

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

KENNETH GORDON, JOHN MANLEY,
MICHAEL EATON, MATTHEW BLACKWELL,
SHAUN BABCOCK, RICHARD STOTZ,
THOMAS CARLSEN, ROBERT HAMMOND,
WILLIAM STORTZ, LEE STROCK,
DAVID GEORGE, JOHN CONKLIN, DAVID YOUNG,
as TRUSTEES of THE TRUSTEES OF THE
PRESBYTERIAN SOCIETY OF CAYUGA CREEK
d/b/a LANCASTER PRESBYTERIAN CHURCH

and

THE TRUSTEES OF THE PRESBYTERIAN
SOCIETY OF CAYUGA CREEK
5461 Broadway Street
Lancaster, New York 14086

Plaintiffs,

SUMMONS

v.

THE PRESBYTERY OF WESTERN NEW YORK
2450 Main Street
Buffalo, New York 14214

and

PRESBYTERIAN CHURCH (U.S.A.), A CORPORATION
100 Witherspoon Street
Louisville, Kentucky 40202

Defendants.

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your Answer, or, if the Complaint is not served with a Summons, to serve a Notice of


Index No. 2008-006 996

FILED
06/16/2008 09:42:02
CLERK

Appearance, on the plaintiffs' attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State or as otherwise directed by the Court. In case of your failure to appear or answer, judgment may be taken against you by default for the relief demanded in the Complaint.

Erie County is designated as the place of trial on basis that Erie County is the situs of the real and personal property at issue herein.

DATED: Buffalo, New York
June 15, 2008


Andrew D. Merrick, Esq.
Lisa T. Sofferin, Atty.
BROWN & KELLY, LLP
Attorneys for Plaintiffs
1500 Liberty Building
Buffalo, New York 14202
(716) 854-2620

TO:

THE PRESBYTERY OF
WESTERN NEW YORK
2450 Main Street
Buffalo, New York 14214

PRESBYTERIAN CHURCH
(U.S.A.), A CORPORATION
100 Witherspoon Street
Louisville, Kentucky 40202

STATE OF NEW YORK
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5461 Broadway Street
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Plaintiffs,

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2450 Main Street
Buffalo, New York 14214

and

PRESBYTERIAN CHURCH (U.S.A.), A CORPORATION
100 Witherspoon Street
Louisville, Kentucky 40202

Defendants.

**VERIFIED
COMPLAINT**

Index No. *2008-006996*

FILED
06/16/2008 / 09:42:02
ERIE COUNTY CLERK
RPT # 547188
I 2008086996

Plaintiffs, by their attorneys, BROWN & KELLY, LLP, for their Complaint against

Defendants herein, allege as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action, in part, pursuant to Article 15 of the Real Property Actions and Proceedings Law of the State of New York to compel a determination of claims to real property located at and around 5461 Broadway Street, Lancaster, New York 14086; 11 Lake Avenue, Lancaster, New York 14086, (structure demolished); 13 Lake Avenue, Lancaster, New York 14086; 17 Lake Avenue, Lancaster, New York 14086; 5477 Broadway Street, Lancaster, New York 14086, more particularly described in various deeds annexed hereto as **Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H and Exhibit J.**

2. Plaintiffs also seek a declaration that real and personal property held by THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH is held by Plaintiffs free and clear of any claim to an estate, trust, or other interest of Defendants.

3. Plaintiffs also seek orders granting temporary, preliminary and permanent injunctive relief enjoining Defendants and all persons claiming under and/or acting in concert with, Defendants, from interfering with Plaintiffs' title, possession, use and enjoyment of the real property and personal property at issue in this litigation.

THE PARTIES

4. Plaintiff THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH is, and at all times hereinafter mentioned, was a domestic religious corporation, duly organized and existing under and by virtue of the laws of the State of New York, and having its principal office at 5461 Broadway Street, Lancaster, New York 14086.

5. THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK was incorporated pursuant to “an ACT to provide for the Incorporation of Religious Societies”, passed by the New York State legislature on or about April 5, 1813.

