

## Attachment VIII.C.2.a.-1

# LIST OF EXHIBITS

EXHIBIT I	LIBER 1751 PAGE 580	RIGHT OF WAY
EXHIBIT II	LIBER 2145 PAGE 695	SPRING RIGHTS
EXHIBIT III	LIBER 2185 PAGE 378	COVENANTS, RESTRICTIONS, & EASEMENTS
EXHIBIT IV	LIBER 2556 PAGE 452	EASEMENT AGREEMENT
EXHIBIT V	LIBER 3470 PAGE 1	NOTICE OF APPROPRIATION
EXHIBIT VI	LIBER 3470 PAGE 14	NOTICE OF APPROPRIATION
EXHIBIT VII	LIBER 3517 PAGE 223	FEE & LEASEHOLD MORTGAGE, ASSIGNMENT OF LEASES & RENTS & SECURITY AGREEMENT
EXHIBIT VIII	LIBER 3517 PAGE 314	ASSIGNMENT OF LEASES & RENTS
EXHIBIT IX	INSTRUMENT NO. 2010-56692	CURRENT DEED
EXHIBIT X	INSTRUMENT NO. 2011-8394	CURRENT DEED
EXHIBIT XI	INSTRUMENT NO. 2013-8374	TEMPORARY EASEMENT, COVENANTS & RESTRICTIONS
EXHIBIT XII	INSTRUMENT NO. 2013-8375	CURRENT DEED
EXHIBIT XIII	INSTRUMENT NO. 2013-9394	MEMORANDUM OF LEASE TO AGENCY
EXHIBIT XIV	INSTRUMENT NO. 2013-9395	MEMORANDUM OF LEASEBACK TO COMPANY
EXHIBIT XV	INSTRUMENT NO. 2013-9913	CURRENT DEED AND EASEMENTS

EXHIBIT I  
LIBER 1751 PAGE 580  
RIGHT OF WAY

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

LIBER 1751 PAGE 580

THIS INDENTURE, made the 13TH day of MAY, nineteen hundred and NINETY FOUR BETWEEN MARK LEWIS SCHULMAN & MORRIS SCHULMAN PO BOX 945 MONTICELLO, NEW YORK 12701

party of the first part, and

LIPPA FELDMAN 29 KAHAN DR. MONROE, NY 10950

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION-----

~~XXXXXXXX~~

lawful money of the United States,

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 TOWN OF THOMPSON, COUNTY OF SULLIVAN AND STATE OF NEW YORK BEING MORE PARTICULARLY DESCRIBED IN A SURVEY PREPARED BY PAUL L. BRENNAN, L.S., ON THE 25TH DAY OF OCTOBER, 1990, A COPY OF WHICH DESCRIPTION IS MORE FULLY SET FORTH HEREIN AS SCHEDULE "A".

EXCEPTING AND RESERVING TO THE GRANTORS, IN FEE SIMPLE ABSOLUTE, ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF THOMPSON, COUNTY OF SULLIVAN, AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED HEREINAFTER AS SCHEDULE "B" PREPARED BY PAUL L. BRENNAN, L.S. ON THE 25TH DAY OF OCTOBER, 1990.

ALSO GRANTING TO THE GRANTEE HEREIN, HIS SUCCESSORS AND ASSIGNS, A RIGHT OF WAY THROUGH AND OVER THE PARCEL DESCRIBED IN SCHEDULE "B", IN AND UPON WHICH TO LAY, MAINTAIN AND OPERATE ONE WATER PIPE AND ONE SEWER PIPE FROM AND TO THE PROPERTIES OWNED AND/OR CONTROLLED BY GRANTEE HEREIN WHICH ARE DIVIDED BY THE PROPERTY HEREINBEFORE EXECEPTED FROM THE CONVEYANCE AND RESERVED TO THE GRANTORS. THIS PIPE/PIPES ARE TO BE LAID WITHIN A SPACE NOT TO EXCEED TWENTY-FIVE FEET IN WIDTH. ALL PIPES SHALL BE LAID OR CONSTRUCTED IN OR UPON THE LAND FAR ENOUGH BELOW THE SURFACE SO THAT THEY WILL IN NO WAY INTERFERE WITH TRANSPORTATION OVER THE LAND AND THE SAID PROPERTY SHALL BE RESTORED TO THE SAME OR AS GOOD A STATE AND CONDITION AS IT WAS IN IMMEDIATELY BEFORE THE INSTALLATION AND OR REPAIR. ANY AND ALL INSTALATIONS AND REPAIRS SHALL BE EFFECTED IN A MANNER THAT WILL NOT MATERIALLY INTERFERE WITH THE GRANTORS USE OF THE PROPERTY SO EXCEPTED AND RESERVED. THE RIGHT OF WAY CONVEYED HEREBY IS GRANTED AND INTENDED TO BE GRANTED SOLEY FOR THE PURPOSE SET FORTH HEREIN, INCLUDING THOSE SET FORTH ABOVE, AND IN ADDITION, AND UNDER THE SAME CONDITIONS AND RESTRICTIONS AS SET FORTH ABOVE, FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC, GAS, TELEPHONE AND CABLE TV.

1751-580

SCHEDULE A

19861753 PAGE 531

ALL that tract or parcel of land situate in the Town of Thomason, County of Sullivan, and State of New York being the premises contained by a deed recorded in Liber of Deeds 1096 at page 118 and being bounded and described as follows:

BEGINNING at a point in the approximate center of travelled way of Joyland Road (Town Road #60) at a northeasterly corner of lands reputedly of Nachial Euman Bungalows, Inc. and running thence from said point of beginning North 69 degrees 58 minutes 19 seconds West 1852.00 feet along the northeasterly bounds of said lands reputedly of Nachial Euman Bungalows, Inc. passing through an iron at the most northerly corner thereof to and along the northeasterly bounds of lands reputedly of Belser and others and passing through an iron found at the most northerly corner thereof to and along the northeasterly bounds of lands reputedly of Tapper and Gatell to a point thereon; thence running North 14 degrees 52 minutes 51 seconds East 228.80 feet along the northwesterly bounds of the herein described parcel of land to a point at the northerly corner thereof on the bounds of lands reputedly of Shevas Achim Bungalow Colony, Inc.; thence running South 63 degrees 58 minutes 19 seconds East 1852.00 feet along the southwesterly bounds of said lands reputedly of Shevas Achim Bungalows, Inc. to a point in the said approximate center of travelled way of Joyland Road; thence running South 14 degrees 52 minutes 51 seconds West 228.80 feet generally along the center of travelled way of said road to the point or place of beginning containing 9.69 acres of land to be the same more or less.

SUBJECT to highway use - dedication of record.

SUBJECT to easements, reservations, restrictions, covenants, conditions, or rights of way of record, if any.

BEARINGS are as the magnetic needle pointed in September of 1986.

PATENT ABSTRACT GROUP INC.  
34 NORTH STREET  
MONTICELLO, NEW YORK 12701  
914-794-2260  
FAX 914-794-1009

**Paul H. Brennan**

LICENSED LAND SURVEYOR

P. O. Box 751

Monticello, New York 12701

(914) 796-1210

'B'

LIBER 1751 PAGE 5-32

50 foot wide right of way to be retained

ALL that tract or parcel of land situate in the Town of Thompson, County of Sullivan, and State of New York being a fifty (50) foot wide right of way passing through a parcel of land conveyed by a deed recorded in liber of deeds . . . at page . . . and being bounded and described as follows:

BEGINNING at a point in the approximate center of travelled way of Joyland Road (Town Road #60) at a point being North 14 degrees 52 minutes 51 seconds East 36.48 feet as measured along the center of travelled way of said roadway from a point therein at the southeasterly corner of the premises to be conveyed and running thence from said point of beginning North 71 degrees 05 minutes 53 seconds West 1849.08 feet through the premises to be conveyed to a point at the southwesterly corner of said parcel to be conveyed; thence running North 14 degrees 52 minutes 51 seconds East 50.12 feet along the westerly bounds of said parcel to be conveyed to a point thereon; thence running South 71 degrees 05 minutes 53 seconds East 1849.08 feet through the premises to be conveyed to a point in the said approximate center of travelled way of said Joyland Road; thence running South 14 degrees 52 minutes 51 seconds West 50.12 feet generally along the center of travelled way of said roadway to the point or place of beginning.

SUBJECT to highway use - dedication of record.

SUBJECT to easements, reservations, restrictions, covenants, conditions, or rights of way of record, if any.

BEARINGS are as the magnetic needle pointed in September of 1986.

June 13, 1994 Paul L. Brennan, L.S.

**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 incumbered 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:

3434 \$

RECEIVED

112<sup>th</sup>

JUN 17 1994

REAL ESTATE  
TRANSFER TAX  
SULLIVAN COUNTY

COMMISSIONER OF REVENUE OF THE STATE OF NEW YORK  
BUREAU OF TAX SERVICES  
ALBANY, NEW YORK

  
MARK LEWIS SCHULMAN

  
MORRIS SCHULMAN

DEPT OF THE STATE

MARYLAND ANNARUNDLE  
STATE OF NEW YORK, COUNTY OF

On the 7 day of MAY 19 94, before me personally came

MORRIS SCHULMAN

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

*[Signature]*

NOTARY PUBLIC

Exp 11/15/96

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, 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.

STATE OF NEW YORK, COUNTY OF SULLIVAN

On the 13 day of MAY 19 94, before me personally came

MARK LEWIS SCHULMAN

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

*[Signature]*

NOTARY PUBLIC

MARTIN S. MILLER  
NOTARY PUBLIC, STATE OF NEW YORK  
SULLIVAN COUNTY CLERK'S # 1222  
COMMISSION EXPIRES NOVEMBER 30, 1995

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, 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.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACES

TITLE No. P01943/94

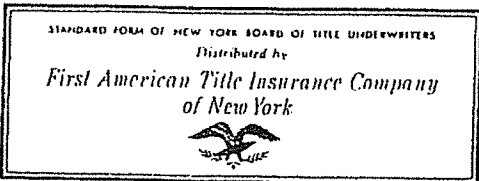
TO

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN

25-  
112-TX  
31-

Recorded At Request of  
First American Title Insurance Company of New York

RETURN BY MAIL TO:



LEVINE, GLASS & MILLER  
34 NORTH STREET  
MONTICELLO, NEW YORK 12701  
Zip No

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

RECEIVED  
SULLIVAN COUNTY CLERK

94 JUN 17 PM 4:47

STATE OF NEW YORK  
SULLIVAN COUNTY SS:  
RECORDED ON THE 17 DAY  
OF JUNE 19 94 AT 4:47  
O'CLOCK P.M. MIN LIBER 1751  
OF Record Book AT PAGE 580  
AND EXAMINED.

*[Signature]* CLERK

EXHIBIT II  
LIBER 2145 PAGE 695  
SPRING RIGHTS



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

BOOK 2145 PAGE 695

THIS INDENTURE, made the 28th day of October, nineteen hundred and ninety-nine  
BETWEEN

Earl Ehrle, individually and as heir at law of Louis Ehrle, deceased, Ethel Ehrle  
deceased, and Samuel Panchyshyn, deceased and Kate Panchyshyn, deceased

residing at 325 Towner Road, Monticello, New York 12701

party of the first part, and

Roberta L. Ehrle

residing at 324 N.W. 41 Avenue, Deerfield Beach, Florida 33442

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten \_\_\_\_\_

\_\_\_\_\_ (\$10.00) \_\_\_\_\_ dollars,

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, 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

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF

Samuel Panchyshyn died a resident of Sullivan County on August 17, 1969 and  
Kate Panchyshyn died a resident of Sullivan County on November 24, 1965 leaving  
as their sole heir at law Helen Ehrle, the wife of Earl Ehrle. Helen Ehrle died on May  
17, 1999 who at the time, was the wife of Earl Ehrle.

The intention of this Deed is to convey all of the interest of Earl Ehrle in the property  
described herein to his daughter Roberta L. Ehrle.

2145-695

SCHEDULE "A"

BOOK 2145 PAGE 696

ALL that tract or parcel of land, situate in the Village of Monticello, County of Sullivan, and State of New York, briefly described as follows: Beginning at the point where the easterly bounds of Liberty Street intersects the northerly bounds of Crystal Street and running thence along the easterly bounds of Liberty Street as marked by the center line of an old stone row, N. 21 degrees 30' W. 189.0 feet to the southerly line of lands belonging to Charles Brown; thence along the center of an old fence line and the south line of the said Brown lot N. 64 degrees 03' E. 132.2 feet to a point opposite the center of a marked soft maple tree standing on the south side of the said fence line; thence S. 14 degrees 00' E. 223.0 feet to a stake driven into the ground on the northerly bounds of Crystal Street; thence along the north line of Crystal Street S. 80 degrees 30' W. 105.0 feet to the place of beginning, containing 55/100 of an acre of land as surveyed May 7<sup>th</sup> 1943 by Charles Atwell surveyor.

dra

Being a part of the premises described in a Deed from Charles S. Crowley to Susie L. Crowley dated June 3, 1938 and recorded March 1, 1940 in Liber 338 of Deeds at Page 155 in the Sullivan County Clerk's Office.

Also conveyed as follows:

ALL that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, commencing at the northeasterly corner of the chicken house yard on said property and at a point in a wire fence; running thence southerly along the wire fence a distance of 415.3333 feet to the northerly bounds of the State Road, running thence westerly along the northerly bounds of the said State Road, a distance of 447.75 feet to the point of intersection of said State Road with the North Road, running thence northerly along the easterly side of said North Road 312.0833 feet; running thence easterly 440.5 feet to the point or place of beginning, containing three and seven tenths (3.7) acres of land.

Acres  
313.32

Also that parcel of land lying southerly of and across the State Road from the above described parcel, commencing at the northwest corner of the School House lot of School District No. 9, running thence southerly along the westerly line of said school house lot 198 feet to the southwest corner thereof, running thence westerly four hundred (400) feet; thence northerly one hundred eighty one (181) feet to the southerly bounds of said State Road; thence easterly four hundred thirty seven (437) feet along the northerly bounds of said State Road to the point of beginning, containing 1.9 acres of land.

dra

Also the rights which the said grantor may have in and to said State Road adjacent to said parcels or either of them and also in and to the easterly half of the said North Road adjacent to said premises.

Also the privilege of drawing and taking water from the spring on the Towner property

lying easterly of the first described lot herein, with the privilege of laying, relaying renewing pipes from said Spring to the premises described herein, and of digging necessary trenches for that purpose over and across said land.

Reserving to the owners of the property adjoining on the west the lands herein described and conveyed the right to maintain their water pipes to the spring easterly of the lands herein conveyed as said pipe is now maintained and the right to enter upon the lands herein conveyed when necessary to do so for the purpose of repairing and relaying said water pipe. Being the same premises conveyed to said Hyman Kuras by William Ingersoll by Deed dated September 21, 1921 and recorded in the Sullivan County Clerk's Office October 1, 1921 at 10.15 o'clock a.m. in Deed Book 212 at Page 312. This contract also includes all personal property on said land and in the buildings thereon, hereby conveyed except the clothing of the family of the vendors.

Also conveyed as follows:

ALL that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, bounded and described as follows:

BEGINNING at a point at the intersection of the northerly side of old New York State Route #17 with the easterly side of the North Road, leading to Thompsonville (sometimes commonly known as Joyland Road); running thence along the easterly side of the said North Road 312.0833 feet, more or less, to the southerly side of premises now or formerly of Joseph Schaefer. Thence easterly along the southerly boundary of the said premises now or formerly of Joseph Schaefer 150 feet to a point. Thence running southerly to a point on the northerly bounds of the said old New York State Highway Route #17 which is 150 feet easterly of the aforementioned point of beginning. Thence westerly along the northerly bounds of the said State Highway to the point or place of beginning.

317

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 incumbered 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:

Earl Ehrle

Earl Ehrle, as heir at law of Louis Ehrle, deceased, Ethel Ehrle, deceased and Samuel Panchyshyn, deceased and Kate Panchyshyn, deceased

Earl Ehrle

Earl Ehrle, individually

STATE OF NEW YORK, COUNTY OF Sullivan

SS:

STATE OF NEW YORK, COUNTY OF

SS:

On October 28, 1999 before me, the undersigned, a Notary Public in and for said State, personally appeared Earl Ehrle 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

RICHARD A. NEWBERG  
Notary Public, State of New York  
Sullivan County Clerk's # 1044  
Commission Expires 12/31/01

On October , 1999 before me, the undersigned, a Notary Public in and for said State, personally appeared

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

STATE OF NEW YORK, COUNTY OF

SS:

STATE OF NEW YORK, COUNTY OF

SS:

On October , 1999 before me, the undersigned, a Notary Public in and for said State, personally appeared

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

On October , 1999 before me, the undersigned, a Notary Public in and for said State, personally appeared

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

001365

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE No.

Earl Ehrle, individually and as heir at law of Louis Ehrle, deceased, Ethel Ehrle, deceased and Samuel Panchyshyn and Kate Panchyshyn

TO

Roberta L. Ehrle

RECEIVED  
\$ 0

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN

OCT 28 1999  
REAL ESTATE  
TRANSFER TAX  
SULLIVAN COUNTY

RETURN BY MAIL TO:

NEWBERG LAW OFFICES P C  
33 NORTH STREET  
MONTICELLO, NEW YORK Zip No. 12701

Reserve this space for use of Recording Office.

A TRUE RECORD ENTERED 10-28-99 AT  
3:44 pm GEORGE L. COOKE, CLERK

EXHIBIT III  
LIBER 2185 PAGE 378  
COVENANTS,  
RESTRICTIONS,  
& EASEMENTS

LIBR 2185 PAGE 378

Bargain and Sale Deed without Grantor's Covenant of Title

THIS INDENTURE, made the 26<sup>th</sup> day of April, 2000 between the COUNTY OF SULLIVAN, a municipal corporation of the State of New York, with its principal office at the County Government Center, Monticello, New York 12701,

party of the first part, and

CONCORD ASSOCIATES, LP, a limited partnership with its principal place of business at PO Box B Kiamesha Lake, New York 12751

party of the second part,

WITNESSETH, that the party of the first part, in consideration of FOUR HUNDRED THOUSAND THREE HUNDRED TWENTY TWO & 85/100 (\$400,322.85) 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 Town of Thompson, County of Sullivan, and State of New York, described as:

Tax Map #13-3-12, being 0.98 acres, Class 311, residential vacant land located on Rock Ridge Drive and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #13-3-19.1, being 33.43 acres, Class 322, residential vacant land over 10 acres located on Concord Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #13-3-22, being 22 acres, Class 322, residential vacant land over 10 acres located on Rock Ridge Drive and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #13-3-25, being 65.87 acres, Class 322, residential vacant land over 10 acres located on Rock Ridge Drive and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #15-1-11 (now known on the 2000 tax roll as 15-1-11.1 and 15-1-11.2), being 108.45 acres, Class 322, other rural vacant land located on Kiamesha Lake Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #15-1-18, being 4.50 acres, Class 210, single family residence located on Thompsonville Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #15-1-19, being 15 acres, Class 210, single family residence located on Chateau Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #23-1-11.3, being 12.20 acres, Class 322, residential vacant land over 10 acres located on Thompsonville Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #23-1-53, being 8 acres, Class 314, rural vacant lots of 10 acres or less located on Thompsonville Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

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

Tax Map #60-1-75, being 50 acres, Class 240, rural residence with acreage located on Kiamesha Lake Road (CH 109) and assessed on the 1994 tax roll to Nalou Realty Corp., and

Tax Map #60-1-76, being 100' x 150', Class 314, rural vacant lot of 10 acres or less located on Kiamesha Lake Road and assessed on the 1994 tax roll to Nalou Realty Corp., and

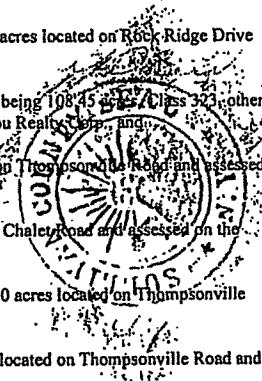
Tax Map #60-1-77, being 100' x 150', Class 314, rural vacant lot of 10 acres or less located on Kiamesha Lake Road and assessed on the 1994 tax roll to Nalou Realty Corp.

NOTHING contained in the above description is intended to convey more than the assessed owner owned at the time of the levy of the tax, the nonpayment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein.

IF the lands being conveyed herein (by the County of Sullivan) do not comply with local zoning ordinances and/or are not suitable for construction of a conventional water and/or septic system and are contiguous with lands owned by the party of the second part, the lands described herein shall not be conveyed without also simultaneously conveying the contiguous lands owned by the party of the second part to the same grantee; this restriction shall run with the land.

BEING a portion of the premises as conveyed by Daniel L. Briggs, as Treasurer of Sullivan County to the County of Sullivan in a Deed dated the 27<sup>th</sup> day of February, 1998, and recorded in the Sullivan County Clerk's Office on the 2<sup>nd</sup> day of March, 1998 in Liber 2001 of Deeds at Page 543.

THIS CONVEYANCE is made pursuant to Resolution No.199-00 of the Sullivan County Legislature adopted on the 30<sup>th</sup> day of March, 2000.



5028709

RECEIVED  
\$ 1602-  
APR 27 2000  
REAL ESTATE  
TRANSFER TAX

REC-185 PAGE 379

16  
30

THE PARTY OF THE SECOND PART (Concord Associates, LP) and its principals, jointly and severally, agree to indemnify and hold the party of the first part harmless for all damages, costs of and expenses which may be incurred including all costs and expenses to defend any claim, action or litigation brought against the party of the first part concerning any environmental liability or environmental clean up of the within properties. In the event that title of any and all of the premises herein are conveyed from the party of the second part to another entity, then said entity will also continue to guarantee the indemnification to the party of the first part (County) for any claim for environmental liability or clean up. This guarantee by the party of the second part will also continue to be an obligation of the party of the second part as long as it owns the premises upon which the Hotel structures are located (TH 9-1-34.1). If said Hotel premises are conveyed to another entity, then the obligation to indemnify and hold the party of the first part (County) harmless shall additionally become that of the grantee its heirs, assigns and successors in interest; the intent being that the future owner of the Hotel premises (TH 9-1-34.1), if any, will always additionally indemnify and hold the County harmless. This obligation and agreement to indemnify and hold the County harmless is consented to as evidenced by the signature of the party of the second part. (Concord Associates, LP)

TOGETHER WITH ALL RIGHT, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; excepting and reserving for highway purposes a strip of land parallel to and extending twenty-five (25') feet from the center line of any County Road abutting the premises conveyed and excepting and reserving all the right, title and interest of the County of Sullivan in and to any portion or interest of the lands being conveyed, which interest was heretofore acquired other than pursuant to the provisions of the Real Property Tax Law of the State of New York.

TOGETHER WITH THE APPURTENANCES and all the estate and rights of the party of the first part in and to said premises,

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 caused these presents to be signed by its duly authorized officer.

CONCORD ASSOCIATES, LP

COUNTY OF SULLIVAN

BY: [Signature]

BY: [Signature]  
RAYMOND N. POMEROY II  
Chairman, Sullivan County Legislature

RECEIVED  
SULLIVAN COUNTY CLERK  
00 APR 27 AM 11 15

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SULLIVAN )

On the 26<sup>th</sup> day of April in the year 2000, before me, the undersigned, personally appeared RAYMOND N. POMEROY II, 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.

[Signature]  
Notary Public  
Sandra J. Thompson  
Sullivan County Clerk's Office  
Commission Expires October 26, 2000

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SULLIVAN )

On the 26<sup>th</sup> day of April in the year 2000, before me, the undersigned, personally appeared Margaret M. Schneider, 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.

[Signature]  
Notary Public

NOTICE: An alteration in the description of the parcel conveyed or in the name of the grantee may affect the validity of this Deed.

STATE OF NEW YORK  
SULLIVAN COUNTY ss: 27  
RECORDED ON THE DAY  
OF APR 2000 AT 9:15  
O'CLOCK AM MIN LIBER 2185  
OF 1 AND 111 AT PAGE 378

JOHN T. MATHEW  
Notary Public, State of New York  
No. 01MA4830181  
Qualified in Westchester County  
Commission Expires May 18, 2000

RECORD & RETURN TO: AND EXAMINED.

Alfred E. Donnellan, Esq.  
DELBELLO, DONNELLAN, WEINGARTEN & ZARTAGLIA, LLP  
The Gateway Building  
One North Lexington Avenue  
White Plains, New York 10601

[Signature] CLERK

Recorded at Request of  
Precision Ceres Abstract Corp.  
1055 Sullivan River Road  
Ardsley, N.Y. 10502  
PC2114711



EXHIBIT IV  
LIBER 2556 PAGE 452  
EASEMENT AGREEMENT

13-3-211 v 212

LIBER 2556 PAGE 452 SULLIVAN COUNTY CLERK  
GEORGE L. COOKE  
Clerks Office  
100 NORTH ST.  
Monticello, NY 12701

INSTRUMENT ID: 2003-00031262

Type of Instrument: EASEMENT

Remarks: CK.5616,5617NM

CONCORD ASSOCIATES LP  
TO  
HOME DEPOT USA INC

Received From: SNEERINGER MONAHAN PROVOST

Recording Charge: 75.00 Recording Pages: 16

\*\* EXAMINED AND CHARGED AS FOLLOWS : \*\*  
\*\* TRANSFER TAX \*\* .00 \*\* MTG/DEED AMOUNT \*\* .00

RS#: 4087

Mortgage#:

Received Tax on Above Mortgage  
Basic: .00  
Special Addl: .00  
Additional: .00  
Mortgage Tax Total: .00

Town:

Total Recording Fees: 75.00

\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*

I HEREBY CERTIFY THAT THE WITHIN AND FOREGOING WAS RECORDED IN THE  
CLERK'S OFFICE FOR SULLIVAN COUNTY CLERK

INSTRUMENT ID#: 2003-00031262  
ON (Recorded Date): 04/18/03  
AT (Time): 12:30  
Terminal ID: 114

Record and Return

SNEERING MONAHAN PROVOST



*George L. Cooke*  
GEORGE L. COOKE  
SULLIVAN COUNTY CLERK

LIBER 2556 PAGE 453

**EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT ("Agreement") is made as of the 31<sup>st</sup> day of MARCH, 2003 between CONCORD ASSOCIATES, L.P., a New York limited partnership ("Concord"), MONTICELLO MALL DEVELOPMENT GROUP, LLC, a New York limited liability company ("Monticello"), and HOME DEPOT U.S.A., INC., a Delaware corporation ("HD").

**Preliminary Statement**

Concord is the owner of certain real property located in Thompson, Sullivan County, New York, as more particularly described on Exhibit "A" annexed hereto (the "Concord Parcel").

Monticello is the owner of certain real property located adjacent to the Concord Parcel, as more particularly described on Exhibit "B" annexed hereto, which Monticello has agreed to lease or has leased to HD (the "HD Parcel"). The HD Parcel is part of a larger tract of land that is more particularly described in Exhibit "D" hereto (the "Monticello Parcel").

The HD Parcel and the Concord Parcel may be collectively referred to herein as the "Parcels" and each individually as a "Parcel".

Concord, Monticello and HD may be herein referred to, collectively, as the "Owners" or individually as an "Owner" of their respective Parcels.

During the term of the HD Lease, HD shall be deemed the Owner of the HD Parcel for the purposes of this Agreement.

Concord intends herein to grant to the Owner of the HD Parcel a perpetual easement on a portion of the Concord Parcel in connection with the conveyance by Concord of a portion of the HD Parcel, which conveyance is occurring contemporaneously with the making of this Agreement and which easement shall be for the purposes described herein.

The lease between HD and Monticello (the "HD Lease") provides HD with the right and/or obligation to purchase the HD Parcel in fee simple pursuant to the provisions set forth therein and this Agreement is made in contemplation of such purchase and shall survive same. HD shall be deemed the Owner of the HD Parcel prior and subsequent to the conveyance of the HD Parcel to HD in fee simple.

The parties further desire to provide for the conveyance of the hereinafter defined Easement Area to the fee Owner of the HD Parcel, pursuant to the provisions set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth, the Owners hereby grant, covenant and agree as follows:

*(Signature)*  
Sneeringer Morahan Provost  
Redgrave Title Agency, Inc.  
420 Warren Street  
Hudson, New York 12534

LIBER 2556 PAGE 454

1. Grant of Easement.

(a) Concord hereby grants to Monticello and HD for the benefit of the HD Parcel an exclusive, perpetual easement for the grading, encroachment, support, construction, maintenance and repair of a retaining wall (or walls) and/or slope over, under, across and upon the Concord Parcel (the "Easement") in the location more particularly depicted and/or described on Exhibit "C" annexed hereto (the "Easement Area"). The Easement includes without limitation the right to place underground supports for said retaining wall(s) in all or any portion of the Easement Area. HD may also utilize the Easement Area for sloping or a combination of slope and retaining wall(s) in connection with development, construction, use, support, operation, occupancy and enjoyment of the HD Parcel.

(b) The easement granted herein shall be for the benefit of the HD Parcel but such easement is not intended nor shall it be construed as creating any rights in or for the benefit of the general public. The Easement shall be exclusive to the Owner of the HD Parcel and Concord may not make use of the Easement Area. Further, the Owner of the HD Parcel shall be entitled to make such use of the surface of the Easement Area as may be useful in connection with the use and operation of the HD Parcel, provided that (a) such use is in compliance with all laws and other applicable governmental requirements, (b) such use causes no material adverse impact to the remainder of the Concord Parcel and (c) Concord, and its mortgagees (if requested by Concord) are named as additional insureds in the insurance policies required to be obtained for this Easement Area. The Owner of the HD Parcel shall be responsible for the proportionate share of all real estate and property related taxes, including any special assessments, allocated to the Easement and shall promptly remit payment to Concord upon receipt of a copy of an appropriate tax statement for the Concord Parcel. The proportionate share of taxes shall relate to the land only for the Concord Parcel and the Owner of the HD Parcel shall not be obligated to pay any taxes relating to the improvements on the Concord Parcel. Notwithstanding, the foregoing, the Owner of the HD Parcel shall be obligated to pay all taxes relating to improvements constructed by it on the Easement Area.

2. Construction Activities. Concord acknowledges that HD intends to construct and install one or more retaining walls and/or slopes on, in, or under the Easement Area, together with supports and other improvements related thereto. The Easement granted herein includes an easement for the Owner of the HD Parcel to access and excavate the Easement Area for construction activities related to the retaining wall(s), slopes, and related improvements, together with a temporary construction easement to enter upon the immediately adjacent portions of the Concord Parcel in a de minimis manner in connection with HD's initial construction of the retaining wall(s) and/or slopes. The temporary easement for construction shall terminate upon the completion of HD's initial construction of the retaining wall(s) and/or slopes. HD shall move, at HD's cost and expense, Concord's existing fence to a location at or near the boundary between the Easement Area and Concord's remaining property as shown on the site plan attached hereto as Exhibit "E" (the "Site Plan") or may replace, at HD's cost and expense, the existing fence with new fencing installed by HD at or near the boundary between the Easement Area and Concord's remaining property in the location shown on the Site Plan. The Owner of the HD Parcel shall defend, protect, indemnify and hold Concord harmless from and against all claims, causes of action, liens, losses, expenses and liabilities arising from or as a result of the

LIBER 2556 PAGE 455

performance of all such work by HD, and the use of the property, except for matters arising from Concord's gross negligence or intentional misconduct.

3. Indemnification; Insurance.

(a) In addition to the specific indemnification for the initial construction work provided for in Section 2 above, the Owner of the HD Parcel, shall protect, defend, indemnify and hold the Owner of the Concord Parcel harmless from and against any damages, liability, actions, claims, and expenses (including attorneys' fees in a reasonable amount) in connection with the acts or omissions including without limitation, loss of life, personal injury and/or damage to property to the extent it is occasioned by any act or omission of the Owner of the HD Parcel, its tenants, agents, guests, contractors, employees, customers, invitees or licensees on the Easement Area for any reason other than matters arising from the Concord Parcel Owner's negligent or willful acts or omissions or its breach or default under the terms hereof. Further, the Owner of the HD Parcel shall pay for all work performed and materials provided with respect to any construction on the Easement Area and shall not allow the imposition of any mechanics or materialmen's lien on the Easement Area arising from any work performed or caused to be performed by the Owner of the HD Parcel, pursuant to the provisions of this Agreement, and the indemnity provided by the Owner of the HD Parcel in this Section 3(a) shall include, without limitation, all damages, liability, actions, claims, and expenses (including attorney's fees in a reasonable amount) arising from the imposition of any such lien. In the event that a mechanics or materialmen's lien is imposed on the Easement Area, the Owner of the HD Parcel shall remove or bond such lien within thirty (30) days of its imposition. If Concord prevails in any litigation between Concord and the Owner of the HD Parcel, pursuant to this Section 3(a), the Owner of the HD Parcel shall pay to Concord, on demand, Concord's costs and expenses, including attorney's fees in a reasonable amount, with respect thereto.

(b) The Owner of the HD Parcel shall maintain or cause to be maintained public liability insurance insuring against claims on account of loss of life, bodily injury or property damage that may arise from, or be occasioned by the condition, use or occupancy of the Easement Area by the Owner of the HD Parcel, its tenants, agents, guests, contractors, employees, customers, invitees or licensees except as herein provided. Said insurance shall be carried by a reputable insurance company or companies qualified to do business in the State of New York and having single limit coverage of not less than Ten Million Dollars (\$10,000,000.00). Notwithstanding the foregoing, provided that the Owner of the HD Parcel, as applicable has a tangible net worth in excess of One Hundred Million Dollars (\$100,000,000.00), the Owner of the HD Parcel, shall be entitled to "self insure." Such self-insurance shall be deemed to be a "policy" hereunder. Such insurance may also be carried under a "blanket" policy or policies covering other properties of the Owner of the HD Parcel and its subsidiaries, controlling or affiliated corporations. Upon written request from Concord, the Owner of the HD Parcel, shall furnish to Concord certificates of insurance evidencing the existence of the insurance required to be carried pursuant to this Agreement. The exculpation set forth in Section 6 hereinbelow shall not apply to any matter required to be insured under this Section 3(b) to the extent that the Owner of the HD Parcel fails to carry the insurance coverage required by this Section 3(b) (i.e., the Owner of the HD Parcel shall be personally liable for any matter required to be insured for hereunder for which such insurance has not been procured as required hereby).

LIBER 2556 PAGE 456

4. Binding Effect; Term. This Agreement shall benefit and bind the parties hereto and their successors, assigns and legal representatives. Any transferor of a Parcel shall, upon the completion of such transfer, be relieved of all further liability under this Agreement except liability with respect to matters that may have arisen during its period of ownership of the portion of the Parcels so conveyed that remain unsatisfied. This Agreement shall be perpetual and shall survive the expiration or other termination of the HD Lease.

5. Non-Dedication. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the Parcels to the general public or for any public use or purpose whatsoever, it being the intention of the parties hereto and their successors and assigns and that nothing in this Agreement, expressed or implied, shall confer upon any person, other than the parties hereto and their successors and assigns, any rights or remedies under or by reason of this Agreement.

6. Responsibility; Exculpation. Except with respect to matters required to be insured under Section 3(b) hereinabove, each party to this Agreement shall be liable and responsible for the obligations, covenants, agreements and responsibilities created by this Agreement and for any judgment rendered hereon which arise during and/or relate to the term of such party's interest in its respective Parcel and only to the extent of its respective interest in the land constituting its Parcel and the improvements thereon but not personally liable beyond their respective insurance coverage. Notwithstanding anything to the contrary contained in this Paragraph 6, any party shall be personally liable for any matter required to be insured for under Paragraph 3(b) above, if such insurance is not carried by the obligated party.

7. Notices. Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be deemed to have been sufficiently given or served for all purposes if it is mailed by registered or certified mail, return receipt requested, to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice, on the third business day following the date of such mailing or when delivered if personally delivered or sent by overnight courier:

If to Concord:           Concord Associates, L.P.  
115 Steven's Avenue  
Valhalla, NY 10595  
Attn: Louis R. Cappelli

With a copy to:       DelBello Donnellan Weingarten Tartaglia Wise &  
Wiederkehr, LLP  
One North Lexington Avenue  
White Plains, New York 10601  
Attn: Alfred E. Donnellan, Esq.

LIBER 2556 PAGE 457

If to Monticello: Monticello Mall Development Group, LLC  
302 Washington Avenue Extension  
Albany, NY 12203  
Attn: Joseph R. Nicolla

If to HD: Home Depot U.S.A., Inc.  
2455 Paces Ferry Road, N.W.  
Atlanta, GA 30339  
Attn: Vice President - Real Estate

with a copy to: Home Depot U.S.A., Inc.  
15 Dan Road  
Canton, MA 02021  
Attn: Senior Corporate Counsel - Real Estate

8. Miscellaneous.

(a) If any provision of this Agreement, or portion thereof, or the application thereof to any person or circumstances, shall, to any extent be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby; it shall not be deemed that any such invalid provision affects the consideration for this Agreement; and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(b) This Agreement shall be construed in accordance with the laws of the State of New York.

(c) The headings in this Agreement are for convenience only, shall in no way define or limit the scope or content of this Agreement, and shall not be considered in any construction or interpretation of this Agreement or any part hereof.

(d) Nothing in this Agreement shall be construed to make the parties hereto partners or joint venturers or render either of said parties liable for the debts or obligations of the other.

(e) At the request of any Owner or any mortgagee of any Owner, the other Owner(s) will promptly deliver an estoppel certificate in which it will state, to its actual knowledge and without independent investigation, whether this Agreement is in effect, whether the other parties are in default hereunder, whether the other parties have any reimbursement claim under this Agreement and such other matters as the Owner or mortgagee may reasonably request.

(f) This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto, and the easements granted herein shall run with the land and be appurtenant to the HD Parcel.

LIBER 2556 PAGE 458

(g) This Agreement may be amended, modified, or terminated only by a declaration in writing, executed and acknowledged by all the Owners of the Parcels or their successors or assigns. This Agreement shall not be otherwise amended, modified or terminated.

(h) After the HD Parcel has been conveyed to HD, HD shall be the sole Owner of the HD Parcel.

(i) The Owner of the HD Parcel shall have the right to purchase the Easement Area, upon the following terms and conditions:

- A. The Owner of the HD Parcel shall, as a condition to such conveyance, cause a legal subdivision to be made, so that the Easement Area can be lawfully conveyed as part of the HD Parcel or, if the HD Parcel is not separately subdivided, then as part of the larger subdivided lot of which the HD Parcel is a part. Said subdivision shall include the obtaining of any setback or other variances required to be obtained in connection therewith, all of which shall be at the sole cost and expense of the Owner of the HD Parcel, as hereinafter set forth. Concord agrees to cooperate with and, to the extent reasonably required, assist in obtaining said subdivision (including any setback variance required in connection therewith), provided that same is at no cost or expense to Concord.
- B. The conveyance shall be for a consideration of \$10.00 and other good and valuable consideration, the parties hereby acknowledging that the Easement Area was originally to be conveyed to Monticello as part of the property within the HD Parcel being conveyed from Concord to Monticello as of even date herewith (the "Concord Portion"), but that same was made impractical because of certain setback requirements, the variance for which would have caused delays in consummating the transaction.
- C. Conveyance shall be by deed to Monticello or the then-fee owner of the HD Parcel, which deed shall be in the same form with only the same exceptions to title as the deed of the Concord Portion to Monticello (the "Existing Exceptions"). No further encumbrance shall affect the rights hereunder of the Owner of the HD Parcel in and to the Easement Area other than the Existing Exceptions; and any future mortgage on the Concord Parcel shall be subject to the provisions of this Agreement, including that such mortgage shall provide for the release of the Easement Area upon conveyance pursuant to the provisions of this Section 8(i).
- D. Concord will execute the deed and such other customary closing documents as may be reasonably required by the Owner of the HD Parcel or its title insurance company to effect the conveyance contemplated by this Section 8(i), so that the Owner of the HD Parcel may obtain title insurance on the Easement Area subject to only the Existing Exceptions



LIBER 2556 PAGE 459

and free and clear of all mortgages; provided, however, that same shall be at no cost or expense to Concord.

- E. All costs and expenses with respect to the conveyance of the Easement Area pursuant to this Section 8(i) shall be borne by the Owner of the HD Parcel, including, without limitation, any transfer tax, legal and other costs associated with preparation of the deed and other closing documents, recording costs for the deed and release from any mortgage affecting the Easement Area, costs of the subdivision and any variances, and any costs associated with the release of the Easement Area by Concord's mortgagee.
- (j) The following exhibits are attached hereto and are a part hereof:

- |                    |   |                   |
|--------------------|---|-------------------|
| <u>Exhibit "A"</u> | - | Concord Parcel    |
| <u>Exhibit "B"</u> | - | HD Parcel         |
| <u>Exhibit "C"</u> | - | Easement Area     |
| <u>Exhibit "D"</u> | - | Monticello Parcel |
| <u>Exhibit "E"</u> | - | Site Plan         |

[SIGNATURES AND ACKNOWLEDGMENTS ON FOLLOWING PAGES]

LIBER 2556 PAGE 460

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and sealed as of the day and year first above written.

BY:

HOME DEPOT U.S.A., INC.,  
a Delaware corporation

By: Cynthia Warren  
Name: Cynthia Warren  
Title: Corporate Counsel

[CORPORATE SEAL]

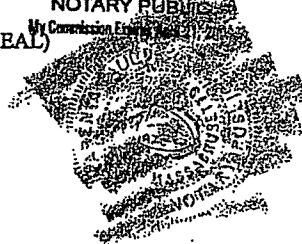
COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF Norfolk ) ss:

On the 8th day of March, in the year 2003 before me, the undersigned, personally appeared Cynthia Warren personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Centen, County of Norfolk, Massachusetts.

Karen A. Auld  
Notary Public

My Commission Expires: KAREN A. AULD

NOTARY PUBLIC  
(NOTARIAL SEAL)




LIBER 2556 PAGE 461

**MONTICELLO:**

**MONTICELLO MALL DEVELOPMENT  
GROUP, LLC,**

a New York limited liability company

By: Monticello Property Investors, LLC, Sole Member

By:   
Name: Louis L. Ceruzzi, Jr.  
Title: Managing Member

STATE OF Connecticut )  
  ) ss:  
COUNTY OF Fairfield )

On the \_\_\_ day of March, in the year 2003 before me, the undersigned, personally appeared Louis L. Ceruzzi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the Town/City of Fairfield.

  
Notary Public

My Commission Expires: \_\_\_\_\_

(NOTARIAL SEAL)

**ROBIN E. WAIBEL**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES FEB. 28, 2008

LIBER 2556 PAGE 462

**CONCORD:**

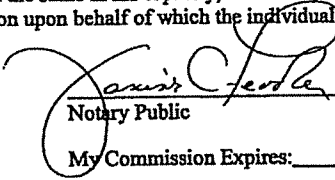
**CONCORD ASSOCIATES, L.P.,**  
a New York limited partnership

By: Convention Hotels, Inc., a New York  
Corporation, its sole general partner

By:   
Louis R. Cappelli, President

STATE OF NEW YORK        )  
                                  ) ss:  
COUNTY OF WESTCHESTER )

On the 7 day of February, in the year 2003 before me, the undersigned, personally appeared Louis R. Cappelli personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public  
My Commission Expires: \_\_\_\_\_

(NOTARIAL SEAL)  
JANINE C. FEVOLA  
Notary Public, State of New York  
No. 01FE8050852  
Qualified in Putnam County  
Commission Expires Nov. 13, 2006

(Concord Associates, L.P. Parcel)

LIBER 2556 PAGE 463

ALL THAT CERTAIN parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, being Lot 3 in that certain Columbia Monticello Group, LLC Subdivision Plat, prepared by Chazen Engineering and Land Surveying Co., P.C., dated September 25, 2002, last revised February 11, 2003, and recorded in FILED 3/31/03 page AS MAP.

Containing an area of 13.77 acres.

**Exhibit "A"**

LIBER 2556 PAGE 464

**SURVEY DESCRIPTION  
HOME DEPOT  
LEASE PARCEL**

All that plot piece or parcel of land situate and being in the Town of Thompson, County of Sullivan and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly highway boundary of New York State Route 42, said point being the northwesterly corner of the herein described Lease parcel and the southwesterly corner of lands now or formerly Ellenville Savings Bank described in Liber 770 of Deeds at Page 927, said point being marked by a PK nail found, thence from said point of beginning along a line of no physical bounds and along the southerly and easterly bounds of lands now or formerly Ellenville Savings Bank, lands now or formerly The Town of Thompson described in Liber 1265 of Deeds at Page 46, lands now or formerly Pearl Wallach described in Liber 845 of Deeds at Page 242 and lands now or formerly Concord Associates LP described in Liber 2366 of Deeds at Page 506, S 59°45'48"E 419.42 feet, S60°29'08"E 73.57 feet, northeasterly on a curve to the left of radius 20.00 feet having a arc length of 31.02 feet having a chord bearing N75°04'30"E 28.01 feet, N30°38'08"E 279.27 feet, S59°45'48"E 62.25 feet, N42°19'12"E 150.00 feet, N29°24'00"E 23.97 feet, N87°11'00"E 235.46 feet and S59°45'48"E 319.98 feet to the northeasterly corner of the herein described parcel, thence along lands now or formerly Nalou Realty Corp. described in Liber 1247 of Deeds at Page 312, generally along stone wall S18°45'12"W 305.18 feet, S18°44'12"W 229.60 feet and S18°40'42"W 70.31 feet to the southeasterly corner of the herein described Lease parcel, thence through lands now or formerly Columbia Monticello Group, LLC described in Liber 2133 of Deeds at Page 233, N59°45'48"W 84.85 feet, N89°03'36"W 161.41 feet, N59°25'59"W 166.81 feet, N57°37'32"W 59.10 feet, N59°16'59"W 203.97 feet, N86°17'46"W 34.04 feet, N59°16'59"W 50.31 feet, N30°43'01"E 35.76 feet, N23°57'18"W 33.72 feet, N59°16'59"W 221.27 feet, N68°35'25"W 85.75 feet, and N59°32'59"W 180.91 feet, to the easterly highway boundary of New York State Route 42, thence along the same, N36°35'57"E 38.10 feet to the point or place of beginning.

CONTAINING 9.681 ACRES OF LAND

**Exhibit "B"**

AT1 32129932.1 / 33241-000004

SURVEY DESCRIPTION LIBER 2556 PAGE 465  
LANDS OF  
COLUMBIA MONTICELLO GROUP, LLC  
FOR A  
RETAINING WALL EASEMENT

All that plot piece or parcel of land situate and being in the Town of Thompson, County of Sullivan and State of New York, being construction and maintenance easement bounded and described as follows:

Beginning at the southwesterly corner of the herin described easement, being a point on the division line between lands of Concord Associates LP and lands to be conveyed by Concord Associates LP to Columbia Monticello Group, LLC, said point being located N 29°24'00" E 23.97 feet from the northeasterly corner of lands now or formerly of Wallach, described in Liber 845 of deeds at page 242 and a corner of lands of Concord Associates LP; thence through lands of Concord Associates LP, N 29°24'00" E 30.34 feet, N 87°00'00" E 178.96 feet and S 59°45'48" E 48.12 feet to a point; thence along the division line between lands of Concord Associates LP and lands to be conveyed to Columbia Monticello Group, LLC, S 87°11'00" W 285.46 feet to the point or place of beginning.

Exhibit "C"

LIBER 2556 PAGE 466

(Columbia Monticello Group, LLC parcel)

ALL THAT CERTAIN parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, being Lot 1 in that certain Columbia Monticello Group, LLC Subdivision Plat, prepared by Chazen Engineering and Land Surveying Co., P.C., dated September 25, 2002, last revised February 11, 2003, and recorded in FILED 3/31/03, page AS MAP.

Containing an area of 26.88 acres.

