **BARILE FAMILY, LLC**, a Delaware limited liability company,  
with a mailing address of 1936 Saranac Avenue, Ste 103-303, Lake  
Placid, New York 12946,

party of the first part,

and

**SKYWARD HILL HOLDINGS LLC**, a New York limited liability  
company, with an address of 164 Highland Avenue, Short Hills, New  
Jersey 07078,

party of the second part

**WITNESSETH**, that the party of the first part in consideration of **ONE DOLLAR**  
**(\$1.00)** 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 North Elba, County of  
Essex, and State of New York, more particularly bounded and described as follows:

Lot 13 as shown on "Project Development Plans Far Horizon, Lands of Barile Family, LLC", last  
revised August 30, 2018, and in particular Sheets S-1 and S-2, and filed in the Essex County Clerk's  
Office on November 13, 2018, as Map #7537.

Subject to the Declaration of Covenants, Restrictions, Easements Liens Far Horizon Homeowner  
Association, Inc. dated August 3, 2017, filed in the Essex County Clerk's Office on August 7, 2017,  
in Book 1883 of Deeds at Page 10, as amended by Amendment to Declaration of Covenants,  
Restrictions and Liens Far Horizon Homeowner Association, Inc. dated December 21, 2018, and  
recorded in the Essex County Clerk's Office on December 28, 2018, in Book 1939 of Deeds at Page  
137.

The lands conveyed are subject to Adirondack Park Agency Permit 2016-0114, issued February 16,  
2017, and Adirondack Park Agency Permit 2016-0114A issued November 2, 2018, the conditions of  
which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the  
first part in and to the Property,

**TO HAVE AND TO HOLD** the Property herein granted unto the party of the  
second part, its successors and assigns forever.

**AND** said party of the first part covenants as follows:





ESSEX COUNTY – STATE OF NEW YORK  
JOSEPH A. PROVONCHA, COUNTY CLERK  
7559 COURT ST, PO BOX 247, ELIZABETHTOWN, NY 12932

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

BOOK/PAGE: 1939 / 137  
INSTRUMENT #: 2018-5351

Total: 60.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Receipt#: 2018211074  
Clerk: BM  
Rec Date: 12/28/2018 03:50:00 PM  
Doc Grp: D  
Descrip: RESTRICTIVE COV AGR  
Num Pgs: 4  
Rec'd Frm: TIMOTHY R SMITH

Party1: FAR HORIZON HOMEOWNER  
ASSOCIATION INC  
Party2: BARILE FAMILY L L C  
Town: NORTH ELBA

I hereby certify that the within and foregoing  
was recorded in the Essex County Clerk's  
Office.

Joseph A. Provoncha  
Essex County Clerk

Record and Return To:

JANET H BLISS ESQ  
12 MORNINGSIDE DRIVE  
LAKE PLACID NY 12946

\*\*Notice\*\* Information may change during the  
verification process and may not be reflected on this  
page

**AMENDMENT TO DECLARATION  
OF  
COVENANTS, RESTRICTIONS, EASEMENTS AND LIENS  
FAR HORIZON HOMEOWNER ASSOCIATION, INC.**

This is an Amendment to the Declaration of Covenants, Restrictions, Easements and Liens of Far Horizon Homeowner Association, Inc. made by Barile Family, LLC, dated August 3, 2017, recorded in the Essex County Clerk's Office on August 7, 2017 in Book 1883 of Deeds at Page 10 (the "Declaration").

**RECITALS**

1. The lands currently subject to the terms of the Declaration are shown on a map filed in the Essex County Clerk's Office on August 7, 2017 as Map No. 7396.
2. The configuration and layout of lots as shown on Map No. 7396 has been amended by "Project Development Plans, Far Horizon, Lands of Barile Family, LLC last revised August 30, 2018, and filed in the Essex County Clerk's Office on November 13, 2018 as Map #7537.
3. Sponsor desires to amend the Declaration to subject the lots as they have been reconfigured and as shown on Map #7537 to the terms and conditions of the Declaration.

**DECLARATION**

1. Sponsor for itself, its successors, assigns and heirs declares that Lots 1, 2, 3, 4, 4A, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18, shown on Map #7537 above shall be held, transferred, sold, conveyed and occupied subject to the Declaration as amended hereby. The Owners of said lots will be the members of said Association, and membership in the Association shall be mandatory. Each individual lot shall have an easement over Parcel A as shown on Map #7537, including private access road, forested areas, meadows and nature trails shown on the aforesaid map. The total number of members will be eighteen (18).
2. Paragraph 9 (n) of the Declaration is hereby amended to read as follows:
  - n. Unless an alternative building site is approved by the Adirondack Park Agency and Town of North Elba Joint Review Board, all structures shall be erected or placed within "Lot Development Area Envelope" of the respective lot as shown on Project Plans entitled, "Project Development Plans, Far Horizon Lands of Barile Family, LLC", last revised August 30, 2018, said map filed in the Essex County Clerk's Office on the 13<sup>th</sup> day of November, 2018 as Map #7537 (the Map).
3. Paragraph 9 (x) of the Declaration is hereby amended to read as follows:
  - x. Prior to any construction work on each lot, site plans and specifications which comply with Adirondack Park Agency Permit #2016-0114A, which is dated November 2, 2018, and filed in the Essex County Clerk's Office on November 13,

2018, and the Map filed on November 13, 2018 (Map #7537) must be prepared and submitted for review to Far Horizon Architectural Review Committee (ARC).

The ARC shall review the plans and grant approval or denial within 21 days of submission. Submission to ARC shall comply with the APA permit identified above and with Far Horizon Architectural Controls (FHAC) attached to this Declaration as Exhibit A.

Subsequent to ARC approval, the lot Owners shall submit an application to the Town of North Elba Building Department for a building permit.

4. Paragraph 9 (z) of the Declaration is hereby amended to read as follows:
  - z. Each and every of the foregoing covenants shall be enforceable by an action at law or in equity instituted by the ADIRONDACK PARK AGENCY under Permit No. 2016-0114A, Town of North Elba, Far Horizon Homeowner Association, Inc., and ARC, and any Owner of other lots of this subdivision against any person, persons, corporation, partnerships or other entities violating or attempting to violate any of the above covenants. Such an action or proceeding, at law or in equity, may be instituted to restrain or abate a violation or to recover damages sustained by reason of a violation.
5. All other terms and conditions of the Declaration not amended hereby shall remain in full force and effect as if set forth in full herein.

IN WITNESS WHEREOF, the Sponsor has execute this Declaration as of the 21st day of December, 2018.

BARILE FAMILY, LLC  
by Jillex Management, LLC

By: \_\_\_\_\_

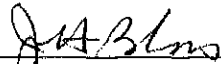
Joseph J. Barile Managing Manager

Record and Return to:

Janet H. Bliss, Esq.  
12 Morningside Drive  
Lake Placid, NY 12946

STATE OF NEW YORK }  
 } ss.  
COUNTY OF Essex }

On the 11<sup>th</sup> day of Dec., in the year, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared, **Joseph J. Barile**, 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.

  
\_\_\_\_\_  
Notary Public

JANET H. BLISS  
Notary Public, State of New York  
No. 02BL47889.75  
Qualified in Essex County  
Commission Expires May 30, 2019