6. A Certificate of Incorporation of THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK was filed with the Erie County Clerk’s Office on February 25, 1822, a copy of which is attached hereto as **Exhibit A**.

7. At no time have THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK re-incorporated pursuant to the New York Religious Corporations Law or adopted a resolution electing to be governed by the provisions of the New York Religious Corporations Law.

8. THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK filed a Certificate of Assumed Name pursuant to General Business Law § 130 in the Erie County Clerk’s Office on or about February 12, 2002, a copy of which is attached hereto as **Exhibit B**. Pursuant to that Certificate of Assumed Name, THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK assumed the name “Lancaster Presbyterian Church”.

9. Plaintiffs, KENNETH GORDON, JOHN MANLEY, MICHAEL EATON, MATTHEW BLACKWELL, SHAUN BABCOCK, RICHARD STOTZ, THOMAS CARLSEN, ROBERT HAMMOND, WILLIAM STORTZ, LEE STROCK, DAVID GEORGE, JOHN CONKLIN, DAVID YOUNG (hereinafter “TRUSTEES” and/or “Plaintiffs”), are the current trustees of THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH.

10. Upon information and belief, Defendant THE PRESBYTERY OF WESTERN NEW YORK (hereinafter "Defendant") is and, at all times hereinafter mentioned, was a domestic religious corporation duly organized and existing under and by virtue of the laws of the State of New York, and having its principal office for the transaction of business at 2450 Main Street, Buffalo, New York 14214.

11. Upon information and belief, Defendant, PRESBYTERIAN CHURCH (U.S.A.), A CORPORATION (hereinafter "PCUSA" or "Defendant") is, and at all times hereinafter mentioned, was a non-profit corporation, duly organized and existing under and by virtue of the laws of Pennsylvania, and having its principal office for the transaction of business at 100 Witherspoon Drive, Louisville, Kentucky 40202.

JURISDICTION AND VENUE

12. Upon information and belief, Defendant PCUSA is a non-profit corporation doing business in New York.

13. Upon information and belief, Defendant THE PRESBYTERY OF WESTERN NEW YORK is a domestic religious corporation incorporated pursuant to laws of New York.

14. The real property giving rise to this lawsuit, specifically described in the deeds annexed hereto as **Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H and Exhibit J**, is situated the Village of Lancaster in Erie County, New York.

15. The personal property at issue in this case is held by Plaintiffs and situated in Erie County, New York.

THE PREMISES

16. Plaintiffs acquired title to part of the real property parcel located at and known as 5461 Broadway Street, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's Office on June 13, 1832 in Liber 18 of Deeds, page 94. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit C**.

17. Plaintiffs acquired title to the part of the real property parcel located at and known as 5461 Broadway Street, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's Office on January 24, 1871 in Liber 299 of Deeds, page 6. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit D**.

18. Plaintiffs acquired title to part of the real property parcel located at and known as 5461 Broadway Street, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's Office on September 7, 1956 in Liber 6052 of Deeds, page 128. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit E**.

19. The premises fully described in the deeds attached hereto as **Exhibit C**, **Exhibit D**, and **Exhibit E** are contiguous parcels located at the address of 5461 Broadway Street, Lancaster, New York 14086.

20. Plaintiffs acquired title to the real property parcel located at and known as 11 Lake Avenue, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's Office on November 19, 1980 in Liber 8964 of Deeds, page 133. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit F**.

21. Plaintiffs acquired title to part of the real property parcel located at and known as 13 Lake Avenue, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's

Office on January 15, 1998 in Liber 10926 of Deeds, page 4025. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit G**.

22. Plaintiffs acquired title to part of the real property parcel located at and known as 17 Lake Avenue, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's Office on April 1, 1966, in Liber 7217 of Deeds at page 406. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit H**.

23. The premises described in the deeds attached hereto as **Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, and Exhibit H** are contiguous parcels.

24. Attached hereto as **Exhibit I** is an informal perimeter description of the contiguous parcels fully described in the deeds previously attached hereto as **Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, and Exhibit H**.