Exhibit "D"



LIBER 2556 PAGE 467

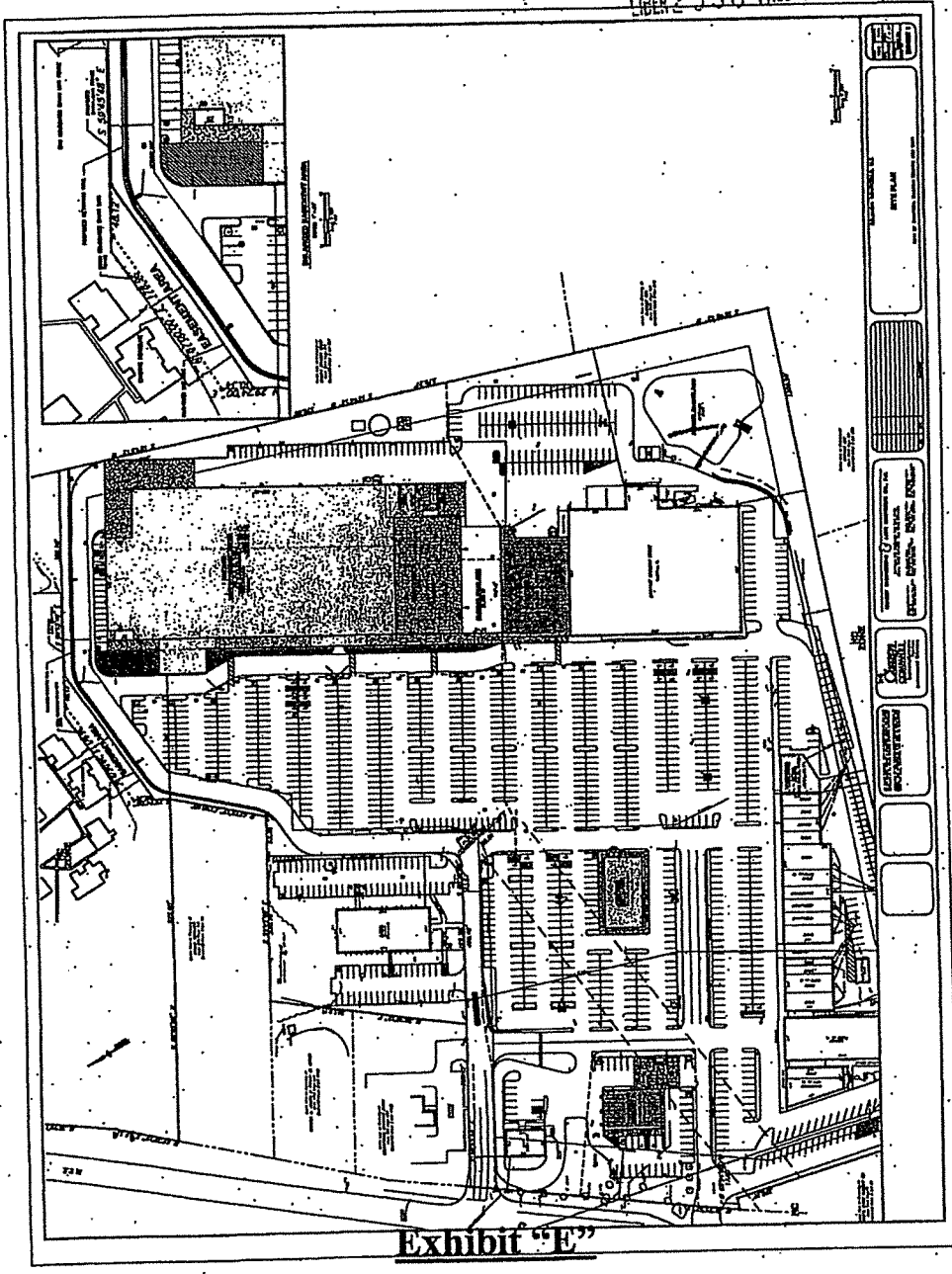


Exhibit "E"

EXHIBIT V  
LIBER 3470 PAGE 1  
NOTICE OF  
APPROPRIATION

Sullivan County  
Daniel L. Briggs  
County Clerk  
Monticello, NY 12701



60 2008 00035151

Instrument Number: 2008- 00035151

As

Recorded On: April 22, 2008

Appropriation of Property No Fee

Parties: NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
To EHRLE ROBERTA L

~~EHRLE ROBERTA L~~ PEOPLE OF THE STATE OF NEW YORK

Recorded By: NEW YORK STATE DEPARTMENT OF TRANS

Num Of Pages: 9

Comment: NOTICE OF APPROPRIATION

**\*\* Examined and Charged as Follows: \*\***

Appropriation of Property No Fee	0.00	TP584 No Fee		0.00		
Recording Charge:	0.00					
		Consideration Amount	RS#/CS#			
Tax-Transfer	0.00	27,500.00	2747	Basic	0.00	
					Special Additional	0.00
EXEMPT				Additional	0.00 Transfer	0.00
Tax Charge:	0.00					

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

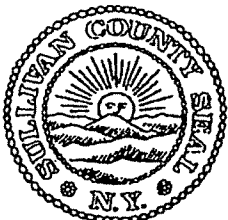
I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Sullivan County, NY

**File Information:**

**Record and Return To:**

Document Number: 2008- 00035151  
Receipt Number: 174591  
Recorded Date/Time: April 22, 2008 11:06:38A  
Book-Vol/Pg: Bk-REL VI-3470 Pg-1  
Cashier / Station: B Geraine / Cash Station 06

NEW YORK STATE DEPARTMENT OF TRANS  
PICK UP  
MONTICELLO NY 12701



3470/1

*Daniel L. Briggs*

DANIEL L. BRIGGS  
SULLIVAN COUNTY CLERK

ROW 91-R1a  
(SECTION A)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
OFFICE OF REAL ESTATE

APPROPRIATION OF PROPERTY BY THE PEOPLE OF THE STATE OF NEW YORK

PROJECT: BLOOMINGBURG-MONTICELLO, PART 2, S.H. 5457

COUNTY SULLIVAN  
TOWN: THOMPSON

MAP NO(S): 242, 243  
PARCEL NO(S): 442, 443, 444

NOTICE OF APPROPRIATION

Pursuant to the statute set forth in the above maps

To:

1. Roberta L. Ehrle; 324 NW 41 Avenue, Deerfield, FL 33442
2. New York State Electric & Gas Corporation; Attn: Cynthia Oliver, Manager/Property Management, P.O. Box 5224, Binghamton, NY 13902
3. Time Warner Cable - Hudson Valley Region; 2 Industrial Drive, Middletown, NY 10941
4. Citizens Telecommunications Company of New York, Inc.; 3 High Ridge Park, Stamford, CT 06905

TAKE NOTICE that on the 26<sup>th</sup> day of February, 2008, there was filed in the office of the Department of Transportation the original tracing, or a microfilm or computer digitized copy, of each of the above designated maps of property; and that on the 21<sup>st</sup> day of April, 2008, there was filed in the office of the clerk of the county in which such property is situated, a certified copy of each of such maps.

TAKE FURTHER NOTICE that title to the property, easements, interests or rights set forth in said maps vested in The People of the State of New York upon such filing in the office of said county clerk.



COMMISSIONER OF TRANSPORTATION  
OF THE STATE OF NEW YORK

By \_\_\_\_\_  
Director, Office of Real Estate

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

PIN 9066.87

MAP NO. 242  
PARCEL NOS. 442 & 44  
SHEET 1 OF 5 SHEETS

MAP REFERENCE INFORMATION:

Lot 40, Great Lot 13  
Hardenburgh Patent

Parcel Locator Points:

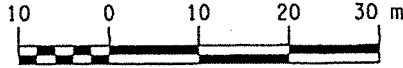
Parcel No: 442  
N: 312141.3316  
E: 137738.8604

Parcel No: 443  
N: 312235.6698  
E: 137745.0152

ROBERTA L. EHRLE  
(REPUTED OWNER)

CCD L. 2145 P. 695  
2145 700

TRN 5



SCALE 1:500

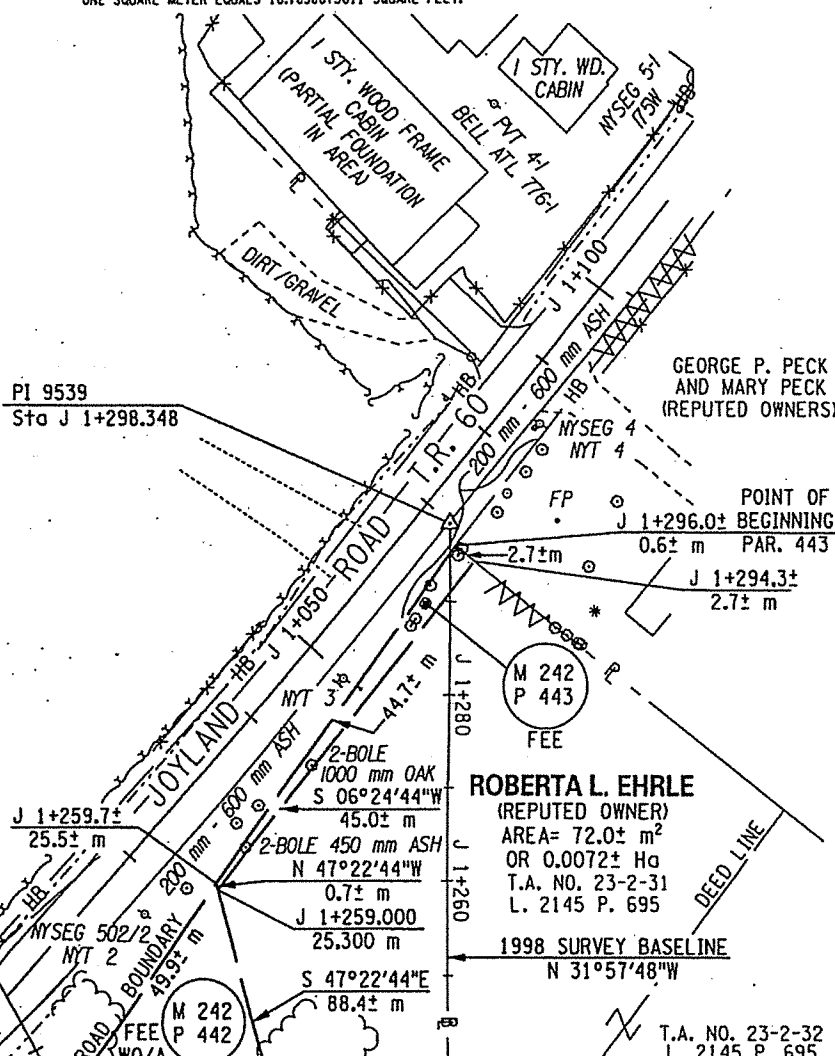
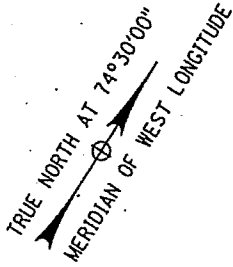
ONE METER EQUALS 3.280833333 FEET.  
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

PARCEL SUMMARY:

Type: Par. 442 Fee WO/A  
Par. 443 Fee

Portion of 1999 Tax  
Map Ref. Nos. 23-2-31  
23-2-32  
23-2-33

Town of Thompson  
County of Sullivan  
State of New York

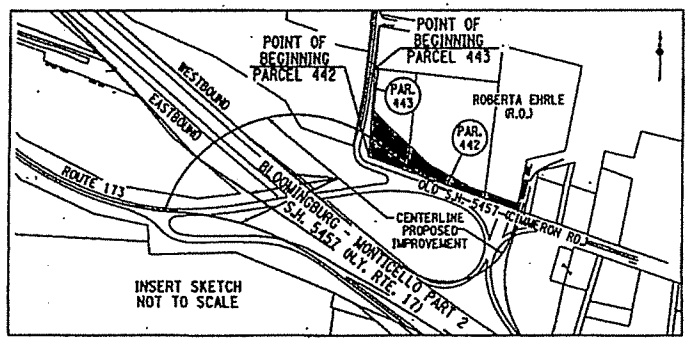


ROBERTA L. EHRLE  
(REPUTED OWNER)  
AREA= 72.0± m<sup>2</sup>  
OR 0.0072± Ha  
T.A. NO. 23-2-31  
L. 2145 P. 695

1998 SURVEY BASELINE  
N 31°57'48"W

T.A. NO. 23-2-32  
L. 2145 P. 695

MATCHLINE STA. J 1+240.000 SEE SHEET 2 OF 5



INSERT SKETCH  
NOT TO SCALE

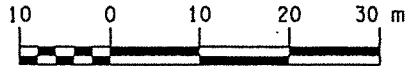
CONTINUED ON SHEET NO. 2

PREPARED BY: [ ] CHECKED BY: [ ] FINAL CHECK BY: [ ]

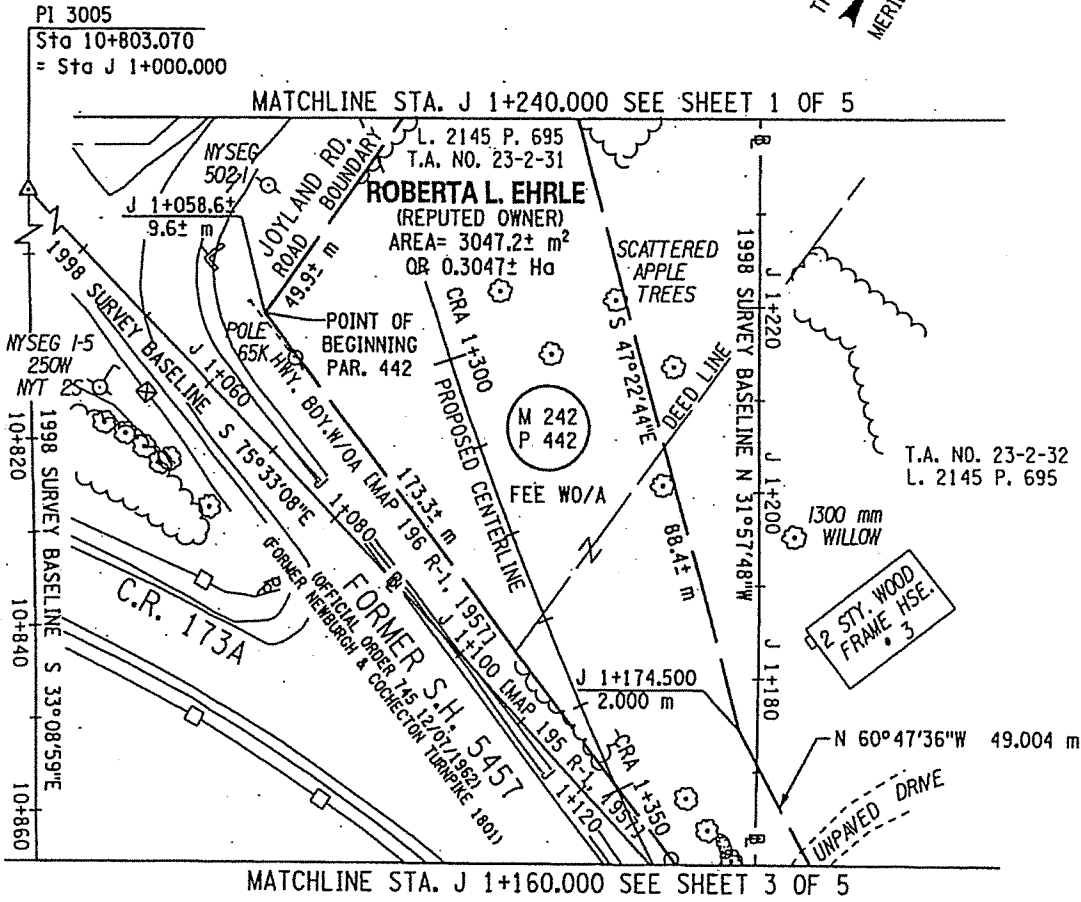
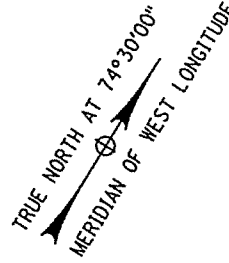
NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

MAP NO. 242  
PARCEL NOS. 442 & 443  
SHEET 2 OF 5 SHEETS

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457



SCALE 1:500  
ONE METER EQUALS 3.2808333333 FEET.  
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.



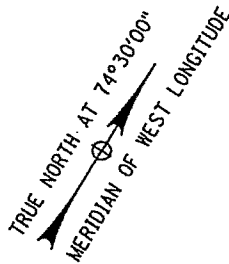
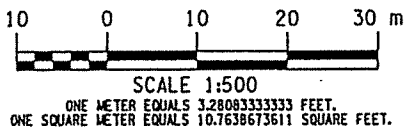
CONTINUED ON SHEET NO.

PREPARED BY            RYJ CHECKED BY            FINAL CHECK BY

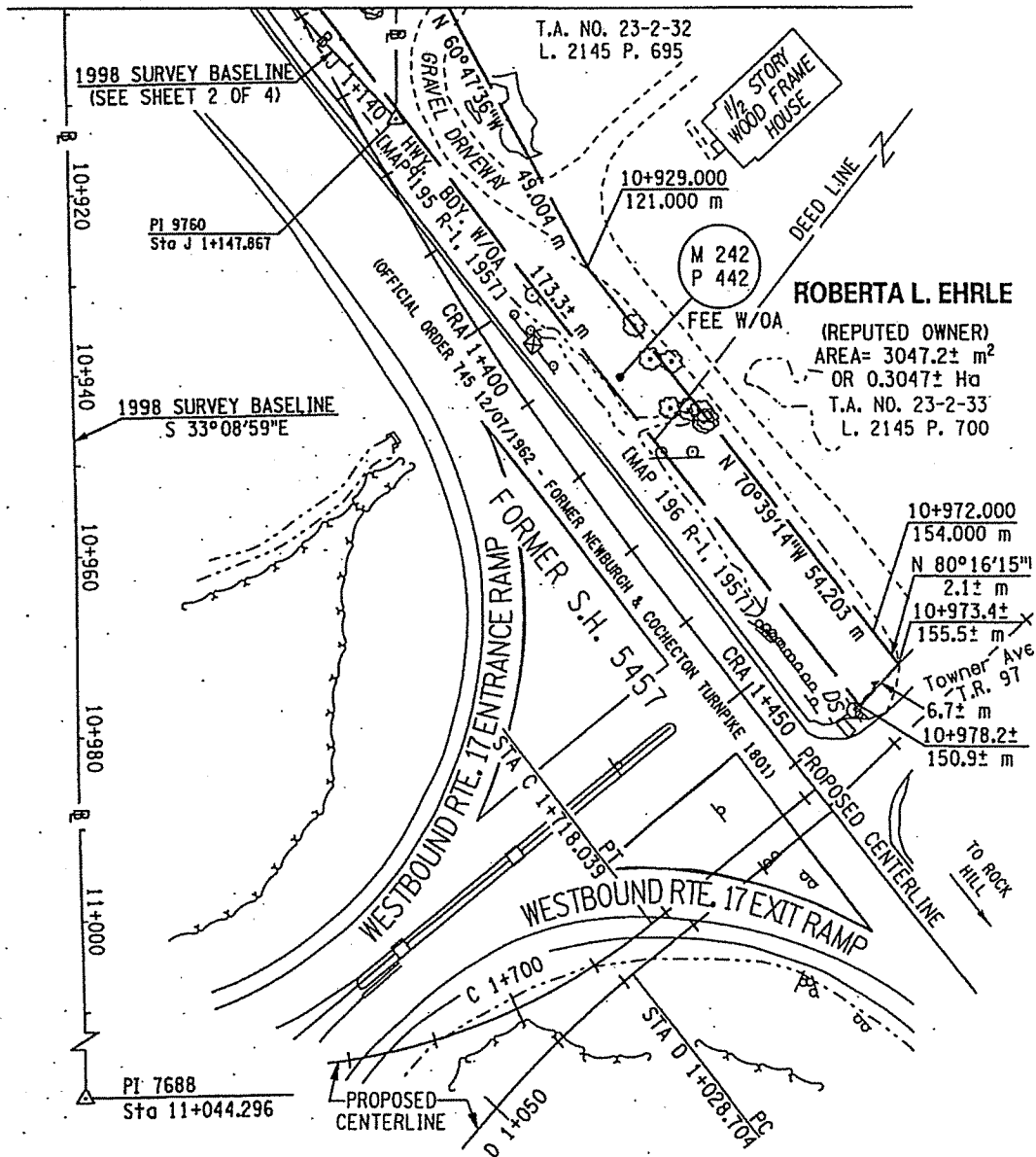
NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 242  
PARCEL NOS. 442 & 44  
SHEET 3 OF 5 SHEETS



MATCHLINE STA. J 1+160.000 SEE SHEET 2 OF 5



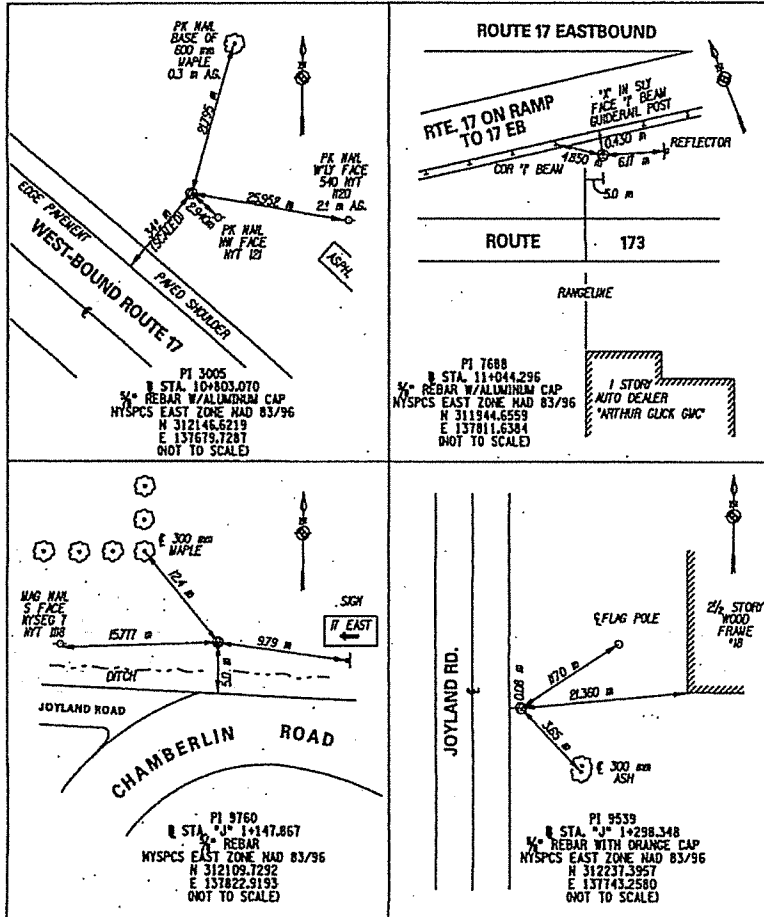
CONTINUED ON SHEET NO.

PREPARED BY ESTI CHECKED BY FDMW CHECK BY

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 242  
PARCEL NOS. 442 & 44  
SHEET 4 OF 5 SHEETS



CONTINUED ON SHEET NO.

PREPARED BY: RTD CHECKED BY: \_\_\_\_\_ FDWL CHECK BY: \_\_\_\_\_



NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 242  
PARCEL NOS. 442 & 44  
SHEET 5 OF 5 SHEETS

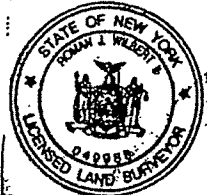
All that place or parcel of property designated as (1) Parcel No. 442, as shown on the accompanying map, to be acquired in Fee, without right of access to and from abutting property and (2) Parcel No. 443, as shown on the accompanying map, to be acquired in Fee

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date July 23<sup>rd</sup> 2007

Joseph A. Foglietta

Joseph A. Foglietta, P.E.  
Regional Design Engineer  
for the Regional Director of  
Transportation Region No. 9



"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map was prepared in accordance with current NYS DOT policies, standards and procedures.

Date July 17 2007

Roman Wilbert II

Roman Wilbert II, Land Surveyor  
P.L.S. License No. 49988  
Stantec Consulting Services, Inc.

ROBERTA L. EHRLE  
( Reputed Owner )

Total Area = 3119.1± m<sup>2</sup> or  
33574± SQ. FT.

Map of property showing (1) Parcel No. 442 to be acquired in fee, without right of access to and from abutting property; and (2) Parcel No. 443 to be acquired in fee; each of which the Commissioner of Transportation deems necessary to be acquired by appropriation in the name of the People of the State of New York for purposes connected with the highway system of the State of New York pursuant to Section 30 of the Highway Law and the Eminent Domain Procedure Law.

There is excepted from this appropriation all the right, title and interest, if any, of the United States of America in or to said property.

Pursuant to the statute(s) set forth above and the authority delegated to me by Official Order of the Commissioner of Transportation, this acquisition map is hereby approved and filed in the main office of the New York State Department of Transportation.

Date July 23<sup>rd</sup> 2007  
May E. Marocco

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the State Department of Transportation, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Marilyn M. Fay  
Real Estate Division

Real Estate Division

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 243  
PARCEL NO. 444  
SHEET 1 OF 2 SHEETS

MAP REFERENCE INFORMATION:

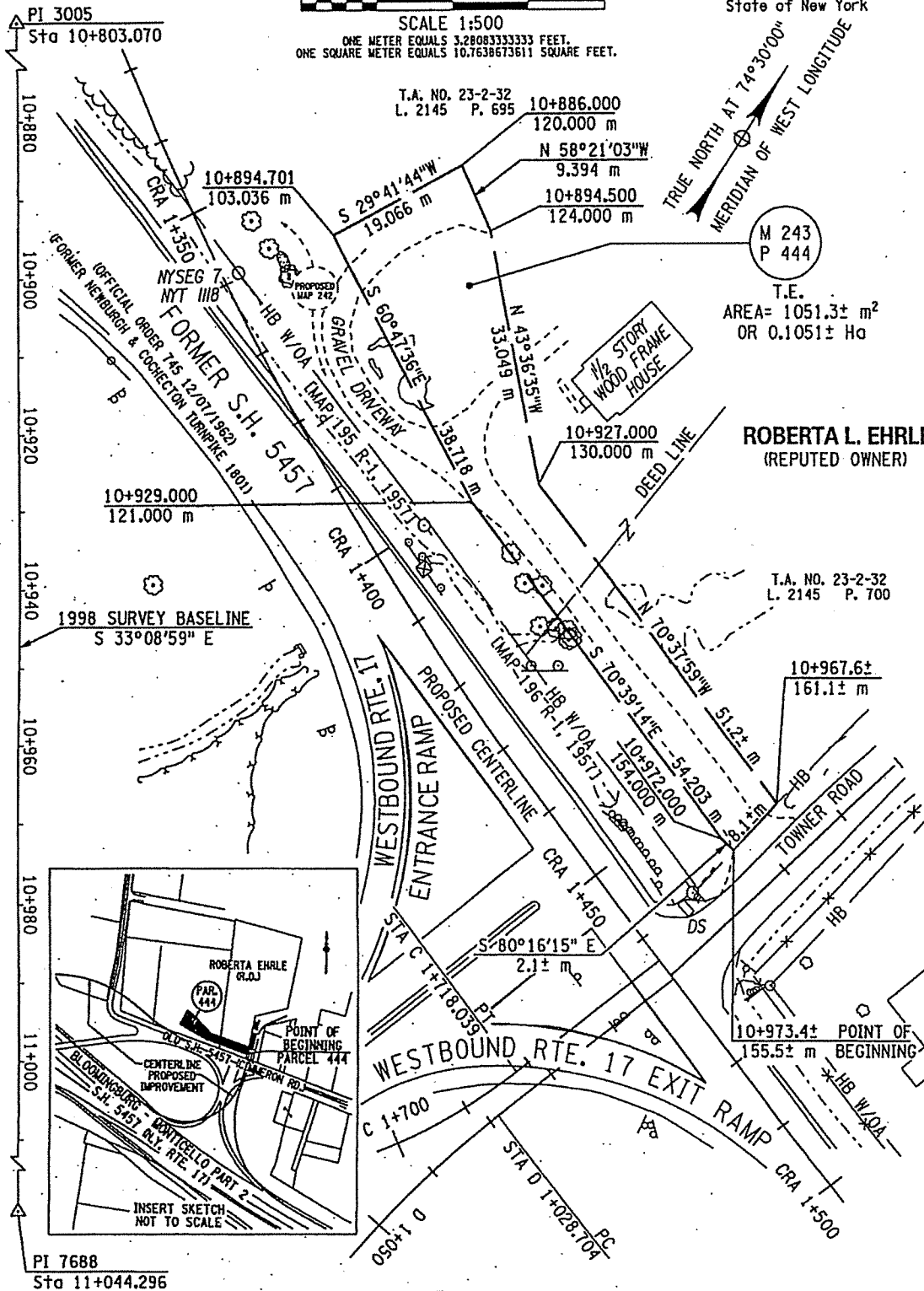
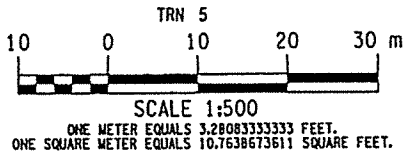
Lot 40, Great Lot 13  
Hardenburgh Patent  
Parcel Locator Point:  
Parcel No: 444  
N: 312089.0480  
E: 137903.0776

ROBERTA L. EHRLE  
( REPUTED OWNER )  
CCD L. 2145 P. 695  
2145 700

PARCEL SUMMARY:  
Type: Temporary Easement

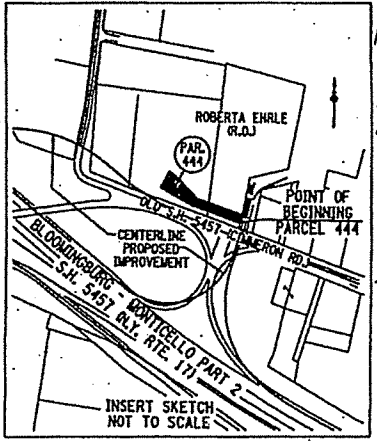
Portion of 1999 Tax  
Map Ref. No. 23-2-32  
23-2-33

Town of Thompson  
County of Sullivan  
State of New York



M 243  
P 444  
T.E.  
AREA= 1051.3± m<sup>2</sup>  
OR 0.1051± Ha

ROBERTA L. EHRLE  
(REPUTED OWNER)



PI 7688  
Sta 11+044.296

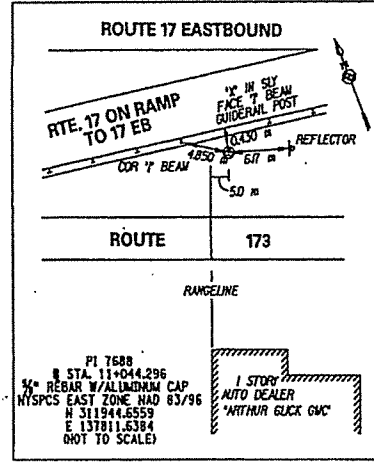
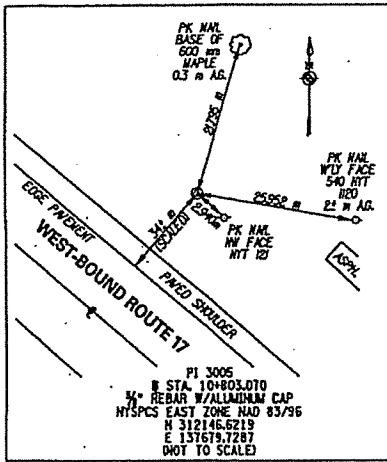
CONTINUED ON SHEET NO. 2

PREPARED BY: [ ] CHECKED BY: [ ] FINAL CHECK BY: [ ]

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 243  
PARCEL NO. 444  
SHEET 2 OF 2 SHEETS



TEMPORARY EASEMENT FOR WORK AREA

A temporary easement to be exercised in, on and over the property delineated above for the purpose of a work area in connection with the construction or reconstruction of the highway and appurtenances for use and exercisable during the construction or reconstruction of the highway and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for highway purposes and released by the Commissioner of Transportation or other authorized representative acting for the People of the State of New York, or its assigns. Such easement shall be exercised in and to all that piece or parcel of property designated as Parcel No. 444, as shown on the accompanying map.

RESERVING, however, to the owner of any right, title or interest in and to the property delineated as Parcel No. 444, and such owner's successors or assigns, the right of access and the right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for the construction or reconstruction of the herein identified project.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date August 9<sup>th</sup> 2007

Joseph A. Foglietta  
Joseph A. Foglietta, P.E.  
Regional Design Engineer  
for the Regional Director of  
Transportation Region No. 9



ROBERTA L. EHRLE  
( Reputed Owner )

Map of property in and to which an easement as herein above defined is deemed necessary by the Commissioner of Transportation to be acquired by appropriation in the name of the People of the State of New York for purposes connected with the highway system of the State of New York pursuant to Section 30 of the Highway Law and the Eminent Domain Procedure Law.

There is excepted from this appropriation all the right, title and interest, if any, of the United States of America in or to said property.

Pursuant to the statute(s) set forth above and the authority delegated to me by Official Order of the Commissioner of Transportation, this acquisition map is hereby approved and filed in the main office of the New York State Department of Transportation.

Date February 20 2008  
May E. Marocco  
Real Estate Division

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the State Department of Transportation, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Marilyn M. Foy  
Real Estate Division

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map was prepared in accordance with current NYS DOT policies, standards and procedures.

Date July 27 2007

Roman Wilbert II  
Roman Wilbert II, Land Surveyor  
P.L.S. License No. 49988  
Stantec Consulting Services, Inc.

EXHIBIT VI  
LIBER 3470 PAGE 14  
NOTICE OF  
APPROPRIATION

34-20/14

31-1-19.2 ✓

Sullivan County  
Daniel L. Briggs  
County Clerk  
Monticello, NY 12701



Instrument Number: 2008- 00035153

As

Recorded On: April 22, 2008

Appropriation of Property No Fee

Parties: ~~NEW YORK STATE DEPARTMENT OF TRANSPORTATION~~

To *Krieger Seymour*

~~KRIEGER SEYMOUR~~ *People of the State of New York*

Recorded By: NEW YORK STATE DEPARTMENT OF TRANS

Num Of Pages: 8

Comment: NOTICE OF APPROPRIATION

**\*\* Examined and Charged as Follows: \*\***

Appropriation of Property No Fee	0.00	TP584 No Fee	0.00		
Recording Charge:	0.00				
		Consideration Amount	RS#/CS#	Basic	0.00
Tax-Transfer	0.00	211,000.00	2749	Additional	0.00
				Special Additional Transfer	0.00
EXEMPT					0.00
Tax Charge:	0.00				

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Sullivan County, NY

**File Information:**

Document Number: 2008- 00035153  
Receipt Number: 174596  
Recorded Date/Time: April 22, 2008 11:19:49A  
Book-Vol/Pg: Bk-REL VI-3470 Pg-14  
Cashier / Station: B Geraine / Cash Station 06

**Record and Return To:**

NEW YORK STATE DEPARTMENT OF TRANSPORTA  
PICK UP  
MONTICELLO NY 12701



*Daniel L. Briggs*

DANIEL L. BRIGGS  
SULLIVAN COUNTY CLERK

3470-14

NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
OFFICE OF REAL ESTATE

APPROPRIATION OF PROPERTY BY THE PEOPLE OF THE STATE OF NEW YORK

PROJECT: Bloomington-Monticello, Part 2, S.H. 5457

COUNTY: Sullivan  
TOWN: Thompson

MAP NO(S): 238  
PARCEL NO(S): 436, 437, 438

**NOTICE OF APPROPRIATION**

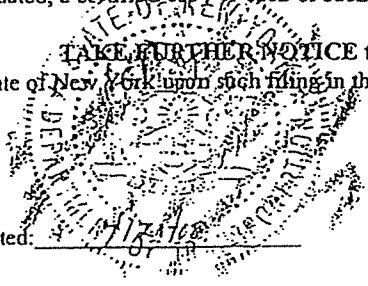
Pursuant to the statute set forth in the above maps

To:

1. Seymour Krieger and Melvyn Hazelnis and Cynthia Hazelnis, as trustees, or their successors of the Melvyn Hazelnis and Cynthia Hazelnis Revocable Trust dated October 26, 2006, and any amendments thereto;  
P. O. Box 456, Woodridge, NY 12789
2. New York State Electric & Gas Corporation; Att: Cynthia Oliver, Manager, Property Management  
P. O. BOX 5224, Binghamton, NY 13902-5224
3. Lamar Advantage GP Company, LLC; P.O. Box 66338, Baton rouge, LA 70896

TAKE NOTICE that on the 3rd day of March, 2008, there was filed in the office of the Department of Transportation the original tracing, or a microfilm or computer digitized copy, of each of the above designated maps of property; and that on the 21st day of APRIL, 2008, there was filed in the office of the clerk of the county in which such property is situated, a certified copy of each of such maps.

TAKE FURTHER NOTICE that title to the property, easements, interests or rights set forth in said maps vested in The People of the State of New York upon such filing in the office of said county clerk.



**COMMISSIONER OF TRANSPORTATION  
OF THE STATE OF NEW YORK**

Dated: 3/17/08

By: \_\_\_\_\_  
Director, Office of Real Estate

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

MAP NO. 238  
PARCEL NOS. 436, 437 & 438  
SHEET 1 OF 6 SHEETS

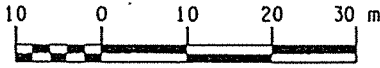
BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP REFERENCE INFORMATION:

Lot 40, Great Lot 13  
Hordenburgh Patent  
Parcel Locator Points:  
Parcel No: 436  
N: 312399.0821  
E: 137353.0561  
Parcel No: 437  
N: 312153.5041  
E: 137721.5989  
Parcel No: 438  
N: 312252.6290  
E: 137736.8608

HAZELNIS PROPERTIES, L.P.  
( REPUTED OWNER )

CCD L. 2004 P.442  
TRN 4



SCALE 1:500

ONE METER EQUALS 3.280833333 FEET.  
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

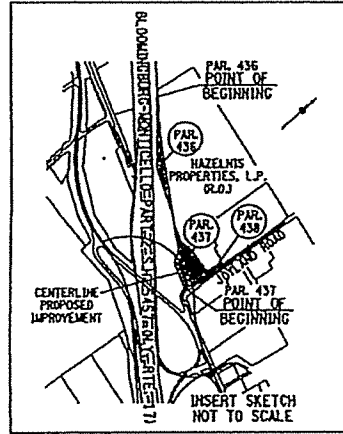
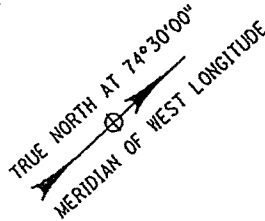
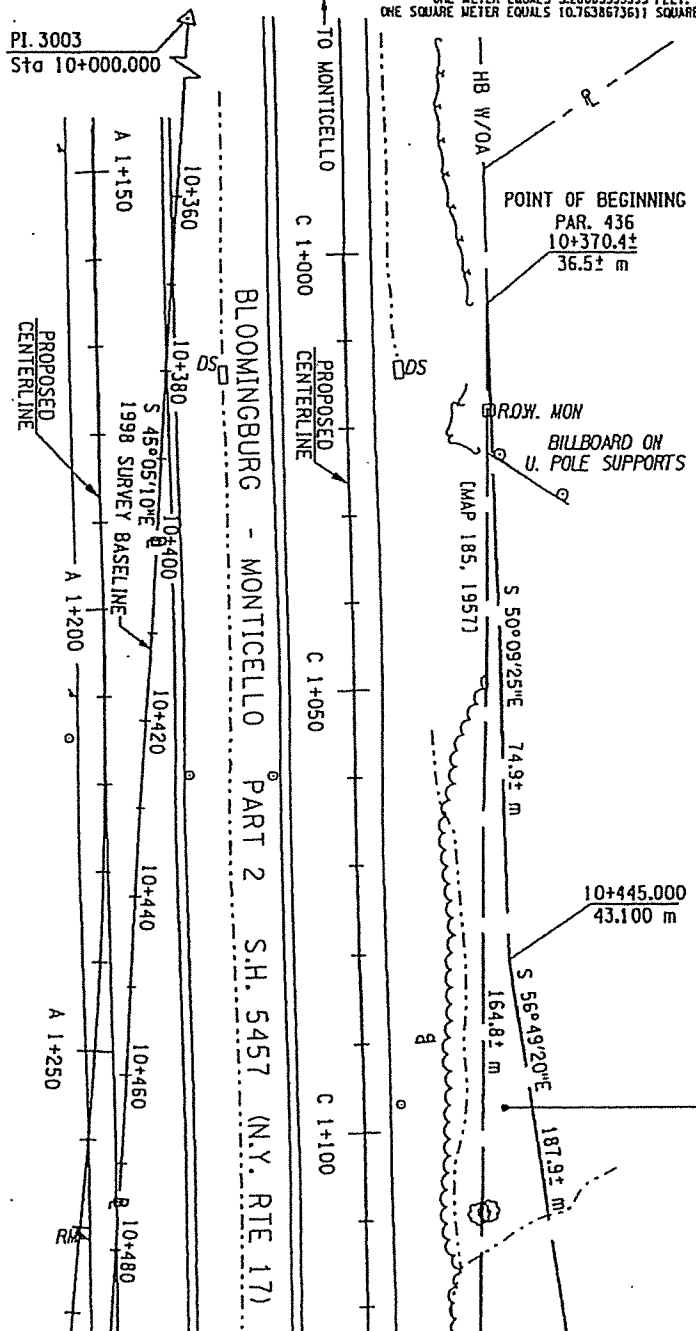
PARCEL SUMMARY:

Type: Par. 436 Fee W0/A  
Par. 437 Fee W0/A  
Par. 438 Fee

Portion of 1999 Tax  
Map Ref. No. 31-1-19.2

Town of Thompson  
County of Sullivan  
State of New York

PI. 3003  
Sta 10+000.000



HAZELNIS PROPERTIES, L.P.

(REPUTED OWNER)  
AREA= 1845.1± m<sup>2</sup>  
OR 0.1845± Ho

M 238  
P 436  
FEE W0/A

MATCHLINE STA. 10+490.000 SEE SHEET 2 OF 6

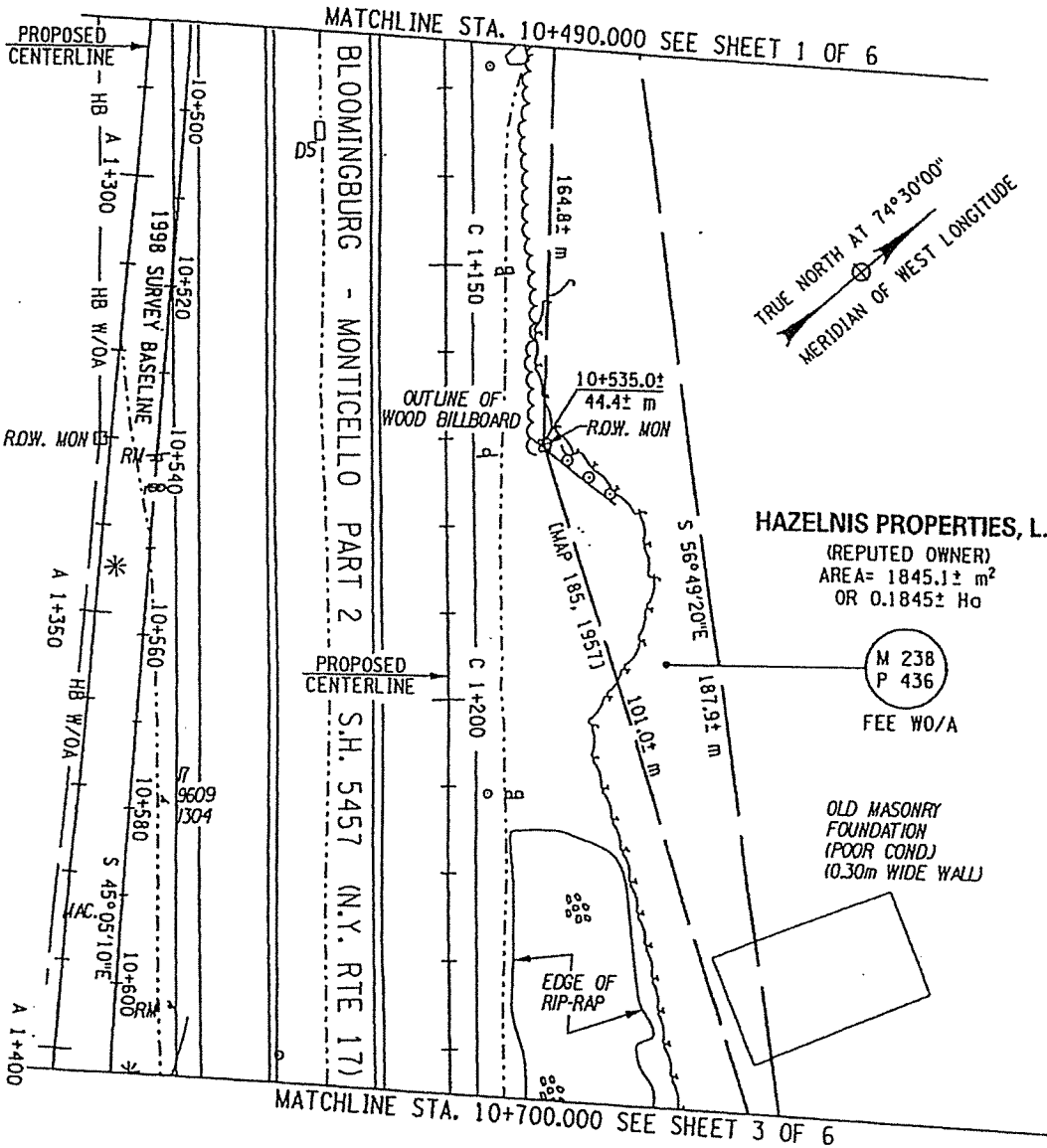
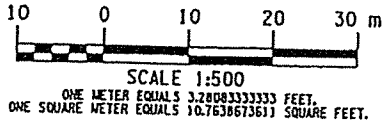
CONTINUED ON SHEET NO. 2

PREPARED BY: [ ] CHECKED BY: [ ] FINAL CHECK BY: [ ]

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 238  
PARCEL NOS. 436, 437 & 4  
SHEET 2 OF 6 SHEETS



CONTINUED ON SHEET NO. 3

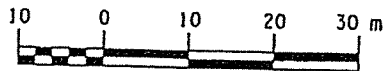
PREPARED BY: RTR CHECKED BY: FDM CHECK BY:



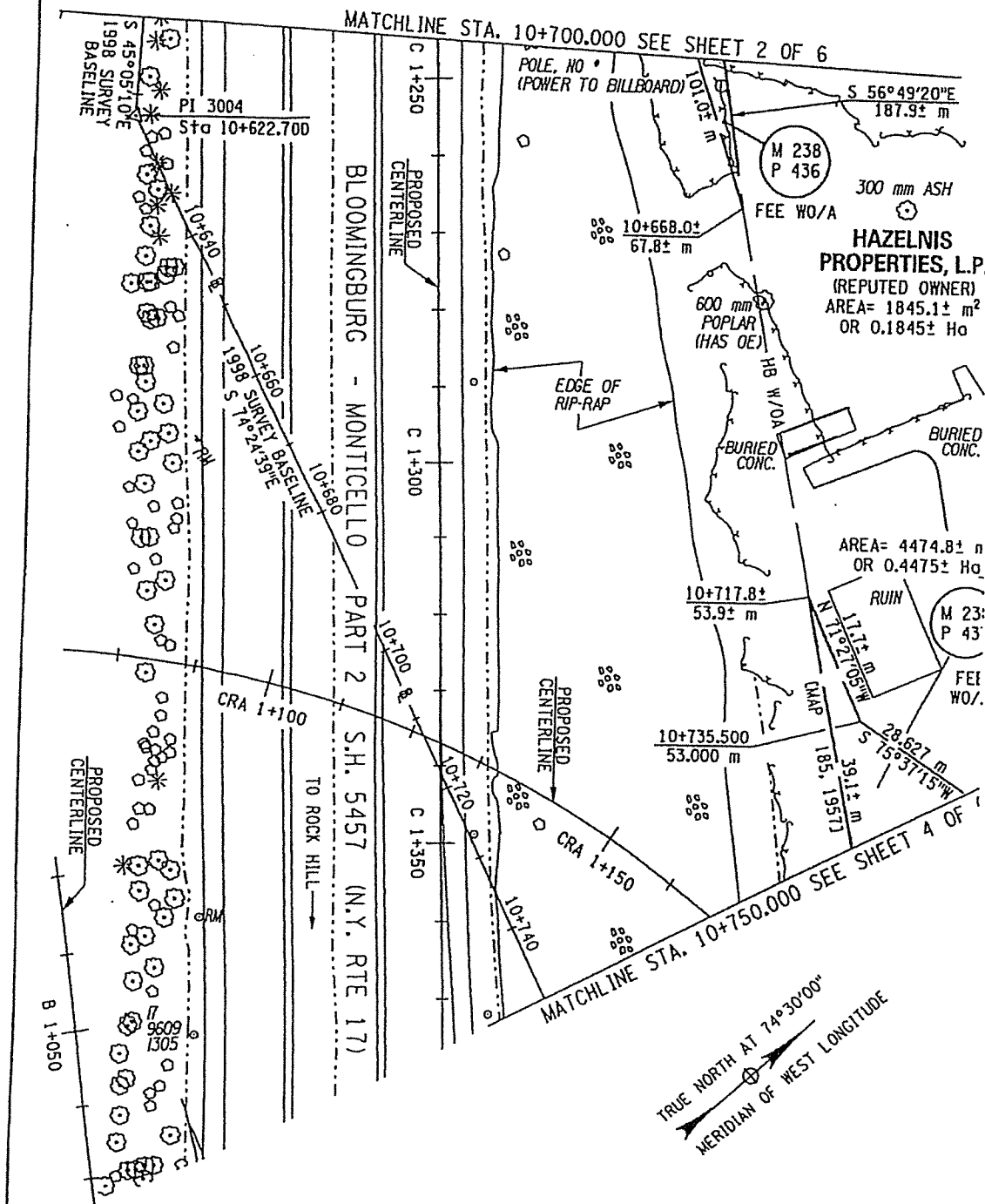
NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 238  
PARCEL NOS. 436, 437 &  
SHEET 3 OF 6 SHEETS



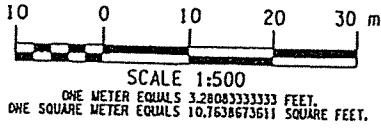
SCALE 1:500  
ONE METER EQUALS 3.2808333333 FEET.  
ONE SQUARE METER EQUALS 10.7639673611 SQUARE FEET.



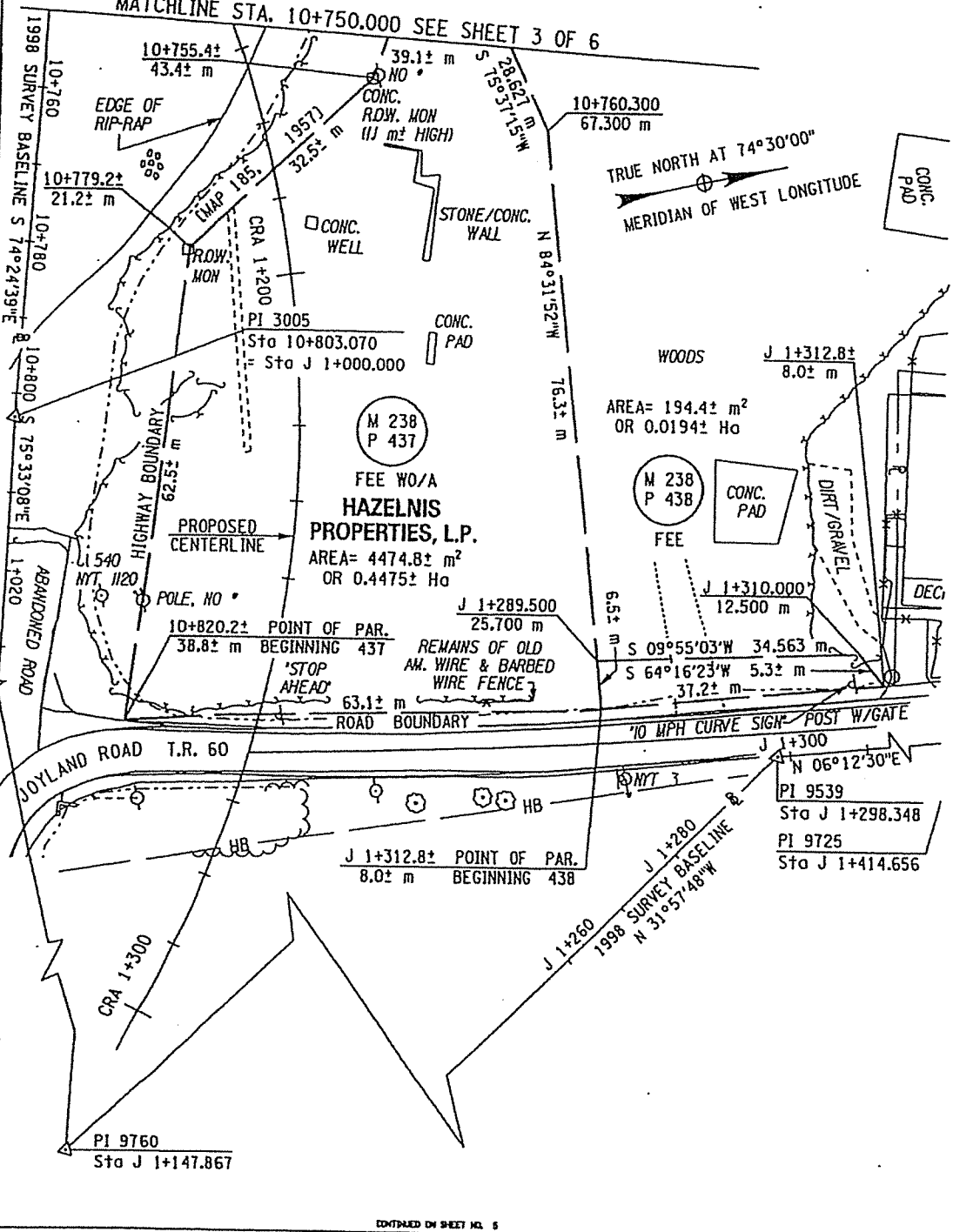
BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

MAP NO. 238  
PARCEL NOS. 436, 437 & 438  
SHEET 4 OF 6 SHEETS



MATCHLINE STA. 10+750.00 SEE SHEET 3 OF 6



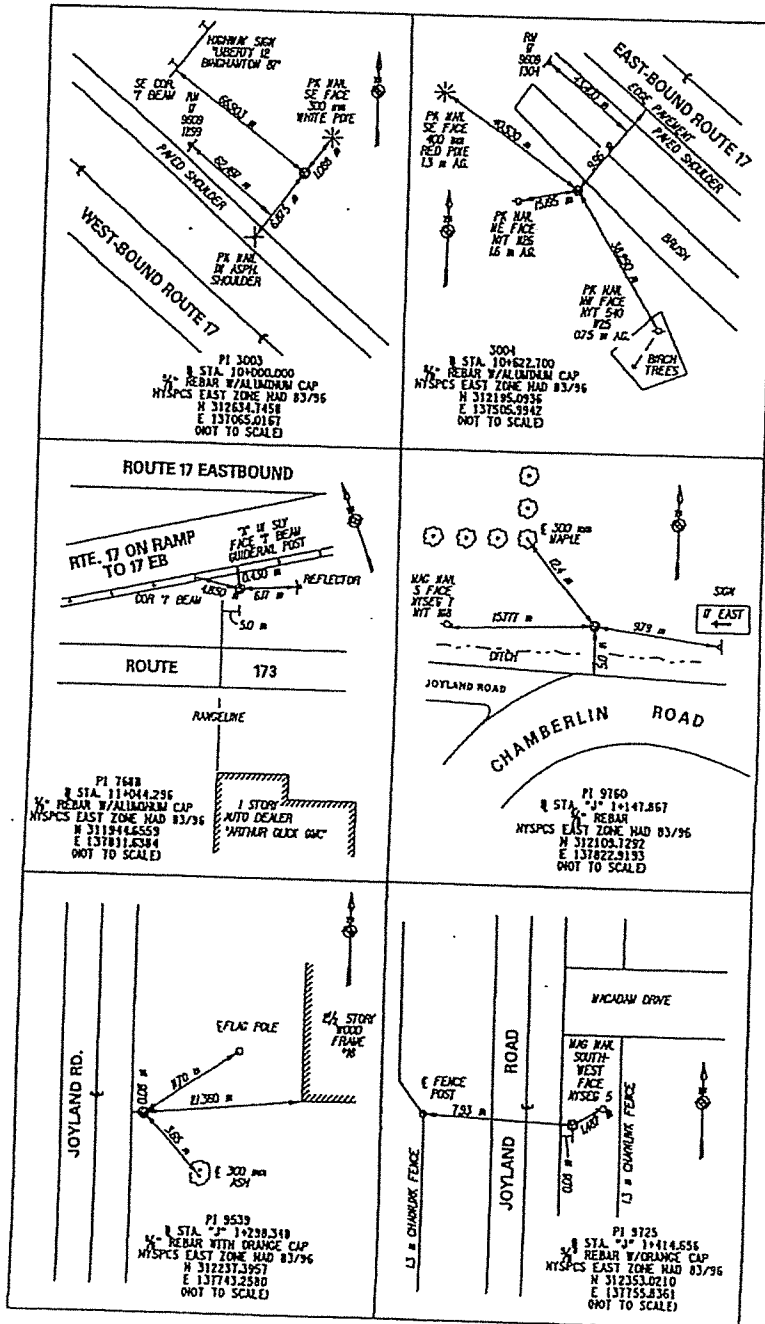
M 238  
P 437  
FEE WO/A  
**HAZELNIS  
PROPERTIES, L.P.**  
AREA= 4474.8± m<sup>2</sup>  
OR 0.4475± Ho

WOODS  
AREA= 194.4± m<sup>2</sup>  
OR 0.0194± Ho

M 238  
P 438  
FEE

J 1+300  
N 06°12'30\"/>

PI 9760  
Sta J 1+147.867



CONTINUED ON SHEET NO. 6

PREPARED BY: RYI  
CHECKED BY: FPM, DECK BY

NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
ACQUISITION MAP  
PIN 9066.87

BLOOMINGBURG-MONTICELLO PART 2,  
SH 5457

MAP NO. 238  
PARCEL NOS. 436, 437 & 4  
SHEET 6 OF 6 SHEETS

All that piece or parcel of property designated as (1) Parcel Nos. 436 and 437, as shown on the accompanying map, to be acquired in Fee, without right of access to and from abutting property and (2) Parcel No. 438, as shown on the accompanying map, to be acquired in Fee.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date July 23rd 2007

Joseph A. Foglietta  
Joseph A. Foglietta, P.E.  
Regional Design Engineer  
for the Regional Director of  
Transportation Region No. 9



"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map was prepared in accordance with current NYS DOT policies, standards and procedures.

Date July 17 2007

Roman Wilbert II  
Roman Wilbert II, Land Surveyor  
P.L.S. License No. 49988  
Stattec Consulting Services, Inc.

HAZELNIS PROPERTIES, L.P.  
( Reputed Owner )

Total Area = 6514.3± m<sup>2</sup> or  
70119± SQ. FT.

Map of property showing (1) Parcel Nos. 436 & 437 to be acquired in fee, without right of access to and from abutting property; and (2) Parcel No. 438 to be acquired in fee; each of which the Commissioner of Transportation deems necessary to be acquired by appropriation in the name of the People of the State of New York for purposes connected with the highway system of the State of New York pursuant to Section 30 of the Highway Law and the Eminent Domain Procedure Law.

There is excepted from this appropriation all the right, title and interest, if any, of the United States of America in or to said property.

Pursuant to the statute(s) set forth above and the authority delegated to me by Official Order of the Commissioner of Transportation, this acquisition map is hereby approved and filed in the main office of the New York State Department of Transportation.

Date March 03 2008

May E. Marocco  
May E. Marocco  
Real Estate Division

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the State Department of Transportation, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Maileya M. Fazio  
Maileya M. Fazio  
Real Estate Division

Real Estate Division

Sullivan County  
Daniel L. Briggs  
County Clerk  
Monticello, NY 12701



Instrument Number: 2008- 00040124

As

Recorded On: September 17, 2008 Easements/Memo of Lease

Parties: CONCORD RESORT LLC

To

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMEN

Billable Pages: 27

Recorded By: STEWART TITLE INSURANCE CO

Num Of Pages: 28

Comment: MEMO OF LEASE TO AGENCY

**\*\* Examined and Charged as Follows: \*\***

Easements/Memo of Lease	109.00	TP584		5.00			
Recording Charge:	114.00						
	Amount	Consideration Amount	RS#/CS#				
Tax-Transfer	0.00	0.00	560	Basic	0.00		
				Local	0.00	Special Additional	0.00
EXEMPT				Additional	0.00	Transfer	0.00
Tax Charge:	0.00						

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Sullivan County, NY

**File Information:**

**Record and Return To:**

Document Number: 2008- 00040124

GARIGLIANO LAW OFFICES LLP

Receipt Number: 198547

449 BROADWAY DRAWER 1069

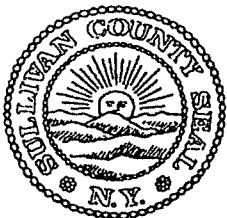
Recorded Date/Time: September 17, 2008 04:46:46P

ATTN SUSAN WHALEN ESQ

Book-Vol/Pg: Bk-REL VI-3517 Pg-167

MONTICELLO NY 12701

Cashier / Station: H Sherman / Cash Station 01



*Daniel L. Briggs*

DANIEL L. BRIGGS  
SULLIVAN COUNTY CLERK

ST08-01277

9

MEMORANDUM OF LEASE TO AGENCY

THIS MEMORANDUM OF LEASE TO AGENCY ("Memorandum"), dated as of the 20<sup>th</sup> day of August, 2008 by and between CONCORD RESORT, LLC ("Company"), having its principal offices at 115 Stevens Avenue, Valhalla, New York 10595 and COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation organized and existing under the laws of the State of New York, with its principal offices at One Cablevision Center, Ferndale, New York 12734 ("Agency").

BA

1. Reference to Lease: Lease to Agency, dated August 15, 2008 ("Lease Agreement").
2. Description of the Leased Premises: Certain real property and improvements located in the Town of Thompson, County of Sullivan, State of New York, as more particularly described on Schedule A attached hereto ("Leased Premises").
3. Term of Lease: Commencing August 15, 2008 and ending February 1, 2026.
4. Rights of Extension or Renewal: None.

IN WITNESS WHEREOF, the Agency and the Company have caused this Memorandum to be executed in their respective names, all as of the date first written above.

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

Allan C. Scott  
By: Allan C. Scott, Chief Executive Officer

CONCORD RESORT, LLC  
By: Concord Spa & Golf, LLC, Its Sole Member

[Signature]  
By: Louis R. Cappelli, Manager

RECORD AND RETURN TO:

GARIGLIANO LAW OFFICES, LLP  
449 Broadway, P.O. Drawer 1069  
Monticello, New York 12701  
Attn: Susan Whalan, Esq.

**EXHIBIT A**

SECTION, BLOCK AND LOTS

FEE TAX DESIGNATIONS:

**County: Sullivan**  
**Town: Thompson**

Section 9	Block 1	Lot(s) 35
Section 13	Block 3	Lot(s) 5, 7, 12, 17, 19.1, 20.1, 20.2, 20.3, 22, 25.1, 25.2, 25.3, 45
Section 15	Block 1	Lot(s) 11.1, 11.2, 14.1, 14.2, 18, 19, 22, 24, 25, 35.7, 49, 51, 4, 12.1
Section 23	Block 1	Lot(s) 11.3, 53, 54.1, 54.2, 54.3, 54.4, 55, 61.2
Section 23	Block 2	Lot(s) 1, 2, 3, 4, 6
Section 13	Block 1	Lot(s) 28 and 53

**County: Sullivan**  
**Town: Thompson**

Section 23	Block 2	Lot(s) 8, 10
Section 13	Block 3	Lot(s) 2.1, 2.2, 26.1, 26.2
Section 15	Block 1	Lot(s) 5

LEASEHOLD TAX DESIGNATIONS:

**County: Sullivan**  
**Town: Thompson**

Section 9	Block 1	Lot(s) 18.1
Section 13	Block 3	Lot(s) 18, 19.3
Section 15	Block 1	Lot(s) 13, 15, 16, 17, 50
Section 23	Block 1	Lot(s) 48, 52

81  
25  
27

EXHIBIT VII  
LIBER 3517 PAGE 223  
FEE & LEASEHOLD  
MORTGAGE, ASSIGNMENT  
OF LEASES & RENTS &  
SECURITY AGREEMENT



Sullivan County  
Daniel L. Briggs  
County Clerk  
Monticello, NY 12701



60 2008 00040126

Instrument Number: 2008- 00040126

As

Recorded On: September 17, 2008 Mortgage with Cover Sheet

Parties: COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMEN

To

EPT CONCORD LLC

Billable Pages: 90

Recorded By: STEWART TITLE INSURANCE CO

Num Of Pages: 91

Comment: FEE AND LEASEHOLD MTG

**\*\* Examined and Charged as Follows: \*\***

Mortgage with Cover Sheet	298.00	Affidavit \$5	5.00			
Recording Charge:	303.00					
		Consideration				
	Amount	Amount	RS#/CS#			
Tax-Mortgage	0.00	225,000,000.00	CZ 1485	Basic	0.00	
THOMPSON				Local	0.00	Special Additional 0.00
EXEMPT				Additional	0.00	Transfer 0.00
Tax Charge:	0.00					

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Sullivan County, NY

**File Information:**

**Record and Return To:**

Document Number: 2008- 00040126  
Receipt Number: 198547  
Recorded Date/Time: September 17, 2008 04:46:46P  
Book-Vol/Pg: Bk-REL VI-3517 Pg-223  
Cashier / Station: H Sherman / Cash Station 01

GREG A NICKELL  
STINSON MORRISON HECKER LLP  
1201 WALNUT SUITE 2900  
KANSAS CITY MO 64106



*Daniel L. Briggs*

DANIEL L. BRIGGS  
SULLIVAN COUNTY CLERK

5

9/17

(space above reserved for recorder's use)

**FEE AND LEASEHOLD MORTGAGE, ASSIGNMENT OF LEASES AND RENTS  
AND SECURITY AGREEMENT**

made by

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY,**

as Agency,

and

**CONCORD RESORT, LLC, a Delaware limited liability company, as Borrower**

in favor of

**EPT CONCORD, LLC, as Lender**

Dated as of August 20, 2008

**Tax Parcel Identification Number(s):**

Section 9	Block 1	Lot(s) 35	20.1, 20.2, 20.3
Section 13	Block 3	Lot(s) 5, 7, 12, 17, 19.1, 20, 22, 25, 45	25.1, 25.2, 25.3
Section 15	Block 1	Lot(s) 11.1, 11.2, 14, 18, 19, 22, 24, 25, 35.7, 49, 51, 4, 12.1, 4.1, 14.2	
Section 23	Block 1	Lot(s) 11.3, 53, 54.1, 54.2, 54.3, 54.4, 55, 61.2	
Section 23	Block 2	Lot(s) 1, 2, 3, 4, 6	
Section 13	Block 1	Lot(s) 28 and 53	
Section 23	Block 2	Lot(s) 8, 10	
Section 13	Block 3	Lot(s) 2.1, 2.2, 26.1, 26.2	
Section 15	Block 1	Lot(s) 5	
Section 9	Block 1	Lot(s) 18.1	
Section 13	Block 3	Lot(s) 18, 19.3	
Section 15	Block 1	Lot(s) 13, 15, 16, 17, 50	
Section 23	Block 1	Lot(s) 48, 52	

Town of Thompson, Sullivan County, State of New York

This instrument prepared by and after recording should be returned to:

Greg A. Nickell  
Stinson Morrison Hecker LLP  
1201 Walnut, Suite 2900  
Kansas City, Missouri 64106

**THIS FEE AND LEASEHOLD MORTGAGE, ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT** (this "Mortgage") is made as of August 20, 2008, by **COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation of the State of New York, whose address is One Cablevision Center, Ferndale, New York 12734, Attn: Chief Executive Officer ("Agency"), and **CONCORD RESORT, LLC**, a Delaware limited liability company, as mortgagor ("**Borrower**", and collectively with Agency, "**Mortgagor**"), whose address is c/o Cappelli Enterprises, Inc., 115 Stevens Avenue, Valhalla, New York, 10595, in favor of **EPT CONCORD, LLC**, a Delaware limited liability company, as mortgagee (together with its successors and assigns, "**Lender**"), whose address is 30 Pershing Road, Suite 201, Kansas City, Missouri 64108.

**WITNESSETH:**

**THAT FOR THE PURPOSES OF SECURING:**

1. A loan (the "**Loan**") by Lender to Borrower in the original principal amount of **TWO HUNDRED TWENTY-FIVE MILLION AND NO/100 DOLLARS (\$225,000,000.00)**, together with interest thereon evidenced by that certain promissory note (such promissory note, together with any and all renewals, modifications, consolidations and extensions thereof, is hereinafter referred to as the "**Note**") of even date with this Mortgage, made by Borrower to the order of Lender in like amount;

2. The full and prompt payment and performance of all of the provisions, agreements, covenants and obligations herein contained and contained in any other agreements, documents or instruments now or hereafter evidencing, guarantying, securing or otherwise relating to the indebtedness evidenced by the Note, whether executed or delivered by Borrower or by any indemnitor or guarantor with respect to any obligation of Borrower under the Loan Documents (each, hereinafter, an "**Indemnitor**"), as defined herein, or jointly and severally (the Note, this Mortgage, and such other agreements, documents and instruments, together with any and all renewals, amendments, extensions and modifications thereof, are hereinafter collectively referred to as the "**Loan Documents**") excluding only the obligations pursuant to that certain Hazardous Substances Indemnity Agreement by Borrower and Indemnitor, jointly and severally, for the benefit of Lender (the "**Hazardous Substances Indemnity**") and that certain Payment Guaranty by Indemnitor for the benefit of Lender, and the payment of all other sums covenanted in the Loan Documents to be paid;

3. Any and all additional advances made by Lender to protect or preserve the Property (as defined herein) or the lien or security interest created hereby on the Property, or for Taxes and Other Charges (each as defined in Section 1.5) or Insurance Premiums (as defined in Section 1.6) as hereinafter provided or for performance of any of Borrower's obligations hereunder or under the other Loan Documents or for any other purpose provided herein or in the other Loan Documents (whether or not the original Borrower named herein remains the owner of the Property at the time of such advances), and any and all costs and expenses incurred by Lender hereunder in performing the obligations required to be performed by Borrower or otherwise incurred by Lender pursuant to the terms of this Mortgage, together with interest on each such advance, cost or expense (which interest shall accrue at the Default Interest Rate (as defined in the Note) from the date such amounts are advanced or paid by Lender until the date repaid by Borrower); and

4. Any and all other indebtedness now owing or which may hereafter be owing by Borrower to Lender in connection with the Loan, the Loan Documents and/or the Property, including, without limitation, all prepayment fees, breakage costs, commitment, deferred commitment and exit fees,

**EXHIBIT A  
LEGAL DESCRIPTION OF THE OWNED REAL ESTATE**

**LEGAL DESCRIPTION OF KEYBANK PARCELS**

**PARCEL 'A'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'A' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the northwest corner of lands now or formerly of Irving Cohen and running northerly along the westerly line of aforementioned Cohen, North 15°59'50" East, a distance of 370.99 feet to an intersection of stonewalls on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south and continuing along same, South 69°17'00" East, a distance of 1074.74 feet;

**THENCE** South 02°28'00" West, a distance of 218.80 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 87°32'00" West, a distance of 388.63 feet;

**THENCE** North 03°12'00" East, a distance of 150.00 feet;

**THENCE** North 86°48'00" West, a distance of 300.00 feet;

**THENCE** South 03°12'00" West, a distance of 150.00 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 88°00'00" West, a distance of 315.50 feet to the easterly line of aforementioned Cohen, and continuing along same, North 28°46'00" East, a distance of 218.01 feet to the northerly line of Cohen and continuing along same, North 88°07'00" West, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 351687 square feet; or 8.074 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot(s) 4 and part of 12.1 of the Town of Thompson Tax Maps.

**PARCEL 'B'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'B' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as

follows:

**BEGINNING** at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 86°58'52" West, a distance of 261.00 feet;

**THENCE** North 25°21'14" East, a distance of 60.54 feet;

**THENCE** South 89°15'55" East, a distance of 25.02 feet;

**THENCE** South 79°46'52" East, a distance of 51.91 feet;

**THENCE** South 71°52'06" East, a distance of 55.54 feet and

**THENCE** South 68°31'20" East, a distance of 113.73 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 9086 square feet; or 0.209 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot 49 of the Town of Thompson Tax Maps.

**PARCEL 'C'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'C' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the southerly line of County Route No. 109 also known as Kiamesha Lake Road and the centerline of County Route 182 also known as Concord Road and continuing along the aforementioned southerly line of County Route No. 109 also known as Kiamesha Lake Road the following nine (9) courses and distances;

- 1) South 87°35'17" East, a distance of 150.86 feet,
- 2) South 88°28'17" East, a distance of 94.01 feet,
- 3) South 87°52'17" East, a distance of 70.39 feet,
- 4) South 86°57'17" East, a distance of 147.30 feet,
- 5) South 86°32'17" East, a distance of 200.40 feet,
- 6) South 86°51'17" East, a distance of 310.71 feet,
- 7) South 87°19'17" East, a distance of 467.40 feet,
- 8) South 86°52'59" East, a distance of 289.67 feet and
- 9) South 77°47'08" East, a distance of 482.81 feet to a point on the division line between

the Town of Fallsburg on the north and the Town of Thompson on the south;

**CONTINUING** along same the following two (2) courses and distances;

- 1) South 68°45'29" East, a distance of 959.75 feet and
- 2) South 69°00'29" East, a distance of 1223.13 feet to the approximate centerline

of the West Branch of Sheldrake Stream;

**CONTINUING** along same the following twenty-nine (29) courses and distances;

- 1) South 07°51'27" East, a distance of 30.42 feet,
- 2) South 19°46'28" East, a distance of 354.20 feet,
- 3) South 37°38'32" East, a distance of 180.68 feet,
- 4) South 22°37'10" East, a distance of 96.91 feet,
- 5) South 11°59'08" East, a distance of 366.93 feet,
- 6) South 43°11'52" East, a distance of 95.64 feet,
- 7) South 67°43'50" East, a distance of 102.99 feet,
- 8) South 61°57'30" East, a distance of 72.30 feet,
- 9) South 06°47'30" East, a distance of 86.33 feet,
- 10) South 28°46'20" West, a distance of 67.03 feet,
- 11) South 06°51'14" East, a distance of 28.12 feet,
- 12) South 37°49'38" East, a distance of 118.30 feet,
- 13) South 25°10'27" East, a distance of 89.74 feet,
- 14) South 07°26'20" East, a distance of 120.14 feet,
- 15) South 01°55'56" East, a distance of 423.06 feet,
- 16) South 21°42'05" East, a distance of 166.05 feet,
- 17) South 03°21'10" East, a distance of 71.11 feet,
- 18) South 33°47'03" East, a distance of 160.33 feet,
- 19) South 89°11'55" East, a distance of 80.45 feet,
- 20) South 42°01'43" East, a distance of 134.90 feet,
- 21) South 18°46'10" West, a distance of 14.55 feet,
- 22) South 13°35'40" East, a distance of 75.29 feet,
- 23) South 00°58'26" West, a distance of 234.27 feet,
- 24) South 08°53'16" West, a distance of 119.20 feet,
- 25) South 10°00'15" East, a distance of 241.24 feet,

- 26) South 29°19'03" East, a distance of 323.51 feet,
- 27) South 23°33'36" East, a distance of 286.99 feet,
- 28) South 07°03'12" East, a distance of 111.94 feet and
- 29) South 18°55'17" East, a distance of 83.94 feet;

**THENCE** South 58°40'39" East, a distance of 405.38 feet;

**THENCE** North 61°21'13" East, a distance of 233.12 feet;

**THENCE** North 62°05'14" East, a distance of 187.14 feet;

**THENCE** North 62°17'11" East, a distance of 452.54 feet to the westerly line of County Route 161 also known as Heiden Road and continuing along same, South 37°52'19" East, a distance of 50.80 feet;

**THENCE** South 62°17'11" West, a distance of 461.21 feet;

**THENCE** South 62°05'04" West, a distance of 186.93 feet;

**THENCE** South 61°21'21" West, a distance of 255.70 feet to the division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 69°23'31" West, a distance of 976.04 feet and
- 2) North 68°34'41" West, a distance of 1289.25 feet;

**THENCE** South 16°09'30" West, a distance of 3187.18 feet to the centerline of Thompsonville Road;

**CONTINUING** along same the following two (2) courses and distances;

- 1) South 85°20'09" West, a distance of 128.96 feet and
- 2) North 84°52'46" West, a distance of 67.00 feet;

**THENCE** crossing Thompsonville Road, South 15°41'46" West, a distance of 28.03 feet to the southerly line of Thompsonville Road and continuing along same, North 69°20'00" West, a distance of 550.03 feet;

**THENCE** South 15°32'37" West, a distance of 1016.98 feet;

**THENCE** North 70°08'54" West, a distance of 578.31 feet;

**THENCE** North 70°38'25" West, a distance of 123.87 feet;

**THENCE** South 16°14'12" West, a distance of 490.46 feet;

**THENCE** North 70°46'13" West, a distance of 302.97 feet to the centerline of Joyland Road;

**CONTINUING** along same the following seven (7) courses and distances;

- 1) South 14°20'03" West, a distance of 18.77 feet,
- 2) South 16°28'56" West, a distance of 84.25 feet,
- 3) South 18°49'49" West, a distance of 297.65 feet,
- 4) South 15°24'28" West, a distance of 327.46 feet,
- 5) South 14°13'43" West, a distance of 265.48 feet,
- 6) South 16°08'03" West, a distance of 387.79 feet and
- 7) South 16°01'34" West, a distance of 481.21 feet;

**THENCE** North 69°09'17" West, a distance of 660.73 feet;

**THENCE** South 27°05'36" West, a distance of 751.68 feet;

**THENCE** South 70°46'12" East, a distance of 804.61 feet to the aforementioned centerline of Joyland Road and continuing along same, South 16°44'54" West, a distance of 271.95 feet;

**THENCE** North 70°48'02" West, a distance of 1621.89 feet;

**THENCE** North 17°15'50" East, a distance of 272.71 feet;

**THENCE** North 69°58'30" West, a distance of 332.95 feet;

**THENCE** North 15°39'20" East, a distance of 2056.61 feet;

**THENCE** South 67°17'34" East, a distance of 435.20 feet;

**THENCE** North 23°18'44" East, a distance of 2114.90 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°20'00" East, a distance of 589.67 feet;

**THENCE** North 16°45'00" East, a distance of 563.00 feet;

**THENCE** South 69°20'00" East, a distance of 350.00 feet;

**THENCE** South 16°45'00" West, a distance of 563.00 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, crossing Joyland Road, South 69°20'00" East, a distance of 564.60 feet;

**THENCE** North 15°59'14" East, a distance of 653.60 feet;

**THENCE** North 85°20'05" West, a distance of 247.96 feet to the centerline of Chalet Road;

**CONTINUING** along same the following twelve (12) courses and distances;

- 1) North 00°40'40" West, a distance of 125.64 feet,



- 2) North 01°59'27" West, a distance of 196.51 feet,
- 3) North 07°40'03" West, a distance of 106.27 feet,
- 4) North 10°12'53" West, a distance of 133.06 feet,
- 5) North 14°05'26" West, a distance of 136.10 feet,
- 6) North 13°16'52" West, a distance of 128.93 feet,
- 7) North 11°36'18" West, a distance of 67.40 feet,
- 8) North 10°32'39" West, a distance of 112.26 feet,
- 9) North 13°47'29" West, a distance of 68.81 feet,
- 10) North 20°23'04" West, a distance of 43.72 feet,
- 11) North 29°01'32" West, a distance of 43.33 feet and
- 12) North 32°24'55" West, a distance of 86.74 feet;

**THENCE** South 67°53'33" East, a distance of 1006.08 feet;

**THENCE** North 15°18'26" East, a distance of 1677.94 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 69°25'51" East, a distance of 729.84 feet;

**THENCE** North 20°34'10" East, a distance of 1089.00 feet;

**THENCE** North 69°40'38" West, a distance of 1198.83 feet;

**THENCE** South 20°34'08" West, a distance of 1083.29 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 69°20'22" West, a distance of 1198.32 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following fourteen (14) courses and distances;

- 1) South 38°43'45" West, a distance of 139.26 feet,
- 2) South 19°47'40" West, a distance of 29.74 feet,
- 3) South 27°06'36" West, a distance of 257.65 feet,
- 4) South 17°55'47" West, a distance of 156.34 feet,
- 5) South 07°15'06" West, a distance of 139.27 feet,
- 6) South 04°52'16" East, a distance of 73.96 feet,
- 7) South 34°58'29" West, a distance of 113.94 feet,
- 8) South 06°32'37" West, a distance of 40.45 feet,
- 9) South 04°27'53" East, a distance of 193.59 feet,

- 10) South 21°29'55" West, a distance of 59.40 feet,
- 11) South 42°46'43" West, a distance of 99.24 feet,
- 12) South 48°59'16" West, a distance of 127.61 feet,
- 13) South 67°35'53" West, a distance of 170.27 feet and
- 14) South 55°07'46" West, a distance of 165.72 feet;

**THENCE** North 67°53'33" West, a distance of 1819.46 feet to the division line of lot 25 on the west & lot 17 on the east of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 15°30'21" West, a distance of 1710.73 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°24'26" East, a distance of 235.78 feet;

**THENCE** South 41°39'10" West, a distance of 687.06 feet;

**THENCE** North 72°01'55" West, a distance of 982.75 feet;

**THENCE** North 76°39'59" East, a distance of 232.83 feet;

**THENCE** North 73°01'32" East, a distance of 176.88 feet;

**THENCE** North 41°17'23" East, a distance of 85.80 feet;

**THENCE** North 71°01'59" West, a distance of 1320.42 feet to the centerline of Rock Ridge Road;

**CONTINUING** along same the following four (4) courses and distances;

- 1) North 28°37'25" East, a distance of 100.70 feet,
- 2) North 26°34'44" East, a distance of 96.63 feet,
- 3) North 24°04'40" East, a distance of 150.63 feet and
- 4) North 17°53'01" East, a distance of 65.77 feet to the aforementioned division

line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 68°21'00" East, a distance of 340.87 feet;

**THENCE** North 17°31'14" East, a distance of 340.63 feet;

**THENCE** North 73°19'53" West, a distance of 338.06 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 17°53'01" East, a distance of 355.39 feet and
- 2) North 16°35'59" East, a distance of 436.20 feet;

**THENCE** South 74°29'17" East, a distance of 157.89 feet;

**THENCE** North 16°07'09" East, a distance of 150.00 feet;

**THENCE** North 74°29'14" West, a distance of 157.90 feet to the aforementioned centerline of Rock Ridge Road and continuing along same, North 15°53'56" East, a distance of 136.87 feet;

**THENCE** South 70°39'43" East, a distance of 669.63 feet;

**THENCE** North 16°28'02" East, a distance of 304.22 feet;

**THENCE** South 68°26'44" East, a distance of 292.93 feet;

**THENCE** North 30°13'30" East, a distance of 650.09 feet;

**THENCE** North 22°16'58" East, a distance of 484.81 feet;

**THENCE** North 56°04'23" West, a distance of 458.00 feet;

**THENCE** North 53°40'37" East, a distance of 178.00 feet;

**THENCE** North 51°04'23" West, a distance of 185.71 feet to the westerly line of County Route 182 also known as Concord Road;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 57°58'49" East, a distance of 169.61 feet and
- 2) North 58°05'21" East, a distance of 483.00 feet;

**THENCE** North 23°40'50" West, a distance of 30.52 feet to the centerline of aforementioned County Route 182 also known as Concord Road;

**CONTINUING** along same the following seven (7) courses and distances;

- 1) North 67°03'00" East, a distance of 444.34 feet,
- 2) North 62°36'00" East, a distance of 547.50 feet,
- 3) North 53°39'40" East, a distance of 78.54 feet,
- 4) North 40°11'42" East, a distance of 604.35 feet,
- 5) North 39°59'49" East, a distance of 230.03 feet to a point of curvature,
- 6) Along the curve to the left having a radius of 410.28 feet and an arc length of 262.55 feet to a point of tangency and

7) North 05°59'34" East, a distance of 438.84 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 39529000 square feet; or 907.461 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 12, 19.1, 20.1, 20.2, 20.3, & 22 and Section 15 Block 1 Lot(s) 11.1, 11.2, part of 12.1, 14.1, 14.2, 18, 19, 22, 24, 25, 35.7, & 51,

and Section 23 Block 1 Lot (s) 53, 54.1, 54.2, 54.3, 54.4, 55, & 61.2, and Section 23 Block 2 Lot(s) 2, 3, 4, & 6 and Section 9 Block 1 Lot 35 & part of lot 34.1 of the Town of Thompson Tax Maps.

**PARCEL 'D'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'D' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of Route 17 said point being the southwesterly corner of the herein described parcel;

**THENCE** North 33°01'47" East, a distance of 114.87 feet;

**THENCE** North 36°16'31" East, a distance of 171.17 feet;

**THENCE** North 38°56'55" East, a distance of 77.89 feet;

**THENCE** South 67°02'55" East, a distance of 228.06 feet;

**THENCE** South 14°17'23" West, a distance of 119.41 feet;

**THENCE** North 81°01'23" East, a distance of 79.55 feet;

**THENCE** North 06°19'11" East, a distance of 80.05 feet;

**THENCE** South 67°58'37" East, a distance of 103.34 feet;

**THENCE** North 17°58'32" East, a distance of 107.66 feet;

**THENCE** North 67°58'33" West, a distance of 100.13 feet;

**THENCE** North 67°23'11" West, a distance of 63.12 feet;

**THENCE** North 64°51'55" West, a distance of 144.18 feet;

**THENCE** North 18°26'38" East, a distance of 165.68 feet;

**THENCE** South 70°47'00" East, a distance of 629.23 feet;

**THENCE** South 15°13'50" West, a distance of 884.24 feet to the aforementioned northerly line of Route 17;

**CONTINUING** along same the following three (3) courses and distances;

1) North 45°42'43" West, a distance of 342.37 feet,

2) South 86°50'05" West, a distance of 124.64 feet and

3) North 50°59'54" West, a distance of 479.89 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 520504 square feet; or 11.949 acres of land more or less.

**SAID** parcel being known as Section 23 Block 1 Lot 11.3 of the Town of Thompson Tax Maps.

**PARCEL 'E'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'E' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Rock Ridge Road and continuing along same, North 12°11'00" East, a distance of 99.00 feet;

**THENCE** North 21°26'00" West, a distance of 229.50 feet;

**THENCE** North 14°28'00" West, a distance of 105.60 feet;

**THENCE** North 12°28'00" West, a distance of 184.80 feet;

**THENCE** North 10°28'00" East, a distance of 237.60 feet;

**THENCE** South 70°32'00" East, a distance of 264.00 feet;

**THENCE** South 12°30'00" West, a distance of 151.27 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following sixteen (16) courses and distances;

- 1) North 22°28'00" East, a distance of 75.40 feet,
- 2) North 46°24'00" East, a distance of 27.04 feet,
- 3) North 72°54'00" East, a distance of 43.14 feet,
- 4) South 81°43'00" East, a distance of 67.14 feet,
- 5) South 73°14'00" East, a distance of 289.34 feet,
- 6) South 75°51'00" East, a distance of 68.05 feet,
- 7) South 84°49'00" East, a distance of 50.34 feet,
- 8) North 81°35'00" East, a distance of 60.00 feet,
- 9) North 70°47'00" East, a distance of 79.33 feet,
- 10) North 66°32'00" East, a distance of 182.90 feet,
- 11) North 73°27'13" East, a distance of 174.23 feet,
- 12) North 67°46'00" East, a distance of 83.24 feet,
- 13) North 61°13'00" East, a distance of 53.40 feet,

- 14) North 56°52'00" East, a distance of 215.00 feet,
- 15) North 53°01'00" East, a distance of 59.26 feet and
- 16) North 41°58'00" East, a distance of 20.18 feet;

**THENCE** South 41°52'00" East, a distance of 119.70 feet;

**THENCE** South 03°05'00" East, a distance of 247.00 feet;

**THENCE** South 48°18'00" East, a distance of 290.40 feet;

**THENCE** South 33°18'00" East, a distance of 585.14 feet;

**THENCE** North 87°26'00" East, a distance of 580.80 feet;

**THENCE** South 47°48'00" East, a distance of 436.18 feet;

**THENCE** South 05°50'00" West, a distance of 206.87 feet to the centerline of Thompsonville Road;

**CONTINUING** along same the following eight (8) courses and distances;

- 1) South 57°40'00" West, a distance of 217.01 feet,
- 2) South 53°43'00" West, a distance of 308.21 feet,
- 3) South 57°13'00" West, a distance of 120.01 feet,
- 4) South 62°13'00" West, a distance of 84.37 feet,
- 5) South 67°33'00" West, a distance of 118.37 feet,
- 6) South 73°16'00" West, a distance of 105.51 feet,
- 7) South 74°50'00" West, a distance of 176.54 feet and
- 8) South 71°30'00" West, a distance of 44.45 feet;

**THENCE** North 70°35'00" West, a distance of 342.75 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following twenty-one (21) courses and distances;

- 1) North 05°12'00" East, a distance of 22.25 feet,
- 2) North 27°03'00" West, a distance of 58.11 feet,
- 3) North 60°55'00" West, a distance of 106.35 feet,
- 4) North 03°56'00" West, a distance of 79.16 feet,
- 5) North 14°34'00" East, a distance of 66.29 feet,
- 6) North 09°00'00" East, a distance of 47.48 feet,
- 7) North 73°23'00" West, a distance of 48.67 feet,
- 8) North 42°22'00" West, a distance of 216.20 feet,

- 9) North 18°43'00" West, a distance of 85.50 feet,
- 10) North 57°36'00" West, a distance of 23.87 feet,
- 11) North 16°36'00" West, a distance of 124.81 feet,
- 12) North 61°36'00" West, a distance of 234.42 feet,
- 13) North 34°12'00" West, a distance of 46.51 feet,
- 14) North 52°42'00" West, a distance of 39.74 feet,
- 15) North 82°49'00" West, a distance of 51.64 feet,
- 16) South 56°38'00" West, a distance of 83.88 feet,
- 17) South 61°46'00" West, a distance of 59.64 feet,
- 18) North 79°29'00" West, a distance of 146.23 feet,
- 19) North 87°37'00" West, a distance of 62.61 feet,
- 20) North 83°35'00" West, a distance of 63.60 feet and
- 21) South 69°03'00" West, a distance of 64.15 feet;

**THENCE** North 75°37'00" West, a distance of 518.08 feet;

**THENCE** North 82°16'00" West, a distance of 30.01 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 2869835 square feet; or 65.882 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 25 of the Town of Thompson Tax Maps.

**PARCEL 'F'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'F' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows.

**BEGINNING** at a point in the centerline of Rock Ridge Road said point being the northwesterly corner of the herein described parcel;

**THENCE** South 65°52'50" East, a distance of 225.51 feet;

**THENCE** South 19°07'10" West, a distance of 100.00 feet;

**THENCE** North 65°52'50" West, a distance of 222.29 feet to the aforementioned the centerline of Rock Ridge Road and continuing along same, North 17°17'17" East, a distance of 100.33 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 22305 square feet; or 0.512 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 17 of the Town of Thompson Tax Maps.

**PARCEL 'G'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'G' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows.

**BEGINNING** on the southerly line of County Route 182 also known as Concord Road and continuing along same, South 85°04'00" East, a distance of 200.00 feet;

**THENCE** South 34°56'00" West, a distance of 199.73 feet;

**THENCE** North 85°08'00" West, a distance of 200.13 feet;

**THENCE** North 34°56'00" East, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 34618 square feet; or 0.795 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 45 of the Town of Thompson Tax Maps.

**PARCEL 'H'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'H' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** on the southerly line of County Route 182 also known as Concord Road;

**THENCE** South 34°56'00" West, a distance of 116.09 feet;

**THENCE** South 46°04'00" West, a distance of 260.04 feet;

**THENCE** South 48°10'00" West, a distance of 184.80 feet;

**THENCE** North 73°06'00" West, a distance of 377.70 feet;

**THENCE** North 03°57'00" East, a distance of 381.78 feet to the southerly line of County Route 182 also known as Concord Road;

**CONTINUING** along same the following five (5) courses and distances;

- 1) North 84°52'00" East, a distance of 162.27 feet,



- 2) South 86°57'00" East, a distance of 89.02 feet,
- 3) South 88°51'00" East, a distance of 279.54 feet,
- 4) South 81°36'00" East, a distance of 64.72 feet and
- 5) South 56°51'00" East, a distance of 158.26 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 270464 square feet; or 6.209 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 5 and 7 of the Town of Thompson Tax Maps.

**LEGAL DESCRIPTION OF JEFFERSON BANK PARCELS**

**PARCEL 'J'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'J' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the southerly line of Thompsonville Road and continuing along same the following four (4) courses and distances;

- 1) South 85°12'38" East, a distance of 37.41 feet,
- 2) North 84°27'33" East, a distance of 241.27 feet,
- 3) North 82°57'33" East, a distance of 200.00 feet and
- 4) North 86°35'33" East, a distance of 194.71 feet;

**THENCE** South 16°35'33" West, a distance of 307.88 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°34'27" East, a distance of 653.27 feet;

**THENCE** South 17°11'33" West, a distance of 2648.90 feet;

**THENCE** North 67°54'27" West, a distance of 1245.00 feet;

**THENCE** South 15°35'33" West, a distance of 49.50 feet;

**THENCE** North 70°13'44" West, a distance of 313.98 feet;

**THENCE** North 69°09'44" West, a distance of 77.20 feet;

**THENCE** North 70°16'44" West, a distance of 734.96 feet;

**THENCE** North 12°21'46" East, a distance of 768.77 feet;

**THENCE** North 74°15'13" West, a distance of 441.87 feet to the centerline of Joyland Road;

**CONTINUING** along same the following four (4) courses and distances;

- 1) North 15°24'28" East, a distance of 31.31 feet,
- 2) North 18°49'49" East, a distance of 297.65 feet,
- 3) North 16°28'56" East, a distance of 84.25 feet and
- 4) North 14°20'03" East, a distance of 18.77 feet;

**THENCE** South 70°46'13" East, a distance of 302.97 feet;

**THENCE** North 16°14'12" East, a distance of 490.46 feet;

**THENCE** South 70°38'25" East, a distance of 123.87 feet;

**THENCE** South 70°08'54" East, a distance of 578.31 feet;

**THENCE** South 70°51'44" East, a distance of 595.00 feet;

**THENCE** South 16°37'16" West, a distance of 635.00 feet;

**THENCE** South 67°34'24" East, a distance of 356.90 feet;

**THENCE** North 15°35'33" East, a distance of 850.00 feet;

**THENCE** North 65°39'27" West, a distance of 400.00 feet;

**THENCE** North 20°35'33" East, a distance of 410.00 feet;

**THENCE** South 66°54'27" East, a distance of 54.00 feet;

**THENCE** North 13°35'33" East, a distance of 383.91 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 5316770 square feet; or 122.056 acres of land more or less.

**SAID** parcel being known as Section 23 Block 2 Lot(s) 8 & 10 of the Town of Thompson Tax Maps.

**PARCEL 'K'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'K' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Kiamesha Creek and continuing along same the following fourteen (14) courses and distances;

- 1) South 52°42'00" East, a distance of 18.14 feet,
- 2) South 34°12'00" East, a distance of 46.51 feet,
- 3) South 61°36'00" East, a distance of 234.42 feet,

- 4) South 16°36'00" East, a distance of 124.81 feet,
- 5) South 57°36'00" East, a distance of 23.87 feet,
- 6) South 18°43'00" East, a distance of 85.50 feet,
- 7) South 42°22'00" East, a distance of 216.20 feet,
- 8) South 73°23'00" East, a distance of 48.67 feet,
- 9) South 09°00'00" West, a distance of 47.48 feet,
- 10) South 14°34'00" West, a distance of 66.29 feet,
- 11) South 03°56'00" East, a distance of 79.16 feet,
- 12) South 60°55'00" East, a distance of 106.35 feet,
- 13) South 27°03'00" East, a distance of 58.11 feet and
- 14) South 05°12'00" West, a distance of 22.25 feet;

**THENCE** North 70°47'00" West, a distance of 859.24 feet;

**THENCE** North 18°08'37" East, a distance of 611.20 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 314001 square feet; or 7.208 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 26.2 of the Town of Thompson Tax Maps.

**PARCEL 'L'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'L' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the intersection of the westerly line of County Route 42 and the northerly line of County Route 182 also known as Concord Road and continuing along said Concord Road, South 89°18'49" West, a distance of 86.34 feet;

**THENCE** North 00°08'49" East, a distance of 200.00 feet;

**THENCE** North 89°51'11" West, a distance of 225.42 feet;

**THENCE** North 16°16'49" East, a distance of 664.72 feet;

**THENCE** North 48°30'11" West, a distance of 52.14 feet;

**THENCE** North 36°30'11" West, a distance of 25.08 feet;

**THENCE** North 24°00'11" West, a distance of 36.96 feet;

**THENCE** North 37°30'11" West, a distance of 29.70 feet;  
**THENCE** North 11°59'11" West, a distance of 39.60 feet;  
**THENCE** North 27°29'11" West, a distance of 48.18 feet;  
**THENCE** North 37°29'11" West, a distance of 38.94 feet;  
**THENCE** North 38°29'11" West, a distance of 47.52 feet;  
**THENCE** North 20°59'11" West, a distance of 54.78 feet;  
**THENCE** North 09°29'11" West, a distance of 79.20 feet;  
**THENCE** North 01°02'11" West, a distance of 66.00 feet;  
**THENCE** South 58°59'11" East, a distance of 284.46 feet;  
**THENCE** South 14°46'11" East, a distance of 83.08 feet;  
**THENCE** North 63°59'49" East, a distance of 271.11 feet to the aforementioned westerly  
line of County Route 42;

**CONTINUING** along same the following eight (8) courses and distances;

- 1) South 18°19'11" East, a distance of 40.96 feet,
- 2) South 63°59'49" West, a distance of 18.62 feet,
- 3) South 12°39'11" East, a distance of 292.92 feet,
- 4) South 16°09'49" West, a distance of 97.90 feet,
- 5) South 12°03'49" West, a distance of 90.86 feet,
- 6) South 13°27'49" West, a distance of 107.88 feet,
- 7) South 09°44'49" West, a distance of 431.00 feet and
- 8) South 33°58'49" West, a distance of 170.03 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 420400 square feet; or 9.651 acres of land more or less.

**SAID** parcel being known as Section 13 Block 1 Lot(s) 28 & 53 of the Town of Thompson Tax Maps.

**LEGAL DESCRIPTION OF COUNTRY BANK PARCELS**

**PARCEL 'M'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'M' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the easterly line of County Route 42 and the northerly line of County Route 182 also known as Concord Road and continuing along said Concord Road the following three (3) courses and distances;

- 1) North 79°36'15" East, a distance of 308.82 feet,
- 2) North 85°45'15" East, a distance of 322.14 feet and
- 3) North 85°17'15" East, a distance of 364.37 feet;

**THENCE** South 14°04'15" West, a distance of 316.28 feet;

**THENCE** South 18°01'15" West, a distance of 513.13 feet;

**THENCE** North 60°29'45" West, a distance of 319.98 feet;

**THENCE** South 86°27'03" West, a distance of 235.46 feet;

**THENCE** South 28°40'03" West, a distance of 23.97 feet;

**THENCE** North 60°29'45" West, a distance of 526.32 feet to the aforementioned easterly line of County Route 42;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 41°48'15" East, a distance of 97.37 feet and
- 2) North 35°35'15" East, a distance of 284.65 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 601003 square feet; or 13.797 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 2.1 & 2.2 of the Town of Thompson Tax Maps.