25. Plaintiffs acquired title to part of the real property parcel located at and known as 5477 Broadway, Lancaster, New York 14086 pursuant to a deed recorded in the Erie County Clerk's Office on November 8, 1989, in Liber 10,100 of Deeds at page 212. A copy of that deed, setting forth a legal description of such premises, is attached hereto as **Exhibit J**.

26. Attached hereto as **Exhibit K** is an informal perimeter description of the property fully described in the deed attached hereto as **Exhibit J**.

27. By virtue of the aforementioned deeds, attached hereto as **Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, Exhibit J**, Plaintiffs became the sole owners in fee of all the premises fully described in said deeds (hereinafter referred to as, "The Premises").

28. Plaintiffs have executed a mortgage in the amount of \$800,000 on "The Premises", with Alden State Bank as the mortgagee. Said mortgage was recorded in the Erie County Clerk's Office on July 24, 2002, at Mortgage Liber 13,006, page 9160.

29. Plaintiffs have executed a mortgage in the amount of \$80,000 on that part of "The Premises" which is known as 13 Lake Avenue, Lancaster, New York, 14086, and fully described in the deed attached hereto as **Exhibit G**, with Edward G. Mosman and Winifred A. Mosman as the mortgagee. Said mortgage was recorded in the Erie County Clerk's Office on January 15, 1998 at Mortgage Liber 12770, page 8165.

30. The Premises are valued in excess of \$ 1,000,000.

31. Plaintiffs are currently in possession of "The Premises".

32. With the exception of the aforementioned mortgage agreements, Plaintiffs have not conveyed any estate, trust or other interest in "The Premises" to any person or entity.

33. Plaintiffs have not conveyed any estate, trust or other interest in "The Premises" to Defendants.

34. Defendants do not have any estate, trust or other interest in "The Premises".

THE PERSONAL PROPERTY

35. Plaintiffs have sole title to all assets and personal property currently, and at all relevant times herein, held in the name of Plaintiffs for the use of Lancaster Presbyterian Church.

36. Plaintiffs have sole title to such assets and personal property, which include, but are not limited to, all cash, bank accounts, loans receivable, stocks, funds, and investment accounts held in the name of Plaintiffs. Such assets and personal property also include, but are not limited to, any and all building improvements, equipment, furniture, office equipment, music equipment, vehicles,

purchased by and held in the name of Plaintiffs. Such assets and personal property also include, but are not limited to, any items of personalty kept in or around "The Premises".

37. Plaintiffs have not conveyed to Defendants any interest in the abovementioned, property or any other assets or personal property currently held by Plaintiffs for the use of Lancaster Presbyterian Church (hereinafter collectively referred to as "Personal Property").

38. The "Personal Property" is valued in excess of \$ 1,000,000.

39. Defendants do not have any estate, trust or other interest in "Personal Property".

STATEMENT OF FACTS

40. A church is located on that part of "The Premises" known as 5461 Broadway, Lancaster, New York 14086.

41. Said church is currently used by members of the congregation of Lancaster Presbyterian Church to participate in and promote the practice of Christian faith.

42. Plaintiffs participate in and promote the practice of the Christian faith through various uses of "The Premises" and "Personal Property".

43. Plaintiffs were formerly affiliated with the Presbyterian Church (U.S.A.).

44. Defendant THE PRESBYTERY OF WESTERN NEW YORK is the local representative of the Presbyterian Church (U.S.A.) for certain Presbyterian churches in Western New York, including this Plaintiff.

45. On June 15, 2008, the members of the congregation of the Lancaster Presbyterian Church voted in favor of disaffiliating from Presbyterian Church (U.S.A.).

46. Upon information and belief, Defendant THE PRESBYTERY OF WESTERN NEW YORK and Defendant PCUSA, their agents, servants and/or employees (collectively referred to herein as "Defendants") claim to have some estate of interest in "The Premises" and "Personal Property", the exact nature and extent of such claims, except as herein specified are unknown to Plaintiffs.

47. All such claims which Defendants make as to "The Premises" and "Personal Property" are invalid and of no force or effect.

48. Upon information and belief, Defendants, their agents, servants and/or employees, claim to have an interest in "The Premises", and "Personal Property", including, but not limited to, a claim that Plaintiffs hold "The Premises" and "Personal Property" in either express or implied trust for the benefit of Defendants.