**EXHIBIT B-1**  
**Leased Real Estate**

**LEGAL DESCRIPTION OF LEASEHOLD PARCELS**

**PARCEL 'LH1'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'LH1' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Thompsonville Road;

**THENCE** North 20°16'27" West, a distance of 66.71 feet;

**THENCE** North 34°25'01" East, a distance of 82.03 feet;

**THENCE** North 25°27'40" East, a distance of 373.40 feet;

**THENCE** North 37°35'04" East, a distance of 273.90 feet;

**THENCE** North 63°33'42" East, a distance of 50.58 feet;

**THENCE** North 04°06'40" West, a distance of 82.46 feet;

**THENCE** North 31°12'29" East, a distance of 251.84 feet;

**THENCE** North 58°17'54" East, a distance of 89.77 feet;

**THENCE** North 57°31'09" East, a distance of 130.29 feet;

**THENCE** North 09°02'43" East, a distance of 104.87 feet;

**THENCE** North 24°36'42" East, a distance of 156.34 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south;

**CONTINUING** along same the following two (2) courses and distances;

1) North 69°20'00" West, a distance of 128.15 feet and

2) North 69°24'26" West, a distance of 235.78 feet to the division line of lot 25 on the west & lot 17 on the east of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 15°30'21" East, a distance of 1710.73 feet;

**THENCE** South 67°53'33" East, a distance of 1819.46 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following fourteen (14) courses and distances;

1) North 55°07'46" East, a distance of 165.72 feet,

- 2) North 67°35'53" East, a distance of 170.27 feet,
- 3) North 48°59'16" East, a distance of 127.61 feet,
- 4) North 42°46'43" East, a distance of 99.24 feet,
- 5) North 21°29'55" East, a distance of 59.40 feet,
- 6) North 04°27'53" West, a distance of 193.59 feet,
- 7) North 06°32'37" East, a distance of 40.45 feet,
- 8) North 34°58'29" East, a distance of 113.94 feet,
- 9) North 04°52'16" West, a distance of 73.96 feet,
- 10) North 07°15'06" East, a distance of 139.27 feet,
- 11) North 17°55'47" East, a distance of 156.34 feet,
- 12) North 27°06'36" East, a distance of 257.65 feet,
- 13) North 19°47'40" East, a distance of 29.74 feet and
- 14) North 38°43'45" East, a distance of 139.26 feet to the division line of lot 18

on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 69°20'22" East, a distance of 1198.32 feet;

**THENCE** North 20°34'08" East, a distance of 1083.29 feet;

**THENCE** South 69°40'38" East, a distance of 1198.83 feet;

**THENCE** South 20°34'10" West, a distance of 1089.00 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 69°25'51" West, a distance of 729.84 feet;

**THENCE** South 15°18'26" West, a distance of 1677.94 feet;

**THENCE** North 67°53'33" West, a distance of 1006.08 feet to the centerline of Chalet Road;

**CONTINUING** along same the following sixteen (16) courses and distances;

- 1) South 32°24'55" East, a distance of 86.74 feet,
- 2) South 29°01'32" East, a distance of 43.33 feet,
- 3) South 20°23'04" East, a distance of 43.72 feet,
- 4) South 13°47'29" East, a distance of 68.81 feet,
- 5) South 10°32'39" East, a distance of 112.26 feet,
- 6) South 11°36'18" East, a distance of 67.40 feet,
- 7) South 13°16'52" East, a distance of 128.93 feet,

- 8) South 14°05'26" East, a distance of 136.10 feet,
- 9) South 10°12'53" East, a distance of 133.06 feet,
- 10) South 07°40'03" East, a distance of 106.27 feet,
- 11) South 01°59'27" East, a distance of 196.51 feet,
- 12) South 00°40'40" East, a distance of 125.64 feet,
- 13) South 05°33'03" West, a distance of 70.28 feet,
- 14) South 12°33'45" West, a distance of 86.60 feet,
- 15) South 16°40'34" West, a distance of 100.27 feet and

16) South 17°16'08" West, a distance of 330.03 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, North 69°20'00" West, a distance of 330.00 feet;

**THENCE** North 16°45'00" East, a distance of 563.00 feet;

**THENCE** North 69°20'00" West, a distance of 350.00 feet;

**THENCE** South 16°45'00" West, a distance of 563.00 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, North 69°20'00" West, a distance of 589.67 feet;

**THENCE** South 23°18'44" West, a distance of 2114.90 feet;

**THENCE** North 67°17'34" West, a distance of 435.20 feet;

**THENCE** South 15°39'20" West, a distance of 566.94 feet;

**THENCE** North 70°16'15" West, a distance of 1494.90 feet;

**THENCE** South 15°13'50" West, a distance of 1100.22 feet;

**THENCE** North 70°31'44" West, a distance of 1209.71 feet to the northerly line of Route 17;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 41°35'52" West, a distance of 414.77 feet and

- 2) North 45°42'43" West, a distance of 29.98 feet;

**THENCE** North 15°13'50" East, a distance of 884.24 feet;

**THENCE** South 70°47'00" East, a distance of 161.39 feet;

**THENCE** South 70°35'00" East, a distance of 342.75 feet to the centerline of Thompsonville Road;

**CONTINUING** along same the following eight (8) courses and distances;



- 1) North 71°30'00" East, a distance of 44.45 feet,
- 2) North 74°50'00" East, a distance of 176.54 feet,
- 3) North 73°16'00" East, a distance of 105.51 feet,
- 4) North 67°33'00" East, a distance of 118.37 feet,
- 5) North 62°13'00" East, a distance of 84.37 feet,
- 6) North 57°13'00" East, a distance of 120.01 feet,
- 7) North 53°43'00" East, a distance of 308.21 feet and
- 8) North 57°40'00" East, a distance of 573.41 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 16726759 square feet; or 383.994 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot(s) 13, 15, 16, 17, & 50 and Section 23 Block 1 Lot(s) 48 & 52 of the Town of Thompson Tax Maps.

**PARCEL 'LH2'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'LH2' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection the centerline of Rock Ridge Road and the southerly line of County Route 182 also known as Concord Road and continuing along said County Route 182 also known as Concord Road the following six (6) courses and distances;

- 1) North 82°58'43" East, a distance of 120.00 feet,
- 2) North 68°30'54" East, a distance of 165.61 feet,
- 3) North 61°17'31" East, a distance of 89.00 feet,
- 4) North 48°54'38" East, a distance of 197.54 feet,
- 5) North 53°57'25" East, a distance of 216.00 feet and
- 6) North 57°58'49" East, a distance of 201.18 feet;

**THENCE** South 51°04'23" East, a distance of 185.71 feet;

**THENCE** South 53°40'37" West, a distance of 178.00 feet;

**THENCE** South 56°04'23" East, a distance of 458.00 feet;

**THENCE** South 22°16'58" West, a distance of 484.81 feet;

**THENCE** South 30°13'30" West, a distance of 650.09 feet;

**THENCE** North 68°26'44" West, a distance of 292.93 feet;  
**THENCE** North 16°26'39" East, a distance of 25.78 feet;  
**THENCE** North 70°39'48" West, a distance of 538.92 feet;  
**THENCE** North 21°01'35" East, a distance of 67.91 feet;  
**THENCE** South 66°30'26" East, a distance of 98.31 feet;  
**THENCE** North 19°07'10" East, a distance of 200.00 feet;  
**THENCE** North 65°52'50" West, a distance of 225.51 feet to the aforementioned  
centerline of Rock Ridge Road;

**CONTINUING** along same the following three (3) courses and distances;

- 1) North 17°17'23" East, a distance of 18.64 feet,
- 2) North 13°02'52" East, a distance of 201.98 feet and
- 3) North 10°36'45" East, a distance of 178.79 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 1126189 square feet; or 25.854 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 18 and 19.3 of the Town of  
Thompson Tax Maps.

**PARCEL 'LH3'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County,  
New York designated as Parcel 'LH4' and shown on a map entitled "Map of Parcels Prepared For  
Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State  
Of New York, dated August 15, 2008" which is more particularly bounded and described as  
follows:

**BEGINNING** at a point in the northerly line of County Route 42;

**CONTINUING** along the aforementioned County Route 42 the following six (6) courses  
and distances;

- 1) South 64°34'59" West, a distance of 233.00 feet,
- 2) South 69°49'59" West, a distance of 352.00 feet,
- 3) South 72°19'59" West, a distance of 368.00 feet,
- 4) South 69°59'59" West, a distance of 450.00 feet,
- 5) South 73°44'59" West, a distance of 262.00 feet and
- 6) South 68°29'59" West, a distance of 343.07 feet;

**THENCE** North 07°40'01" West, a distance of 601.35 feet;

**THENCE** South 73°33'01" East, a distance of 502.00 feet;  
**THENCE** North 69°41'59" East, a distance of 333.26 feet;  
**THENCE** North 18°12'59" East, a distance of 185.00 feet;  
**THENCE** North 69°58'59" East, a distance of 94.17 feet;  
**THENCE** North 72°19'59" East, a distance of 352.00 feet;  
**THENCE** North 69°49'59" East, a distance of 342.00 feet;  
**THENCE** North 63°42'59" East, a distance of 531.56 feet;  
**THENCE** South 11°04'59" West, a distance of 562.00 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 876964 square feet; or 20.132 acres of land more or less.

**SAID** parcel being known as Section 9 Block 1 Lot 18.1 of the Town of Thompson Tax  
Maps.

**EXHIBIT B-2**  
**Description of Ground Lease**

That certain Memorandum of Lease dated as of January 29, 1999 by and between Nalou Realty Corp., a New York corporation ("Nalou") and Naomi Friedman and Carol P. Goldstein, together as Executors (the "Executors") of the Estate of Raymond Parker, Deceased (the "Estate"); together with Nalou, (the "Landlord") and Kiamesha Concord, Inc., a New York corporation (the "Tenant") describing the ground lease as follows:

Lease dated July 1, 1968 (copy attached as Exhibit A [to the Memorandum of Lease]) executed by Nalou, as landlord, and Tenant, as tenant, for a term of twenty (20) years with three (3) options to renew, each for a period of ten (10) years, originally covering real property set forth in red on a map which is not now available. On February 27, 1997, Tenant filed a voluntary petition under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York. By order of the Bankruptcy Court dated October 16, 1998, and docketed on October 22, 1998 (copy attached as Exhibit B) the Tenant, as debtor, was authorized to assume the Lease. Thereafter, Landlord and Tenant entered into a Stipulation of Settlement Resolving the 1968 Lease Issues dated January     , 1999 (the "Stipulation"), which was "so ordered" by the Hon. Adlai S. Hardin, Bankruptcy Judge on January 19, 1999 and docketed on January 20, 1999 (copy attached as Exhibit C) which corrected and restated the Lease and changed certain terms of the Lease, among which are the rent, expiration date (extended term and eliminated options to renew), inclusion of the Executors as a Landlord, added the Lands owned by the Estate and additional lands of Nalou as part of the Leased Premises and provided the Tenant's assignee with non-disturbance protection against the liens of the Internal Revenue Service and New York State Department of Taxation.

As such ground lease was assigned to and assumed by Concord Associates, L.P., a New York limited partnership, ("Concord Associates"), pursuant to that certain Assignment and Assumption of Lease dated January 29, 1999, as amended by that certain Amendment to Lease dated as of December 1, 2001 by and between the Estate and Nalou, as landlord, and Concord Associates, as tenant, and further amended by that certain Second Amendment to Lease dated as of December 30, 2006 by and between the Estate and Nalou, as landlord, and Concord Associates, as tenant.

270 -  
28 -  
5 APR

EXHIBIT VIII  
LIBER 3517 PAGE 314  
ASSIGNMENT OF  
LEASES & RENTS

Sullivan County  
Daniel L. Briggs  
County Clerk  
Monticello, NY 12701

208

*[Handwritten initials]*



Instrument Number: 2008- 00040127

As

Recorded On: September 17, 2008 Assign of Leases/Rents

Parties: COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMEN

To  
EPT CONCORD LLC

Billable Pages: 37

Recorded By: STEWART TITLE INSURANCE CO

Num Of Pages: 38

Comment: SULLIVAN CO/EPT CONCORD

**\*\* Examined and Charged as Follows: \*\***

Assign of Leases/Rents	139.50	Affidavit \$5	5.00
Recording Charge:	144.50		

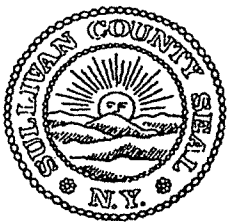
**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Sullivan County, NY

**File Information:**

**Record and Return To:**

Document Number: 2008- 00040127	GREG A NICKELL
Receipt Number: 198547	STINSON MORRISON HECKER LLP
Recorded Date/Time: September 17, 2008 04:46:46P	1201 WALNUT SUITE 2900
Book-Vol/Pg: Bk-REL VI-3517 Pg-314	KANSAS CITY MO 64106
Cashier / Station: H Sherman / Cash Station 01	



*Daniel L. Briggs*

DANIEL L. BRIGGS  
SULLIVAN COUNTY CLERK

ST08-01277

378

(space above reserved for recorder's use)

**ASSIGNMENT OF LEASES AND RENTS**

made by

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY,**  
as Agency,

and

**CONCORD RESORT, LLC,** a Delaware limited liability company,  
as Borrower

in favor of

**EPT CONCORD, LLC,**  
as Lender

Dated as of August 20, 2008

**Tax Parcel Identification Number(s):**

Section 9	Block 1	Lot(s) 35	<i>20.1, 20.2, 20.3</i>
Section 13	Block 3	Lot(s) 5, 7, 12, 17, 19.1, 20, 22, 25, 45, 25.1, 25.2, 25.3	
Section 15	Block 1	Lot(s) 11.1, 11.2, 14, 18, 19, 22, 24, 25, 35.7, 49, 51, 4, 12.1, 14.1, 14, 2	
Section 23	Block 1	Lot(s) 11.3, 53, 54.1, 54.2, 54.3, 54.4, 55, 61.2	
Section 23	Block 2	Lot(s) 1, 2, 3, 4, 6	
Section 13	Block 1	Lot(s) 28 and 53	
Section 23	Block 2	Lot(s) 8, 10	
Section 13	Block 3	Lot(s) 2.1, 2.2, 26.1, 26.2	
Section 15	Block 1	Lot(s) 5	
Section 9	Block 1	Lot(s) 18.1	
Section 13	Block 3	Lot(s) 18, 19.3	
Section 15	Block 1	Lot(s) 13, 15, 16, 17, 50	
Section 23	Block 1	Lot(s) 48, 52	

Town of Thompson, Sullivan County, State of New York

This instrument prepared by and after recording should be returned to:

Greg A. Nickell  
Stinson Morrison Hecker LLP  
1201 Walnut, Suite 2900  
Kansas City, Missouri 64106

**ASSIGNMENT OF LEASES AND RENTS**

THIS ASSIGNMENT OF LEASES AND RENTS (this "Assignment") is made as of August 20 2008, by COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation of the State of New York, whose address is One Cablevision Center, Ferndale, New York 12734, Attn: Chief Executive Officer ("Agency"), and CONCORD RESORT, LLC, a Delaware limited liability company ("Borrower", and collectively with Agency, "Assignor"), whose address is c/o Cappelli Enterprises, Inc., 115 Stevens Avenue, Valhalla, New York, 10595, as assignor, in favor of EPT CONCORD, LLC, a Delaware limited liability company, as assignee (together with its successors and assigns, "Lender"), whose address is 30 Pershing Road, Suite 201, Kansas City, Missouri 64108.

**WITNESSETH:**

THAT, WHEREAS, Borrower has executed that certain Promissory Note dated of even date herewith (as hereafter amended, consolidated or modified from time to time, the "Note"), payable to the order of Lender in the stated principal amount of TWO HUNDRED TWENTY-FIVE MILLION AND NO/100 DOLLARS (\$225,000,000.00); and

WHEREAS, the Note is secured by that certain Fee and Leasehold Mortgage, Assignment of Leases and Rents and Security Agreement dated as of the date hereof (as amended, consolidated or modified from time to time the "Security Instrument") made by Borrower, as mortgagor, in favor of Lender, as mortgagee, encumbering that certain real property situated in the Town of Thompson, County of Sullivan, State of New York, as is more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Real Estate"), and all buildings and other improvements now or hereafter located thereon (collectively, the "Improvements") (the Real Estate and the Improvements are hereinafter sometimes collectively referred to as the "Property"); and

WHEREAS, Borrower is desirous of further securing to Lender the performance of the terms, covenants and agreements hereof and of the Note, the Security Instrument and each other document evidencing, securing, guaranteeing or otherwise relating to the indebtedness evidenced by the Note (the Note, the Security Instrument and such other documents, as each of the foregoing may from time to time be amended, consolidated, renewed or replaced, being collectively referred to herein as the "Loan Documents").

NOW, THEREFORE, in consideration of the making of the loan evidenced by the Note by Lender to Borrower and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby irrevocably, absolutely and unconditionally transfer, sell, assign, pledge and convey to Lender, its successors and assigns, all of the right, title and interest of Assignor in and to:

(a) any and all leases, subleases, licenses, rental agreements and occupancy agreements of whatever form now or hereafter affecting all or any part of the Property (including without limitation, the IDA Lease (as defined in the Security Instrument) and Leaseback Agreement (as defined in the Security Instrument) and any and all guarantees, extensions, renewals, replacements and modifications thereof (collectively, the "Leases"); and

(b) all deposits (whether for security or otherwise), rents, issues, profits, revenues, royalties, accounts, rights, benefits and income of every nature of and from the Property, including, without limitation, minimum rents, additional rents, termination payments, forfeited security deposits, liquidated damages following default and all proceeds payable under any policy of insurance covering loss of rents



EXHIBIT IX  
INSTRUMENT NO.  
2010-56692  
CURRENT DEED



SULLIVAN COUNTY - STATE OF NEW YORK  
DANIEL L BRIGGS, COUNTY CLERK  
100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



RECEIPT NO. : 2010289331

Clerk: HS  
Instr #: 2010-56692  
Rec Date: 07/15/2010 03:01:39 PM  
Doc Grp: RP  
Descrip: DEED  
Num Pgs: 24  
Rec'd Frm: STEWART TITLE INSURANCE

Party1: CONCORD RESORT LLC  
Party2: EPT CONCORD II LLC  
Town: THOMPSON

Recording:	
Cover Page	5.00
Recording Fee	135.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00
<b>Sub Total:</b>	<b>415.00</b>
Exempt	
Transfer Tax	0.00
<b>Sub Total:</b>	<b>0.00</b>
<b>Total:</b>	<b>415.00</b>
**** NOTICE: THIS IS NOT A BILL ****	

\*\*\*\*\* Transfer Tax \*\*\*\*\*

Transfer Tax# : 2880

Consideration: 133118557.00  
Transfer Tax: 0.00

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

Daniel L. Briggs  
Sullivan County Clerk

Record and Return To:

STEWART TITLE INSURANCE

\*\*\*THIS IS NOT AN INVOICE\*\*\*

23

STOP-02855

R & L

STEWART TITLE INSURANCE  
707 WESTCHESTER AVENUE  
SUITE 411  
WHITE PLAINS, NY 10604

SPACE ABOVE THIS LINE FOR REGISTER'S USE

WARRANTY DEED

(IN LIEU OF FORECLOSURE)

THIS INDENTURE is made and entered into this 17 day of June, 2010, by Concord Resort, LLC, a Delaware limited liability company, with an address of 115 East Stevens Avenue, Valhalla, New York 10595 (herein called "Grantor"), in favor of EPT Concord II, LLC, a Delaware limited liability company, whose mailing address is 30 West Pershing, Kansas City, Missouri 64108 (herein called "Grantee").

WITNESSETH, that in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration paid to Grantor, by Grantee, the receipt and sufficiency of which are hereby acknowledged and confessed, and in further consideration of the agreements of Grantee and EPT Concord, LLC, a Delaware limited liability company ("Lender") set forth in that certain Agreement for Deed in Lieu of Foreclosure dated June \_\_\_\_\_, 2010 (the "Agreement"), Grantor does by these presents GRANT, BARGAIN and SELL, CONVEY and CONFIRM unto Grantee all of the real property described as follows, to-wit: (i) the real property (the "Land") located in Sullivan County, New York and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; together with (ii) all and singular, the benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and any and all right, title and interest of Grantor in and to adjacent roads, and rights-of-way (herein called the "Rights and Appurtenances"); and together with (iii) all buildings, fixtures and other improvements located on the Land (herein called the "Improvements"); together with (iv) all personal property situated in, on or about the Land and any Improvements (herein called the "Personalty") (the Land, Rights and Appurtenances, Improvements and Personalty being hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular any other rights, privileges, appurtenances and immunities thereto belonging or in any manner thereto

appertaining unto Grantee, its successors and assigns FOREVER, Grantor hereby covenanting that the Property is free and clear from any encumbrance, except that the Property is being transferred to Grantee subject to the lien of that certain Fee and Leasehold Mortgage, Assignment of Leases and Rents and Security Agreement, from the County of Sullivan Industrial Development Authority and Grantor in favor of Lender, dated as of August 20, 2008, recorded September 17, 2008 in Liber 3517, page 223 (the "Mortgage"), and that Grantor will warrant and defend the title to the Property unto Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that 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 same for any other purpose.

BUT IT IS HEREBY EXPRESSLY ACKNOWLEDGED AND AGREED that:

A. This Warranty Deed, and the conveyances being made hereby, are being executed, delivered and accepted in lieu of foreclosure, and that the same shall be interpreted and construed as an absolute conveyance to Grantee of all right, title and interest in the Property, including specifically but without limitation, any equity or rights of redemption of Grantor therein or thereto; this Warranty Deed is an absolute conveyance, Grantor having conveyed the Property to Grantee for a fair and adequate consideration, Grantor expressly acknowledges and agrees that this is an absolute conveyance and does not constitute the pledging of additional security by Grantor, there being no equity in the Property in excess of the Indebtedness secured by the Mortgage and other Loan Documents (as defined in the Agreement), and that Grantor shall have no equity of redemption with respect to the Property conveyed hereby; Grantor declares that this conveyance is freely and fairly made and Grantor is not acting under any misapprehension as to the legal effect of this Warranty Deed nor under any duress, undue influence or misrepresentation of the Grantee, its agents or attorneys or any other person, and that there are no agreements, oral or written, which would qualify this conveyance as anything other than an absolute conveyance.

B. The execution, delivery and recording of this Warranty Deed shall not be deemed to result in payment, satisfaction, release, termination or cancellation of the Indebtedness (as defined in the Agreement) evidenced by any of the Loan Documents; but instead, such Indebtedness and the Loan Documents shall expressly survive this conveyance.

D. Nothing contained herein shall be construed to impair the rights of Lender, as the holder of the Loan Documents, with respect to the real and personal property granted as collateral under the Loan Documents, or to affect in any manner the right of Lender or any subsequent holder of the Loan Documents to foreclose, sell, or otherwise proceed against any such real and personal property.

E. No merger of the fee estate conveyed hereby to Grantee with the estate, title and

security interest granted to Lender by the Loan Documents shall occur until and unless the holder of all of such interests shall execute an appropriate instrument effecting such merger and shall duly file the same in the Office of Register of Deeds, in and for Sullivan County, New York; nothing contained herein shall constitute an assumption by Grantee of any obligations of Grantor under the Loan Documents.

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

GRANTOR:

**CONCORD RESORT, LLC**, a Delaware limited liability company

By: Concord Spa & Golf LLC, a New York limited liability company, its Managing Member

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

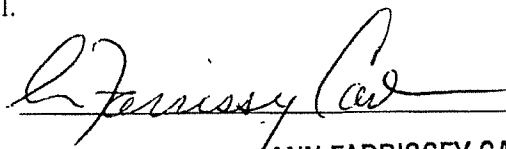
Name: Louis R. Cappelli

Title: Manager

STATE OF NEW YORK )  
 ) ss  
COUNTY OF WESTCHSTER )

On this the 18<sup>th</sup> day of June, 2010, before me, the undersigned Notary Public in and for said County and State, appeared **Louis R. Cappelli** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity on behalf of which he acted, executed the instrument.

WITNESS my hand and official seal.

 \_\_\_\_\_

ANN FARRISSEY CARLSON  
Notary Public, State of New York  
No. 4935571  
Qualified in Westchester County  
Commission Expires 6/06/2014

**EXHIBIT "A"**

**TO WARRANTY DEED  
(in lieu of foreclosure)  
Legal Description**

(Legal Description of Resort Property)

**LEGAL DESCRIPTION OF KEYBANK PARCELS**

**PARCEL 'A'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'A' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the northwest corner of lands now or formerly of Irving Cohen and running northerly along the westerly line of aforementioned Cohen, North 15°59'50" East, a distance of 370.99 feet to an intersection of stonewalls on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south and continuing along same, South 69°17'00" East, a distance of 1074.74 feet;

**THENCE** South 02°28'00" West, a distance of 218.80 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 87°32'00" West, a distance of 388.63 feet;

**THENCE** North 03°12'00" East, a distance of 150.00 feet;

**THENCE** North 86°48'00" West, a distance of 300.00 feet;

**THENCE** South 03°12'00" West, a distance of 150.00 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 88°00'00" West, a distance of 315.50 feet to the easterly line of aforementioned Cohen, and continuing along same, North 28°46'00" East, a distance of 218.01 feet to the northerly line of Cohen and continuing along same, North 88°07'00" West, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 351687 square feet; or 8.074 acres of land more or less.

SAID parcel being known as Section 15 Block 1 Lot(s) 4 and part of 12.1 of the Town of Thompson Tax Maps.

**PARCEL 'B'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'B' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 86°58'52" West, a distance of 261.00 feet;

**THENCE** North 25°21'14" East, a distance of 60.54 feet;

**THENCE** South 89°15'55" East, a distance of 25.02 feet;

**THENCE** South 79°46'52" East, a distance of 51.91 feet;

**THENCE** South 71°52'06" East, a distance of 55.54 feet and

**THENCE** South 68°31'20" East, a distance of 113.73 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 9086 square feet; or 0.209 acres of land more or less.

SAID parcel being known as Section 15 Block 1 Lot 49 of the Town of Thompson Tax Maps.

**PARCEL 'C'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'C' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the southerly line of County Route No. 109 also known as Kiamesha Lake Road and the centerline of County Route 182 also known as Concord Road and continuing along the aforementioned southerly line of County Route No. 109 also known as Kiamesha Lake Road the following nine (9) courses and distances;

1) South 87°35'17" East, a distance of 150.86 feet,

- 2) South 88°28'17" East, a distance of 94.01 feet,
- 3) South 87°52'17" East, a distance of 70.39 feet,
- 4) South 86°57'17" East, a distance of 147.30 feet,
- 5) South 86°32'17" East, a distance of 200.40 feet,
- 6) South 86°51'17" East, a distance of 310.71 feet,
- 7) South 87°19'17" East, a distance of 467.40 feet,
- 8) South 86°52'59" East, a distance of 289.67 feet and
- 9) South 77°47'08" East, a distance of 482.81 feet to a point on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south;

**CONTINUING** along same the following two (2) courses and distances;

- 1) South 68°45'29" East, a distance of 959.75 feet and
- 2) South 69°00'29" East, a distance of 1223.13 feet to the approximate centerline of the West Branch of Sheldrake Stream;

**CONTINUING** along same the following twenty-nine (29) courses and distances;

- 1) South 07°51'27" East, a distance of 30.42 feet,
- 2) South 19°46'28" East, a distance of 354.20 feet,
- 3) South 37°38'32" East, a distance of 180.68 feet,
- 4) South 22°37'10" East, a distance of 96.91 feet,
- 5) South 11°59'08" East, a distance of 366.93 feet,
- 6) South 43°11'52" East, a distance of 95.64 feet,
- 7) South 67°43'50" East, a distance of 102.99 feet,
- 8) South 61°57'30" East, a distance of 72.30 feet,
- 9) South 06°47'30" East, a distance of 86.33 feet,
- 10) South 28°46'20" West, a distance of 67.03 feet,
- 11) South 06°51'14" East, a distance of 28.12 feet,
- 12) South 37°49'38" East, a distance of 118.30 feet,
- 13) South 25°10'27" East, a distance of 89.74 feet,
- 14) South 07°26'20" East, a distance of 120.14 feet,
- 15) South 01°55'56" East, a distance of 423.06 feet,



- 16) South 21°42'05" East, a distance of 166.05 feet,
- 17) South 03°21'10" East, a distance of 71.11 feet,
- 18) South 33°47'03" East, a distance of 160.33 feet,
- 19) South 89°11'55" East, a distance of 80.45 feet,
- 20) South 42°01'43" East, a distance of 134.90 feet,
- 21) South 18°46'10" West, a distance of 14.55 feet,
- 22) South 13°35'40" East, a distance of 75.29 feet,
- 23) South 00°58'26" West, a distance of 234.27 feet,
- 24) South 08°53'16" West, a distance of 119.20 feet,
- 25) South 10°00'15" East, a distance of 241.24 feet,
- 26) South 29°19'03" East, a distance of 323.51 feet,
- 27) South 23°33'36" East, a distance of 286.99 feet,
- 28) South 07°03'12" East, a distance of 111.94 feet and
- 29) South 18°55'17" East, a distance of 83.94 feet;

**THENCE** South 58°40'39" East, a distance of 405.38 feet;

**THENCE** North 61°21'13" East, a distance of 233.12 feet;

**THENCE** North 62°05'14" East, a distance of 187.14 feet;

**THENCE** North 62°17'11" East, a distance of 452.54 feet to the westerly line of County Route 161 also known as Heiden Road and continuing along same, South 37°52'19" East, a distance of 50.80 feet;

**THENCE** South 62°17'11" West, a distance of 461.21 feet;

**THENCE** South 62°05'04" West, a distance of 186.93 feet;

**THENCE** South 61°21'21" West, a distance of 255.70 feet to the division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent;

**CONTINUING** along same the following two (2) courses and distances;

1) North 69°23'31" West, a distance of 976.04 feet and

2) North 68°34'41" West, a distance of 1289.25 feet;

**THENCE** South 16°09'30" West, a distance of 3187.18 feet to the centerline of Thompsonville Road;

**CONTINUING** along same the following two (2) courses and distances;

- 1) South 85°20'09" West, a distance of 128.96 feet and
- 2) North 84°52'46" West, a distance of 67.00 feet;

**THENCE** crossing Thompsonville Road, South 15°41'46" West, a distance of 28.03 feet to the southerly line of Thompsonville Road and continuing along same, North 69°20'00" West, a distance of 550.03 feet;

**THENCE** South 15°32'37" West, a distance of 1016.98 feet;

**THENCE** North 70°08'54" West, a distance of 578.31 feet;

**THENCE** North 70°38'25" West, a distance of 123.87 feet;

**THENCE** South 16°14'12" West, a distance of 490.46 feet;

**THENCE** North 70°46'13" West, a distance of 302.97 feet to the centerline of Joyland Road;

**CONTINUING** along same the following seven (7) courses and distances;

- 1) South 14°20'03" West, a distance of 18.77 feet,
- 2) South 16°28'56" West, a distance of 84.25 feet,
- 3) South 18°49'49" West, a distance of 297.65 feet,
- 4) South 15°24'28" West, a distance of 327.46 feet,
- 5) South 14°13'43" West, a distance of 265.48 feet,
- 6) South 16°08'03" West, a distance of 387.79 feet and
- 7) South 16°01'34" West, a distance of 481.21 feet;

**THENCE** North 69°09'17" West, a distance of 660.73 feet;

**THENCE** South 27°05'36" West, a distance of 751.68 feet;

**THENCE** South 70°46'12" East, a distance of 804.61 feet to the aforementioned centerline of Joyland Road and continuing along same, South 16°44'54" West, a distance of 271.95 feet;

**THENCE** North 70°48'02" West, a distance of 1621.89 feet;

**THENCE** North 17°15'50" East, a distance of 272.71 feet;

**THENCE** North 69°58'30" West, a distance of 332.95 feet;

**THENCE** North 15°39'20" East, a distance of 2056.61 feet;

**THENCE** South 67°17'34" East, a distance of 435.20 feet;

**THENCE** North 23°18'44" East, a distance of 2114.90 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°20'00" East, a distance of 589.67 feet;

**THENCE** North 16°45'00" East, a distance of 563.00 feet;

**THENCE** South 69°20'00" East, a distance of 350.00 feet;

**THENCE** South 16°45'00" West, a distance of 563.00 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, crossing Joyland Road, South 69°20'00" East, a distance of 564.60 feet;

**THENCE** North 15°59'14" East, a distance of 653.60 feet;

**THENCE** North 85°20'05" West, a distance of 247.96 feet to the centerline of Chalet Road;

**CONTINUING** along same the following twelve (12) courses and distances;

- 1) North 00°40'40" West, a distance of 125.64 feet,
- 2) North 01°59'27" West, a distance of 196.51 feet,
- 3) North 07°40'03" West, a distance of 106.27 feet,
- 4) North 10°12'53" West, a distance of 133.06 feet,
- 5) North 14°05'26" West, a distance of 136.10 feet,
- 6) North 13°16'52" West, a distance of 128.93 feet,
- 7) North 11°36'18" West, a distance of 67.40 feet,
- 8) North 10°32'39" West, a distance of 112.26 feet,
- 9) North 13°47'29" West, a distance of 68.81 feet,
- 10) North 20°23'04" West, a distance of 43.72 feet,
- 11) North 29°01'32" West, a distance of 43.33 feet and
- 12) North 32°24'55" West, a distance of 86.74 feet;

**THENCE** South 67°53'33" East, a distance of 1006.08 feet;

**THENCE** North 15°18'26" East, a distance of 1677.94 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 69°25'51" East, a distance of 729.84 feet;

**THENCE** North 20°34'10" East, a distance of 1089.00 feet;

**THENCE** North 69°40'38" West, a distance of 1198.83 feet;

**THENCE** South 20°34'08" West, a distance of 1083.29 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 69°20'22" West, a distance of 1198.32 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following fourteen (14) courses and distances;

- 1) South 38°43'45" West, a distance of 139.26 feet,
- 2) South 19°47'40" West, a distance of 29.74 feet,
- 3) South 27°06'36" West, a distance of 257.65 feet,
- 4) South 17°55'47" West, a distance of 156.34 feet,
- 5) South 07°15'06" West, a distance of 139.27 feet,
- 6) South 04°52'16" East, a distance of 73.96 feet,
- 7) South 34°58'29" West, a distance of 113.94 feet,
- 8) South 06°32'37" West, a distance of 40.45 feet,
- 9) South 04°27'53" East, a distance of 193.59 feet,
- 10) South 21°29'55" West, a distance of 59.40 feet,
- 11) South 42°46'43" West, a distance of 99.24 feet,
- 12) South 48°59'16" West, a distance of 127.61 feet,
- 13) South 67°35'53" West, a distance of 170.27 feet and
- 14) South 55°07'46" West, a distance of 165.72 feet;

**THENCE** North 67°53'33" West, a distance of 1819.46 feet to the division line of lot 25 on the west & lot 17 on the east of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 15°30'21" West, a distance of 1710.73 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°24'26" East, a distance of 235.78 feet;

**THENCE** South 41°39'10" West, a distance of 687.06 feet;

**THENCE** North 72°01'55" West, a distance of 982.75 feet;

**THENCE** North 76°39'59" East, a distance of 232.83 feet;

**THENCE** North 73°01'32" East, a distance of 176.88 feet;

**THENCE** North 41°17'23" East, a distance of 85.80 feet;

**THENCE** North 71°01'59" West, a distance of 1320.42 feet to the centerline of Rock Ridge Road;

**CONTINUING** along same the following four (4) courses and distances;

1) North 28°37'25" East, a distance of 100.70 feet,

2) North 26°34'44" East, a distance of 96.63 feet,

3) North 24°04'40" East, a distance of 150.63 feet and

4) North 17°53'01" East, a distance of 65.77 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 68°21'00" East, a distance of 340.87 feet;

**THENCE** North 17°31'14" East, a distance of 340.63 feet;

**THENCE** North 73°19'53" West, a distance of 338.06 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following two (2) courses and distances;

1) North 17°53'01" East, a distance of 355.39 feet and

2) North 16°35'59" East, a distance of 436.20 feet;

**THENCE** South 74°29'17" East, a distance of 157.89 feet;

**THENCE** North 16°07'09" East, a distance of 150.00 feet;

**THENCE** North 74°29'14" West, a distance of 157.90 feet to the aforementioned centerline of Rock Ridge Road and continuing along same, North 15°53'56" East, a distance of 136.87 feet;

**THENCE** South 70°39'43" East, a distance of 669.63 feet;

**THENCE** North 16°28'02" East, a distance of 304.22 feet;

**THENCE** South 68°26'44" East, a distance of 292.93 feet;

**THENCE** North 30°13'30" East, a distance of 650.09 feet;

**THENCE** North 22°16'58" East, a distance of 484.81 feet;

**THENCE** North 56°04'23" West, a distance of 458.00 feet;

**THENCE** North 53°40'37" East, a distance of 178.00 feet;

**THENCE** North 51°04'23" West, a distance of 185.71 feet to the westerly line of County

Route 182 also known as Concord Road;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 57°58'49" East, a distance of 169.61 feet and
- 2) North 58°05'21" East, a distance of 483.00 feet;

**THENCE** North 23°40'50" West, a distance of 30.52 feet to the centerline of  
aforementioned County Route 182 also known as Concord Road;

**CONTINUING** along same the following seven (7) courses and distances;

- 1) North 67°03'00" East, a distance of 444.34 feet,
- 2) North 62°36'00" East, a distance of 547.50 feet,
- 3) North 53°39'40" East, a distance of 78.54 feet,
- 4) North 40°11'42" East, a distance of 604.35 feet,
- 5) North 39°59'49" East, a distance of 230.03 feet to a point of curvature,
- 6) Along the curve to the left having a radius of 410.28 feet and an arc length of  
262.55 feet to a point of tangency and
- 7) North 05°59'34" East, a distance of 438.84 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 39529000 square feet; or 907.461 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 12, 19.1, 20.1, 20.2, 20.3, & 22  
and Section 15 Block 1 Lot(s) 11.1, 11.2, part of 12.1, 14.1, 14.2, 18, 19, 22, 24, 25, 35.7, & 51,  
(and Section 23 Block 1 Lot (s) 53, 54.1, 54.2, 54.3, 54.4, 55, & 61.2, and Section 23 Block 2  
Lot(s) 2, 3, 4, & 6 and Section 9 Block 1 Lot 35 & part of lot 34.1 of the Town of Thompson Tax  
Maps.

**PARCEL 'D'**

**ALSO** all that certain parcel of land located in the Town of Thompson,  
Sullivan County, New York designated as Parcel 'D' and shown on a map entitled  
"Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The  
Town Of Thompson, County Of Sullivan, State Of New York, dated August 15,  
2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of Route 17 said point being the

southwesterly corner of the herein described parcel;

- THENCE North 33°01'47" East, a distance of 114.87 feet;
- THENCE North 36°16'31" East, a distance of 171.17 feet;
- THENCE North 38°56'55" East, a distance of 77.89 feet;
- THENCE South 67°02'55" East, a distance of 228.06 feet;
- THENCE South 14°17'23" West, a distance of 119.41 feet;
- THENCE North 81°01'23" East, a distance of 79.55 feet;
- THENCE North 06°19'11" East, a distance of 80.05 feet;
- THENCE South 67°58'37" East, a distance of 103.34 feet;
- THENCE North 17°58'32" East, a distance of 107.66 feet;
- THENCE North 67°58'33" West, a distance of 100.13 feet;
- THENCE North 67°23'11" West, a distance of 63.12 feet;
- THENCE North 64°51'55" West, a distance of 144.18 feet;
- THENCE North 18°26'38" East, a distance of 165.68 feet;
- THENCE South 70°47'00" East, a distance of 629.23 feet;
- THENCE South 15°13'50" West, a distance of 884.24 feet to the aforementioned

northerly line of Route 17;

**CONTINUING** along same the following three (3) courses and distances;

- 1) North 45°42'43" West, a distance of 342.37 feet,
- 2) South 86°50'05" West, a distance of 124.64 feet and
- 3) North 50°59'54" West, a distance of 479.89 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 520504 square feet; or 11.949 acres of land more or less.

**SAID** parcel being known as Section 23 Block 1 Lot 11.3 of the Town of Thompson Tax

Maps.

**EXCEPTING AND EXCLUDING** therefrom that portion or portions described in the following deeds:

- 1) DEED from Concord Associates LP to the Jewish General Aid Association dated April 26, 2000 and recorded May 10, 2000 in Liber 2187 Cp. 598; and

2) DEED from Concord Associates LP to Congregation Haaves Zion Anane dated April 26, 2000 and recorded May 10, 2000 in Liber 2187 Cp. 600.

**PARCEL 'E'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'E' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Rock Ridge Road and continuing along same, North 12°11'00" East, a distance of 99.00 feet;

**THENCE** North 21°26'00" West, a distance of 229.50 feet;

**THENCE** North 14°28'00" West, a distance of 105.60 feet;

**THENCE** North 12°28'00" West, a distance of 184.80 feet;

**THENCE** North 10°28'00" East, a distance of 237.60 feet;

**THENCE** South 70°32'00" East, a distance of 264.00 feet;

**THENCE** South 12°30'00" West, a distance of 151.27 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following sixteen (16) courses and distances;

- 1) North 22°28'00" East, a distance of 75.40 feet,
- 2) North 46°24'00" East, a distance of 27.04 feet,
- 3) North 72°54'00" East, a distance of 43.14 feet,
- 4) South 81°43'00" East, a distance of 67.14 feet,
- 5) South 73°14'00" East, a distance of 289.34 feet,
- 6) South 75°51'00" East, a distance of 68.05 feet,
- 7) South 84°49'00" East, a distance of 50.34 feet,
- 8) North 81°35'00" East, a distance of 60.00 feet,
- 9) North 70°47'00" East, a distance of 79.33 feet,
- 10) North 66°32'00" East, a distance of 182.90 feet,
- 11) North 73°27'13" East, a distance of 174.23 feet,
- 12) North 67°46'00" East, a distance of 83.24 feet,



- 13) North 61°13'00" East, a distance of 53.40 feet,
- 14) North 56°52'00" East, a distance of 215.00 feet,
- 15) North 53°01'00" East, a distance of 59.26 feet and
- 16) North 41°58'00" East, a distance of 20.18 feet;

**THENCE** South 41°52'00" East, a distance of 119.70 feet;

**THENCE** South 03°05'00" East, a distance of 247.00 feet;

**THENCE** South 48°18'00" East, a distance of 290.40 feet;

**THENCE** South 33°18'00" East, a distance of 585.14 feet;

**THENCE** North 87°26'00" East, a distance of 580.80 feet;

**THENCE** South 47°48'00" East, a distance of 436.18 feet;

**THENCE** South 05°50'00" West, a distance of 206.87 feet to the centerline of

Thompsonville Road;

**CONTINUING** along same the following eight (8) courses and distances;

- 1) South 57°40'00" West, a distance of 217.01 feet,
- 2) South 53°43'00" West, a distance of 308.21 feet,
- 3) South 57°13'00" West, a distance of 120.01 feet,
- 4) South 62°13'00" West, a distance of 84.37 feet,
- 5) South 67°33'00" West, a distance of 118.37 feet,
- 6) South 73°16'00" West, a distance of 105.51 feet,
- 7) South 74°50'00" West, a distance of 176.54 feet and
- 8) South 71°30'00" West, a distance of 44.45 feet;

**THENCE** North 70°35'00" West, a distance of 342.75 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following twenty-one (21) courses and distances;

- 1) North 05°12'00" East, a distance of 22.25 feet,
- 2) North 27°03'00" West, a distance of 58.11 feet,
- 3) North 60°55'00" West, a distance of 106.35 feet,
- 4) North 03°56'00" West, a distance of 79.16 feet,
- 5) North 14°34'00" East, a distance of 66.29 feet,

- 6) North 09°00'00" East, a distance of 47.48 feet,
- 7) North 73°23'00" West, a distance of 48.67 feet,
- 8) North 42°22'00" West, a distance of 216.20 feet,
- 9) North 18°43'00" West, a distance of 85.50 feet,
- 10) North 57°36'00" West, a distance of 23.87 feet,
- 11) North 16°36'00" West, a distance of 124.81 feet,
- 12) North 61°36'00" West, a distance of 234.42 feet,
- 13) North 34°12'00" West, a distance of 46.51 feet,
- 14) North 52°42'00" West, a distance of 39.74 feet,
- 15) North 82°49'00" West, a distance of 51.64 feet,
- 16) South 56°38'00" West, a distance of 83.88 feet,
- 17) South 61°46'00" West, a distance of 59.64 feet,
- 18) North 79°29'00" West, a distance of 146.23 feet,
- 19) North 87°37'00" West, a distance of 62.61 feet,
- 20) North 83°35'00" West, a distance of 63.60 feet and
- 21) South 69°03'00" West, a distance of 64.15 feet;

**THENCE** North 75°37'00" West, a distance of 518.08 feet;

**THENCE** North 82°16'00" West, a distance of 30.01 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 2869835 square feet; or 65.882 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 25 of the Town of Thompson Tax Maps. *(NKA) Lts 25.1, 25.2, 25.3*

**PARCEL 'F'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'F' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows.

**BEGINNING** at a point in the centerline of Rock Ridge Road said point being the northwesterly corner of the herein described parcel;

**THENCE** South 65°52'50" East, a distance of 225.51 feet;  
**THENCE** South 19°07'10" West, a distance of 100.00 feet;  
**THENCE** North 65°52'50" West, a distance of 222.29 feet to the aforementioned the centerline of Rock Ridge Road and continuing along same, North 17°17'17" East, a distance of 100.33 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 22305 square feet; or 0.512 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 17 of the Town of Thompson Tax Maps.

**PARCEL 'G'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'G' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows.

**BEGINNING** on the southerly line of County Route 182 also known as Concord Road and continuing along same, South 85°04'00" East, a distance of 200.00 feet;

**THENCE** South 34°56'00" West, a distance of 199.73 feet;

**THENCE** North 85°08'00" West, a distance of 200.13 feet;

**THENCE** North 34°56'00" East, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 34618 square feet; or 0.795 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 45 of the Town of Thompson Tax Maps.

**PARCEL 'H'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'H' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** on the southerly line of County Route 182 also known as Concord Road;

**THENCE** South 34°56'00" West, a distance of 116.09 feet;

**THENCE** South 46°04'00" West, a distance of 260.04 feet;

**THENCE** South 48°10'00" West, a distance of 184.80 feet;

**THENCE** North 73°06'00" West, a distance of 377.70 feet;

**THENCE** North 03°57'00" East, a distance of 381.78 feet to the southerly line of County Route 182 also known as Concord Road;

**CONTINUING** along same the following five (5) courses and distances;

1) North 84°52'00" East, a distance of 162.27 feet,

2) South 86°57'00" East, a distance of 89.02 feet,

3) South 88°51'00" East, a distance of 279.54 feet,

4) South 81°36'00" East, a distance of 64.72 feet and

5) South 56°51'00" East, a distance of 158.26 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 270464 square feet; or 6.209 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 5 and 7 of the Town of Thompson Tax Maps.

#### **LEGAL DESCRIPTION OF JEFFERSON BANK PARCELS**

##### **PARCEL 'J'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'J' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the southerly line of Thompsonville Road and continuing along same the following four (4) courses and distances;

1) South 85°12'38" East, a distance of 37.41 feet,

2) North 84°27'33" East, a distance of 241.27 feet,

3) North 82°57'33" East, a distance of 200.00 feet and

4) North 86°35'33" East, a distance of 194.71 feet;

**THENCE** South 16°35'33" West, a distance of 307.88 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°34'27"

East, a distance of 653.27 feet;

**THENCE** South 17°11'33" West, a distance of 2648.90 feet;

**THENCE** North 67°54'27" West, a distance of 1245.00 feet;

**THENCE** South 15°35'33" West, a distance of 49.50 feet;

**THENCE** North 70°13'44" West, a distance of 313.98 feet;

**THENCE** North 69°09'44" West, a distance of 77.20 feet;

**THENCE** North 70°16'44" West, a distance of 734.96 feet;

**THENCE** North 12°21'46" East, a distance of 768.77 feet;

**THENCE** North 74°15'13" West, a distance of 441.87 feet to the centerline of Joyland

Road;

**CONTINUING** along same the following four (4) courses and distances;

1) North 15°24'28" East, a distance of 31.31 feet,

2) North 18°49'49" East, a distance of 297.65 feet,

3) North 16°28'56" East, a distance of 84.25 feet and

4) North 14°20'03" East, a distance of 18.77 feet;

**THENCE** South 70°46'13" East, a distance of 302.97 feet;

**THENCE** North 16°14'12" East, a distance of 490.46 feet;

**THENCE** South 70°38'25" East, a distance of 123.87 feet;

**THENCE** South 70°08'54" East, a distance of 578.31 feet;

**THENCE** South 70°51'44" East, a distance of 595.00 feet;

**THENCE** South 16°37'16" West, a distance of 635.00 feet;

**THENCE** South 67°34'24" East, a distance of 356.90 feet;

**THENCE** North 15°35'33" East, a distance of 850.00 feet;

**THENCE** North 65°39'27" West, a distance of 400.00 feet;

**THENCE** North 20°35'33" East, a distance of 410.00 feet;

**THENCE** South 66°54'27" East, a distance of 54.00 feet;

**THENCE** North 13°35'33" East, a distance of 383.91 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 5316770 square feet; or 122.056 acres of land more or less.

**SAID** parcel being known as Section 23 Block 2 Lot(s) 8 & 10 of the Town of Thompson Tax Maps.

**PARCEL 'K'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'K' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Kiamesha Creek and continuing along same the following fourteen (14) courses and distances;

- 1) South 52°42'00" East, a distance of 18.14 feet,
- 2) South 34°12'00" East, a distance of 46.51 feet,
- 3) South 61°36'00" East, a distance of 234.42 feet,
- 4) South 16°36'00" East, a distance of 124.81 feet,
- 5) South 57°36'00" East, a distance of 23.87 feet,
- 6) South 18°43'00" East, a distance of 85.50 feet,
- 7) South 42°22'00" East, a distance of 216.20 feet,
- 8) South 73°23'00" East, a distance of 48.67 feet,
- 9) South 09°00'00" West, a distance of 47.48 feet,
- 10) South 14°34'00" West, a distance of 66.29 feet,
- 11) South 03°56'00" East, a distance of 79.16 feet,
- 12) South 60°55'00" East, a distance of 106.35 feet,
- 13) South 27°03'00" East, a distance of 58.11 feet and
- 14) South 05°12'00" West, a distance of 22.25 feet;

**THENCE** North 70°47'00" West, a distance of 859.24 feet;

**THENCE** North 18°08'37" East, a distance of 611.20 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 314001 square feet; or 7.208 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 26.2 of the Town of Thompson Tax Maps.

**PARCEL 'L'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'L' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the intersection of the westerly line of County Route 42 and the northerly line of County Route 182 also known as Concord Road and continuing along said Concord Road, South 89°18'49" West, a distance of 86.34 feet;

**THENCE** North 00°08'49" East, a distance of 200.00 feet;

**THENCE** North 89°51'11" West, a distance of 225.42 feet;

**THENCE** North 16°16'49" East, a distance of 664.72 feet;

**THENCE** North 48°30'11" West, a distance of 52.14 feet;

**THENCE** North 36°30'11" West, a distance of 25.08 feet;

**THENCE** North 24°00'11" West, a distance of 36.96 feet;

**THENCE** North 37°30'11" West, a distance of 29.70 feet;

**THENCE** North 11°59'11" West, a distance of 39.60 feet;

**THENCE** North 27°29'11" West, a distance of 48.18 feet;

**THENCE** North 37°29'11" West, a distance of 38.94 feet;

**THENCE** North 38°29'11" West, a distance of 47.52 feet;

**THENCE** North 20°59'11" West, a distance of 54.78 feet;

**THENCE** North 09°29'11" West, a distance of 79.20 feet;

**THENCE** North 01°02'11" West, a distance of 66.00 feet;

**THENCE** South 58°59'11" East, a distance of 284.46 feet;

**THENCE** South 14°46'11" East, a distance of 83.08 feet;

**THENCE** North 63°59'49" East, a distance of 271.11 feet to the aforementioned westerly line of County Route 42;

**CONTINUING** along same the following eight (8) courses and distances;

1) South 18°19'11" East, a distance of 40.96 feet,

2) South 63°59'49" West, a distance of 18.62 feet,

- 3) South 12°39'11" East, a distance of 292.92 feet,
- 4) South 16°09'49" West, a distance of 97.90 feet,
- 5) South 12°03'49" West, a distance of 90.86 feet,
- 6) South 13°27'49" West, a distance of 107.88 feet,
- 7) South 09°44'49" West, a distance of 431.00 feet and
- 8) South 33°58'49" West, a distance of 170.03 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 420400 square feet; or 9.651 acres of land more or less.

**SAID** parcel being known as Section 13 Block 1 Lot(s) 28 & 53 of the Town of Thompson Tax Maps.

**LEGAL DESCRIPTION OF COUNTRY BANK PARCELS**

**PARCEL 'M'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'M' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the easterly line of County Route 42 and the northerly line of County Route 182 also known as Concord Road and continuing along said Concord Road the following three (3) courses and distances;

- 1) North 79°36'15" East, a distance of 308.82 feet,
- 2) North 85°45'15" East, a distance of 322.14 feet and
- 3) North 85°17'15" East, a distance of 364.37 feet;

**THENCE** South 14°04'15" West, a distance of 316.28 feet;

**THENCE** South 18°01'15" West, a distance of 513.13 feet;

**THENCE** North 60°29'45" West, a distance of 319.98 feet;

**THENCE** South 86°27'03" West, a distance of 235.46 feet;

**THENCE** South 28°40'03" West, a distance of 23.97 feet;

**THENCE** North 60°29'45" West, a distance of 526.32 feet to the aforementioned easterly line of County Route 42;



**CONTINUING** along same the following two (2) courses and distances;

- 1) North 41°48'15" East, a distance of 97.37 feet and
- 2) North 35°35'15" East, a distance of 284.65 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 601003 square feet; or 13.797 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 2.1 & 2.2 of the Town of Thompson Tax Maps.

**PARCEL 'N'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'N' and shown on a map entitled "Map of Parcels Prepared For Concord Resort, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road at the southwest corner of lands now or formerly of Irving Cohen and continuing along the westerly line of said lands now or formerly of Cohen, North 15°59'50" East, a distance of 199.10 feet;

**THENCE** South 88°07'00" East, a distance of 200.00 feet;

**THENCE** South 28°46'00" West, a distance of 218.01 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road;

**CONTINUING** along same North 87°35'51" West, a distance of 149.97 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 33954 square feet; or 0.779 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot(s) 5 of the Town of Thompson Tax Maps.

115'  
 + 5'  
 250'  
 3'

(33)

EXHIBIT X  
INSTRUMENT NO.  
2011-8394  
CURRENT DEED



SULLIVAN COUNTY - STATE OF NEW YORK  
DANIEL L BRIGGS, COUNTY CLERK  
100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE

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



RECEIPT NO. : 2011347826

Clerk: BG  
Instr #: 2011-8394  
Rec Date: 12/15/2011 03:30:42 PM  
Doc Grp: RP  
Descrip: DEED  
Num Pgs: 8  
Rec'd Frm: STEWART TITLE INSURANCE CO  
  
Party1: FRIEDMAN MICAH CO EXECUTOR  
Party2: EPT CONCORD II LLC  
Town: THOMPSON

Recording:	
Cover Page	5.00
Recording Fee	55.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00
Sub Total:	<u>335.00</u>
Transfer Tax	
Transfer Tax	37000.00
Mansion Tax	0.00
Sub Total:	<u>37000.00</u>
Total:	<u>37335.00</u>

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax# : 1214  
Consideration: 9250000.00  
Transfer Tax: 37000.00

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

Record and Return To:

STEWART TITLE INSURANCE CO  
707 WESTCHESTER AVENUE STE 411  
WHITE PLAINS, NY 10604

Daniel L. Briggs  
Sullivan County Clerk

\*\*\*THIS IS NOT AN INVOICE\*\*\*

①

ST11-12617

Deed Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made as of the 7<sup>th</sup> day of December, 2011

BETWEEN MICAH FRIEDMAN and NEIL S. GOLDSTEIN, as co-executors of the last will and testament of Raymond Parker, deceased, having an address at c/o Robinson Brog Leinwand Greene Genovese & Gluck, P.C., 875 Third Avenue, 9<sup>th</sup> Floor, New York, New York 10022, party of the first part, and

NALOU REALTY CORP., a New York corporation, having an address at c/o Robinson Brog Leinwand Greene Genovese & Gluck, P.C., 875 Third Avenue, 9<sup>th</sup> Floor, New York, New York 10022, party of the second part, and

EPT CONCORD II, LLC, a Delaware limited liability company, having an address at 30 West Pershing Road, Suite 201, Kansas City, Missouri 64108, party of the third part,

WITNESSETH, that the PARTY OF THE FIRST PART, by virtue of the power and authority given in and by said last will and testament of Raymond Parker, deceased, and in consideration of SIX MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$6,475,000.00) paid to it by the PARTY OF THE THIRD PART, and the PARTY OF THE SECOND PART, in consideration of TWO MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$2,775,000.00) paid to it by the PARTY OF THE THIRD PART, do hereby grant and release unto the PARTY OF THE THIRD PART, the successors and assigns of the PARTY OF THE THIRD 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 Thompson, County of Sullivan and State of New York, bounded and described more particularly in Schedule A annexed hereto and made a part hereof,

TOGETHER with all right, title and interest, if any, of the party of the first part and the party of the second 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 and the party of the second part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the third part, the heirs or successors and assigns of the party of the third part forever.

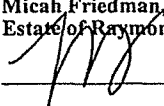
AND the party of the first part and the party of the second part, in compliance with Section 13 of the Lien Law, each covenants that it will receive the respective consideration paid to the party of the first part and the party of the second part for this conveyance and will hold the right to receive 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.

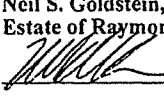
AND the party of the first part and the party of the second part each covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

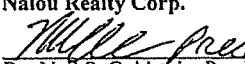
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part and the party of the second part have each duly executed this deed as of the day and year first above written.

IN PRESENCE OF:

Micah Friedman, Co-Executor of the Estate of Raymond Parker, deceased  


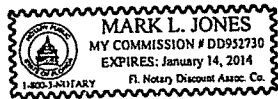
Neil S. Goldstein, Co-Executor of the Estate of Raymond Parker, deceased  


Nalou Realty Corp.  
  
By: Neil S. Goldstein, President

Acknowledgment by a Person Outside New York State (RPL § 309-b)

STATE OF FLORIDA )  
 ) ss.:  
COUNTY OF Palm Beach )

On the 5 day of December in the year 2011, before me, the undersigned, personally appeared **Micah Friedman**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



*[Signature]*  
(signature and office of individual taking acknowledgment)

Acknowledgment by a Person Inside New York State (RPL § 309-b)

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

On the 7<sup>th</sup> day of December in the year 2011, before me, the undersigned, personally appeared **Neil S. Goldstein**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

*[Signature]*  
(signature and office of individual taking acknowledgment)

PHILIP H THOMAS  
Notary Public, State of New York  
No. 02TH4835942  
Qualified in Westchester County  
Commission Expires July 31, 2013

**DEED**

**MICAH FRIEDMAN AND NEIL S. GOLDSTEIN,  
AS CO-EXECUTORS OF THE ESTATE OF  
RAYMOND PARKER, DECEASED, PARTY OF THE FIRST PART**

**AND**

**NALOU REALTY CORP., PARTY OF THE SECOND PART**

**TO**

**EPT CONCORD II, LLC, PARTY OF THE THIRD PART**

Town of Thompson  
County of Sullivan  
Section 9 Block 1 Lot 18.1  
Section 13 Block 3 Lots 18 and 19.3  
Section 15 Block 1 Lots 13, 15, 16, 17 and 50  
Section 23 Block 1 Lots 48 and 52

*Record + Return to:  
Catherine M Hauber Esq  
Sharon Morrison  
Heck & LLP  
1201 Walnut St. Ste 2900  
Kansas MO 64106*

- 1) North 55°07'46" East, a distance of 165.72 feet,
- 2) North 67°35'53" East, a distance of 170.27 feet,
- 3) North 48°59'16" East, a distance of 127.61 feet,
- 4) North 42°46'43" East, a distance of 99.24 feet,
- 5) North 21°29'55" East, a distance of 59.40 feet,
- 6) North 04°27'53" West, a distance of 193.59 feet,
- 7) North 06°32'37" East, a distance of 40.45 feet,
- 8) North 34°58'29" East, a distance of 113.94 feet,
- 9) North 04°52'16" West, a distance of 73.96 feet,
- 10) North 07°15'06" East, a distance of 139.27 feet,
- 11) North 17°55'47" East, a distance of 156.34 feet,
- 12) North 27°06'36" East, a distance of 257.65 feet,
- 13) North 19°47'40" East, a distance of 29.74 feet and
- 14) North 38°43'45" East, a distance of 139.26 feet to the division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 69°20'22" East, a distance of 1198.32 feet;

THENCE North 20°34'08" East, a distance of 1083.29 feet;

THENCE South 69°40'38" East, a distance of 1198.83 feet;

THENCE South 20°34'10" West, a distance of 1089.00 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 69°25'51" West, a distance of 729.84 feet;

THENCE South 15°18'26" West, a distance of 1677.94 feet;

THENCE North 67°53'33" West, a distance of 1006.08 feet to the centerline of Chalet Road;

CONTINUING along same the following sixteen (16) courses and distances;

- 1) South 32°24'55" East, a distance of 86.74 feet,
- 2) South 29°01'32" East, a distance of 43.33 feet,
- 3) South 20°23'04" East, a distance of 43.72 feet,
- 4) South 13°47'29" East, a distance of 68.81 feet,
- 5) South 10°32'39" East, a distance of 112.26 feet,
- 6) South 11°36'18" East, a distance of 67.40 feet,
- 7) South 13°16'52" East, a distance of 128.93 feet,
- 8) South 14°05'26" East, a distance of 136.10 feet,
- 9) South 10°12'53" East, a distance of 133.06 feet,
- 10) South 07°40'03" East, a distance of 106.27 feet,
- 11) South 01°59'27" East, a distance of 196.51 feet,
- 12) South 00°40'40" East, a distance of 125.64 feet,
- 13) South 05°33'03" West, a distance of 70.28 feet,
- 14) South 12°33'45" West, a distance of 86.60 feet,
- 15) South 16°40'34" West, a distance of 100.27 feet and
- 16) South 17°16'08" West, a distance of 330.03 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, North 69°20'00" West, a distance of 330.00 feet;

THENCE North 16°45'00" East, a distance of 563.00 feet;

THENCE North 69°20'00" West, a distance of 350.00 feet;

THENCE South 16°45'00" West, a distance of 563.00 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, North 69°20'00" West, a distance of 589.67 feet;

THENCE South 23°18'44" West, a distance of 2114.90 feet;

THENCE North 67°17'34" West, a distance of 435.20 feet;

THENCE South 15°39'20" West, a distance of 566.94 feet;

THENCE North 70°16'15" West, a distance of 1494.90 feet;

THENCE South 15°13'50" West, a distance of 1100.22 feet;

THENCE North 70°31'44" West, a distance of 1209.71 feet to the northerly line of Route 17;

CONTINUING along same the following two (2) courses and distances;

North 41°35'52" West, a distance of 414.77 feet and  
North 45°42'43" West, a distance of 29.98 feet;

THENCE North 15°13'50" East, a distance of 884.24 feet;

THENCE South 70°47'00" East, a distance of 161.39 feet;

THENCE South 70°35'00" East, a distance of 342.75 feet to the centerline of Thompsonville Road;

CONTINUING along same the following eight (8) courses and distances;

- 1) North 71°30'00" East, a distance of 44.45 feet,
- 2) North 74°50'00" East, a distance of 176.54 feet,
- 3) North 73°16'00" East, a distance of 105.51 feet,
- 4) North 67°33'00" East, a distance of 118.37 feet,
- 5) North 62°13'00" East, a distance of 84.37 feet,
- 6) North 57°13'00" East, a distance of 120.01 feet,
- 7) North 53°43'00" East, a distance of 308.21 feet and
- 8) North 57°40'00" East, a distance of 573.41 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 16,726,759 square feet; or 383.994 acres of land more or less.

SAID parcel being known as Section 15 Block 1 Lot(s) 13, 15, 16, 17, & 50 and Section 23 Block 1 Lot(s) 48 & 52 of the Town of Thompson Tax Maps.

PARCEL 'LH2'

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'LH2' and shown on a map entitled "Map of Parcels Prepared for Concord Resort Property Holding LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 18, 2009" which is more particularly bounded and described as follows:

BEGINNING at the intersection the centerline of Rock Ridge Road and the southerly line of County Route 182 also known as Concord Road and continuing along said southerly line of County Route 182 also known as Concord Road the following six (6) courses and distances;

- 1) North 82°58'43" East, a distance of 120.00 feet,
- 2) North 68°30'54" East, a distance of 165.61 feet,
- 3) North 61°17'31" East, a distance of 89.00 feet,
- 4) North 48°54'38" East, a distance of 197.54 feet,
- 5) North 53°57'25" East, a distance of 216.00 feet and
- 6) North 57°58'49" East, a distance of 201.18 feet to the northwest corner of now or formerly Parker said point also being on the southerly line of the Harness Race Track Parcel 4 as shown on a map entitled "Amendment to Filed Lot Improvement / Consolidation Plan Prepared for Concord Associates, LP and Concord Resorts LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated May 11, 2009" filed in the Sullivan County Clerks Office on June 29, 2009 in Volume 12 at page 87;

CONTINUING along aforementioned southerly line of the Harness Race Track Parcel 4 the following three (3) courses and distances;

- 1) South 51°04'22" East, a distance of 185.72 feet,
- 2) South 53°40'37" West, a distance of 178.00 feet and
- 3) South 56°04'23" East, a distance of 458.00 feet;

THENCE South 22°16'58" West, a distance of 484.81 feet;

THENCE South 30°13'30" West, a distance of 650.09 feet;

THENCE North 68°26'44" West, a distance of 292.93 feet;

THENCE North 16°26'39" East, a distance of 25.78 feet;

THENCE North 70°39'48" West, a distance of 538.92 feet;

THENCE North 21°01'35" East, a distance of 67.91 feet;

THENCE South 66°30'26" East, a distance of 98.31 feet;

THENCE North 19°07'10" East, a distance of 200.00 feet;

THENCE North 65°52'50" West, a distance of 225.51 feet to the aforementioned centerline of Rock Ridge Road;

CONTINUING along same the following three (3) courses and distances;



- 1) North 17°17'23" East, a distance of 18.64 feet,
- 2) North 13°02'52" East, a distance of 201.98 feet and
- 3) North 10°36'45" East, a distance of 178.79 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 1,126,189 square feet; or 25.854 acres of land more or less.

SAID parcel being known as Section 13 Block 3 Lot(s) 18 and 19.3 of the Town of Thompson Tax Maps.

PARCEL 'LH3'

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'LH3' and shown on a map entitled "Map of Parcels Prepared for Concord Resort Property Holding LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 18, 2009" which is more particularly bounded and described as follows:

BEGINNING at the southeasterly corner of the herein described parcel at a point in the northerly line of County Route 42 and continuing along same the following six (6) courses and distances:

- 1) South 64°34'59" West, a distance of 233.00 feet,
- 2) South 69°49'59" West, a distance of 352.00 feet,
- 3) South 72°19'59" West, a distance of 368.00 feet,
- 4) South 69°59'59" West, a distance of 450.00 feet,
- 5) South 73°44'59" West, a distance of 262.00 feet and
- 6) South 68°29'59" West, a distance of 343.07 feet;

THENCE North 07°40'01" West, a distance of 601.35 feet;

THENCE South 73°33'01" East, a distance of 502.00 feet;

THENCE North 69°41'59" East, a distance of 333.26 feet;

THENCE North 18°12'59" East, a distance of 185.00 feet;

THENCE North 69°58'59" East, a distance of 94.17 feet;

THENCE North 72°19'59" East, a distance of 352.00 feet;

THENCE North 69°49'59" East, a distance of 342.00 feet;

THENCE North 63°42'59" East, a distance of 531.56 feet;

THENCE South 11°04'59" West, a distance of 562.00 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 876,964 square feet; or 20.132 acres of land more or less.

SAID parcel being known as Section 9 Block 1 Lot 18.1 of the Town of Thompson Tax Maps.

①  
45  
35  
5  
250  
37,000

EXHIBIT XI  
INSTRUMENT NO.  
2013-8374  
TEMPORARY EASEMENT,  
COVENANTS &  
RESTRICTIONS



SULLIVAN COUNTY - STATE OF NEW YORK

DANIEL L BRIGGS, COUNTY CLERK  
100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE

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



INSTRUMENT #: 2013-8374

Receipt#: 2013445007  
Clerk: KF  
Rec Date: 10/30/2013 02:32:40 PM  
Doc Grp: RP  
Descrip: DEED  
Num Pgs: 18  
Rec'd Frm: STTA

Party1: EPT CONCORD LLC  
Party2: EPT CONCORD II LLC  
Town: THOMPSON

Recording:

Cover Page	5.00
Recording Fee	105.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 260.00

Transfer Tax	
Transfer Tax	0.00

Sub Total: 0.00

Total: 260.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 736  
Transfer Tax  
Consideration: 0.00

Total: 0.00

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

Record and Return To:

STTA  
P/U  
MONTICELLO NY 12701

Daniel L. Briggs  
Sullivan County Clerk

\*\*\*THIS IS NOT AN INVOICE\*\*\*

Bargain & sale deed with covenant against grantor's acts

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

THIS INDENTURE, made the 21st day of October, 2013  
BETWEEN

EPT CONCORD, LLC, a Delaware Limited Liability Company, with a principal place of business at 909 Walnut Street, Suite 200, Kansas City, MO 64106

party of the first part, and

EPT CONCORD II, LLC, a Delaware Limited Liability Company, with a principal place of business at 909 Walnut Street, Suite 200, Kansas City, MO 64106

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 Town of Thompson, County of Sullivan, State of New York.

AS TO 31-1-17.1 & 31-1-19.2: Being and intended to be the same Premises conveyed to the Grantor by Deed dated October 26, 2012 and recorded in the Sullivan County Clerk's Office on November 1, 2012 in Instrument # 2012-7846.

AS TO 23-1-51.2: Being and intended to be the same Premises conveyed to the Grantor by Deed dated October 21, 2012 and recorded in the Sullivan County Clerk's Office on November 1, 2012 in Instrument #2012-7843 and by Deed dated February 21, 2013 and recorded in the Sullivan County Clerk's Office on March 7, 2013 in Instrument # 2013-1663.

AS TO 23-1-50.2 and 23-1-65.1: Being and intended to be the same Premises conveyed to the Grantor by Deed dated October 26, 2012 and recorded in the Sullivan County Clerk's Office on December 17, 2012 in Instrument # 2012-8953.

AS TO 23-2-31, 23-2-32, & 23-2-33: Being and intended to be the same Premises conveyed to the Grantor by Deed dated May 17, 2013 and recorded in the Sullivan County Clerk's Office on May 30, 2013 in Instrument # 2013-3983.

The above being more particularly bounded and described in Schedule A Descriptions annexed hereto and made a part hereof.

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.

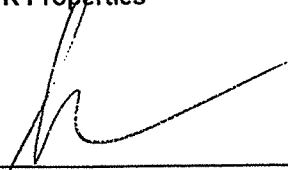
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party 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:

EPT Concord, LLC

By: EPR Properties

By:   
Gregory K. Silvers, Vice President

STATE OF MISSOURI, COUNTY OF JACKSON ss:

On the 21<sup>ST</sup> day of October in the year 2013, before me, the undersigned, a notary public in and for said state, personally appeared Gregory K. Silvers, Vice President, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SARAH E. NEWHAM  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County

My Commission Expires: June 14, 2017  
Commission # 13728582

*Sarah E. Newham*  
NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2012, before me, the undersigned, a notary public in and for said state, personally appeared

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.

~~STATE OF MISSOURI, COUNTY OF JACKSON ss:~~

~~On the \_\_\_\_\_ day of October in the year 2013, before me, the undersigned, a notary public in and for said state, personally appeared Gregory K. Silvers, Vice President, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.~~

~~NOTARY PUBLIC~~

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a notary public in and for said state, personally appeared

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.

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN Sullivan

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

**EPT CONCORD, LLC  
TO  
EPT CONCORD II, LLC**

RETURN BY MAIL TO:

**HELEN C. MAUCH, ESQ.  
ZARIN & STEINMETZ  
81 Main Street, Suite 415  
White Plains, N. Y. 10601**

Reserve this space for the use of Recording Office.

**Fidelity National Title Insurance Company**

**File Number: 3790**

**SCHEDULE A  
PROPERTY DESCRIPTION  
As to THO 31-1-19.2**

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND**, with buildings and improvements thereon erected situate, lying and being in the Town of Thompson, County of Sullivan and State of New York, and being part of the premises conveyed to the Jill Realty, Inc., by Stephen Trowbridge and Sherwood Trowbridge by deed dated May 15, 1933 and recorded in the Sullivan County Clerk's Office in Book of deeds 292 at Page 582 and more particularly described as follows:

**BEGINNING** at a point in the center of the road leading from the State Road No. 17 to Thompsonville and said point being South 61° 4' East 30.66 feet from a concrete monument set on the Westerly side of the said road and running thence along the center of said Thompsonville Road North 20° 46' East 178.3 feet and North 16° 1' East 148.4 feet, and thence North 68° 12' West 149.8 feet (the last described course is parallel to the southerly side of the Lavine house – six feet distance therefrom), thence 25° and 14' East 26.8 feet (the last described course is parallel to the easterly side of the pump house – nine feet distance therefrom) thence North 61° 29' West through the center of two large Maple trees 100.8 feet, thence North 15° 51' East 535.3 feet to the southerly line of the Curley farm (the last described course is parallel to the said Thompsonville Road and 100 feet Westerly of Bungalow No. 10), thence along the southerly line of said Curley farm, as marked by an old fence line, North 68° 35' West 960.4 feet to the northeasterly corner of the Louis Vero lot; thence along the easterly line of the said Vero lot as marked by an old fence line, South 24° 14' West 718.5 feet to the northerly bounds of the said State Road No. 17, thence along northerly bounds of the said State Road South 59° 43' East 459.3 feet to a concrete monument; thence along the North bounds of the said highway South 61° 4' East 949 feet to the place of beginning, containing 21.4 acres, more or less. The above-described course is as the magnetic needle pointed in January 1946.

The parties on the second part (Minnie Katz and Sam Savita) hereby agree not to erect a solid wall where the present wall of the tennis court adjoining Mr. Lavine's private home exists. The party of the first part (Jill Realty, Inc.) hereby gives to the parties of the second part (Minnie Katz and Sam Savita) a permanent right of way over the six foot acres between the said home and the tennis court for the purpose of maintenance and repair of the premises. This shall be a covenant running with the land. The party of the second part covenants that neither he nor his heirs or assigns shall, for a period of five years immediately following the passing of title hereto, hereafter erect, maintain permit any hardware business including, but not necessarily limited to the purchase or sale of tools, whether electrical or not, plumbing supplies, painting supplies, wallpaper supplies, nails, locks, machine parts, lubricants, stoves, and/or any other items, equipment or supplies sold in a hardware store. Excepting so much of the premises as is currently being leased to Quickway Motel Fabricators, Inc.

## Fidelity National Title Insurance Company

File Number: 3790

### SCHEDULE A PROPERTY DESCRIPTION As to THO 31-1-19.2

**SUBJECT TO** notice of appropriation for State Highway No. 1125 A, Map 1135 parcel numbers 360 and 361, filed with the Sullivan County Clerk's Office on February 11, 1958 at Liber 558 of Deeds, Page 510, file no.125-55. The parties agree that notwithstanding the description, it is the intention of the parties to enter into this transaction concerning approximately 16 acres of property more or less. In addition, it is also the intention of the parties to only transact with respect to that portion of the property that lies on the northerly side of Route 17 also commonly known as the "Quickway".

Said premises being further described by survey dated September 28, 1979, made by John W. Galligan, licensed surveyor, as follows:

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND**, with buildings and improvements thereon erected situate, lying and being in the Town of Thompson, County of Sullivan and State of New York, and being part of the premises conveyed to Perlmutter Building Supply Corp. as described in a deed recorded in the Sullivan County Clerk's Office in Liber of Deeds 559 at Page 192 and more particularly bounded and described as follows:

**BEGINNING** at a point in the approximate center of traveled way of Joyland Road (Town Road 160) at the southeasterly corner of lands of Nachlul Emunah Bungalows, Inc. (Deed Liber 920 at Page 125), and running thence from said point of beginning along the southerly bounds of said lands described in Deed Liber 920 at Page 125, running through an iron pin set on the westerly side of said Joyland Road, and running parallel to and six (6) feet southerly of the southerly face of the main house on said lands described in a Deed Liber 920 at Page 125 North 65 degrees 24 minutes East 133.77 feet to an iron pin set; thence continuing along the bounds of said lands described in Deed Liber 920 at Page 125, running parallel to and nine (9) feet easterly of easterly edge concrete slab on which a pump house formerly existed on the herein described parcel, North 29 degrees 06 minutes East 26.60 feet to an iron pin set; thence continuing along the southerly bounds of said lands described in Deed Liber 920 at Page 125 North 58 degrees 43 minutes West 160.00 feet to an iron pin set at the southwesterly corner of said lands described in Deed Liber 920 at Page 125, thence running along the westerly bounds of said lands described in Deed Liber 920 at Page 125 North 19 degrees 24 minutes East 531.11 feet parallel to the center of traveled way of said Joyland Road to an iron pin set at the northwesterly corner of said lands described in a Liber of Deeds 920 at Page 125, thence running generally along an old wire fence evidencing the southerly bounds of lands of Sadie Ellman as described in a Deed recorded in the Sullivan County Clerk's Office in Liber of Deeds 320 at Page 589 North 46 degrees 44 minutes West 1016.40 feet to an iron pin set in the intersection of said wire fence with the northerly end of a section of a stone wall at the northeasterly corner of lands of Tapper and Gatell (Deed Liber 791 at Page 630, see Deed Liber 588 at Page 247 for description of said parcel; thence running along the approximate center of said stone wall and a projection thereof evidencing the easterly bounds of said lands of Tapper and Gatell South 22 degrees 11 minutes West 319.89 feet to an iron pin set on the northerly bounds of Bloomingburgh \_ Monticello Part 2, State Highway 15437 (See Map 1185, Parcel # 360, for said highway filed in the Sullivan County Clerk's Office), thence running along the northerly bounds of said State Highway (acquired by New York State without right of across to and from abutting property), the following six (6) courses

**Fidelity National Title Insurance Company**

**File Number: 3790**

**SCHEDULE A  
PROPERTY DESCRIPTION  
As to THO 31-1-19.2**

and distances:

- (1) South 36 degrees 35 minutes East 89.97 feet to a New York State Highway monument found;
- (2) South 34 degrees 59 minutes East 501.35 feet to a New York State Highway monument found;
- (3) South 53 degrees 41 minutes East 330.87 feet to a New York State Highway monument found;
- (4) South 45 degrees 55 minutes East 297.77 feet to a New York State Highway monument found;
- (5) South 18 degrees 27 minutes East 107.72 feet to a New York State Highway monument found;
- (6) South 58 degrees 30 minutes East 221.27 feet to a running through an iron pin set on the westerly side of said Joyland Road to a point in the approximate center of traveled way of said road;

Thence running generally along the center of traveled way of said Joyland Road the following three courses and distances:

- (1) North 21 degrees 22 minutes East 44.50 feet to a point;
- (2) North 23 degrees 20 minutes East 159.16 feet to a point; and
- (3) North 19 degrees 26 minutes East 133.15 feet to the point or place of beginning containing 16.52 acres of land to be the same more or less.

ALSO granting all the right, title, and interest of the grantor herein, in and to a right of way over a six (6) feet wide strip of land between the southerly face of the main building on lands described in said Deed Liber 920 at Page 125, and the bounds of lands described above the first bearing and distance. (North 65 degrees 26 minutes West 153.77 feet). See Deed Liber 559 at Page 182.

SUBJECT TO restrictions contained in said Deed Liber 559 at Page 182 relative to not building a solid wall along a portion of the bounds of the herein described premises described in the first bearing and distance. (North 65 degrees 26 minutes West 153.77 feet).

SUBJECT TO highway use-dedication of record, and any easements of record.

BEARINGS are as the magnetic needle pointed in September of 1979.



**Fidelity National Title Insurance Company**

**File Number: 3790**

**SCHEDULE A  
PROPERTY DESCRIPTION  
As to THO 31-1-17.1**

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND**, with buildings and improvements thereon erected situate, lying and being in the Town of Thompson, County of Sullivan and State of New York, and more particularly described as follows:

**BEGINNING** at a point 221.26 feet distant northerly and measured at right angles from Station 92-24 of the Survey base line of the Bloomingburg-Monticello Part 2, State Highway #5457 and running thence southeasterly 503 feet, more or less, along the bounds of New Route 17 right of way to a point 182 feet distance northerly and measured at right angles from Station 87-39 of said survey base line; thence northerly along the center of an old stone wall on the line of the Joyland Hotel property 336 feet, more or less, to the southerly line of the premises formerly of Louise Purcell; thence westerly along the line of said Purcell property to the northeast corner of the Pudzinski property; thence along the easterly line of the Pudzinski property in a southerly direction 83 feet, more or less, to the point or place of beginning, containing approximately 2 acres of land, more or less.

The premises insured hereunder are a portion of Deed Liber 3256 pg 323 (Parcels 1 and 3) and all of the premises set forth in Liber 3499 page 3 above referenced.

## Fidelity National Title Insurance Company

File Number: 3788A

### SCHEDULE A PROPERTY DESCRIPTION

ALL that tract, piece or parcel of land with the buildings and improvements thereon situate, lying and being in the Town of Thompson, County of Sullivan and State of New York being a portion of Town of Thompson tax Map # 23.-1-51 and intended to be all that portion located on the north side of NY State Route 17 Quickway, n/k/a I-86, which part is now known as tax map # 23.-1-51.2. The whole of lot 23-1-51 is more particularly bounded and described as follows:

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-51" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 40 and 46, South 70°41'39" East, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**:

**THENCE** North 19°13'17" East, a distance of 702.20 feet, partially along the centerline of a stonewall on the westerly side of a lane;

**THENCE** North 09°52'17" East, a distance of 2189.01 feet to the line between lot numbers 46 and 52;

**THENCE** continuing along same, South 70°16'15" East, a distance of 849.61 feet to the northwesterly corner of the Olmstead lot and continuing along the westerly line of said Olmstead lot the following three (3) courses and distances;

- 1) South 15°39'20" West, a distance of 1489.67 feet,
- 2) South 18°45'55" West, a distance of 338.72 feet and
- 3) South 15°19'04" West, a distance of 829.77 feet, partially along a stonewall to the southwesterly corner of said Olmstead lot;

**THENCE** continuing along the southerly line of said Olmstead lot, South 72°32'56" East, a distance of 70.00 feet;

**THENCE** South 15°33'48" West, a distance of 210.32 feet to the line between lot numbers 40 and 46 and continuing along same the following two (2) courses and distances:

**Fidelity National Title Insurance Company**

**File Number: 3788 A**

- 4) North 69°53'51" West, a distance of 388.12 feet and
- 5) North 70°41'39" West, a distance of 341.09 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 2,045,109 square feet or 46.949 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent; and running along the line between lot numbers 40 and 46, South 70°41'39" East, a distance of 800.90 feet;

**THENCE** North 19°13'17" East, a distance of 197.53 feet to the southerly line of State Highway No. 5457 (Route 17) to the **POINT AND PLACE OF BEGINNING.**

**THENCE** North 19°13'17" East, a distance of 223.53 feet to the northerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, the following two (2) courses and distances;

- 6) South 36°30'48" East, a distance of 88.71 feet and
- 7) South 40°45'35" East, a distance of 754.68 feet to the line between lot numbers 40 and 46;

**THENCE** continuing along same, North 69°53'51" West, a distance of 385.72 feet to the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North 40°38'21" West, a distance of 394.41 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 115,927 square feet or 2.661 acres of land more or less.

Excepting and reserving here from, any portion thereof situate lying and being on the South side of NYS Route 17 Quickway n/k/a I-86.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**SCHEDULE A  
PROPERTY DESCRIPTION**

p/o THO 23-1-50  
NOW KNOWN AS 23-1-50.2

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-50" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North 15°13'50" East, a distance of 2873.64 feet to the corner of lot numbers 46, 47, 52 and 53 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 52, South 70°16'15" East, a distance of 645.29 feet;

**THENCE** South 09°52'17" West, a distance of 2189.01 feet to the centerline of a stonewall on the westerly side of a lane;

**THENCE** South 19°13'17" West, a distance of 702.20 feet, partially along said centerline of a stonewall on the westerly side of a lane, to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North 70°41'39" West, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 2,195,108 square feet or 50.393 acres of land more or less.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**SCHEDULE A  
PROPERTY DESCRIPTION**

P/O THO 23-1-50  
NOW KNOWN AS 23-1-50.2

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State for State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 690.95 feet to a point on the southerly line of State Highway No. 5457 (Route 17), said point being the **POINT AND PLACE OF BEGINNING**;

**THENCE** continuing northerly along said line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 299.06 feet to the northerly line of State Highway No. 5457 (Route 17) and continuing along same the following two (2) courses and distances:

- 1) South  $38^{\circ}52'58''$  East, a distance of 496.67 feet and
- 2) South  $36^{\circ}30'48''$  East, a distance of 542.24 feet;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 223.53 feet to the southerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North  $40^{\circ}38'21''$  West, a distance of 981.71 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 224.292 square feet or 5.149 acres of land more or less.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**SCHEDULE A  
PROPERTY DESCRIPTION**

Plt THO 23-1-50  
NOW KNOWN AS 23-1-50.2

**ALSO EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, on the southerly side of State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 690.95 feet to a point on the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, South  $40^{\circ}38'21''$  East, a distance of 981.71 feet;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 197.53 feet to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North  $70^{\circ}41'39''$  West, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 359,844 square feet or 8.261 acres of land more or less.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**SCHEDULE A  
PROPERTY DESCRIPTION**

**THO 23-1-65.1**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-65.1" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 40 and 46, the following two (2) courses and distances;

- 1) South 70°41'39" East, a distance of 1141.99 feet and
- 2) South 69°53'51" East, a distance of 388.12 feet **POINT AND PLACE OF BEGINNING:**

**THENCE** North 15°33'48" East, a distance of 50.17 feet;

**THENCE** South 71°52'02" East, distance of 1882.83 feet to the westerly line of Joyland Road;

**THENCE** along the westerly line of said Joyland Road, South 15°23'14" West, a distance of 50.18 feet;

**THENCE** North 71°52'02" West, a distance of 1882.99 feet to the line between lot numbers 40 and 46 said point being the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 94,372 square feet or 2.166 acres of land more or less.

**CONTRACTORS' LINE & GRADE SOUTH, LLC**



**SINCE 1973**

21 NEPPERHAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMAKIO, PARTNER  
GARY ENNIS, PARTNER

NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

LEGAL DESCRIPTION OF TAX LOT 23-2-31

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-31" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate in The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point 2.7± meters distant easterly and measured at right angles from Station J1+294.3± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (on the easterly line of Joyland Road);

**THENCE** South 74°39'39" East, a distance of 150.00 feet;

**THENCE** South 15°12'36" West, a distance of 260.99 feet to a point on the northerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), North 38°24'16" West, a distance of 183.82 feet to a monument at the common corner of the northerly line of said State Highway No. 5457 (Route 17) and the easterly line of said Joyland Road, 25.300 meters westerly and measured at right angles from Station J1+259.000 of said 1998 survey baseline;

**THENCE** continuing along the easterly line of said Joyland Road, North 14°27'11" East, a distance of 152.30 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 30,733 square feet or 0.706 acres of land more or less.



**CONTRACTORS' LINE & GRADE SOUTH, LLC**



**SINCE 1973**

23 NEPPERIAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARIO, PARTNER  
GARY ENNIS, PARTNER

NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

LEGAL DESCRIPTION OF TAX LOT 23-2-32

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-32" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at a point 2.7± meters distant easterly and measured at right angles from Station J1+294.3± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (on the easterly line of Joyland Road), thence South 74°39'39" East, a distance of 150.00 feet to the **POINT AND PLACE OF BEGINNING**:

**THENCE** South 74°39'39" East, a distance of 290.50 feet;

**THENCE** South 15°20'21" West, a distance of 396.60 feet to the northerly line of State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property) and continuing along same the following three (3) courses and distances:

- 1) North 61°40'46" West, a distance of 62.76 feet to a point 121.000 meters northerly and measured at right angles from Station 10+929.000 of said 1998 survey baseline,
- 2) North 51°49'08" West, a distance of 160.77 feet to a point 2.000 meters westerly and measured at right angles from Station J1+174.500 of said 1998 survey baseline and
- 3) North 38°24'16" West, a distance of 99.94 feet;

**THENCE** North 15°12'36" East, a distance of 260.99 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 99,366 square feet or 2.281 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, a temporary easement for highway purposes, more particularly bounded and described as follows:

**BEGINNING** at a point 103.036 meters northerly and measured at right angles from Station 10+894.701 of said 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (Route 17) (on the northerly line of said State Highway);

**THENCE** North 38°40'16" East, a distance of 62.55 feet to a point 120.000 meters northerly and measured at right angles from Station 10+886.000 of said 1998 survey baseline;

**THENCE** South 49°22'35" East, a distance of 30.82 feet to a point 124.000 meters northerly and measured at right angles from Station 10+894.500 of said 1998 survey baseline;

**THENCE** South 34°38'06" East, a distance of 108.43 feet to a point 130.000 meters northerly and measured at right angles from Station 10+927.000 of said 1998 survey baseline;

**THENCE** South 61°37'40" East, a distance of 43.68 feet to the easterly line of the herein described parcel;

**THENCE** continuing along same, South 15°20'21" West, a distance of 28.10 feet to the northerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along same, the following two (2) courses and distances;

- 4) North 61°40'46" West, a distance of 62.76 feet to a point 121.000 meters northerly and measured at right angles from Station 10+929.000 of said 1998 survey baseline and
- 5) North 51°49'08" West, a distance of 127.03 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 7,950 square feet or 0.183 acres of land more or less.

**CONTRACTORS' LINE & GRADE SOUTH, LLC**



**SINCE 1973**

23 NEPPERIAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 - FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARIO, PARTNER  
GARY ENNIS, PARTNER

NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

LEGAL DESCRIPTION OF TAX LOT 23-2-33

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-33" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the common corner of the westerly line of Towner Road and the northerly line of State Highway No. 5457 (Route 17), 155.5± meters northerly and measured at right angles from Station 10+973.4± of the Bloomburg-Monticello Part 2, State Highway No.5457;

**THENCE** running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following two (2) courses and distances;

- 1) North 71°10'47" West, a distance of 8.45 feet to a point 154.000 meters northerly and measured at right angles from Station 10+972.000 of said 1998 survey baseline and
- 2) North 61°40'46" West, a distance of 115.07 feet;

**THENCE** North 15°20'21" East, a distance of 525.87 feet to the southerly line of Lorraine Drive;

**THENCE** continuing along same, South 66°44'39" East, a distance of 173.49 feet;

**THENCE** South 20°01'21" West, a distance of 120.00 feet;

**THENCE** South 66°44'39" East, a distance of 120.00 feet to the westerly line of Towner Road and continuing along same the following three (3) courses and distances;

- 3) South 20°01'21" West, a distance of 181.74 feet,
- 4) South 85°16'21" West, a distance of 140.96 feet and

5) South 19°56'21" West, a distance of 163.24 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 104,054 square feet or 2.389 acres of land more or less.

EXCEPTING AND RESERVING all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, a temporary easement for highway purposes, more particularly bounded and described as follows:

BEGINNING at a point at the common corner of the westerly line of Townner Road and the northerly line of State Highway No. 5457 (Route 17), 155.5± meters northerly and measured at right angles from Station 10+973.4± of the Bloomburg-Monticello Part 2, State Highway No.5457;

THENCE running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following two (2) courses and distances;

- 6) North 71°10'47" West, a distance of 8.45 feet to a point 154.000 meters northerly and measured at right angles from Station 10+972.000 of said 1998 survey baseline and
- 7) North 61°40'46" West, a distance of 115.07 feet;

THENCE North 15°20'21" East, a distance of 28.10 feet;

THENCE South 61°37'40" East, a distance of 125.90 to the westerly line of Townner Road at a point 161.1± meters northerly and measured at right angles from Station 10+967.6± of said 1998 survey baseline;

THENCE continuing along same, South 19°56'21" West, a distance of 26.15 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 3,402 square feet or 0.078 acres of land more or less.

1785-125-01

EXHIBIT XII  
INSTRUMENT NO.  
2013-8375  
CURRENT DEED



SULLIVAN COUNTY - STATE OF NEW YORK  
DANIEL L BRIGGS, COUNTY CLERK  
100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



INSTRUMENT #: 2013-8375

Receipt#: 2013445009  
Clerk: KF  
Rec Date: 10/30/2013 02:36:54 PM  
Doc Grp: RP  
Descrip: DEED  
Num Pgs: 6  
Rec'd Frm: STTA

Party1: JOYLAND DEVELOPMENT LLC  
Party2: EPT CONCORD II LLC  
Town: THOMPSON

Recording:

Cover Page 5.00  
Recording Fee 45.00  
Cultural Ed 14.25  
Records Management - Coun 1.00  
Records Management - Stat 4.75  
TP584 5.00  
RP5217 Residential/Agricu 116.00  
RP5217 - County 9.00

Sub Total: 200.00

Transfer Tax  
Transfer Tax 0.00

Sub Total: 0.00

Total: 200.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*

Transfer Tax #: 737  
Transfer Tax  
Consideration: 0.00

Total: 0.00

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

Record and Return To:

STTA  
P/U  
MONTICELLO NY 12701

Daniel L. Briggs  
Sullivan County Clerk

\*\*\*THIS IS NOT AN INVOICE\*\*\*

Bargain & sale deed with covenant against grantor's acts

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

THIS INDENTURE, made the 21<sup>st</sup> day of October, 2013  
BETWEEN

JOYLAND DEVELOPMENT, LLC, a Delaware Limited Liability Company, with a principal place of business at 909 Walnut Street, Suite 200, Kansas City, MO 64106

party of the first part, and

EPT CONCORD II, LLC, a Delaware Limited Liability Company, with a principal place of business at 909 Walnut Street, Suite 200, Kansas City, MO 64106

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 Town of Thompson, County of Sullivan, State of New York.

AS TO 23-2-34 & 23-2-50.4: Being and intended to be the same Premises conveyed to the Grantor by Deed dated May 17, 2013 and recorded in the Sullivan County Clerk's Office on May 30, 2013 in Instrument # 2013-3984

The above being more particularly bounded and described in Schedule A Descriptions annexed hereto and made a part hereof.

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:

JOYLAND DEVELOPMENT, LLC

By: EPT Down REIT, Inc.

By:   
Gregory K. Silvers, Vice President

STATE OF MISSOURI, COUNTY OF JACKSON

ss:

On the 21<sup>st</sup> day of October in the year 2013, before me, the undersigned, a notary public in and for said state, personally appeared Gregory K. Silvers, Vice President, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
NOTARY PUBLIC

**SARAH E. NEWHAM**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: June 14, 2017  
Commission # 13728582

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2012, before me, the undersigned, a notary public in and for said state, personally appeared

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.

~~STATE OF MISSOURI, COUNTY OF JACKSON~~

~~ss:~~

~~On the \_\_\_\_\_ day of October in the year 2013, before me, the undersigned, a notary public in and for said state, personally appeared Gregory K. Silvers, Vice President, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.~~

~~NOTARY PUBLIC~~

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a notary public in and for said state, personally appeared

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.

SECTION 23

BLOCK 2

LOT 34

COUNTY OR TOWN Sullivan

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

**JOYLAND DEVELOPMENT, LLC**

**TO**

**EPT CONCORD II, LLC**

RETURN BY MAIL TO:

**HELEN C. MAUCH, ESQ.**  
**ZARIN & STEINMETZ**  
**81 Main Street, Suite 415**  
**White Plains, N. Y. 10601**

Reserve this space for the use of Recording Office.



**CONTRACTORS' LINE & GRADE SOUTH, LLC**

**SINCE 1973**

23 NEPPERHAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARJO, PARTNER  
GARY ENNIS, PARTNER



NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

**LEGAL DESCRIPTION**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-34" on a map entitled "Survey of Property Prepared For EPT Concord, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated April 15, 2013" which is more particularly bounded and described as follows:

**COMMENCING** at a point 2.7± meters distant easterly and measured at right angles from Station J1+294.3± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No.5457 (on the easterly line of Joyland Road);

**THENCE** South 74°39'39" East, a distance of 440.50 feet,

**THENCE** North 15°20'21" East, a distance of 129.27 feet to the southerly line of Lorraine Drive,

**CONTINUING** along said southerly line, South 66°44'39" East, a distance of 173.49 feet to the **POINT AND PLACE OF BEGINNING**;

**THENCE CONTINUING** along said southerly line, South 66°44'39" East, a distance of 120.00 feet to the intersection of the said southerly line and the westerly line of Towner Road,

**THENCE** along the said westerly line, South 20°01'21" West, a distance of 120.00 feet;

**THENCE** parallel to the said southerly line of Lorraine Drive, North 66°44'39" West, a distance of 120.00 feet to an iron pin,

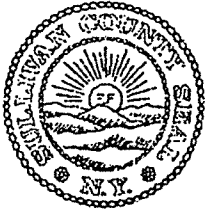
**THENCE** parallel to the said westerly line of Towner Road, North 20°01'21" East, a distance of 120.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 14,377 square feet or 0.330 acres of land more or less.

EXHIBIT XIII  
INSTRUMENT NO.

2013-9394

MEMORANDUM OF LEASE  
TO AGENCY



SULLIVAN COUNTY - STATE OF NEW YORK  
DANIEL L BRIGGS, COUNTY CLERK  
100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



INSTRUMENT #: 2013-9395  
Receipt#: 2013450514  
Clerk: BG  
Rec Date: 12/05/2013 11:31:47 AM  
Doc Grp: RP  
Descrip: MEMORANDUM LEASEBACK  
Num Pgs: 44  
Rec'd Frm: GARIGLIANO LAW OFFICES LLP  
Party1: COUNTY OF SULLIVAN INDUSTRIAL  
DEVELOPMENT AGENCY  
Party2: EPT CONCORD II LLC  
Town: THOMPSON

Recording:  
Cover Page 5.00  
Recording Fee 235.00  
Cultural Ed 14.25  
Records Management - Coun 1.00  
Records Management - Stat 4.75  
TP584 5.00  
Sub Total: 265.00  
Transfer Tax 0.00  
Transfer Tax 0.00  
Sub Total: 0.00  
Total: 265.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*  
\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 1077  
Transfer Tax  
Consideration: 0.00  
Total: 0.00

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

Record and Return To:

GARIGLIANO LAW OFFICES LLP  
P/U  
MONTICELLO NY 12701

Daniel L. Briggs  
Sullivan County Clerk

\*\*\*THIS IS NOT AN INVOICE\*\*\*

**MEMORANDUM OF LEASEBACK TO COMPANY**

*THIS MEMORANDUM OF LEASEBACK TO COMPANY*, dated as of the 21<sup>st</sup> day of October, 2013 by and between COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation organized and existing under the laws of the State of New York, with its principal offices located at One Cablevision Center, Ferndale, New York 12734 ("Agency") and EPT CONCORD II, LLC, a Delaware limited liability company, having its principal offices located at 909 Walnut Street-200, Kansas City, Missouri 64106 ("Company").

1. Reference to Lease: Leaseback to Company, dated as of the 21<sup>st</sup> day of October, 2013 ("Leaseback Agreement").
2. Description of the Leased Premises: Certain real property and improvements located in the Town of Thompson, County of Sullivan, State of New York and identified on the tax map of the Town of Thompson, as more particularly described on Schedule A attached hereto ("Leased Premises").
3. Term of Lease: Commencing on the date hereof and ending February 1, 2034.
4. Rights of Extension or Renewal: None.

IN WITNESS WHEREOF, the Agency and the Company have caused this Memorandum of Leaseback to Company to be executed in their respective names, all as of the date first written above.

COUNTY OF SULLIVAN INDUSTRIAL  
DEVELOPMENT AGENCY

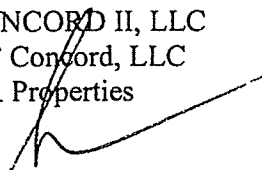


By: Allan C. Scott, Chief Executive Officer

EPT CONCORD II, LLC

By: EPT Concord, LLC

By: EPR Properties

  
By: Gregory K. Silvers, Vice-President

RECORD AND RETURN TO:  
GARIGLIANO LAW OFFICES, LLP  
449 Broadway, PO Drawer 1069  
Monticello, New York 12701  
Attn: Barbara A. Garigliano, Esq.

## EPT CONCORD II, LLC TAX PARCELS WITHIN PRD ZONING DISTRICT

15.-1-4
15.-1-49
13.-3-12
13.-3-19.1
13.-3-20.1
13.-3-20.2
13.-3-20.3
13.-3-22
15.-1-11.1
15.-1-11.2
15.-1-12.1
15.-1-12.3
15.-1-14.1
15.-1-14.2
15.-1-14.3
15.-1-18
15.-1-19
15.-1-22
15.-1-24
15.-1-25
15.-1-35.7
15.-1-51
23.-1-53
23.-1-54.1
23.-1-54.2
23.-1-54.3
23.-1-54.4
23.-1-55
23.-1-61.2
23.-2-1
23.-2-2
23.-2-3
23.-2-4
23.-2-6
9.-1-35.0
23.-1-11.3
13.-3-25.1
13.-3-25.2
13.-3-25.3
13.-3-17
13.-3-45

EPT CONCORD II, LLC TAX PARCELS WITHIN PRD ZONING DISTRICT

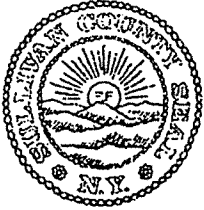
13.-3-5
13.-3-7
23.-2-8
23.-2-10
13.-3-26.1
13.-3-26.2
13.-1-28
13.-1-53
13.-3-2.1
13.-3-2.2
15.-1-5
15.-1-13
15.-1-15
15.-1-16
15.-1-17
15.-1-50
23.-1-48
23.-1-52
13.-3-18
13.-3-19.3
13.-3-48
9.-1-18.1

**EPT CONCORD II, LLC TAX PARCELS OUTSIDE PRD ZONING DISTRICT**

23-1-50
23-1-51
31-1-65.1
31-1-17.1
31-1-19.2
23-2-31
23-2-32
23-2-33

EXHIBIT XIV  
INSTRUMENT NO.  
2013-9395  
MEMORANDUM OF  
LEASEBACK TO COMPANY





SULLIVAN COUNTY - STATE OF NEW YORK  
DANIEL L BRIGGS, COUNTY CLERK  
100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



INSTRUMENT #: 2013-9394

Receipt#: 2013450514  
Clerk: BG  
Rec Date: 12/05/2013 11:31:47 AM  
Doc Grp: RP  
Descrip: MEMORANDUM LEASEBACK  
Num Pgs: 44  
Rec'd Frm: GARIGLIANO LAW OFFICES LLP

Party1: EPT CONCORD II LLC  
Party2: COUNTY OF SULLIVAN INDUSTRIAL  
DEVELOPMENT AGENCY  
Town: THOMPSON

Recording:  
Cover Page 5.00  
Recording Fee 235.00  
Cultural Ed 14.25  
Records Management - Coun 1.00  
Records Management - Stat 4.75  
TP584 5.00

Sub Total: 265.00

Transfer Tax  
Transfer Tax 0.00

Sub Total: 0.00

Total: 265.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 1076  
Transfer Tax  
Consideration: 0.00

Total: 0.00

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

Record and Return To:

GARIGLIANO LAW OFFICES LLP  
P/U  
MONTICELLO NY 12701

Daniel L. Briggs  
Sullivan County Clerk

\*\*\*THIS IS NOT AN INVOICE\*\*\*

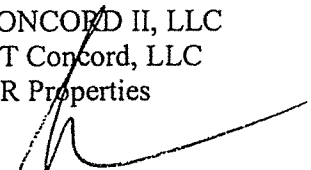
**MEMORANDUM OF LEASE TO AGENCY**

*THIS MEMORANDUM OF LEASE TO AGENCY*, dated as of the 21<sup>st</sup> day of October, 2013 by and between EPT CONCORD II, LLC, a Delaware limited liability company, having its principal offices located at 909 Walnut Street-200, Kansas City, Missouri 64106 ("Company") and COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation organized and existing under the laws of the State of New York, with its principal offices located at One Cablevision Center, Ferndale, New York 12734 ("Agency").

- 1. Reference to Lease: Lease to Agency, dated as of October 21, 2013 ("Lease Agreement").
- 2. Description of the Leased Premises: Certain real property and improvements located in the Town of Thompson , County of Sullivan, State of New York and identified on the tax map of the Town of Thompson, as more particularly described on Schedule A attached hereto ("Leased Premises").
- 3. Term of Lease: Commencing on the date hereof and ending February 1, 2034.
- 4. Rights of Extension or Renewal: None.

IN WITNESS WHEREOF, the Agency and the Company have caused this Memorandum of Lease to Agency to be executed in their respective names, all as of the date first written above.

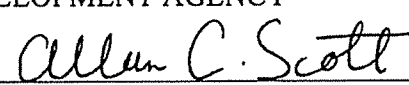
EPT CONCORD II, LLC  
 By: EPT Concord, LLC  
 By: EPR Properties




---

By: Gregory K. Silvers, Vice-President

COUNTY OF SULLIVAN INDUSTRIAL  
 DEVELOPMENT AGENCY




---

By: Allan C. Scott, Chief Executive Officer

RECORD AND RETURN TO:  
 GARIGLIANO LAW OFFICES, LLP  
 449 Broadway, PO Drawer 1069  
 Monticello, New York 12701  
 Attn: Barbara A. Garigliano, Esq.  
 60240-017v3

EPT CONCORD II, LLC TAX PARCELS WITHIN PRD ZONING DISTRICT

15.-1-4
15.-1-49
13.-3-12
13.-3-19.1
13.-3-20.1
13.-3-20.2
13.-3-20.3
13.-3-22
15.-1-11.1
15.-1-11.2
15.-1-12.1
15.-1-12.3
15.-1-14.1
15.-1-14.2
15.-1-14.3
15.-1-18
15.-1-19
15.-1-22
15.-1-24
15.-1-25
15.-1-35.7
15.-1-51
23.-1-53
23.-1-54.1
23.-1-54.2
23.-1-54.3
23.-1-54.4
23.-1-55
23.-1-61.2
23.-2-1
23.-2-2
23.-2-3
23.-2-4
23.-2-6
9.-1-35.0
23.-1-11.3
13.-3-25.1
13.-3-25.2
13.-3-25.3
13.-3-17
13.-3-45

EPT CONCORD II, LLC TAX PARCELS WITHIN PRD ZONING DISTRICT

13.-3-5
13.-3-7
23.-2-8
23.-2-10
13.-3-26.1
13.-3-26.2
13.-1-28
13.-1-53
13.-3-2.1
13.-3-2.2
15.-1-5
15.-1-13
15.-1-15
15.-1-16
15.-1-17
15.-1-50
23.-1-48
23.-1-52
13.-3-18
13.-3-19.3
13.-3-48
9.-1-18.1

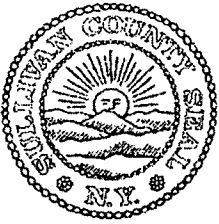
←

←

**EPT CONCORD II, LLC TAX PARCELS OUTSIDE PRD ZONING DISTRICT**

23-1-50
23-1-51
31-1-65.1
31-1-17.1
31-1-19.2
23-2-31
23-2-32
23-2-33

EXHIBIT XV  
INSTRUMENT NO.  
2013-9913  
CURRENT DEED  
AND  
EASEMENTS



SULLIVAN COUNTY – STATE OF NEW YORK  
 DANIEL L BRIGGS, COUNTY CLERK  
 100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE  
 \*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: 2013-9913

Receipt#: 2013453869  
 Clerk: KF  
 Rec Date: 12/31/2013 09:45:14 AM  
 Doc Grp: RP  
 Descrip: DEED  
 Num Pgs: 99  
 Rec'd Frm: STTA

Party1: EPT CONCORD II LLC  
 Party2: EPR CONCORD II L P  
 Town: THOMPSON

Recording:

Cover Page	5.00
Recording Fee	510.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 665.00

Transfer Tax	
Transfer Tax	0.00

Sub Total: 0.00

Total: 665.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 1269  
 Transfer Tax  
 Consideration: 0.00

Total: 0.00

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

Record and Return To:

*Daniel L. Briggs*

Daniel L. Briggs  
 Sullivan County Clerk

STTA  
 P/U  
 MONTICELLO NY 12701

\*\*\*THIS IS NOT AN INVOICE\*\*\*

SOUTHERN TIER TITLE AGENCY  
TEL: (845) 791-7777 FAX: (845) 791-7785  
548 BROADWAY  
FILE NUMBER: 13-MIS2385  
MONTICELLO, NY 12701

---

SPACE ABOVE THIS LINE FOR REGISTER'S USE

### WARRANTY DEED

THIS INDENTURE is executed this 20<sup>th</sup> day of December, 2013, and shall be effective as of the 31<sup>st</sup> day of December, 2013, by EPT Concord II, LLC, a Delaware limited liability company, with an address of 909 Walnut, Suite 200, Kansas City, Missouri 64106 (herein called "Grantor"), in favor of EPR Concord II, L.P., a Delaware limited partnership, whose mailing address is 909 Walnut, Suite 200, Kansas City, Missouri 64106 (herein called "Grantee").

WITNESSETH, that in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS and other good and valuable consideration paid to Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged and confessed, Grantor does by these presents GRANT and RELEASE unto Grantee, its successors and assigns, all of the real property described as follows, to-wit:

the real property (the "Land") located in Sullivan County, New York and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes;

TOGETHER with all and singular, the benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and any and all right, title and interest of Grantor in and to adjacent roads, and rights-of-way; and

TOGETHER with all buildings, fixtures and other improvements located on the Land; and

TOGETHER with all personal property situated in, on or about the Land and any improvements

(collectively, the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular any other rights,



privileges, appurtenances and immunities thereto belonging or in any manner thereto appertaining unto Grantee, its successors and assigns FOREVER.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that 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 same for any other purpose.

AND Grantor hereby covenanting that Grantor is seized of the Property in fee simple, and has good right to convey the same; that Grantee shall quietly enjoy the Property; that the Property is free and clear from any encumbrance, except that the Property is being transferred to Grantee subject to the following: (a) all easements, restrictions, declarations, reservations, agreements, instruments and other matters of record, if any; (b) taxes and assessments, general and special, not now due and payable; (c) rights of the public in and to the parts thereof in streets, roads or alleys; and (d) all existing mortgages and leases of the Property; and that Grantor will warrant and defend the title to the Property unto Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

GRANTOR:

**EPT CONCORD II, LLC**, a Delaware limited liability company

By: 

Name: Gregory K. Silvers

Title: Vice President

STATE OF Missouri )  
 ) ss  
COUNTY OF Jackson )

On this the 20<sup>th</sup> day of December, 2013, before me, the undersigned Notary Public in and for said County and State, appeared Gregory K. Silvers personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity on behalf of which he acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public

My Commission Expires:  
**SUZANNE WILLIAMS**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
Commission # 13448122  
My Commission Expires: 8/22/2017

**EXHIBIT "A"**

TO WARRANTY DEED  
Legal Description

**LEGAL DESCRIPTION OF KEYBANK PARCELS**

**PARCEL 'A'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'A' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the northwest corner of lands now or formerly of Irving Cohen and running northerly along the westerly line of aforementioned Cohen, North 15°59'50" East, a distance of 370.99 feet to an intersection of stonewalls on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south and continuing along same, South 69°17'00" East, a distance of 1074.74 feet;

**THENCE** South 02°28'00" West, a distance of 218.80 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 87°32'00" West, a distance of 388.63 feet;

**THENCE** North 03°12'00" East, a distance of 150.00 feet;

**THENCE** North 86°48'00" West, a distance of 300.00 feet;

**THENCE** South 03°12'00" West, a distance of 150.00 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 88°00'00" West, a distance of 315.50 feet to the easterly line of aforementioned Cohen, and continuing along same, North 28°46'00" East, a distance of 218.01 feet to the northerly line of Cohen and continuing along same, North 88°07'00" West, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 351687 square feet; or 8.074 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot(s) 4 and part of 12.1 of the Town of Thompson Tax Maps.

**PARCEL 'B'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'B' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North  $86^{\circ}58'52''$  West, a distance of 261.00 feet;

**THENCE** North  $25^{\circ}21'14''$  East, a distance of 60.54 feet;

**THENCE** South  $89^{\circ}15'55''$  East, a distance of 25.02 feet;

**THENCE** South  $79^{\circ}46'52''$  East, a distance of 51.91 feet;

**THENCE** South  $71^{\circ}52'06''$  East, a distance of 55.54 feet and

**THENCE** South  $68^{\circ}31'20''$  East, a distance of 113.73 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 9086 square feet; or 0.209 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot 49 of the Town of Thompson Tax Maps.

**PARCEL 'C'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'C' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the southerly line of County Route No. 109 also known as Kiamesha Lake Road and the centerline of County Route 182 also known as Concord Road and continuing along the aforementioned southerly line of County Route No. 109 also known as Kiamesha Lake Road the following nine (9) courses and distances;

- 1) South  $87^{\circ}35'17''$  East, a distance of 150.86 feet,
- 2) South  $88^{\circ}28'17''$  East, a distance of 94.01 feet,
- 3) South  $87^{\circ}52'17''$  East, a distance of 70.39 feet,

- 4) South 86°57'17" East, a distance of 147.30 feet,
- 5) South 86°32'17" East, a distance of 200.40 feet,
- 6) South 86°51'17" East, a distance of 310.71 feet,
- 7) South 87°19'17" East, a distance of 467.40 feet,
- 8) South 86°52'59" East, a distance of 289.67 feet and
- 9) South 77°47'08" East, a distance of 482.81 feet to a point on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south;

**CONTINUING** along same the following two (2) courses and distances;

- 1) South 68°45'29" East, a distance of 959.75 feet and
- 2) South 69°00'29" East, a distance of 1223.13 feet to the approximate centerline of the West Branch of Sheldrake Stream;

**CONTINUING** along same the following twenty-nine (29) courses and distances;

- 1) South 07°51'27" East, a distance of 30.42 feet,
- 2) South 19°46'28" East, a distance of 354.20 feet,
- 3) South 37°38'32" East, a distance of 180.68 feet,
- 4) South 22°37'10" East, a distance of 96.91 feet,
- 5) South 11°59'08" East, a distance of 366.93 feet,
- 6) South 43°11'52" East, a distance of 95.64 feet,
- 7) South 67°43'50" East, a distance of 102.99 feet,
- 8) South 61°57'30" East, a distance of 72.30 feet,
- 9) South 06°47'30" East, a distance of 86.33 feet,
- 10) South 28°46'20" West, a distance of 67.03 feet,
- 11) South 06°51'14" East, a distance of 28.12 feet,
- 12) South 37°49'38" East, a distance of 118.30 feet,
- 13) South 25°10'27" East, a distance of 89.74 feet,
- 14) South 07°26'20" East, a distance of 120.14 feet,
- 15) South 01°55'56" East, a distance of 423.06 feet,
- 16) South 21°42'05" East, a distance of 166.05 feet,
- 17) South 03°21'10" East, a distance of 71.11 feet,

- 18) South 33°47'03" East, a distance of 160.33 feet,
- 19) South 89°11'55" East, a distance of 80.45 feet,
- 20) South 42°01'43" East, a distance of 134.90 feet,
- 21) South 18°46'10" West, a distance of 14.55 feet,
- 22) South 13°35'40" East, a distance of 75.29 feet,
- 23) South 00°58'26" West, a distance of 234.27 feet,
- 24) South 08°53'16" West, a distance of 119.20 feet,
- 25) South 10°00'15" East, a distance of 241.24 feet,
- 26) South 29°19'03" East, a distance of 323.51 feet,
- 27) South 23°33'36" East, a distance of 286.99 feet,
- 28) South 07°03'12" East, a distance of 111.94 feet and
- 29) South 18°55'17" East, a distance of 83.94 feet;

**THENCE** South 58°40'39" East, a distance of 405.38 feet;

**THENCE** North 61°21'13" East, a distance of 233.12 feet;

**THENCE** North 62°05'14" East, a distance of 187.14 feet;

**THENCE** North 62°17'11" East, a distance of 452.54 feet to the westerly line of County Route 161 also known as Heiden Road and continuing along same, South 37°52'19" East, a distance of 50.80 feet;

**THENCE** South 62°17'11" West, a distance of 461.21 feet;

**THENCE** South 62°05'04" West, a distance of 186.93 feet;

**THENCE** South 61°21'21" West, a distance of 255.70 feet to the division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent;

**CONTINUING** along same the following two (2) courses and distances;

1) North 69°23'31" West, a distance of 976.04 feet and

2) North 68°34'41" West, a distance of 1289.25 feet;

**THENCE** South 16°09'30" West, a distance of 3187.18 feet to the centerline of Thompsonville Road;

**CONTINUING** along same the following two (2) courses and distances;

1) South 85°20'09" West, a distance of 128.96 feet and

2) North 84°52'46" West, a distance of 67.00 feet;

**THENCE** crossing Thompsonville Road, South 15°41'46" West, a distance of 28.03 feet to the southerly line of Thompsonville Road and continuing along same, North 69°20'00" West, a distance of 550.03 feet;

**THENCE** South 15°32'37" West, a distance of 1016.98 feet;

**THENCE** North 70°08'54" West, a distance of 578.31 feet;

**THENCE** North 70°38'25" West, a distance of 123.87 feet;

**THENCE** South 16°14'12" West, a distance of 490.46 feet;

**THENCE** North 70°46'13" West, a distance of 302.97 feet to the centerline of Joyland Road;

**CONTINUING** along same the following seven (7) courses and distances;

1) South 14°20'03" West, a distance of 18.77 feet,

2) South 16°28'56" West, a distance of 84.25 feet,

3) South 18°49'49" West, a distance of 297.65 feet,

4) South 15°24'28" West, a distance of 327.46 feet,

5) South 14°13'43" West, a distance of 265.48 feet,

6) South 16°08'03" West, a distance of 387.79 feet and

7) South 16°01'34" West, a distance of 481.21 feet;

**THENCE** North 69°09'17" West, a distance of 660.73 feet;

**THENCE** South 27°05'36" West, a distance of 751.68 feet;

**THENCE** South 70°46'12" East, a distance of 804.61 feet to the aforementioned centerline of Joyland Road and continuing along same, South 16°44'54" West, a distance of 271.95 feet;

**THENCE** North 70°48'02" West, a distance of 1621.89 feet;

**THENCE** North 17°15'50" East, a distance of 272.71 feet;

**THENCE** North 69°58'30" West, a distance of 332.95 feet;

**THENCE** North 15°39'20" East, a distance of 2056.61 feet;

**THENCE** South 67°17'34" East, a distance of 435.20 feet;

**THENCE** North 23°18'44" East, a distance of 2114.90 feet to the division line of Great

Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°20'00" East, a distance of 589.67 feet;

**THENCE** North 16°45'00" East, a distance of 563.00 feet;

**THENCE** South 69°20'00" East, a distance of 350.00 feet;

**THENCE** South 16°45'00" West, a distance of 563.00 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, crossing Joyland Road, South 69°20'00" East, a distance of 564.60 feet;

**THENCE** North 15°59'14" East, a distance of 653.60 feet;

**THENCE** North 85°20'05" West, a distance of 247.96 feet to the centerline of Chalet Road;

**CONTINUING** along same the following twelve (12) courses and distances;

- 1) North 00°40'40" West, a distance of 125.64 feet,
- 2) North 01°59'27" West, a distance of 196.51 feet,
- 3) North 07°40'03" West, a distance of 106.27 feet,
- 4) North 10°12'53" West, a distance of 133.06 feet,
- 5) North 14°05'26" West, a distance of 136.10 feet,
- 6) North 13°16'52" West, a distance of 128.93 feet,
- 7) North 11°36'18" West, a distance of 67.40 feet,
- 8) North 10°32'39" West, a distance of 112.26 feet,
- 9) North 13°47'29" West, a distance of 68.81 feet,
- 10) North 20°23'04" West, a distance of 43.72 feet,
- 11) North 29°01'32" West, a distance of 43.33 feet and
- 12) North 32°24'55" West, a distance of 86.74 feet;

**THENCE** South 67°53'33" East, a distance of 1006.08 feet;

**THENCE** North 15°18'26" East, a distance of 1677.94 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 69°25'51" East, a distance of 729.84 feet;

**THENCE** North 20°34'10" East, a distance of 1089.00 feet;

**THENCE** North 69°40'38" West, a distance of 1198.83 feet;



**THENCE** South 20°34'08" West, a distance of 1083.29 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 69°20'22" West, a distance of 1198.32 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following fourteen (14) courses and distances;

- 1) South 38°43'45" West, a distance of 139.26 feet,
- 2) South 19°47'40" West, a distance of 29.74 feet,
- 3) South 27°06'36" West, a distance of 257.65 feet,
- 4) South 17°55'47" West, a distance of 156.34 feet,
- 5) South 07°15'06" West, a distance of 139.27 feet,
- 6) South 04°52'16" East, a distance of 73.96 feet,
- 7) South 34°58'29" West, a distance of 113.94 feet,
- 8) South 06°32'37" West, a distance of 40.45 feet,
- 9) South 04°27'53" East, a distance of 193.59 feet,
- 10) South 21°29'55" West, a distance of 59.40 feet,
- 11) South 42°46'43" West, a distance of 99.24 feet,
- 12) South 48°59'16" West, a distance of 127.61 feet,
- 13) South 67°35'53" West, a distance of 170.27 feet and
- 14) South 55°07'46" West, a distance of 165.72 feet;

**THENCE** North 67°53'33" West, a distance of 1819.46 feet to the division line of lot 25 on the west & lot 17 on the east of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 15°30'21" West, a distance of 1710.73 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°24'26" East, a distance of 235.78 feet;

**THENCE** South 41°39'10" West, a distance of 687.06 feet;

**THENCE** North 72°01'55" West, a distance of 982.75 feet;

**THENCE** North 76°39'59" East, a distance of 232.83 feet;

**THENCE** North 73°01'32" East, a distance of 176.88 feet;

**THENCE** North 41°17'23" East, a distance of 85.80 feet;

**THENCE** North 71°01'59" West, a distance of 1320.42 feet to the centerline of Rock

Ridge Road;

**CONTINUING** along same the following four (4) courses and distances;

- 1) North 28°37'25" East, a distance of 100.70 feet,
- 2) North 26°34'44" East, a distance of 96.63 feet,
- 3) North 24°04'40" East, a distance of 150.63 feet and
- 4) North 17°53'01" East, a distance of 65.77 feet to the aforementioned division

line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 68°21'00" East, a distance of 340.87 feet;

**THENCE** North 17°31'14" East, a distance of 340.63 feet;

**THENCE** North 73°19'53" West, a distance of 338.06 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 17°53'01" East, a distance of 355.39 feet and
- 2) North 16°35'59" East, a distance of 436.20 feet;

**THENCE** South 74°29'17" East, a distance of 157.89 feet;

**THENCE** North 16°07'09" East, a distance of 150.00 feet;

**THENCE** North 74°29'14" West, a distance of 157.90 feet to the aforementioned centerline of Rock Ridge Road and continuing along same, North 15°53'56" East, a distance of 136.87 feet;

**THENCE** South 70°39'43" East, a distance of 669.63 feet;

**THENCE** North 16°28'02" East, a distance of 304.22 feet;

**THENCE** South 68°26'44" East, a distance of 292.93 feet;

**THENCE** North 30°13'30" East, a distance of 650.09 feet;

**THENCE** North 22°16'58" East, a distance of 484.81 feet;

**THENCE** North 56°04'23" West, a distance of 458.00 feet;

**THENCE** North 53°40'37" East, a distance of 178.00 feet;

**THENCE** North 51°04'23" West, a distance of 185.71 feet to the westerly line of County Route 182 also known as Concord Road;

**CONTINUING** along same the following two (2) courses and distances;

1) North 57°58'49" East, a distance of 169.61 feet and

2) North 58°05'21" East, a distance of 483.00 feet;

**THENCE** North 23°40'50" West, a distance of 30.52 feet to the centerline of  
aforementioned County Route 182 also known as Concord Road;

**CONTINUING** along same the following seven (7) courses and distances;

1) North 67°03'00" East, a distance of 444.34 feet,

2) North 62°36'00" East, a distance of 547.50 feet,

3) North 53°39'40" East, a distance of 78.54 feet,

4) North 40°11'42" East, a distance of 604.35 feet,

5) North 39°59'49" East, a distance of 230.03 feet to a point of curvature,

6) Along the curve to the left having a radius of 410.28 feet and an arc length of  
262.55 feet to a point of tangency and

7) North 05°59'34" East, a distance of 438.84 feet to the **POINT AND PLACE  
OF BEGINNING.**

**CONTAINING** an area of 39529000 square feet; or 907.461 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 12, 19.1, 20.1, 20.2, 20.3, & 22  
and Section 15 Block 1 Lot(s) 11.1, 11.2, part of 12.1, 14.1, 14.2, 18, 19, 22, 24, 25, 35.7, & 51,  
and Section 23 Block 1 Lot (s) 53, 54.1, 54.2, 54.3, 54.4, 55, & 61.2, and Section 23 Block 2  
Lot(s) 2, 3, 4, & 6 and Section 9 Block 1 Lot 35 & part of lot 34.1 of the Town of Thompson Tax  
Maps.

#### **PARCEL 'D'**

**ALSO** all that certain parcel of land located in the Town of Thompson,  
Sullivan County, New York designated as Parcel 'D' and shown on a map entitled  
"Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The  
Town Of Thompson, County Of Sullivan, State Of New York, dated August 15,  
2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of Route 17 said point being the  
southwesterly corner of the herein described parcel;

**THENCE** North 33°01'47" East, a distance of 114.87 feet;

**THENCE** North 36°16'31" East, a distance of 171.17 feet;  
**THENCE** North 38°56'55" East, a distance of 77.89 feet;  
**THENCE** South 67°02'55" East, a distance of 228.06 feet;  
**THENCE** South 14°17'23" West, a distance of 119.41 feet;  
**THENCE** North 81°01'23" East, a distance of 79.55 feet;  
**THENCE** North 06°19'11" East, a distance of 80.05 feet;  
**THENCE** South 67°58'37" East, a distance of 103.34 feet;  
**THENCE** North 17°58'32" East, a distance of 107.66 feet;  
**THENCE** North 67°58'33" West, a distance of 100.13 feet;  
**THENCE** North 67°23'11" West, a distance of 63.12 feet;  
**THENCE** North 64°51'55" West, a distance of 144.18 feet;  
**THENCE** North 18°26'38" East, a distance of 165.68 feet;  
**THENCE** South 70°47'00" East, a distance of 629.23 feet;  
**THENCE** South 15°13'50" West, a distance of 884.24 feet to the aforementioned northerly line of Route 17;

**CONTINUING** along same the following three (3) courses and distances;

- 1) North 45°42'43" West, a distance of 342.37 feet,
- 2) South 86°50'05" West, a distance of 124.64 feet and
- 3) North 50°59'54" West, a distance of 479.89 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 520504 square feet; or 11.949 acres of land more or less.

**SAID** parcel being known as Section 23 Block 1 Lot 11.3 of the Town of Thompson Tax Maps.

**EXCEPTING AND EXCLUDING** therefrom that portion or portions described in the following deeds:

- 1) DEED from Concord Associates LP to the Jewish General Aid Association dated April 26, 2000 and recorded May 10, 2000 in Liber 2187 Cp. 598; and
- 2) DEED from Concord Associates LP to Congregation Haaves Zion Anane dated April 26, 2000 and recorded May 10, 2000 in Liber 2187 Cp. 600.

**PARCEL 'E'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'E' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Rock Ridge Road and continuing along same, North 12°11'00" East, a distance of 99.00 feet;

**THENCE** North 21°26'00" West, a distance of 229.50 feet;

**THENCE** North 14°28'00" West, a distance of 105.60 feet;

**THENCE** North 12°28'00" West, a distance of 184.80 feet;

**THENCE** North 10°28'00" East, a distance of 237.60 feet;

**THENCE** South 70°32'00" East, a distance of 264.00 feet;

**THENCE** South 12°30'00" West, a distance of 151.27 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following sixteen (16) courses and distances;

- 1) North 22°28'00" East, a distance of 75.40 feet,
- 2) North 46°24'00" East, a distance of 27.04 feet,
- 3) North 72°54'00" East, a distance of 43.14 feet,
- 4) South 81°43'00" East, a distance of 67.14 feet,
- 5) South 73°14'00" East, a distance of 289.34 feet,
- 6) South 75°51'00" East, a distance of 68.05 feet,
- 7) South 84°49'00" East, a distance of 50.34 feet,
- 8) North 81°35'00" East, a distance of 60.00 feet,
- 9) North 70°47'00" East, a distance of 79.33 feet,
- 10) North 66°32'00" East, a distance of 182.90 feet,
- 11) North 73°27'13" East, a distance of 174.23 feet,
- 12) North 67°46'00" East, a distance of 83.24 feet,
- 13) North 61°13'00" East, a distance of 53.40 feet,
- 14) North 56°52'00" East, a distance of 215.00 feet,

15) North 53°01'00" East, a distance of 59.26 feet and

16) North 41°58'00" East, a distance of 20.18 feet;

**THENCE** South 41°52'00" East, a distance of 119.70 feet;

**THENCE** South 03°05'00" East, a distance of 247.00 feet;

**THENCE** South 48°18'00" East, a distance of 290.40 feet;

**THENCE** South 33°18'00" East, a distance of 585.14 feet;

**THENCE** North 87°26'00" East, a distance of 580.80 feet;

**THENCE** South 47°48'00" East, a distance of 436.18 feet;

**THENCE** South 05°50'00" West, a distance of 206.87 feet to the centerline of  
Thompsonville Road;

**CONTINUING** along same the following eight (8) courses and distances;

1) South 57°40'00" West, a distance of 217.01 feet,

2) South 53°43'00" West, a distance of 308.21 feet,

3) South 57°13'00" West, a distance of 120.01 feet,

4) South 62°13'00" West, a distance of 84.37 feet,

5) South 67°33'00" West, a distance of 118.37 feet,

6) South 73°16'00" West, a distance of 105.51 feet,

7) South 74°50'00" West, a distance of 176.54 feet and

8) South 71°30'00" West, a distance of 44.45 feet;

**THENCE** North 70°35'00" West, a distance of 342.75 feet to the approximate centerline  
of Kiamesha Creek;

**CONTINUING** along same the following twenty-one (21) courses and distances;

1) North 05°12'00" East, a distance of 22.25 feet,

2) North 27°03'00" West, a distance of 58.11 feet,

3) North 60°55'00" West, a distance of 106.35 feet,

4) North 03°56'00" West, a distance of 79.16 feet,

5) North 14°34'00" East, a distance of 66.29 feet,

6) North 09°00'00" East, a distance of 47.48 feet,

7) North 73°23'00" West, a distance of 48.67 feet,

- 8) North 42°22'00" West, a distance of 216.20 feet,
- 9) North 18°43'00" West, a distance of 85.50 feet,
- 10) North 57°36'00" West, a distance of 23.87 feet,
- 11) North 16°36'00" West, a distance of 124.81 feet,
- 12) North 61°36'00" West, a distance of 234.42 feet,
- 13) North 34°12'00" West, a distance of 46.51 feet,
- 14) North 52°42'00" West, a distance of 39.74 feet,
- 15) North 82°49'00" West, a distance of 51.64 feet,
- 16) South 56°38'00" West, a distance of 83.88 feet,
- 17) South 61°46'00" West, a distance of 59.64 feet,
- 18) North 79°29'00" West, a distance of 146.23 feet,
- 19) North 87°37'00" West, a distance of 62.61 feet,
- 20) North 83°35'00" West, a distance of 63.60 feet and
- 21) South 69°03'00" West, a distance of 64.15 feet;

**THENCE** North 75°37'00" West, a distance of 518.08 feet;

**THENCE** North 82°16'00" West, a distance of 30.01 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 2869835 square feet; or 65.882 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 25 of the Town of Thompson Tax Maps.

#### **PARCEL 'F'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'F' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows.

**BEGINNING** at a point in the centerline of Rock Ridge Road said point being the northwesterly corner of the herein described parcel;

**THENCE** South 65°52'50" East, a distance of 225.51 feet;

**THENCE** South 19°07'10" West, a distance of 100.00 feet;

**THENCE** North 65°52'50" West, a distance of 222.29 feet to the aforementioned the centerline of Rock Ridge Road and continuing along same, North 17°17'17" East, a distance of 100.33 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 22305 square feet; or 0.512 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 17 of the Town of Thompson Tax Maps.

#### **PARCEL 'G'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'G' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows.

**BEGINNING** on the southerly line of County Route 182 also known as Concord Road and continuing along same, South 85°04'00" East, a distance of 200.00 feet;

**THENCE** South 34°56'00" West, a distance of 199.73 feet;

**THENCE** North 85°08'00" West, a distance of 200.13 feet;

**THENCE** North 34°56'00" East, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 34618 square feet; or 0.795 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 45 of the Town of Thompson Tax Maps.

#### **PARCEL 'H'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'H' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** on the southerly line of County Route 182 also known as Concord Road;

**THENCE** South 34°56'00" West, a distance of 116.09 feet;

**THENCE** South 46°04'00" West, a distance of 260.04 feet;

**THENCE** South 48°10'00" West, a distance of 184.80 feet;



**THENCE** North 73°06'00" West, a distance of 377.70 feet;

**THENCE** North 03°57'00" East, a distance of 381.78 feet to the southerly line of County Route 182 also known as Concord Road;

**CONTINUING** along same the following five (5) courses and distances;

1) North 84°52'00" East, a distance of 162.27 feet,

2) South 86°57'00" East, a distance of 89.02 feet,

3) South 88°51'00" East, a distance of 279.54 feet,

4) South 81°36'00" East, a distance of 64.72 feet and

5) South 56°51'00" East, a distance of 158.26 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 270464 square feet; or 6.209 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 5 and 7 of the Town of Thompson Tax Maps.

#### **LEGAL DESCRIPTION OF JEFFERSON BANK PARCELS**

##### **PARCEL 'J'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'J' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the southerly line of Thompsonville Road and continuing along same the following four (4) courses and distances;

1) South 85°12'38" East, a distance of 37.41 feet,

2) North 84°27'33" East, a distance of 241.27 feet,

3) North 82°57'33" East, a distance of 200.00 feet and

4) North 86°35'33" East, a distance of 194.71 feet;

**THENCE** South 16°35'33" West, a distance of 307.88 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°34'27" East, a distance of 653.27 feet;

**THENCE** South 17°11'33" West, a distance of 2648.90 feet;

**THENCE** North 67°54'27" West, a distance of 1245.00 feet;  
**THENCE** South 15°35'33" West, a distance of 49.50 feet;  
**THENCE** North 70°13'44" West, a distance of 313.98 feet;  
**THENCE** North 69°09'44" West, a distance of 77.20 feet;  
**THENCE** North 70°16'44" West, a distance of 734.96 feet;  
**THENCE** North 12°21'46" East, a distance of 768.77 feet;  
**THENCE** North 74°15'13" West, a distance of 441.87 feet to the centerline of Joyland

Road;

**CONTINUING** along same the following four (4) courses and distances;

- 1) North 15°24'28" East, a distance of 31.31 feet,
- 2) North 18°49'49" East, a distance of 297.65 feet,
- 3) North 16°28'56" East, a distance of 84.25 feet and
- 4) North 14°20'03" East, a distance of 18.77 feet;

**THENCE** South 70°46'13" East, a distance of 302.97 feet;  
**THENCE** North 16°14'12" East, a distance of 490.46 feet;  
**THENCE** South 70°38'25" East, a distance of 123.87 feet;  
**THENCE** South 70°08'54" East, a distance of 578.31 feet;  
**THENCE** South 70°51'44" East, a distance of 595.00 feet;  
**THENCE** South 16°37'16" West, a distance of 635.00 feet;  
**THENCE** South 67°34'24" East, a distance of 356.90 feet;  
**THENCE** North 15°35'33" East, a distance of 850.00 feet;  
**THENCE** North 65°39'27" West, a distance of 400.00 feet;  
**THENCE** North 20°35'33" East, a distance of 410.00 feet;  
**THENCE** South 66°54'27" East, a distance of 54.00 feet;  
**THENCE** North 13°35'33" East, a distance of 383.91 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 5316770 square feet; or 122.056 acres of land more or less.

**SAID** parcel being known as Section 23 Block 2 Lot(s) 8 & 10 of the Town of  
Thompson Tax Maps.

**PARCEL 'K'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'K' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Kiamesha Creek and continuing along same the following fourteen (14) courses and distances;

- 1) South 52°42'00" East, a distance of 18.14 feet,
- 2) South 34°12'00" East, a distance of 46.51 feet,
- 3) South 61°36'00" East, a distance of 234.42 feet,
- 4) South 16°36'00" East, a distance of 124.81 feet,
- 5) South 57°36'00" East, a distance of 23.87 feet,
- 6) South 18°43'00" East, a distance of 85.50 feet,
- 7) South 42°22'00" East, a distance of 216.20 feet,
- 8) South 73°23'00" East, a distance of 48.67 feet,
- 9) South 09°00'00" West, a distance of 47.48 feet,
- 10) South 14°34'00" West, a distance of 66.29 feet,
- 11) South 03°56'00" East, a distance of 79.16 feet,
- 12) South 60°55'00" East, a distance of 106.35 feet,
- 13) South 27°03'00" East, a distance of 58.11 feet and
- 14) South 05°12'00" West, a distance of 22.25 feet;

**THENCE** North 70°47'00" West, a distance of 859.24 feet;

**THENCE** North 18°08'37" East, a distance of 611.20 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 314001 square feet; or 7.208 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 26.2 of the Town of Thompson Tax Maps.

**PARCEL 'L'**

**ALSO** all that certain parcel of land located in the Town of Thompson,

Sullivan County, New York designated as Parcel 'L' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the intersection of the westerly line of County Route 42 and the northerly line of County Route 182 also known as Concord Road and continuing along said Concord Road, South 89°18'49" West, a distance of 86.34 feet;

**THENCE** North 00°08'49" East, a distance of 200.00 feet;

**THENCE** North 89°51'11" West, a distance of 225.42 feet;

**THENCE** North 16°16'49" East, a distance of 664.72 feet;

**THENCE** North 48°30'11" West, a distance of 52.14 feet;

**THENCE** North 36°30'11" West, a distance of 25.08 feet;

**THENCE** North 24°00'11" West, a distance of 36.96 feet;

**THENCE** North 37°30'11" West, a distance of 29.70 feet;

**THENCE** North 11°59'11" West, a distance of 39.60 feet;

**THENCE** North 27°29'11" West, a distance of 48.18 feet;

**THENCE** North 37°29'11" West, a distance of 38.94 feet;

**THENCE** North 38°29'11" West, a distance of 47.52 feet;

**THENCE** North 20°59'11" West, a distance of 54.78 feet;

**THENCE** North 09°29'11" West, a distance of 79.20 feet;

**THENCE** North 01°02'11" West, a distance of 66.00 feet;

**THENCE** South 58°59'11" East, a distance of 284.46 feet;

**THENCE** South 14°46'11" East, a distance of 83.08 feet;

**THENCE** North 63°59'49" East, a distance of 271.11 feet to the aforementioned westerly line of County Route 42;

**CONTINUING** along same the following eight (8) courses and distances;

1) South 18°19'11" East, a distance of 40.96 feet,

2) South 63°59'49" West, a distance of 18.62 feet,

3) South 12°39'11" East, a distance of 292.92 feet,

4) South 16°09'49" West, a distance of 97.90 feet,

- 5) South 12°03'49" West, a distance of 90.86 feet,
- 6) South 13°27'49" West, a distance of 107.88 feet,
- 7) South 09°44'49" West, a distance of 431.00 feet and
- 8) South 33°58'49" West, a distance of 170.03 feet to the **POINT AND PLACE**

**OF BEGINNING.**

**CONTAINING** an area of 420400 square feet; or 9.651 acres of land more or less.

**SAID** parcel being known as Section 13 Block 1 Lot(s) 28 & 53 of the Town of Thompson Tax Maps.

**LEGAL DESCRIPTION OF COUNTRY BANK PARCELS**

**PARCEL 'M'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'M' and shown on a map entitled "Map of Parcels Prepared For Concord Resorts, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the easterly line of County Route 42 and the northerly line of County Route 182 also known as Concord Road and continuing along said Concord Road the following three (3) courses and distances;

- 1) North 79°36'15" East, a distance of 308.82 feet,
- 2) North 85°45'15" East, a distance of 322.14 feet and
- 3) North 85°17'15" East, a distance of 364.37 feet;

**THENCE** South 14°04'15" West, a distance of 316.28 feet;

**THENCE** South 18°01'15" West, a distance of 513.13 feet;

**THENCE** North 60°29'45" West, a distance of 319.98 feet;

**THENCE** South 86°27'03" West, a distance of 235.46 feet;

**THENCE** South 28°40'03" West, a distance of 23.97 feet;

**THENCE** North 60°29'45" West, a distance of 526.32 feet to the aforementioned easterly line of County Route 42;

**CONTINUING** along same the following two (2) courses and distances;

- 1) North 41°48'15" East, a distance of 97.37 feet and

2) North 35°35'15" East, a distance of 284.65 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 601003 square feet; or 13.797 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 2.1 & 2.2 of the Town of Thompson Tax Maps.

**PARCEL 'N'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'N' and shown on a map entitled "Map of Parcels Prepared For Concord Resort, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated August 15, 2008" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road at the southwest corner of lands now or formerly of Irving Cohen and continuing along the westerly line of said lands now or formerly of Cohen, North 15°59'50" East, a distance of 199.10 feet;

**THENCE** South 88°07'00" East, a distance of 200.00 feet;

**THENCE** South 28°46'00" West, a distance of 218.01 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road;

**CONTINUING** along same North 87°35'51" West, a distance of 149.97 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 33954 square feet; or 0.779 acres of land more or less.

**SAID** parcel being known as Section 15 Block 1 Lot(s) 5 of the Town of Thompson Tax Maps.

**Fidelity National Title Insurance Company**

File Number: 3788

**ALL that tract, piece or parcel of land situate, lying and being in the Town of Thompson, County of Sullivan and State of New York being a portion of Town of Thompson Tax Map # 23-1-51 and intended to be all that portion located on the north side of NY State Route 17 Quickway, n/k/a I-86. The whole of which is more particularly bounded and described as follows:**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-51" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 40 and 46, South  $70^{\circ}41'39''$  East, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**:

**THENCE** North  $19^{\circ}13'17''$  East, a distance of 702.20 feet, partially along the centerline of a stonewall on the westerly side of a lane;

**THENCE** North  $09^{\circ}52'17''$  East, a distance of 2189.01 feet to the line between lot numbers 46 and 52;

**THENCE** continuing along same, South  $70^{\circ}16'15''$  East, a distance of 849.61 feet to the northwesterly corner of the Olmstead lot and continuing along the westerly line of said Olmstead lot the following three (3) courses and distances;

- 1) South  $15^{\circ}39'20''$  West, a distance of 1489.67 feet,
- 2) South  $18^{\circ}45'55''$  West, a distance of 338.72 feet and
- 3) South  $15^{\circ}19'04''$  West, a distance of 829.77 feet, partially along a stonewall to the southwestly corner of said Olmstead lot;

**THENCE** continuing along the southerly line of said Olmstead lot, South  $72^{\circ}32'56''$  East, a distance of 70.00 feet;

**THENCE** South  $15^{\circ}33'48''$  West, a distance of 210.32 feet to the line between lot numbers 40 and 46 and continuing along same the following two (2) courses and distances;

**Fidelity National Title Insurance Company**

**File Number: 3788**

- 4) North 69°53'51" West, a distance of 388.12 feet and
- 5) North 70°41'39" West, a distance of 341.09 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 2,045,109 square feet or 46.949 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent; and running along the line between lot numbers 40 and 46, South 70°41'39" East, a distance of 800.90 feet;

**THENCE** North 19°13'17" East, a distance of 197.53 feet to the southerly line of State Highway No. 5457 (Route 17) to the **POINT AND PLACE OF BEGINNING:**

**THENCE** North 19°13'17" East, a distance of 223.53 feet to the northerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, the following two (2) courses and distances;

- 6) South 36°30'48" East, a distance of 88.71 feet and
- 7) South 40°45'35" East, a distance of 754.68 feet to the line between lot numbers 40 and 46;

**THENCE** continuing along same, North 69°53'51" West, a distance of 385.72 feet to the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North 40°38'21" West, a distance of 394.41 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 115,927 square feet or 2.661 acres of land more or less.

Excepting and reserving here from, any portion thereof situate lying and being on the South side of NYS Route 17 Quickway n/k/a I-86.



## Fidelity National Title Insurance Company

File Number: 3788A

ALL that tract, piece or parcel of land with the buildings and improvements thereon situate, lying and being in the Town of Thompson, County of Sullivan and State of New York being a portion of Town of Thompson tax Map # 23.-1-51 and intended to be all that portion located on the north side of NY State Route 17 Quickway, n/k/a I-86, which part is now known as tax map # 23.-1-51.2. The whole of lot 23-1-51 is more particularly bounded and described as follows:

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-51" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

COMMENCING at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

THENCE running along the line between lot numbers 40 and 46, South  $70^{\circ}41'39''$  East, a distance of 800.90 feet to the POINT AND PLACE OF BEGINNING:

THENCE North  $19^{\circ}13'17''$  East, a distance of 702.20 feet, partially along the centerline of a stonewall on the westerly side of a lane;

THENCE North  $09^{\circ}52'17''$  East, a distance of 2189.01 feet to the line between lot numbers 46 and 52;

THENCE continuing along same, South  $70^{\circ}16'15''$  East, a distance of 849.61 feet to the northwesterly corner of the Olmstead lot and continuing along the westerly line of said Olmstead lot the following three (3) courses and distances;

- 1) South  $15^{\circ}39'20''$  West, a distance of 1489.67 feet,
- 2) South  $18^{\circ}45'55''$  West, a distance of 338.72 feet and
- 3) South  $15^{\circ}19'04''$  West, a distance of 829.77 feet, partially along a stonewall to the southwesterly corner of said Olmstead lot;

THENCE continuing along the southerly line of said Olmstead lot. South  $72^{\circ}32'56''$  East, a distance of 70.00 feet;

THENCE South  $15^{\circ}33'48''$  West, a distance of 210.32 feet to the line between lot numbers 40 and 46 and continuing along same the following two (2) courses and distances;

**Fidelity National Title Insurance Company**

**File Number: 3788 A**

- 4) North 69°53'51" West, a distance of 388.12 feet and
- 5) North 70°41'39" West, a distance of 341.09 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 2,045,109 square feet or 46.949 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent; and running along the line between lot numbers 40 and 46, South 70°41'39" East, a distance of 800.90 feet;

**THENCE** North 19°13'17" East, a distance of 197.53 feet to the southerly line of State Highway No. 5457 (Route 17) to the **POINT AND PLACE OF BEGINNING:**

**THENCE** North 19°13'17" East, a distance of 223.53 feet to the northerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, the following two (2) courses and distances;

- 6) South 36°30'48" East, a distance of 88.71 feet and
- 7) South 40°45'35" East, a distance of 754.68 feet to the line between lot numbers 40 and 46;

**THENCE** continuing along same, North 69°53'51" West, a distance of 385.72 feet to the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North 40°38'21" West, a distance of 394.41 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 115,927 square feet or 2.661 acres of land more or less.

Excepting and reserving here from, any portion thereof situate lying and being on the South side of NYS Route 17 Quickway n/k/a I-86.

45  
② 30  
250  
2,300  
5

**Fidelity National Title Insurance Company**

**File Number: 3789**

**THO 23-1-50**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-50" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 2873.64 feet to the corner of lot numbers 46, 47, 52 and 53 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 52, South  $70^{\circ}16'15''$  East, a distance of 645.29 feet;

**THENCE** South  $09^{\circ}52'17''$  West, a distance of 2189.01 feet to the centerline of a stonewall on the westerly side of a lane;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 702.20 feet, partially along said centerline of a stonewall on the westerly side of a lane, to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North  $70^{\circ}41'39''$  West, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 2,195,108 square feet or 50.393 acres of land more or less.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**THO 23-1-50**

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State for State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 690.95 feet to a point on the southerly line of State Highway No. 5457 (Route 17), said point being the **POINT AND PLACE OF BEGINNING**;

**THENCE** continuing northerly along said line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 299.06 feet to the northerly line of State Highway No. 5457 (Route 17) and continuing along same the following two (2) courses and distances;

- 1) South  $38^{\circ}52'58''$  East, a distance of 496.67 feet and
- 2) South  $36^{\circ}30'48''$  East, a distance of 542.24 feet;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 223.53 feet to the southerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North  $40^{\circ}38'21''$  West, a distance of 981.71 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 224,292 square feet or 5.149 acres of land more or less.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**THO 23-1-50**

**ALSO EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, on the southerly side of State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 690.95 feet to a point on the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, South  $40^{\circ}38'21''$  East, a distance of 981.71 feet;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 197.53 feet to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North  $70^{\circ}41'39''$  West, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 359,844 square feet or 8.261 acres of land more or less.

**Fidelity National Title Insurance Company**

**File Number: 3789**

**SCHEDULE A**

**THO 23-1-65.1**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-65.1" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 40 and 46, the following two (2) courses and distances;

- 1) South 70°41'39" East, a distance of 1141.99 feet and
- 2) South 69°53'51" East, a distance of 388.12 feet **POINT AND PLACE OF BEGINNING:**

**THENCE** North 15°33'48" East, a distance of 50.17 feet;

**THENCE** South 71°52'02" East, distance of 1882.83 feet to the westerly line of Joyland Road;

**THENCE** along the westerly line of said Joyland Road, South 15°23'14" West, a distance of 50.18 feet;

**THENCE** North 71°52'02" West, a distance of 1882.99 feet to the line between lot numbers 40 and 46 said point being the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 94,372 square feet or 2.166 acres of land more or less.

## Fidelity National Title Insurance Company

File Number: 3790

### As to THO 31-1-19.2

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND**, with buildings and improvements thereon erected situate, lying and being in the Town of Thompson, County of Sullivan and State of New York, and being part of the premises conveyed to the Jill Realty, Inc., by Stephen Trowbridge and Sherwood Trowbridge by deed dated May 15, 1933 and recorded in the Sullivan County Clerk's Office in Book of deeds 292 at Page 582 and more particularly described as follows:

**BEGINNING** at a point in the center of the road leading from the State Road No. 17 to Thompsonville and said point being South 61° 4' East 30.66 feet from a concrete monument set on the Westerly side of the said road and running thence along the center of said Thompsonville Road North 20° 46' East 178.3 feet and North 16° 1' East 148.4 feet, and thence North 68° 12' West 149.8 feet (the last described course is parallel to the southerly side of the Lavine house – six feet distance therefrom), thence 25° and 14' East 26.8 feet (the last described course is parallel to the easterly side of the pump house – nine feet distance therefrom) thence North 61° 29' West through the center of two large Maple trees 100.8 feet, thence North 15° 51' East 535.3 feet to the southerly line of the Curley farm (the last described course is parallel to the said Thompsonville Road and 100 feet Westerly of Bungalow No. 10), thence along the southerly line of said Curley farm, as marked by an old fence line, North 68° 35' West 960.4 feet to the northeasterly corner of the Louis Vero lot; thence along the easterly line of the said Vero lot as marked by an old fence line, South 24° 14' West 718.5 feet to the northerly bounds of the said State Road No. 17, thence along northerly bounds of the said State Road South 59° 43' East 459.3 feet to a concrete monument; thence along the North bounds of the said highway South 61° 4' East 949 feet to the place of beginning, containing 21.4 acres, more or less. The above-described course is as the magnetic needle pointed in January 1946.

The parties on the second part (Minnie Katz and Sam Savita) hereby agree not to erect a solid wall where the present wall of the tennis court adjoining Mr. Lavine's private home exists. The party of the first part (Jill Realty, Inc.) hereby gives to the parties of the second part (Minnie Katz and Sam Savita) a permanent right of way over the six foot acres between the said home and the tennis court for the purpose of maintenance and repair of the premises. This shall be a covenant running with the land. The party of the second part covenants that neither he nor his heirs or assigns shall, for a period of five years immediately following the passing of title hereto, hereafter erect, maintain permit any hardware business including, but not necessarily limited to the purchase or sale of tools, whether electrical or not, plumbing supplies, painting supplies, wallpaper supplies, nails, locks, machine parts, lubricants, stoves, and/or any other items, equipment or supplies sold in a hardware store. Excepting so much of the premises as is currently being leased to Quickway Motel Fabricators, Inc.

## Fidelity National Title Insurance Company

File Number: 3790

### As to THO 31-1-19.2

**SUBJECT TO** notice of appropriation for State Highway No. 1125 A, Map 1135 parcel numbers 360 and 361, filed with the Sullivan County Clerk' Office on February 11, 1958 at Liber 558 of Deeds, Page 510, file no.125-55. The parties agree that notwithstanding the description, it is the intention of the parties to enter into this transaction concerning approximately 16 acres of property more or less. In addition, it is also the intention of the parties to only transact with respect to that portion of the property that lies on the northerly side of Route 17 also commonly known as the "Quickway".

Said premises being further described by survey dated September 28, 1979, made by John W. Galligan, licensed surveyor, as follows:

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND**, with buildings and improvements thereon erected situate, lying and being in the Town of Thompson, County of Sullivan and State of New York, and being part of the premises conveyed to Perlmutter Building Supply Corp. as described in a deed recorded in the Sullivan County Clerk's Office in Liber of Deeds 559 at Page 192 and more particularly bounded and described as follows:

**BEGINNING** at a point in the approximate center of traveled way of Joyland Road (Town Road 160) at the southeasterly corner o lands of Nachlul Emunah Bungalows, Inc. (Deed Liber 920 at Page 125), and running thence from said point of beginning along the southerly bounds of said lands described in Deed Liber 920 at Page 125, running through an iron pin set on the westerly side of said Joyland Road, and running parallel to and six (6) feet southerly of the southerly face of the main house on said lands described in a Deed Liber 920 at Page 125 North 65 degrees 24 minutes East 133.77 feet to an iron pin set; thence continuing along the bounds of said lands described in Deed Liber 920 at Page 125, running parallel to and nine (9) feet easterly of easterly edge concrete slab on which a pump house formerly existed on the herein described parcel, North 29 degrees 06 minutes East 26.60 feet to an iron pin set; thence continuing along the southerly bounds of said lands described in Deed Liber 920 at Page 125 North 58 degrees 43 minutes West 160.00 feet to an iron pin set at the southwesterly corner of said lands described in Deed Liber 920 at Page 125, thence running along the westerly bounds of said lands described in Deed Liber 920 at Page 125 North 19 degrees 24 minutes East 531.11 feet parallel to the center of traveled way of said Joyland Road to an iron pin set at the northwesterly corner of said lands described in a Liber of Deeds 920 at Page 125, thence running generally along an old wire fence evidencing the southerly bounds of lands of Sadie Ellman as described in a Deed recorded in the Sullivan County Clerk's Office in Liber of Deeds 320 at Page 589 North 46 degrees 44 minutes West 1016.40 feet to an iron pin set in the intersection of said wire fence with the northerly end of a section of a stone wall at the northeasterly corner of lands of Tapper and Gatell (Deed Liber 791 at Page 630, see Deed Liber 588 at Page 247 for description of said parcel; thence running along the approximate center of said stone wall and a projection thereof evidencing the easterly bounds of said lands of Tapper and Gatell South 22 degrees 11 minutes West 319.89 feet to an iron pin set on the northerly bounds of Bloomingburgh \_ Monticello Part 2, State Highway 15437 (See Map 1185, Parcel # 360, for said highway filed in the Sullivan County Clerk's Office), thence running along the northerly bounds of said State Highway (acquired by New York State without right of across to and from abutting property), the following six (6) courses



## Fidelity National Title Insurance Company

File Number: 3790

### As to THO 31-1-19.2

and distances:

- (1) South 36 degrees 35 minutes East 89.97 feet to a New York State Highway monument found;
- (2) South 34 degrees 59 minutes East 501.35 feet to a New York State Highway monument found;
- (3) South 53 degrees 41 minutes East 330.87 feet to a New York State Highway monument found;
- (4) South 45 degrees 55 minutes East 297.77 feet to a New York State Highway monument found;
- (5) South 18 degrees 27 minutes East 107.72 feet to a New York State Highway monument found;
- (6) South 58 degrees 30 minutes East 221.27 feet to a running through an iron pin set on the westerly side of said Joyland Road to a point in the approximate center of traveled way of said road;

Thence running generally along the center of traveled way of said Joyland Road the following three courses and distances:

- (1) North 21 degrees 22 minutes East 44.50 feet to a point;
- (2) North 23 degrees 20 minutes East 159.16 feet to a point; and
- (3) North 19 degrees 26 minutes East 133.15 feet to the point or place of beginning containing 16.52 acres of land to be the same more or less.

ALSO granting all the right, title, and interest of the grantor herein, in and to a right of way over a six (6) feet wide strip of land between the southerly face of the main building on lands described in said Deed Liber 920 at Page 125, and the bounds of lands described above the first bearing and distance. (North 65 degrees 26 minutes West 153.77 feet). See Deed Liber 559 at Page 182.

SUBJECT TO restrictions contained in said Deed Liber 559 at Page 182 relative to not building a solid wall along a portion of the bounds of the herein described premises described in the first bearing and distance. (North 65 degrees 26 minutes West 153.77 feet).

SUBJECT TO highway use-dedication of record, and any easements of record.

BEARINGS are as the magnetic needle pointed in September of 1979.

Fidelity National Title Insurance Company

File Number: 3790

As to THO 31-1-17.1

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with buildings and improvements thereon erected situate, lying and being in the Town of Thompson, County of Sullivan and State of New York, and more particularly described as follows:

**BEGINNING** at a point 221.26 feet distant northerly and measured at right angles from Station 92-24 of the Survey base line of the Bloomingburg-Monticello Part 2, State Highway #5457 and running thence southeasterly 503 feet, more or less, along the bounds of New Route 17 right of way to a point 182 feet distance northerly and measured at right angles from Station 87-39 of said survey base line; thence northerly along the center of an old stone wall on the line of the Joyland Hotel property 336 feet, more or less, to the southerly line of the premises formerly of Louise Purcell; thence westerly along the line of said Purcell property to the northeast corner of the Pudzinski property; thence along the easterly line of the Pudzinski property in a southerly direction 83 feet, more or less, to the point or place of beginning, containing approximately 2 acres of land, more or less.

The premises insured hereunder are a portion of Deed Liber 3256 pg 323 (Parcels 1 and 3) and all of the premises set forth in Liber 3499 page 3 above referenced.

**ALL OF THE ABOVE-DESCRIBED PROPERTY BEING ALSO DESCRIBED AS  
FOLLOWS:**

All Tax Lots as described on the attached Legal Descriptions, prepared by Contractors' Line & Grade South, LLC, and including a portion of Tax Lots 23-1-65.1, 23-1-65.2 and 23-1-65.3.

23 NEPPERHAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARIO, PARTNER  
GARY ENNIS, PARTNER



NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

**LEGAL DESCRIPTION OF RESORT PARCELS**

**PARCEL 'A'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'A' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the northwest corner of lands now or formerly of Irving Cohen;

**THENCE** North 15°59'50" East, a distance of 370.99 feet to an intersection of stonewalls on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south and continuing along same, South 69°17'00" East, a distance of 1074.74 feet;

**THENCE** South 02°28'00" West, a distance of 218.80 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 87°32'00" West, a distance of 388.63 feet;

**THENCE** North 03°12'00" East, a distance of 150.00 feet;

**THENCE** North 86°48'00" West, a distance of 300.00 feet;

**THENCE** South 03°12'00" West, a distance of 150.00 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North 88°00'00" West, a distance of 315.50 feet to the easterly line of aforementioned Cohen. and continuing along same, North 28°46'00" East, a distance of 218.01 feet to the northerly line of Cohen and continuing along same, North 88°07'00" West, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 351,687 square feet; or 8.074 acres of land more or less.

SAID parcel being known as Section 15 Block 1 Lot(s) 4 and part of 12.1 of the Town of Thompson Tax Maps.

**PARCEL 'B'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'B' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

BEGINNING at the northeasterly corner of the herein described parcel at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road and continuing along same, North  $86^{\circ}58'52''$  West, a distance of 261.00 feet;

THENCE North  $25^{\circ}21'14''$  East, a distance of 60.54 feet;

THENCE South  $89^{\circ}15'55''$  East, a distance of 25.02 feet;

THENCE South  $79^{\circ}46'52''$  East, a distance of 51.91 feet;

THENCE South  $71^{\circ}52'06''$  East, a distance of 55.54 feet and

THENCE South  $68^{\circ}31'20''$  East, a distance of 113.73 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 9,086 square feet; or 0.209 acres of land more or less.

SAID parcel being known as Section 15 Block 1 Lot 49 of the Town of Thompson Tax Maps.

PARCEL 'C'

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'C' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the southerly line of County Route No. 109 also known as Kiamesha Lake Road and the centerline of County Route 182 also known as Concord Road and continuing along the aforementioned southerly line of County Route No. 109 also known as Kiamesha Lake Road the following nine (9) courses and distances;

- 1) South 87°35'17" East, a distance of 150.86 feet,
- 2) South 88°28'17" East, a distance of 94.00 feet,
- 3) South 87°52'17" East, a distance of 70.39 feet,
- 4) South 86°57'17" East, a distance of 147.30 feet,
- 5) South 86°32'17" East, a distance of 200.40 feet,
- 6) South 86°51'17" East, a distance of 310.71 feet,
- 7) South 87°19'17" East, a distance of 467.40 feet,
- 8) South 86°52'59" East, a distance of 289.67 feet and
- 9) South 77°47'08" East, a distance of 482.81 feet to a point on the division line between the Town of Fallsburg on the north and the Town of Thompson on the south;

**CONTINUING** along same the following two (2) courses and distances:

- 10) South 68°45'29" East, a distance of 959.75 feet and
- 11) South 69°00'29" East, a distance of 1223.13 feet to the approximate centerline of the West Branch of Sheldrake Stream;

**CONTINUING** along same the following twenty-nine (29) courses and distances;

- 12) South 07°51'27" East, a distance of 30.42 feet,
- 13) South 19°46'28" East, a distance of 354.20 feet,
- 14) South 37°38'32" East, a distance of 180.68 feet,
- 15) South 22°37'10" East, a distance of 96.91 feet,

- 16) South 11°59'08" East, a distance of 366.93 feet,
- 17) South 43°11'52" East, a distance of 95.64 feet,
- 18) South 67°43'50" East, a distance of 102.99 feet,
- 19) South 61°57'30" East, a distance of 72.30 feet,
- 20) South 06°47'30" East, a distance of 86.33 feet,
- 21) South 28°46'20" West, a distance of 67.03 feet,
- 22) South 06°51'14" East, a distance of 28.12 feet,
- 23) South 37°49'38" East, a distance of 118.30 feet,
- 24) South 25°10'27" East, a distance of 89.74 feet,
- 25) South 07°26'20" East, a distance of 120.14 feet,
- 26) South 01°55'56" East, a distance of 423.06 feet,
- 27) South 21°42'05" East, a distance of 166.05 feet,
- 28) South 03°21'10" East, a distance of 71.11 feet,
- 29) South 33°47'03" East, a distance of 160.33 feet,
- 30) South 89°11'55" East, a distance of 80.45 feet,
- 31) South 42°01'43" East, a distance of 134.90 feet,
- 32) South 18°46'10" West, a distance of 14.55 feet,
- 33) South 13°35'40" East, a distance of 75.29 feet,
- 34) South 00°58'26" West, a distance of 234.27 feet,
- 35) South 08°53'16" West, a distance of 119.20 feet,
- 36) South 10°00'15" East, a distance of 241.24 feet,
- 37) South 29°19'03" East, a distance of 323.51 feet,
- 38) South 23°33'36" East, a distance of 286.99 feet,
- 39) South 07°03'12" East, a distance of 111.94 feet and
- 40) South 18°55'17" East, a distance of 83.94 feet;

THENCE South 58°40'39" East, a distance of 405.38 feet;

THENCE North 61°21'13" East, a distance of 233.12 feet;

THENCE North 62°05'14" East, a distance of 187.14 feet;

THENCE North 62°17'11" East, a distance of 452.54 feet to the westerly line of County Route 161 also known as Heiden Road and continuing along same, South 37°52'19" East, a distance of 50.80 feet;

THENCE South 62°17'11" West, a distance of 461.21 feet;  
THENCE South 62°05'04" West, a distance of 186.93 feet;  
THENCE South 61°21'21" West, a distance of 255.70 feet to the division line of  
lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent;  
CONTINUING along same the following two (2) courses and distances;  
41) North 69°23'31" West, a distance of 976.04 feet and  
42) North 68°34'41" West, a distance of 1289.25 feet;  
THENCE South 16°09'30" West, a distance of 3187.18 feet to the centerline of  
Thompsonville Road;  
CONTINUING along same the following two (2) courses and distances;  
43) South 85°20'09" West, a distance of 128.96 feet and  
44) North 84°52'46" West, a distance of 67.00 feet;  
THENCE crossing Thompsonville Road, South 15°41'46" West, a distance of  
28.03 feet to the southerly line of Thompsonville Road and continuing along same, North  
69°20'00" West, a distance of 550.03 feet;  
THENCE South 15°32'37" West, a distance of 1016.98 feet;  
THENCE North 70°08'54" West, a distance of 578.31 feet;  
THENCE North 70°38'25" West, a distance of 123.87 feet;  
THENCE South 16°14'12" West, a distance of 490.46 feet;  
THENCE North 70°46'13" West, a distance of 302.97 feet to the centerline of  
Joyland Road;  
CONTINUING along same the following seven (7) courses and distances;  
45) South 14°20'03" West, a distance of 18.77 feet,  
46) South 16°28'56" West, a distance of 84.25 feet,  
47) South 18°49'49" West, a distance of 297.65 feet,  
48) South 15°24'28" West, a distance of 327.46 feet,  
49) South 14°13'43" West, a distance of 265.48 feet,  
50) South 16°08'03" West, a distance of 387.79 feet and  
51) South 16°01'34" West, a distance of 481.21 feet;  
THENCE North 69°09'17" West, a distance of 660.73 feet;  
THENCE South 27°05'36" West, a distance of 751.68 feet;



THENCE South 70°46'12" East, a distance of 804.61 feet to the aforementioned centerline of Joyland Road and continuing along same, South 16°44'54" West, a distance of 271.95 feet;

THENCE North 70°48'02" West, a distance of 1621.89 feet;

THENCE North 17°15'50" East, a distance of 272.71 feet;

THENCE North 69°58'30" West, a distance of 332.95 feet;

THENCE North 15°39'20" East, a distance of 2056.61 feet;

THENCE South 67°17'34" East, a distance of 435.20 feet;

THENCE North 23°18'44" East, a distance of 2114.90 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°20'00" East, a distance of 589.67 feet;

THENCE North 16°45'00" East, a distance of 563.00 feet;

THENCE South 69°20'00" East, a distance of 350.00 feet;

THENCE South 16°45'00" West, a distance of 563.00 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, crossing Joyland Road, South 69°20'00" East, a distance of 564.60 feet;

THENCE North 15°59'14" East, a distance of 653.60 feet;

THENCE North 85°20'05" West, a distance of 247.96 feet to the centerline of Chalet Road;

CONTINUING along same the following twelve (12) courses and distances;

52) North 00°40'40" West, a distance of 125.64 feet,

53) North 01°59'27" West, a distance of 196.51 feet,

54) North 07°40'03" West, a distance of 106.27 feet,

55) North 10°12'53" West, a distance of 133.06 feet,

56) North 14°05'26" West, a distance of 136.10 feet,

57) North 13°16'52" West, a distance of 128.93 feet,

58) North 11°36'18" West, a distance of 67.40 feet,

59) North 10°32'39" West, a distance of 112.26 feet,

60) North 13°47'29" West, a distance of 68.81 feet,

61) North 20°23'04" West, a distance of 43.72 feet,

62) North 29°01'32" West, a distance of 43.33 feet and

63) North 32°24'55" West, a distance of 86.74 feet;  
THENCE South 67°53'33" East, a distance of 1006.08 feet;  
THENCE North 15°18'26" East, a distance of 1677.94 feet to the  
aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of  
the Hardenburgh Patent and continuing along same, South 69°25'51" East, a distance of  
729.84 feet;

THENCE North 20°34'10" East, a distance of 1089.00 feet;  
THENCE North 69°40'38" West, a distance of 1198.83 feet;  
THENCE South 20°34'08" West, a distance of 1083.29 feet to the  
aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of  
the Hardenburgh Patent and continuing along same, North 69°20'22" West, a distance of  
1198.32 feet to the approximate centerline of Kiamesha Creek;

CONTINUING along same the following fourteen (14) courses and distances:

- 64) South 38°43'45" West, a distance of 139.26 feet,
- 65) South 19°47'40" West, a distance of 29.74 feet,
- 66) South 27°06'36" West, a distance of 257.65 feet,
- 67) South 17°55'47" West, a distance of 156.34 feet,
- 68) South 07°15'06" West, a distance of 139.27 feet,
- 69) South 04°52'16" East, a distance of 73.96 feet,
- 70) South 34°58'29" West, a distance of 113.94 feet,
- 71) South 06°32'37" West, a distance of 40.45 feet,
- 72) South 04°27'53" East, a distance of 193.59 feet,
- 73) South 21°29'55" West, a distance of 59.40 feet,
- 74) South 42°46'43" West, a distance of 99.24 feet,
- 75) South 48°59'16" West, a distance of 127.61 feet,
- 76) South 67°35'53" West, a distance of 170.27 feet and
- 77) South 55°07'46" West, a distance of 165.72 feet;

THENCE North 67°53'33" West, a distance of 1819.46 feet to the division line  
of lot 25 on the west & lot 17 on the east of Great Lot 1 of the Hardenburgh Patent and  
continuing along same, South 15°30'21" West, a distance of 1710.73 feet to the

aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°24'26" East, a distance of 235.78 feet;

THENCE South 41°39'10" West, a distance of 687.06 feet;

THENCE North 72°01'55" West, a distance of 982.75 feet;

THENCE North 76°39'59" East, a distance of 232.83 feet;

THENCE North 73°01'32" East, a distance of 176.88 feet;

THENCE North 41°17'23" East, a distance of 85.80 feet;

THENCE North 71°01'59" West, a distance of 1320.42 feet to the centerline of Rock Ridge Road;

CONTINUING along same the following four (4) courses and distances;

78) North 28°37'25" East, a distance of 100.70 feet,

79) North 26°34'44" East, a distance of 96.63 feet,

80) North 24°04'40" East, a distance of 150.63 feet and

81) North 17°53'01" East, a distance of 65.77 feet to the aforementioned division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 68°21'00" East, a distance of 340.87 feet;

THENCE North 17°31'14" East, a distance of 340.63 feet;

THENCE North 73°19'53" West, a distance of 338.06 feet to the aforementioned centerline of Rock Ridge Road;

CONTINUING along same the following two (2) courses and distances;

82) North 17°53'01" East, a distance of 355.39 feet and

83) North 16°35'59" East, a distance of 436.20 feet;

THENCE South 74°29'17" East, a distance of 157.89 feet;

THENCE North 16°07'09" East, a distance of 150.00 feet;

THENCE North 74°29'14" West, a distance of 157.90 feet to the aforementioned centerline of Rock Ridge Road and continuing along same, North 15°53'56" East, a distance of 136.87 feet;

THENCE South 70°39'43" East, a distance of 669.63 feet;

THENCE North 16°28'02" East, a distance of 304.22 feet;

THENCE South 68°26'44" East, a distance of 292.93 feet;

THENCE North 30°13'30" East, a distance of 650.09 feet;

THENCE North 22°16'58" East, a distance of 484.81 feet to the northeast corner of now or formerly Parker said point also being on the southerly line of the Harness Race Track Parcel 4 as shown on a map entitled "Amendment to Filed Lot Improvement / Consolidation Plan Prepared for Concord Associates, LP and Concord Resort LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated May 11, 2009" filed in the Sullivan County Clerks Office on June 29, 2009 in Volume 12 at page 87;

CONTINUING along same the following three (3) courses and distances;

84) North 56°04'23" West, a distance of 458.00 feet,

85) North 53°40'37" East, a distance of 178.00 feet,

86) North 51°04'22" West, a distance of 185.72 feet to the westerly line of County Route 182 also known as Concord Road;

CONTINUING along same the following two (2) courses and distances;

87) North 57°58'49" East, a distance of 169.62 feet and

88) North 58°05'21" East, a distance of 483.00 feet;

THENCE North 23°40'50" West, a distance of 30.52 feet to the centerline of aforementioned County Route 182 also known as Concord Road;

CONTINUING along same the following seven (7) courses and distances;

89) North 67°03'00" East, a distance of 444.36 feet,

90) North 62°36'00" East, a distance of 547.50 feet,

91) North 53°39'40" East, a distance of 78.54 feet,

92) North 40°11'42" East, a distance of 604.35 feet,

93) North 39°59'49" East, a distance of 230.03 feet to a point of curvature,

94) Along the curve to the left having a radius of 410.28 feet and an arc length of 262.55 feet to a point of tangency and

95) North 05°59'34" East, a distance of 438.83 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 39,529,000 square feet; or 907.461 acres of land more or less.

SAID parcel being known as Section 13 Block 3 Lot(s) 12, 19.1, 20.1, 20.2, 20.3, & 22 and Section 15 Block 1 Lot(s) 11.1, 11.2, part of 12.1, 12.3, 14.1, 14.2, 14.3, 19, 22, 24, 25, 35.7, & 51, and Section 23 Block 1 Lot (s) 53, 54.1, 54.2, 54.3, 54.4, 55, & 61.2, and Section 23 Block 2 Lot(s) 1, 2, 3, 4, & 6 and Section 9 Block 1 Lot 35 of the Town of Thompson Tax Maps.

**PARCEL 'D'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'D' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the southwesterly corner of the herein described parcel at a point on the northerly line of Route 17;

**THENCE** North 33°01'47" East, a distance of 114.87 feet;

**THENCE** North 36°16'31" East, a distance of 171.17 feet;

**THENCE** North 38°56'55" East, a distance of 77.89 feet;

**THENCE** South 67°02'55" East, a distance of 228.06 feet;

**THENCE** South 14°17'23" West, a distance of 119.41 feet;

**THENCE** North 81°01'23" East, a distance of 79.55 feet;

**THENCE** North 06°19'11" East, a distance of 80.05 feet;

**THENCE** South 67°58'37" East, a distance of 103.34 feet;

**THENCE** North 17°58'32" East, a distance of 107.66 feet;

**THENCE** North 20°44'07" East, a distance of 189.25 feet;

**THENCE** South 70°47'00" East, a distance of 315.54 feet;

**THENCE** South 15°13'50" West, a distance of 884.24 feet to the aforementioned northerly line of Route 17;

CONTINUING along same the following three (3) courses and distances;

96) North 45°42'43" West, a distance of 342.37 feet,

97) South 86°50'05" West, a distance of 124.64 feet and

98) North 50°59'54" West, a distance of 479.89 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 464,852 square feet; or 10.672 acres of land more or less.

SAID parcel being known as Section 23 Block 1 Lot 11.3 of the Town of Thompson Tax Maps.

**PARCEL 'E'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'E' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of the herein described parcel at a point in the centerline of Rock Ridge Road and continuing along same, North 12°11'00" East, a distance of 99.00 feet;

THENCE North 21°26'00" West, a distance of 229.50 feet;

THENCE North 14°28'00" West, a distance of 105.60 feet;

THENCE North 12°28'00" West, a distance of 184.80 feet;

THENCE North 10°28'00" East, a distance of 237.60 feet;

THENCE South 70°32'00" East, a distance of 264.00 feet;

THENCE South 12°30'00" West, a distance of 151.27 feet to the aforementioned centerline of Rock Ridge Road;

CONTINUING along same the following sixteen (16) courses and distances;

99) North 22°28'00" East, a distance of 75.40 feet,

100) North 46°24'00" East, a distance of 27.04 feet,

- 101) North 72°54'00" East, a distance of 43.14 feet,
- 102) South 81°43'00" East, a distance of 67.14 feet,
- 103) South 73°14'00" East, a distance of 289.34 feet,
- 104) South 75°51'00" East, a distance of 68.05 feet,
- 105) South 84°49'00" East, a distance of 50.34 feet,
- 106) North 81°35'00" East, a distance of 60.00 feet,
- 107) North 70°47'00" East, a distance of 79.33 feet,
- 108) North 66°32'00" East, a distance of 182.90 feet,
- 109) North 73°27'13" East, a distance of 174.23 feet,
- 110) North 67°46'00" East, a distance of 83.24 feet,
- 111) North 61°13'00" East, a distance of 53.40 feet,
- 112) North 56°52'00" East, a distance of 215.00 feet,
- 113) North 53°01'00" East, a distance of 59.26 feet and
- 114) North 41°58'00" East, a distance of 20.18 feet;

THENCE South 41°52'00" East, a distance of 119.70 feet;

THENCE South 03°05'00" East, a distance of 247.00 feet;

THENCE South 48°18'00" East, a distance of 290.40 feet;

THENCE South 33°18'00" East, a distance of 585.14 feet;

THENCE North 87°26'00" East, a distance of 580.80 feet;

THENCE South 47°48'00" East, a distance of 436.18 feet;

THENCE South 05°50'00" West, a distance of 206.87 feet to the centerline of

Thompsonville Road;

CONTINUING along same the following eight (8) courses and distances;

- 115) South 57°40'00" West, a distance of 217.01 feet,
- 116) South 53°43'00" West, a distance of 308.21 feet,
- 117) South 57°13'00" West, a distance of 120.01 feet,
- 118) South 62°13'00" West, a distance of 84.37 feet,
- 119) South 67°33'00" West, a distance of 118.37 feet,
- 120) South 73°16'00" West, a distance of 105.51 feet,
- 121) South 74°50'00" West, a distance of 176.54 feet and
- 122) South 71°30'00" West, a distance of 44.45 feet;

THENCE North 70°35'00" West, a distance of 342.75 feet to the approximate centerline of Kiamesha Creek;

CONTINUING along same the following (twenty-one (21) courses and distances;

- 123) North 05°12'00" East, a distance of 22.25 feet,
- 124) North 27°03'00" West, a distance of 58.11 feet,
- 125) North 60°55'00" West, a distance of 106.35 feet,
- 126) North 03°56'00" West, a distance of 79.16 feet,
- 127) North 14°34'00" East, a distance of 66.29 feet,
- 128) North 09°00'00" East, a distance of 47.48 feet,
- 129) North 73°23'00" West, a distance of 48.67 feet,
- 130) North 42°22'00" West, a distance of 216.20 feet,
- 131) North 18°43'00" West, a distance of 85.50 feet,
- 132) North 57°36'00" West, a distance of 23.87 feet,
- 133) North 16°36'00" West, a distance of 124.81 feet,
- 134) North 61°36'00" West, a distance of 234.42 feet,
- 135) North 34°12'00" West, a distance of 46.51 feet,
- 136) North 52°42'00" West, a distance of 39.74 feet,
- 137) North 82°49'00" West, a distance of 51.64 feet,
- 138) South 56°38'00" West, a distance of 83.88 feet,
- 139) South 61°46'00" West, a distance of 59.64 feet,
- 140) North 79°29'00" West, a distance of 146.23 feet,
- 141) North 87°37'00" West, a distance of 62.61 feet,
- 142) North 83°35'00" West, a distance of 63.60 feet and
- 143) South 69°03'00" West, a distance of 64.15 feet;

THENCE North 75°37'00" West, a distance of 518.08 feet;

THENCE North 82°16'00" West, a distance of 30.01 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 2,869,835 square feet; or 65.882 acres of land more or less.



SAID parcel being known as Section 13 Block 3 Lot(s) 25.1, 25.2, 25.3, 48 and 49 of the Town of Thompson Tax Maps.

**PARCEL 'F'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'F' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the northwesterly corner of the herein described parcel at a point in the centerline of Rock Ridge Road;

**THENCE** South 65°52'50" East, a distance of 225.51 feet;

**THENCE** South 19°07'10" West, a distance of 100.00 feet;

**THENCE** North 65°52'50" West, a distance of 222.29 feet to the aforementioned the centerline of Rock Ridge Road and continuing along same, North 17°17'17" East, a distance of 100.33 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 22,305 square feet; or 0.512 acres of land more or less.

SAID parcel being known as Section 13 Block 3 Lot 17 of the Town of Thompson Tax Maps.

**PARCEL 'G'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'G' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the northwesterly corner of the herein described parcel at a point on the southerly line of County Route 182 also known as Concord Road and continuing along same, South 85°04'00" East, a distance of 200.00 feet;

**THENCE** South 34°56'00" West, a distance of 199.73 feet;

**THENCE** North 85°08'00" West, a distance of 200.13 feet;

**THENCE** North 34°56'00" East, a distance of 200.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 34,618 square feet; or 0.795 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 45 of the Town of Thompson Tax Maps.

**PARCEL 'H'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'H' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the northeasterly corner of the herein described parcel at a point on the southerly line of County Route 182 also known as Concord Road;

**THENCE** South 34°56'00" West, a distance of 116.09 feet;

**THENCE** South 46°04'00" West, a distance of 260.04 feet;

**THENCE** South 48°10'00" West, a distance of 184.80 feet;

**THENCE** North 73°06'00" West, a distance of 377.70 feet;

**THENCE** North 03°57'00" East, a distance of 381.78 feet to the aforementioned southerly line of County Route 182 also known as Concord Road;

**CONTINUING** along same the following five (5) courses and distances;

144) North 84°52'00" East, a distance of 162.27 feet,

145) South 86°57'00" East, a distance of 89.02 feet,

- 146) South 88°51'00" East, a distance of 279.54 feet,
- 147) South 81°36'00" East, a distance of 64.72 feet and
- 148) South 56°51'00" East, a distance of 158.26 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 270,464 square feet; or 6.209 acres of land more or less.

SAID parcel being known as Section 13 Block 3 Lot(s) 5 and 7 of the Town of Thompson Tax Maps.

**PARCEL 'J'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'J' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the northwesterly corner of the herein described parcel at a point on the southerly line of Thompsonville Road and continuing along same the following four (4) courses and distances;

- 149) South 85°12'38" East, a distance of 37.41 feet,
- 150) North 84°27'33" East, a distance of 241.27 feet,
- 151) North 82°57'33" East, a distance of 200.00 feet and
- 152) North 86°35'33" East, a distance of 194.71 feet;

**THENCE** South 16°35'33" West, a distance of 307.88 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing along same, South 69°34'27" East, a distance of 653.27 feet;

**THENCE** South 17°11'33" West, a distance of 2648.90 feet;

**THENCE** North 67°54'27" West, a distance of 1245.00 feet;

**THENCE** South 15°35'33" West, a distance of 49.50 feet;

THENCE North 70°13'44" West, a distance of 313.98 feet;  
THENCE North 69°09'44" West, a distance of 77.20 feet;  
THENCE North 70°16'44" West, a distance of 734.96 feet;  
THENCE North 12°21'46" East, a distance of 768.77 feet;  
THENCE North 74°15'13" West, a distance of 441.87 feet to the centerline of  
Joyland Road;

CONTINUING along same the following four (4) courses and distances;

- 153) North 15°24'28" East, a distance of 31.31 feet,
- 154) North 18°49'49" East, a distance of 297.65 feet,
- 155) North 16°28'56" East, a distance of 84.25 feet and
- 156) North 14°20'03" East, a distance of 18.77 feet;

THENCE South 70°46'13" East, a distance of 302.97 feet;  
THENCE North 16°14'12" East, a distance of 490.46 feet;  
THENCE South 70°38'25" East, a distance of 123.87 feet;  
THENCE South 70°08'54" East, a distance of 578.31 feet;  
THENCE South 70°51'44" East, a distance of 595.00 feet;  
THENCE South 16°37'16" West, a distance of 635.00 feet;  
THENCE South 67°34'24" East, a distance of 356.90 feet;  
THENCE North 15°35'33" East, a distance of 850.00 feet;  
THENCE North 65°39'27" West, a distance of 400.00 feet;  
THENCE North 20°35'33" East, a distance of 410.00 feet;  
THENCE South 66°54'27" East, a distance of 54.00 feet;  
THENCE North 13°35'33" East, a distance of 383.91 feet to the POINT AND

PLACE OF BEGINNING.

CONTAINING an area of 5,316,770 square feet; or 122.056 acres of land more  
or less.

SAID parcel being known as Section 23 Block 2 Lot 10 and part of Lot 8 of the  
Town of Thompson Tax Maps.

PARCEL 'K'

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'K' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the northwesterly corner of the herein described parcel at a point in the centerline of Kiamesha Creek and continuing along same the following fourteen (14) courses and distances;

- 157) South 52°42'00" East, a distance of 18.14 feet,
- 158) South 34°12'00" East, a distance of 46.51 feet,
- 159) South 61°36'00" East, a distance of 234.42 feet,
- 160) South 16°36'00" East, a distance of 124.81 feet,
- 161) South 57°36'00" East, a distance of 23.87 feet,
- 162) South 18°43'00" East, a distance of 85.50 feet,
- 163) South 42°22'00" East, a distance of 216.20 feet,
- 164) South 73°23'00" East, a distance of 48.67 feet,
- 165) South 09°00'00" West, a distance of 47.48 feet,
- 166) South 14°34'00" West, a distance of 66.29 feet,
- 167) South 03°56'00" East, a distance of 79.16 feet,
- 168) South 60°55'00" East, a distance of 106.35 feet,
- 169) South 27°03'00" East, a distance of 58.11 feet and
- 170) South 05°12'00" West, a distance of 22.25 feet;

**THENCE** North 70°47'00" West, a distance of 859.24 feet;

**THENCE** North 18°08'37" East, a distance of 611.20 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 314,001 square feet; or 7.208 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot 26.2 of the Town of Thompson Tax Maps.

PARCEL 'L'

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'L' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the intersection of the westerly line of County Route 42 and the northerly line of Lanahans Road and continuing along same, South 89°18'49" West, a distance of 86.34 feet;

**THENCE** North 00°08'49" East, a distance of 200.00 feet;

**THENCE** North 89°51'11" West, a distance of 225.42 feet;

**THENCE** North 16°16'49" East, a distance of 664.72 feet;

**THENCE** North 48°30'11" West, a distance of 52.14 feet;

**THENCE** North 36°30'11" West, a distance of 25.08 feet;

**THENCE** North 24°00'11" West, a distance of 36.96 feet;

**THENCE** North 37°30'11" West, a distance of 29.70 feet;

**THENCE** North 11°59'11" West, a distance of 39.60 feet;

**THENCE** North 27°29'11" West, a distance of 48.18 feet;

**THENCE** North 37°29'11" West, a distance of 38.94 feet;

**THENCE** North 38°29'11" West, a distance of 47.52 feet;

**THENCE** North 20°59'11" West, a distance of 54.78 feet;

**THENCE** North 09°29'11" West, a distance of 79.20 feet;

**THENCE** North 01°02'11" West, a distance of 66.00 feet;

**THENCE** South 58°59'11" East, a distance of 284.46 feet;

**THENCE** South 14°46'11" East, a distance of 83.08 feet;

**THENCE** North 63°59'49" East, a distance of 271.11 feet to the aforementioned westerly line of County Route 42;

**CONTINUING** along same the following eight (8) courses and distances;

171) South 18°19'11" East, a distance of 40.96 feet,

172) South 63°59'49" West, a distance of 18.62 feet,

173) South 12°39'11" East, a distance of 292.92 feet,

174) South 16°09'49" West, a distance of 97.90 feet,

- 175) South 12°03'49" West, a distance of 90.86 feet,
- 176) South 13°27'49" West, a distance of 107.88 feet,
- 177) South 09°44'49" West, a distance of 431.00 feet and
- 178) South 33°58'49" West, a distance of 170.03 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 420,400 square feet; or 9.651 acres of land more or less.

SAID parcel being known as Section 13 Block 1 Lot(s) 28 & 53 of the Town of Thompson Tax Maps.

**PARCEL 'M'**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'M' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the intersection of the easterly line of County Route 42 and the southerly line of County Route 182 also known as Concord Road and continuing along said Concord Road the following three (3) courses and distances;

- 179) North 79°36'15" East, a distance of 308.82 feet,
- 180) North 85°45'15" East, a distance of 322.14 feet and
- 181) North 85°17'15" East, a distance of 364.37 feet;

**THENCE** South 14°04'15" West, a distance of 316.28 feet;

**THENCE** South 18°01'15" West, a distance of 513.13 feet;

**THENCE** North 60°29'45" West, a distance of 319.98 feet;

**THENCE** South 86°27'03" West, a distance of 235.46 feet;

**THENCE** South 28°40'03" West, a distance of 23.97 feet;

**THENCE** North 60°29'45" West, a distance of 526.32 feet to the aforementioned easterly line of County Route 42;

CONTINUING along same the following two (2) courses and distances;

182) North 41°48'15" East, a distance of 97.37 feet and

183) North 35°35'15" East, a distance of 284.65 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 601,003 square feet; or 13.797 acres of land more or less.

SAID parcel being known as Section 13 Block 3 Lot(s) 2.1 & 2.2 of the Town of Thompson Tax Maps.

**PARCEL 'N'**

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'N' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly line of County Route No. 109 also known as Kiamesha Lake Road at the southwest corner of lands now or formerly of Irving Cohen and continuing along the westerly line of said lands now or formerly of Cohen, North 15°59'50" East, a distance of 199.10 feet;

**THENCE** South 88°07'00" East, a distance of 200.00 feet;

**THENCE** South 28°46'00" West, a distance of 218.01 feet to the aforementioned northerly line of County Route No. 109 also known as Kiamesha Lake Road;

**CONTINUING** along same North 87°35'51" West, a distance of 149.97 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 33,954 square feet; or 0.779 acres of land more or less.



SAID parcel being known as Section 15 Block 1 Lot(s) 5 of the Town of Thompson Tax Maps.

PARCEL 'LH1'

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'LH1' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the centerline of Thompsonville Road;  
**THENCE** North 20°16'27" West, a distance of 66.71 feet;  
**THENCE** North 34°25'01" East, a distance of 82.03 feet;  
**THENCE** North 25°27'40" East, a distance of 373.40 feet;  
**THENCE** North 37°35'04" East, a distance of 273.90 feet;  
**THENCE** North 63°33'42" East, a distance of 50.58 feet;  
**THENCE** North 04°06'40" West, a distance of 82.46 feet;  
**THENCE** North 31°12'29" East, a distance of 251.84 feet;  
**THENCE** North 58°17'54" East, a distance of 89.77 feet;  
**THENCE** North 57°31'09" East, a distance of 130.29 feet;  
**THENCE** North 09°02'43" East, a distance of 104.87 feet;  
**THENCE** North 24°36'42" East, a distance of 156.34 feet to the division line of Great Lot 1 on the north and Great Lot 13 on the south;  
**CONTINUING** along same the following two (2) courses and distances;  
184) North 69°20'00" West, a distance of 128.15 feet and  
185) North 69°24'26" West, a distance of 235.78 feet to the division line of lot 25 on the west & lot 17 on the east of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 15°30'21" East, a distance of 1710.73 feet;  
**THENCE** South 67°53'33" East, a distance of 1819.46 feet to the approximate centerline of Kiamesha Creek;

**CONTINUING** along same the following fourteen (14) courses and distances;

186) North 55°07'46" East, a distance of 165.72 feet,

187) North 67°35'53" East, a distance of 170.27 feet,

188) North 48°59'16" East, a distance of 127.61 feet,

189) North 42°46'43" East, a distance of 99.24 feet,

190) North 21°29'55" East, a distance of 59.40 feet,

191) North 04°27'53" West, a distance of 193.59 feet,

192) North 06°32'37" East, a distance of 40.45 feet,

193) North 34°58'29" East, a distance of 113.94 feet,

194) North 04°52'16" West, a distance of 73.96 feet,

195) North 07°15'06" East, a distance of 139.27 feet,

196) North 17°55'47" East, a distance of 156.34 feet,

197) North 27°06'36" East, a distance of 257.65 feet,

198) North 19°47'40" East, a distance of 29.74 feet and

199) North 38°43'45" East, a distance of 139.26 feet to the division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, South 69°20'22" East, a distance of 1198.32 feet;

**THENCE** North 20°34'08" East, a distance of 1083.29 feet;

**THENCE** South 69°40'38" East, a distance of 1198.83 feet;

**THENCE** South 20°34'10" West, a distance of 1089.00 feet to the aforementioned division line of lot 18 on the north & lot 17 on the south of Great Lot 1 of the Hardenburgh Patent and continuing along same, North 69°25'51" West, a distance of 729.84 feet;

**THENCE** South 15°18'26" West, a distance of 1677.94 feet;

**THENCE** North 67°53'33" West, a distance of 1006.08 feet to the centerline of Chalet Road;

**CONTINUING** along same the following sixteen (16) courses and distances;

200) South 32°24'55" East, a distance of 86.74 feet,

201) South 29°01'32" East, a distance of 43.33 feet,

202) South 20°23'04" East, a distance of 43.72 feet,

- 203) South 13°47'29" East, a distance of 68.81 feet,
- 204) South 10°32'39" East, a distance of 112.26 feet,
- 205) South 11°36'18" East, a distance of 67.40 feet,
- 206) South 13°16'52" East, a distance of 128.93 feet,
- 207) South 14°05'26" East, a distance of 136.10 feet,
- 208) South 10°12'53" East, a distance of 133.06 feet,
- 209) South 07°40'03" East, a distance of 106.27 feet,
- 210) South 01°59'27" East, a distance of 196.51 feet,
- 211) South 00°40'40" East, a distance of 125.64 feet,
- 212) South 05°33'03" West, a distance of 70.28 feet,
- 213) South 12°33'45" West, a distance of 86.60 feet,
- 214) South 16°40'34" West, a distance of 100.27 feet and
- 215) South 17°16'08" West, a distance of 330.03 feet to the aforementioned  
division line of Great Lot 1 on the north and Great Lot 13 on the south  
and continuing along same, North 69°20'00" West, a distance of  
330.00 feet;

THENCE North 16°45'00" East, a distance of 563.00 feet;

THENCE North 69°20'00" West, a distance of 350.00 feet;

THENCE South 16°45'00" West, a distance of 563.00 feet to the aforementioned  
division line of Great Lot 1 on the north and Great Lot 13 on the south and continuing  
along same, North 69°20'00" West, a distance of 589.67 feet;

THENCE South 23°18'44" West, a distance of 2114.90 feet;

THENCE North 67°17'34" West, a distance of 435.20 feet;

THENCE South 15°39'20" West, a distance of 566.94 feet;

THENCE North 70°16'15" West, a distance of 1494.90 feet;

THENCE South 15°13'50" West, a distance of 1100.22 feet;

THENCE North 70°31'44" West, a distance of 1209.71 feet to the northerly line  
of Route 17;

CONTINUING along same the following two (2) courses and distances;

216) North 41°35'52" West, a distance of 414.77 feet and

217) North 45°42'43" West, a distance of 29.98 feet;

THENCE North 15°13'50" East, a distance of 884.24 feet;  
THENCE South 70°47'00" East, a distance of 161.39 feet;  
THENCE South 70°35'00" East, a distance of 342.75 feet to the centerline of  
Thompsonville Road;

CONTINUING along same the following eight (8) courses and distances:

- 218) North 71°30'00" East, a distance of 44.45 feet,
- 219) North 74°50'00" East, a distance of 176.54 feet,
- 220) North 73°16'00" East, a distance of 105.51 feet,
- 221) North 67°33'00" East, a distance of 118.37 feet,
- 222) North 62°13'00" East, a distance of 84.37 feet,
- 223) North 57°13'00" East, a distance of 120.01 feet,
- 224) North 53°43'00" East, a distance of 308.21 feet and
- 225) North 57°40'00" East, a distance of 573.41 feet to the POINT AND  
PLACE OF BEGINNING.

CONTAINING an area of 16,726,759 square feet; or 383.994 acres of land more  
or less.

SAID parcel being known as Section 15 Block 1 Lot(s) 13, 15, 16, 17, & 50 and  
Section 23 Block 1 Lot(s) 48 & 52 of the Town of Thompson Tax Maps.

PARCEL 'LH2'

ALSO all that certain parcel of land located in the Town of Thompson, Sullivan  
County, New York designated as Parcel 'LH2' and shown on a map entitled "Map of  
Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson,  
County Of Sullivan, State Of New York, dated March 15, 2012" which is more  
particularly bounded and described as follows:

BEGINNING at the intersection the centerline of Rock Ridge Road and the  
southerly line of County Route 182 also known as Concord Road and continuing along  
said southerly line of County Route 182 also known as Concord Road the following six  
(6) courses and distances;

- 226) North 82°58'43" East, a distance of 120.00 feet,
- 227) North 68°30'54" East, a distance of 165.61 feet,
- 228) North 61°17'31" East, a distance of 89.00 feet,
- 229) North 48°54'38" East, a distance of 197.54 feet,
- 230) North 53°57'25" East, a distance of 216.00 feet and
- 231) North 57°58'49" East, a distance of 201.18 feet to the northwest corner of now or formerly Parker said point also being on the southerly line of the Harness Race Track Parcel 4 as shown on a map entitled "Amendment to Filed Lot Improvement / Consolidation Plan Prepared for Concord Associates, LP and Concord Resort LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated May 11, 2009" filed in the Sullivan County Clerks Office on June 29, 2009 in Volume 12 at page 87;

**CONTINUING** along aforementioned southerly line of the Harness Race Track Parcel 4 the following three (3) courses and distances;

- 232) South 51°04'22" East, a distance of 185.72 feet,
- 233) South 53°40'37" West, a distance of 178.00 feet and
- 234) South 56°04'23" East, a distance of 458.00 feet;
- THENCE** South 22°16'58" West, a distance of 484.81 feet;
- THENCE** South 30°13'30" West, a distance of 650.09 feet;
- THENCE** North 68°26'44" West, a distance of 292.93 feet;
- THENCE** North 16°26'39" East, a distance of 25.78 feet;
- THENCE** North 70°39'48" West, a distance of 538.92 feet;
- THENCE** North 21°01'35" East, a distance of 67.91 feet;
- THENCE** South 66°30'26" East, a distance of 98.31 feet;
- THENCE** North 19°07'10" East, a distance of 200.00 feet;
- THENCE** North 65°52'50" West, a distance of 225.51 feet to the aforementioned centerline of Rock Ridge Road;

**CONTINUING** along same the following three (3) courses and distances;

- 235) North 17°17'23" East, a distance of 18.64 feet,
- 236) North 13°02'52" East, a distance of 201.98 feet and

237) North 10°36'45" East, a distance of 178.79 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 1,126,189 square feet; or 25.854 acres of land more or less.

**SAID** parcel being known as Section 13 Block 3 Lot(s) 18 and 19.3 of the Town of Thompson Tax Maps.

**PARCEL 'LH3'**

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York designated as Parcel 'LH3' and shown on a map entitled "Map of Parcels Prepared for EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the southeasterly corner of the herein described parcel at a point in the northerly line of County Route 42 and continuing along same the following six (6) courses and distances;

238) South 64°34'59" West, a distance of 233.00 feet,

239) South 69°49'59" West, a distance of 352.00 feet,

240) South 72°19'59" West, a distance of 368.00 feet,

241) South 69°59'59" West, a distance of 450.00 feet,

242) South 73°44'59" West, a distance of 262.00 feet and

243) South 68°29'59" West, a distance of 343.07 feet;

**THENCE** North 07°40'01" West, a distance of 601.35 feet;

**THENCE** South 73°33'01" East, a distance of 502.00 feet;

**THENCE** North 69°41'59" East, a distance of 333.26 feet;

**THENCE** North 18°12'59" East, a distance of 185.00 feet;

**THENCE** North 69°58'59" East, a distance of 94.17 feet;

**THENCE** North 72°19'59" East, a distance of 352.00 feet;

**THENCE** North 69°49'59" East, a distance of 342.00 feet;

THENCE North 63°42'59" East, a distance of 531.56 feet;

THENCE South 11°04'59" West, a distance of 562.00 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 876,964 square feet; or 20.132 acres of land more or less.

SAID parcel being known as Section 9 Block 1 Lot 18.1 of the Town of Thompson Tax Maps.



**LEGAL DESCRIPTION OF TAX LOT 23-1-50**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-50" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 2873.64 feet to the corner of lot numbers 46, 47, 52 and 53 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 52, South  $70^{\circ}16'15''$  East, a distance of 645.29 feet;

**THENCE** South  $09^{\circ}52'17''$  West, a distance of 2189.01 feet to the centerline of a stonewall on the westerly side of a lane;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 702.20 feet, partially along said centerline of a stonewall on the westerly side of a lane, to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North  $70^{\circ}41'39''$  West, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 2,195,108 square feet or 50.393 acres of land more or less.



**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State for State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 690.95 feet to a point on the southerly line of State Highway No. 5457 (Route 17), said point being the **POINT AND PLACE OF BEGINNING**:

**THENCE** continuing northerly along said line between lot numbers 46 and 47, North  $15^{\circ}13'50''$  East, a distance of 299.06 feet to the northerly line of State Highway No. 5457 (Route 17) and continuing along same the following two (2) courses and distances;

- 1) South  $38^{\circ}52'58''$  East, a distance of 496.67 feet and
- 2) South  $36^{\circ}30'48''$  East, a distance of 542.24 feet;

**THENCE** South  $19^{\circ}13'17''$  West, a distance of 223.53 feet to the southerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North  $40^{\circ}38'21''$  West, a distance of 981.71 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 224,292 square feet or 5.149 acres of land more or less.

**ALSO EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, on the southerly side of State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 46 and 47, North 15°13'50" East, a distance of 690.95 feet to a point on the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, South 40°38'21" East, a distance of 981.71 feet;

**THENCE** South 19°13'17" West, a distance of 197.53 feet to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North 70°41'39" West, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 359,844 square feet or 8.261 acres of land more or less.



LEGAL DESCRIPTION OF TAX LOT 23-2-33

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-33" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point at the common corner of the westerly line of Towner Road and the northerly line of State Highway No. 5457 (Route 17), 155.5± meters northerly and measured at right angles from Station 10+973.4± of the Bloomburg-Monticello Part 2, State Highway No.5457;

**THENCE** running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following two (2) courses and distances;

- 1) North 71°10'47" West, a distance of 8.45 feet to a point 154.000 meters northerly and measured at right angles from Station 10+972.000 of said 1998 survey baseline and
- 2) North 61°40'46" West, a distance of 115.07 feet;

**THENCE** North 15°20'21" East, a distance of 525.87 feet to the southerly line of Lorraine Drive;

**THENCE** continuing along same, South 66°44'39" East, a distance of 173.49 feet;

**THENCE** South 20°01'21" West, a distance of 120.00 feet;

**THENCE** South 66°44'39" East, a distance of 120.00 feet to the westerly line of Towner Road and continuing along same the following three (3) courses and distances;

- 3) South 20°01'21" West, a distance of 181.74 feet,
- 4) South 85°16'21" West, a distance of 140.96 feet and

- 5) South  $19^{\circ}56'21''$  West, a distance of 163.24 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 104,054 square feet or 2.389 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, a temporary easement for highway purposes, more particularly bounded and described as follows:

**BEGINNING** at a point at the common corner of the westerly line of Towner Road and the northerly line of State Highway No. 5457 (Route 17), 155.5± meters northerly and measured at right angles from Station 10+973.4± of the Bloomburg-Monticello Part 2, State Highway No.5457;

**THENCE** running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following two (2) courses and distances;

- 6) North  $71^{\circ}10'47''$  West, a distance of 8.45 feet to a point 154.000 meters northerly and measured at right angles from Station 10+972.000 of said 1998 survey baseline and
- 7) North  $61^{\circ}40'46''$  West, a distance of 115.07 feet;

**THENCE** North  $15^{\circ}20'21''$  East, a distance of 28.10 feet;

**THENCE** South  $61^{\circ}37'40''$  East, a distance of 125.90 to the westerly line of Towner Road at a point 161.1± meters northerly and measured at right angles from Station 10+967.6± of said 1998 survey baseline;

**THENCE** continuing along same, South  $19^{\circ}56'21''$  West, a distance of 26.15 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 3,402 square feet or 0.078 acres of land more or less.



**LEGAL DESCRIPTION OF TAX LOT 31-1-17.1**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 40 of Great Lot 13, Hardenburg Patent and designated as "31-1-17.1" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** on the northerly line of State Highway No. 5457 (Route 17) at a monument 36.5± meters northerly and measured at right angles from Station 10+370.4± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No.5457 and continuing along said northerly line, North 40°35'58" West, a distance of 50.31 feet to an iron pin, said point being the **POINT AND PLACE OF BEGINNING**:

**THENCE** continuing along the northerly line of said State Highway No. 5457 (Route 17), the following two (2) courses and distances;

- 1) North 40°45'59" West, a distance of 457.35 feet to an iron pin in the centerline of a stonewall and continuing partially along said stonewall,
- 2) North 16°28'12" East, a distance of 94.50 feet through an iron pin to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, South 70°46'14" East, a distance of 395.73 feet to a stonewall;

**THENCE** continuing partially along said stonewall, South 18°21'51" West, a distance of 323.13 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 82,102 square feet or 1.885 acres of land more or less.



LEGAL DESCRIPTION OF TAX LOT 23-1-51

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-51" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent, South 70°41'39" East, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**;

**THENCE** North 19°13'17" East, a distance of 702.20 feet, partially along the centerline of a stonewall on the westerly side of a lane;

**THENCE** North 09°52'17" East, a distance of 2189.01 feet to the line between lot numbers 46 and 52 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, South 70°16'15" East, a distance of 849.61 feet to the northwesterly corner of the Olmstead lot and continuing along the westerly line of said Olmstead lot the following three (3) courses and distances;

- 1) South 15°39'20" West, a distance of 1489.67 feet,
- 2) South 18°45'55" West, a distance of 338.72 feet and
- 3) South 15°19'04" West, a distance of 829.77 feet, partially along a stonewall to the southwestly corner of said Olmstead lot;

**THENCE** continuing along the southerly line of said Olmstead lot, South 72°32'56" East, a distance of 70.00 feet;

**THENCE** South 15°33'48" West, a distance of 210.32 feet to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent, and continuing along same the following two (2) courses and distances;

- 4) North 69°53'51" West, a distance of 388.12 feet to an iron pin and
- 5) North 70°41'39" West, a distance of 341.09 feet to the **POINT AND PLACE OF BEGINNING**.

CONTAINING an area of 2,045,109 square feet or 46.949 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, acquired by New York State for State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent; and running along the line between lot numbers 40 and 46, South 70°41'39" East, a distance of 800.90 feet;

**THENCE** North 19°13'17" East, a distance of 197.53 feet to the southerly line of State Highway No. 5457 (Route 17) to the **POINT AND PLACE OF BEGINNING**:

**THENCE** North 19°13'17" East, a distance of 223.53 feet to the northerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, the following two (2) courses and distances;

- 6) South 36°30'48" East, a distance of 88.71 feet and
- 7) South 40°45'35" East, a distance of 754.68 feet to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North 69°53'51" West, a distance of 385.72 feet to an iron pin in the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, North 40°38'21" West, a distance of 394.41 feet to the **POINT AND PLACE OF BEGINNING**.

CONTAINING an area of 115,927 square feet or 2.661 acres of land more or less.

**ALSO EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, on the southerly side of State Highway No. 5457 (Route 17) without right of access to and from abutting property, which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent; and running along the line between lot numbers 40 and 46, South 70°41'39" East, a distance of 800.90 feet to the **POINT AND PLACE OF BEGINNING**:

**THENCE** North 19°13'17" East, a distance of 197.53 feet to the southerly line of State Highway No. 5457 (Route 17);

**THENCE** continuing along same, South 40°38'21" East, a distance of 394.41 feet to an iron pin in the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, North 70°41'39" West, a distance of 341.09 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 33,688 square feet or 0.773 acres of land more or less.



**LEGAL DESCRIPTION OF TAX LOT 23-2-32**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-32" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at a point 2.7± meters distant easterly and measured at right angles from Station J1+294.3± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No.5457 (on the easterly line of Joyland Road), thence South 74°39'39" East, a distance of 150.00 feet to the **POINT AND PLACE OF BEGINNING**:

**THENCE** South 74°39'39" East, a distance of 290.50 feet;

**THENCE** South 15°20'21" West, a distance of 396.60 feet to the northerly line of State Highway No. 5457 (Route 17) and continuing along same the following three (3) courses and distances;

- 1) North 61°40'46" West, a distance of 62.76 feet to a point 121.000 meters northerly and measured at right angles from Station 10+929.000 of said 1998 survey baseline,
- 2) North 51°49'08" West, a distance of 160.77 feet to a point 2.000 meters westerly and measured at right angles from Station J1+174.500 of said 1998 survey baseline and
- 3) North 38°24'16" West, a distance of 99.94 feet;

**THENCE** North 15°12'36" East, a distance of 260.99 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 99,366 square feet or 2.281 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, a temporary easement for highway purposes, more particularly bounded and described as follows:

**BEGINNING** at a point 103.036 meters northerly and measured at right angles from Station 10+894.701 of said 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (Route 17) (on the northerly line of said State Highway);

**THENCE** North  $38^{\circ}40'16''$  East, a distance of 62.55 feet to a point 120.000 meters northerly and measured at right angles from Station 10+886.000 of said 1998 survey baseline;

**THENCE** South  $49^{\circ}22'35''$  East, a distance of 30.82 feet to a point 124.000 meters northerly and measured at right angles from Station 10+894.500 of said 1998 survey baseline;

**THENCE** South  $34^{\circ}38'06''$  East, a distance of 108.43 feet to a point 130.000 meters northerly and measured at right angles from Station 10+927.000 of said 1998 survey baseline;

**THENCE** South  $61^{\circ}37'40''$  East, a distance of 43.68 feet to the easterly line of the herein described parcel;

**THENCE** continuing along same, South  $15^{\circ}20'21''$  West, a distance of 28.10 feet to the northerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along same, the following two (2) courses and distances;

- 4) North  $61^{\circ}40'46''$  West, a distance of 62.76 feet to a point 121.000 meters northerly and measured at right angles from Station 10+929.000 of said 1998 survey baseline and
- 5) North  $51^{\circ}49'08''$  West, a distance of 127.03 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 7,950 square feet or 0.183 acres of land more or less.

**LEGAL DESCRIPTION OF TAX LOT 23-2-31**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "23-2-31" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point 2.7± meters distant easterly and measured at right angles from Station J1+294.3± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (on the easterly line of Joyland Road);

**THENCE** South 74°39'39" East, a distance of 150.00 feet;

**THENCE** South 15°12'36" West, a distance of 260.99 feet to a point on the northerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), North 38°24'16" West, a distance of 183.82 feet to a monument at the common corner of the northerly line of said State Highway No. 5457 (Route 17) and the easterly line of said Joyland Road, 25.300 meters westerly and measured at right angles from Station J1+259.000 of said 1998 survey baseline;

**THENCE** continuing along the easterly line of said Joyland Road, North 14°27'11" East, a distance of 152.30 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 30,733 square feet or 0.706 acres of land more or less.

23 NEPPERHAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARIO, PARTNER  
GARY ENNIS, PARTNER



NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY.

LEGAL DESCRIPTION OF TAX LOT 31-1-19.2

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 40 of Great Lot 13, Hardenburg Patent and designated as "31-1-19.2" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point 8.0± meters distant westerly and measured at right angles from Station J1+312.8± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (on the westerly line of Joyland Road);

**THENCE** continuing along the westerly line of said Joyland Road line the following two (2) courses and distances;

- 1) South 73°17'31" West, a distance of 17.21 feet to a point 12.500 meters westerly and measured at right angles from Station J1+310.000 of said 1998 survey baseline and
- 2) South 18°53'32" West, a distance of 113.40 feet to a monument on the northerly line of said State Highway No. 5457 (Route 17), 25.700 meters northerly and measured at right angles from Station 1+289.500 of said 1998 survey baseline;

**THENCE** continuing along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following seven (7) courses and distances;

- 3) North 75°33'24" West, a distance of 229.13 feet to a point 67.300 meters northerly and measured at right angles from Station 10+760.300 of said 1998 survey baseline,
- 4) South 84°35'43" West, a distance of 93.92 feet to a monument 53.000 meters northerly and measured at right angles from Station 10+735.500 of said 1998 survey baseline,
- 5) North 62°31'32" West, a distance of 58.15 feet to a point 53.9± meters northerly and measured at right angles from Station 10+717.8± of said 1998 survey baseline,

- 6) North 49°50'28" West, a distance of 169.63 feet to a monument 67.8± meters northerly and measured at right angles from Station 10+668.0± of said 1998 survey baseline,
- 7) North 47°50'24" West, a distance of 616.51 feet to a point 43.100 meters northerly and measured at right angles from Station 10+445.000 of said 1998 survey baseline,
- 8) North 41°10'03" West, a distance of 245.71 feet through a monument on line, to a monument 36.5± meters northerly and measured at right angles from Station 10+370.4± of said 1998 survey baseline,
- 9) North 40°35'58" West, a distance of 50.31 feet to an iron pin;

THENCE North 18°21'51" East, a distance of 323.13 feet partially along a stonewall to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

THENCE continuing along same, South 70°46'14" East, a distance of 1022.57 feet to the northwesterly corner of Nachial Emunah Bungalows, Inc. (Deed 920 at Page 125);

THENCE along the westerly line of said Nachial Emunah Bungalows, Inc. and parallel to the center of the travelled way of Joyland Road, South 15°21'48" West, a distance of 531.11 feet to the southwesterly corner of said Nachial Emunah Bungalows, Inc.;

THENCE along the southerly line of said Nachial Emunah Bungalows, Inc., South 62°45'12" East, a distance of 180.80 feet;

THENCE South 25°03'48" West, a distance of 33.52 feet, parallel to and 9 feet easterly of the easterly edge of a concrete slab on which a pump house formerly existed on the herein described parcel;

THENCE South 67°12'01" East, a distance of 139.02 feet, parallel to and 6 feet southerly of the southerly face of the main house on said lands of Nachial Emunah Bungalows, Inc. to the **POINT AND PLACE OF BEGINNING**.

CONTAINING an area of 652,139 square feet or 14.971 acres of land more or less.

ALSO granting all the right, title, and interest of the grantor, in and to a right of way over a six (6) foot wide strip of land between the southerly face of the main house on said lands of Nachial Emunah Bungalows, Inc (Deed Liber 920 at Page 125), and the bounds of lands in the last described course above (South 67°12'01" East, a distance of 139.02 feet).

SUBJECT to restrictions contained in Deed Liber 559 at Page 182 relative to not building a solid wall along a portion of the bounds of lands in the last described course above (South 67°12'01" East, a distance of 139.02 feet).



23 NEPPERHAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARIO, PARTNER  
GARY ENNIS, PARTNER

NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

LEGAL DESCRIPTION OF TAX LOT 23-1-65.1

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "23-1-65.1" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent;

**THENCE** running along the line between lot numbers 40 and 46, the following two (2) courses and distances;

- 1) South 70°41'39" East, a distance of 1141.99 feet and
- 2) South 69°53'51" East, a distance of 388.12 feet **POINT AND PLACE OF BEGINNING:**

**THENCE** North 15°33'48" East, a distance of 50.17 feet;

**THENCE** South 71°52'02" East, distance of 1882.83 feet to the westerly line of Joyland Road;

**THENCE** along the westerly line of said Joyland Road, South 15°23'14" West, a distance of 50.18 feet;

**THENCE** North 71°52'02" West, a distance of 1882.99 feet to the line between lot numbers 40 and 46 said point being the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 94,372 square feet or 2.166 acres of land more or less.



LEGAL DESCRIPTION OF PARCEL A

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 46 of Great Lot 13, Hardenburg Patent and designated as "Parcel A" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**COMMENCING** at the corner of lot numbers 40, 41, 46 and 47 of Great Lot 13, Hardenburg Patent; and running along the line between lot numbers 46 and 47, North 15°13'50" East, a distance of 990.01 feet to the northerly line of State Highway No. 5457 (Route 17) said point being the **POINT OF BEGINNING**;

**THENCE** continuing, from the point of beginning, along the said line between lot numbers 46 and 47, North 15°13'50" East, a distance of 1883.63 feet to the corner of lot numbers 46, 47, 52 and 53;

**THENCE** running along the line between lot numbers 46 and 52, South 70°16'15" East, a distance of 1494.90 feet to the northwesterly corner of the Olmstead lot and continuing along the westerly line of said Olmstead lot the following three (3) courses and distances;

- 1) South 15°39'20" West, a distance of 1489.67 feet,
- 2) South 18°45'55" West, a distance of 338.72 feet and
- 3) South 15°19'04" West, a distance of 829.77 feet, partially along a stonewall to the southwestly corner of said Olmstead lot;

**THENCE** running along the southerly line of said Olmstead lot, South 72°32'56" East, a distance of 70.00 feet;

**THENCE** South 15°33'48" West, a distance of 160.15 feet;

**THENCE** South 71°52'02" East, distance of 1882.83 feet to the westerly line of Joyland Road;



**THENCE** along the westerly line of said Joyland Road, South 15°23'14" West, a distance of 50.18 feet;

**THENCE** North 71°52'02" West, a distance of 1882.99 feet to the line between lot numbers 40 and 46;

**THENCE** continuing along same, North 69°53'51" West, a distance of 2.40 feet to the northerly line of said State Highway No. 5457 (Route 17);

**THENCE** continuing along the said northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following three (3) courses and distances;

- 4) North 40°45'35" West, a distance of 754.68 feet to a monument,
- 5) North 36°30'48" West, a distance of 630.95 feet to a monument and
- 6) North 38°52'58" West, a distance of 496.67 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 3,600,838 square feet or 82.664 acres of land more or less.

**ALSO** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 40 of Great Lot 13, Hardenburg Patent and designated as "Parcel A" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point 8.0± meters distant westerly and measured at right angles from Station J1+312.8± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (on the westerly line of Joyland Road);

**THENCE** running along the westerly line of said Joyland Road line the following two (2) courses and distances;

- 1) South 73°17'31" West, a distance of 17.21 feet to a point 12.500 meters westerly and measured at right angles from Station J1+310.000 of said 1998 survey baseline and
- 2) South 18°53'32" West, a distance of 113.40 feet to a monument at the common corner of the northerly line of said State Highway No. 5457 (Route 17) and the westerly line of Joyland Road, 25.700 meters northerly and measured at right angles from Station I+289.500 of said 1998 survey baseline;

**THENCE** running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following nine (9) courses and distances;

- 3) North  $75^{\circ}33'24''$  West, a distance of 229.13 feet to a point 67.300 meters northerly and measured at right angles from Station 10+760.300 of said 1998 survey baseline,
- 4) South  $84^{\circ}35'43''$  West, a distance of 93.92 feet to a monument 53.000 meters northerly and measured at right angles from Station 10+735.500 of said 1998 survey baseline,
- 5) North  $62^{\circ}31'32''$  West, a distance of 58.15 feet to a point  $53.9\pm$  meters northerly and measured at right angles from Station 10+717.8 $\pm$  of said 1998 survey baseline,
- 6) North  $49^{\circ}50'28''$  West, a distance of 169.63 feet to a monument  $67.8\pm$  meters northerly and measured at right angles from Station 10+668.0 $\pm$  of said 1998 survey baseline,
- 7) North  $47^{\circ}50'24''$  West, a distance of 616.51 feet to a point 43.100 meters northerly and measured at right angles from Station 10+445.000 of said 1998 survey baseline,
- 8) North  $41^{\circ}10'03''$  West, a distance of 245.71 feet through a monument on line, to a monument  $36.5\pm$  meters northerly and measured at right angles from Station 10+370.4 $\pm$  of said 1998 survey baseline,
- 9) North  $40^{\circ}35'58''$  West, a distance of 50.31 feet to an iron pin,
- 10) North  $40^{\circ}45'59''$  West, a distance of 457.35 feet to an iron pin in the centerline of a stonewall and continuing partially along said stonewall,
- 11) North  $16^{\circ}28'12''$  East, a distance of 94.50 feet through an iron pin to the line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent;

**THENCE** continuing along same, South  $70^{\circ}46'14''$  East, a distance of 1418.30 feet to the northwesterly corner of Nachial Emunah Bungalows, Inc. (Deed 920 at Page 125);

**THENCE** along the westerly line of said Nachial Emunah Bungalows, Inc. and parallel to the center of the travelled way of Joyland Road, South  $15^{\circ}21'48''$  West, a distance of 531.11 feet to the southwesterly corner of said Nachial Emunah Bungalows, Inc;

**THENCE** running along the southerly line of said Nachial Emunah Bungalows, Inc, South  $62^{\circ}45'12''$  East, a distance of 180.80 feet;

**THENCE** South  $25^{\circ}03'48''$  West, a distance of 33.52 feet, parallel to and 9 feet easterly of the easterly edge of a concrete slab on which a pump house formerly existed on the herein described parcel;

**THENCE** South 67°12'01" East, a distance of 139.02 feet, parallel to and 6 feet southerly of the southerly face of the main house on said lands of Nachial Emunah Bungalows, Inc. to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 734,241 square feet or 16.856 acres of land more or less.

**ALSO** granting all the right, title, and interest of the grantor, in and to a right of way over a six (6) foot wide strip of land between the southerly face of the main house on said lands of Nachial Emunah Bungalows, Inc (Deed Liber 920 at Page 125), and the bounds of lands in the last described course above (South 67°12'01" East, a distance of 139.02 feet).

**SUBJECT** to restrictions contained in Deed Liber 559 at Page 182 relative to not building a solid wall along a portion of the bounds of lands in the last described course above (South 67°12'01" East, a distance of 139.02 feet).

**CONTAINING** a combined total area of 4,335,079 square feet or 99.520 acres of land more or less.

**LEGAL DESCRIPTION OF PARCEL B**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lot 39 of Great Lot 13, Hardenburg Patent and designated as "Parcel B" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point 2.7± meters distant easterly and measured at right angles from Station J1+294.3± of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (on the easterly line of Joyland Road);

**THENCE** South 74°39'39" East, a distance of 440.50 feet;

**THENCE** North 15°20'21" East, a distance of 129.27 feet to the southerly line of Lorraine Drive;

**THENCE** continuing along same, South 66°44'39" East, a distance of 173.49 feet;

**THENCE** South 20°01'21" West, a distance of 120.00 feet to an iron pin;

**THENCE** South 66°44'39" East, a distance of 120.00 feet to the westerly line of Towner Road and continuing along same the following three (3) courses and distances;

- 1) South 20°01'21" West, a distance of 181.74 feet,
- 2) South 85°16'21" West, a distance of 140.96 feet and
- 3) South 19°56'21" West, a distance of 163.24 feet to a point on the northerly line of said State Highway No. 5457 (Route 17), 155.5± meters northerly and measured at right angles from Station 10+973.4± of said 1998 survey baseline;

**THENCE** running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following four (4) courses and distances;

- 4) North 71°10'47" West, a distance of 8.45 feet to a point 154.000 meters northerly and measured at right angles from Station 10+972.000 of said 1998 survey baseline,
- 5) North 61°40'46" West, a distance of 177.83 feet to a point 121.000 meters northerly and measured at right angles from Station 10+929.000 of said 1998 survey baseline,
- 6) North 51°49'08" West, a distance of 160.77 feet to a point 2.000 meters westerly and measured at right angles from Station J1+174.500 of said 1998 survey baseline and
- 7) North 38°24'16" West, a distance of 283.76 feet to a monument at the common corner of the northerly line of said State Highway No. 5457 (Route 17) and the easterly line of said Joyland Road, 25.300 meters westerly and measured at right angles from Station J1+259.000 of said 1998 survey baseline;

**THENCE** continuing along the easterly line of said Joyland Road, North 14°27'11" East, a distance of 152.30 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 234,153 square feet or 5.375 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, a temporary easement for highway purposes, more particularly bounded and described as follows;

**BEGINNING** at a point 155.5± meters northerly and measured at right angles from Station 10+973.4± of said 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457 (Route 17) (on the northerly line of said State Highway);

**THENCE** running along the northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), the following three (3) courses and distances;

- 8) North 71°10'47" West, a distance of 8.45 feet to a point 154.000 meters northerly and measured at right angles from Station 10+972.000 of said 1998 survey baseline,
- 9) North 61°40'46" West, a distance of 177.83 feet to a point 121.000 meters northerly and measured at right angles from Station 10+929.000 of said 1998 survey baseline and
- 10) North 51°49'08" West, a distance of 127.03 to a point 103.036 meters northerly and measured at right angles from Station 10+894.701 of said 1998 survey baseline;

**THENCE** North 38°40'16" East, a distance of 62.55 feet to a point 120.000 meters northerly and measured at right angles from Station 10+886.000 of said 1998 survey baseline;

**THENCE** South 49°22'35" East, a distance of 30.82 feet to a point 124.000 meters northerly and measured at right angles from Station 10+894.500 of said 1998 survey baseline;

**THENCE** South 34°38'06" East, a distance of 108.43 feet to a point 130.000 meters northerly and measured at right angles from Station 10+927.000 of said 1998 survey baseline;

**THENCE** South 61°37'40" East, a distance of 169.58 feet to the westerly line of said Towner Road at a point 161.1± meters northerly and measured at right angles from Station 10+967.6± of said 1998 survey baseline;

**THENCE** continuing along same, South 19°56'21" West, a distance of 26.15 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 11,352 square feet or 0.261 acres of land more or less.

**BUT EXCEPTING AND EXCLUDING FROM ALL OF THE ABOVE-  
DESCRIBED PROPERTY, THE FOLLOWING PARCELS:**

All Tax Lots as described on the attached Legal Descriptions, prepared by Contractors' Line & Grade South, LLC

**LEGAL DESCRIPTION OF PARCEL 1**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York and designated as "Parcel 1" on a map entitled "Map of Parcel 1 Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 26, 2012, and revised October 18, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the southerly proposed road line of Thompsonville Road at the common corner between the herein described parcel on the east and Parcel 2 on the west as shown on aforementioned map and running easterly along the said southerly proposed road line the following fourteen (14) courses and distances;

- 1) Along a curve to the left, from where the radial bears South 31°13'59" East, having a radius of 6021.00 feet, and an arc length of 317.77 feet to a point of tangency,
- 2) North 55°44'35" East, a distance of 310.69 feet to a point of curvature,
- 3) Along a curve to the right, having a radius of 979.00 feet, and an arc length of 256.76 feet to a point of tangency,
- 4) North 70°46'12" East, a distance of 84.29 feet to a point of curvature,
- 5) Along a curve to the right, having a radius of 479.00 feet, and an arc length of 158.19 feet to a point of tangency,
- 6) North 89°41'32" East, a distance of 91.98 feet to a point of curvature,
- 7) Along a curve to the right, having a radius of 5979.00 feet, and an arc length of 238.37 feet to a point of tangency,
- 8) South 88°01'25" East, a distance of 281.39 feet to a point of curvature,
- 9) Along a curve to the left, having a radius of 6021.00 feet, and an arc length of 322.67 feet to a point of tangency,
- 10) North 88°54'21" East, a distance of 49.46 feet to a point of curvature,
- 11) Along a curve to the right, having a radius of 2979.00 feet, and an arc length of 263.17 feet to a point of tangency,
- 12) South 86°01'57" East, a distance of 147.37 feet to a point of curvature,
- 13) Along a curve to the right, having a radius of 5979.00 feet, and an arc length of 263.78 feet to a point of tangency and



14) South 83°30'17" East, a distance of 69.58 feet,  
THENCE South 17°14'23" West, a distance of 104.27 feet,  
THENCE South 37°57'26" West, a distance of 586.42 feet,  
THENCE South 52°48'52" East, a distance of 243.94 feet,  
THENCE North 83°03'38" East, a distance of 93.35 feet,  
THENCE South 27°00'34" East, a distance of 228.53 feet,  
THENCE South 30°37'41" East, a distance of 313.25 feet,  
THENCE South 14°40'25" West, a distance of 165.03 feet,

THENCE South 30°19'35" East, a distance of 358.61 feet to a point in the westerly proposed road line of Joyland Road and running southerly along said westerly proposed road line South 16°03'08" West, a distance of 124.76 feet to a point of curvature,

THENCE Along a curve to the right, having a radius of 301.00 feet, and an arc length of 365.06 feet to a point of tangency,

THENCE South 85°32'29" West, a distance of 645.96 feet,  
THENCE North 07°22'08" West, a distance of 58.04 feet,  
THENCE North 82°22'33" West, a distance of 419.65 feet,  
THENCE South 67°33'48" West, a distance of 95.71 feet,  
THENCE North 16°23'16" West, a distance of 151.20 feet,  
THENCE North 00°18'28" East, a distance of 368.89 feet,  
THENCE North 36°36'50" West, a distance of 128.05 feet,  
THENCE South 56°56'11" West, a distance of 458.28 feet,  
THENCE South 15°39'20" West, a distance of 566.94 feet,

THENCE North 70°16'15" West, a distance of 800.00 feet to a point in the common boundary between the herein described parcel on the east and Parcel 2 on the west as shown on aforementioned map and continuing along said common boundary the following ten (10) courses and distances;

- 15) North 19°43'45" East, a distance of 240.00 feet,
- 16) North 70°16'15" West, a distance of 750.00 feet,
- 17) North 25°27'30" East, a distance of 150.00 feet,
- 18) South 79°25'23" East, a distance of 100.00 feet,
- 19) North 37°31'44" East, a distance of 200.00 feet,
- 20) North 67°50'03" East, a distance of 150.00 feet,
- 21) North 36°32'13" East, a distance of 125.00 feet,
- 22) North 19°27'11" East, a distance of 160.00 feet,
- 23) North 02°29'55" East, a distance of 207.25 feet and
- 24) North 31°13'59" West, a distance of 159.80 feet along the (extended) radial to the curve of the first named course, to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 5,113,875 square feet or 117.398 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, along the southerly side of Thompsonville Road for the purposes of a 20 foot wide Landscape Buffer easement, which is more particularly bounded and described as follows:

**BEGINNING** at a point in the southerly proposed road line of Thompsonville Road at the common corner between the herein described parcel on the east and Parcel 2 on the west as shown on aforementioned map and running easterly along the said southerly proposed road line the following fourteen (14) courses and distances;

- 25) Along a curve to the left, from where the radial bears South 31°13'59" East, having a radius of 6021.00 feet, and an arc length of 317.77 feet to a point of tangency,
- 26) North 55°44'35" East, a distance of 310.69 feet to a point of curvature,
- 27) Along a curve to the right, having a radius of 979.00 feet, and an arc length of 256.76 feet to a point of tangency,
- 28) North 70°46'12" East, a distance of 84.29 feet to a point of curvature,
- 29) Along a curve to the right, having a radius of 479.00 feet, and an arc length of 158.19 feet to a point of tangency,
- 30) North 89°41'32" East, a distance of 91.98 feet to a point of curvature,
- 31) Along a curve to the right, having a radius of 5979.00 feet, and an arc length of 238.37 feet to a point of tangency,
- 32) South 88°01'25" East, a distance of 281.39 feet to a point of curvature,

- 33) Along a curve to the left, having a radius of 6021.00 feet, and an arc length of 322.67 feet to a point of tangency,
- 34) North 88°54'21" East, a distance of 49.46 feet to a point of curvature,
- 35) Along a curve to the right, having a radius of 2979.00 feet, and an arc length of 263.17 feet to a point of tangency,
- 36) South 86°01'57" East, a distance of 147.37 feet to a point of curvature,
- 37) Along a curve to the right, having a radius of 5979.00 feet, and an arc length of 263.78 feet to a point of tangency and
- 38) South 83°30'17" East, a distance of 69.58 feet,

**THENCE** South 17°14'23" West, a distance of 20.36 feet,

**THENCE** parallel to and 20.00 feet off of the southerly proposed road line of Thompsonville Road the following fourteen (14) courses and distances;

- 39) North 83°30'17" West, a distance of 65.79 feet to a point of curvature,
- 40) Along a curve to the left, having a radius of 5959.00 feet, and an arc length of 262.90 feet to a point of tangency,
- 41) North 86°01'57" West, a distance of 147.37 feet to a point of curvature,
- 42) Along a curve to the left, having a radius of 2959.00 feet, and an arc length of 261.41 feet to a point of tangency,
- 43) South 88°54'21" West, a distance of 49.46 feet to a point of curvature,
- 44) Along a curve to the right, having a radius of 6041.00 feet, and an arc length of 323.74 feet to a point of tangency,
- 45) North 88°01'25" West, a distance of 281.39 feet to a point of curvature,
- 46) Along a curve to the left, having a radius of 5959.00 feet, and an arc length of 237.57 feet to a point of tangency,
- 47) South 89°41'32" West, a distance of 91.98 feet to a point of curvature,
- 48) Along a curve to the left, having a radius of 459.00 feet, and an arc length of 151.59 feet to a point of tangency,
- 49) South 70°46'12" West, a distance of 84.29 feet to a point of curvature,
- 50) Along a curve to the left, having a radius of 959.00 feet, and an arc length of 251.52 feet to a point of tangency,
- 51) South 55°44'35" West, a distance of 310.69 feet to a point of curvature and
- 52) Along a curve to the right, having a radius of 6041.00 feet, and an arc length of 318.82 feet to a point in the common boundary between the herein described parcel on the east and Parcel 2 on the west as shown on aforementioned map;

**THENCE** continuing northerly along said common boundary along the (extended) radial of the last described curve, North 31°13'59" West, a distance of 20.00 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 56,940 square feet or 1.307 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, for the purposes of a Horizontal Improvement easement, which is more particularly bounded and described as follows:

**COMMENCING** at the northeastern most corner of the herein described Parcel 1 and continuing along the easterly line thereof the following three (3) courses and distances;

- 53) South 17°14'23" West, a distance of 104.27 feet,
- 54) South 37°57'26" West, a distance of 586.42 feet, and
- 55) South 52°48'52" East, a distance of 189.83 feet, to the **POINT AND PLACE OF BEGINNING**.

**THENCE** continuing along the said easterly line of the herein described Parcel 1 the following three (3) courses and distances;

- 56) South 52°48'52" East, a distance of 54.11 feet,
- 57) North 83°03'38" East, a distance of 93.35 feet and
- 58) South 27°00'34" East, a distance of 162.81 feet,

**THENCE** South 59°22'19" West, a distance of 44.15 feet,

**THENCE** North 64°39'29" West, a distance of 53.83 feet,

**THENCE** North 14°40'41" West, a distance of 75.79 feet,

**THENCE** South 83°03'01" West, a distance of 91.90 feet,

**THENCE** North 06°56'59" West, a distance of 104.50 feet to the **POINT AND PLACE OF BEGINNING**.

**CONTAINING** an area of 17,319 square feet or 0.398 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, for the purposes of a Parking and Drive Aisle easement, which is more particularly bounded and described as follows:

**COMMENCING** at the northeastern most corner of the herein described Parcel 1 and continuing along the easterly line thereof the following five (5) courses and distances;

- 59) South 17°14'23" West, a distance of 104.27 feet,
- 60) South 37°57'26" West, a distance of 586.42 feet,
- 61) South 52°48'52" East, a distance of 243.94 feet,
- 62) North 83°03'38" East, a distance of 93.35 feet and
- 63) South 27°00'34" East, a distance of 162.81 feet to the **POINT AND PLACE OF BEGINNING.**

**THENCE** continuing along the said easterly line of the herein described Parcel 1 the following four (4) courses and distances;

- 64) South 27°00'34" East, a distance of 65.72 feet,
- 65) South 30°37'41" East, a distance of 313.25 feet,
- 66) South 14°40'25" West, a distance of 165.03 feet and
- 67) South 30°19'35" East, a distance of 358.61 feet to a point in the westerly proposed road line of Joyland Road,

**THENCE** running southerly along said westerly proposed road line, South 16°03'08" West, a distance of 55.49 feet,

**THENCE** North 30°18'58" West, a distance of 413.27 feet,

**THENCE** North 14°41'02" East, a distance of 165.02 feet,

**THENCE** North 30°37'41" West, a distance of 362.29 feet and

**THENCE** North 59°22'19" East, a distance of 44.15 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 37,035 square feet or 0.850 acres of land more or less.



23 NEPPERHAN AVENUE  
ELMSFORD, NEW YORK 10523-2506  
914.347.3141 • FAX: 914.347.3120  
OFFICE@LINEANDGRADE.NET

JOHN DeMARIO, PARTNER  
GARY ENNIS, PARTNER

NOT AFFILIATED WITH ANY OTHER  
LINE AND GRADE COMPANY

### LEGAL DESCRIPTION OF PARCEL 2

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York and designated as "Parcel 2" on a map entitled "Map of Parcel 2 Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated March 26, 2012, and last revised October 18, 2012" which is more particularly bounded and described as follows:

**BEGINNING** at a point in the southerly proposed road line of Thompsonville Road at the common corner between the herein described parcel on the west and Parcel 1 on the east as shown on aforementioned map and running easterly along the common boundary between the said parcels the following ten (10) courses and distances;

- 1) South 31°13'59" East, a distance of 159.80 feet,
- 2) South 02°29'55" West, a distance of 207.25 feet,
- 3) South 19°27'11" West, a distance of 160.00 feet,
- 4) South 36°32'13" West, a distance of 125.00 feet,
- 5) South 67°50'03" West, a distance of 150.00 feet,
- 6) South 37°31'44" West, a distance of 200.00 feet,
- 7) North 79°25'23" West, a distance of 100.00 feet,
- 8) South 25°27'30" West, a distance of 150.00 feet,
- 9) South 70°16'15" East, a distance of 750.00 feet and
- 10) South 19°43'45" West, a distance of 240.00 feet,

**THENCE** North 70°16'15" West, a distance of 694.90 feet,

**THENCE** South 15°13'50" West, a distance of 1100.22 feet,

**THENCE** North 70°31'44" West, a distance of 1209.71 feet to the northerly line of NYS Route 17 and along same the following four (4) courses and distances;

- 11) North 41°35'52" West, a distance of 414.77 feet,
- 12) North 45°42'43" West, a distance of 372.35 feet,
- 13) South 86°50'05" West, a distance of 124.64 feet and
- 14) North 50°59'54" West, a distance of 479.89 feet,

THENCE North 33°01'47" East, a distance of 114.87 feet,

THENCE North 36°16'31" East, a distance of 171.17 feet,

THENCE North 38°56'55" East, a distance of 77.89 feet,

THENCE South 67°02'55" East, a distance of 228.06 feet,

THENCE South 14°17'23" West, a distance of 119.41 feet,

THENCE North 81°01'23" East, a distance of 79.55 feet,

THENCE North 06°19'11" East, a distance of 80.05 feet,

THENCE South 67°58'37" East, a distance of 103.34 feet,

THENCE North 17°58'32" East, a distance of 107.66 feet,

THENCE North 20°44'07" East, a distance of 166.03 feet to a point in the  
aforementioned southerly proposed road line of Thompsonville Road and continuing  
along same the following seventeen (17) courses and distances;

- 15) South 69°58'51" East, a distance of 44.85 feet,
- 16) South 68°44'39" East, a distance of 109.08 feet,
- 17) South 65°26'13" East, a distance of 61.94 feet,
- 18) South 62°26'24" East, a distance of 51.11 feet to a point of curvature,
- 19) Along a curve to the right, having a radius of 329.00 feet, and an arc length of 143.04 feet to a point of tangency,
- 20) South 37°31'48" East, a distance of 80.45 feet to a point of curvature,
- 21) Along a curve to the left, having a radius of 196.00 feet, and an arc length of 241.89 feet to a point of tangency,
- 22) North 71°45'35" East, a distance of 102.22 feet,
- 23) North 71°31'11" East, a distance of 104.54 feet,
- 24) North 73°46'48" East, a distance of 94.90 feet,
- 25) North 76°00'44" East, a distance of 106.85 feet,
- 26) North 73°30'40" East, a distance of 34.99 feet to a point of curvature,
- 27) Along a curve to the left, having a radius of 1121.00 feet, and an arc length of 379.94 feet to a point of tangency,
- 28) North 54°05'32" East, a distance of 169.65 feet to a point of curvature,
- 29) Along a curve to the right, having a radius of 5107.73 feet, and an arc length of 305.84 feet to a point of tangency,
- 30) North 57°31'23" East, a distance of 42.64 feet and
- 31) North 58°46'01" East, a distance of 580.91 feet to the **POINT AND PLACE OF BEGINNING.**

CONTAINING an area of 2,968,295 square feet or 68.143 acres of land more or less.

**EXCEPTING AND RESERVING** all that certain parcel of land located in the Town of Thompson, Sullivan County, New York and shown on the aforementioned map, along the southerly side of Thompsonville Road for the purposes of a 20 foot wide Landscape Buffer easement, which is more particularly bounded and described as follows:

**BEGINNING** at a point in the southerly proposed road line of Thompsonville Road at the common corner between the herein described parcel on the west and Parcel 1 on the east as shown on aforementioned map and running easterly along the common boundary South  $31^{\circ}13'59''$  East, a distance of 20.00 feet,

**THENCE** parallel to and 20.00 feet off of the southerly proposed road line of Thompsonville Road the following seventeen (17) courses and distances:

- 32) South  $58^{\circ}46'01''$  West, a distance of 580.69 feet,
- 33) South  $57^{\circ}31'23''$  West, a distance of 42.42 feet to a point of curvature,
- 34) Along a curve to the left, having a radius of 5087.73 feet, and an arc length of 304.64 feet to a point of tangency,
- 35) South  $54^{\circ}05'32''$  West, a distance of 169.65 feet to a point of curvature,
- 36) Along a curve to the right, having a radius of 1141.00 feet, and an arc length of 386.71 feet to a point of tangency,
- 37) South  $73^{\circ}30'40''$  West, a distance of 35.43 feet,
- 38) South  $76^{\circ}00'44''$  West, a distance of 106.90 feet,
- 39) South  $73^{\circ}46'48''$  West, a distance of 94.12 feet,
- 40) South  $71^{\circ}31'11''$  West, a distance of 104.19 feet,
- 41) South  $71^{\circ}45'35''$  West, a distance of 102.26 feet to a point of curvature,
- 42) Along a curve to the right, having a radius of 216.00 feet, and an arc length of 266.57 feet to a point of tangency,
- 43) North  $37^{\circ}31'48''$  West, a distance of 80.45 feet to a point of curvature,
- 44) Along a curve to the left, having a radius of 309.00 feet, and an arc length of 134.34 feet to a point of tangency,
- 45) North  $62^{\circ}26'24''$  West, a distance of 50.58 feet,
- 46) North  $65^{\circ}26'13''$  West, a distance of 60.84 feet,
- 47) North  $68^{\circ}44'39''$  West, a distance of 108.28 feet and
- 48) North  $69^{\circ}58'51''$  West, a distance of 44.89 feet,



**THENCE** North 20°44'07" East, a distance of 20.00 feet to a point in the aforementioned southerly proposed road line of Thompsonville Road and continuing along same the following seventeen (17) courses and distances;

- 49) South 69°58'51" East, a distance of 44.85 feet,
- 50) South 68°44'39" East, a distance of 109.08 feet,
- 51) South 65°26'13" East, a distance of 61.94 feet,
- 52) South 62°26'24" East, a distance of 51.11 feet to a point of curvature,
- 53) Along a curve to the right, having a radius of 329.00 feet, and an arc length of 143.04 feet to a point of tangency,
- 54) South 37°31'48" East, a distance of 80.45 feet to a point of curvature,
- 55) Along a curve to the left, having a radius of 196.00 feet, and an arc length of 241.89 feet to a point of tangency,
- 56) North 71°45'35" East, a distance of 102.22 feet,
- 57) North 71°31'11" East, a distance of 104.54 feet,
- 58) North 73°46'48" East, a distance of 94.90 feet,
- 59) North 76°00'44" East, a distance of 106.85 feet,
- 60) North 73°30'40" East, a distance of 34.99 feet to a point of curvature,
- 61) Along a curve to the left, having a radius of 1121.00 feet, and an arc length of 379.94 feet to a point of tangency,
- 62) North 54°05'32" East, a distance of 169.65 feet to a point of curvature,
- 63) Along a curve to the right, having a radius of 5107.73 feet, and an arc length of 305.84 feet to a point of tangency,
- 64) North 57°31'23" East, a distance of 42.64 feet and
- 65) North 58°46'01" East, a distance of 580.91 feet to the **POINT AND PLACE OF BEGINNING.**

**CONTAINING** an area of 53,278 square feet or 1.223 acres of land more or less.

45-  
98490-  
125-  
5-  
0-