49. The following is Section G8.0201 of the Constitution of the Presbyterian Church (U.S.A) (referred to herein "Trust Clause"):

All property held by or for a particular church, presbytery, a synod, the General Assembly or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).

50. Pursuant to the "Trust Clause", Defendants claim an interest in "The Premises" and "Personal Property" held by Plaintiffs.

51. Upon information and belief, Defendant THE PRESBYTERY OF WESTERN NEW YORK, is responsible for attempting to enforce the "Trust Clause".

52. Upon information and belief, Defendant PCUSA, may also attempt to enforce the "Trust Clause."

53. Upon information and belief, Defendant PCUSA has issued various advisory opinions regarding Defendants' intent to enforce the "Trust Clause" against those churches which seek to disaffiliate from the Presbyterian Church of the United States of America. Such advisory opinions include, but are not limited to, "Advisory Opinion : Note 19" which is entitled "Implementing the Trust Clause for the Unity of the Church" and was issued by and/or with the consent of Defendant PCUSA.

54. Pursuant to such advisory opinions, Defendants claim an interest in "The Premises" and "Personal Property" held by Plaintiffs.

55. Upon information and belief, General Counsel to Defendant PCUSA has issued certain memoranda whereby General Counsel to Defendant PCUSA takes the position that the "Trust Clause" is enforceable against churches who disaffiliate from the Presbyterian Church of the United States of America.

56. Pursuant to such memoranda, Defendants claim an interest in "The Premises" and "Personal Property" held by Plaintiffs.

57. Upon information and belief, Defendant PCUSA has attempted to enforce the "Trust Clause" against other Presbyterian churches which have disaffiliated from the Presbyterian Church of the United States of America.

58. Upon information and belief, pursuant to such enforcement of the "Trust Clause" with regard to other churches' property, Defendants will attempt to enforce their claim of interest in "The Premises" and "Personal Property" held by Plaintiffs.

59. Upon information and belief, Defendants' claimed property interest in "The Premises" acts as a restrictive covenant on Plaintiff's property rights.

60. Upon information and belief, Defendants' claims to "The Premises" have been asserted to Plaintiffs, or members of Plaintiffs' congregation and, in consequence thereof will interfere with Plaintiffs' lawful and just rights in and to "The Premises" and "Personal Property."

61. Not used.

62. Not used.

63. Defendants' claims to "The Premises" and "Personal Property" is in violation of Plaintiffs' rights.

64. Plaintiffs have not conveyed any interest in the "The Premises" and/or "Personal Property" to Defendants.

65. Defendants have not recorded any deed or other instrument which would validate Defendants' claim to the "The Premises" and/or "Personal Property".

66. Defendants have no just claim to an estate, trust, or other interest in "The Premises" and/or "Personal Property".

67. No Defendant herein is unknown or an infant, mentally retarded, mentally ill, or an alcohol abuser.

68. Any judgment granted herein will not affect any person or persons not in being or ascertained at the commencement of this actions, who by any contingency contained in a devise or grant or otherwise, could afterward become entitled to a beneficial estate or interest in "The Premises", and every person in being who would have been entitled to such estate or interest, if such event had happened immediately before the commencement of the action, is named as a party hereto.

FIRST CAUSE OF ACTION

(RPAPL ARTICLE 15)

69. Plaintiffs repeat paragraphs 1 through 68, as though set forth in full.

70. Legal title to “The Premises” described in the deeds attached hereto as **Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H and Exhibit J**, is held by Plaintiffs free and clear from any estate, trust or other interest of Defendants.

71. Plaintiffs are entitled to a declaration that their exclusive property rights and legal title to “The Premises” are free and clear from any estate, trust, or other interest of Defendants, or any other person or entity.

SECOND CAUSE OF ACTION

(CPLR ARTICLE 30)

72. Plaintiffs repeat paragraphs 1 through 68, as though set forth in full.

73. Legal title to all real property, personal property and assets held in the name of THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH including “The Premises” and “Personal Property” is held free and clear from any estate, trust or other interest of Defendants.

74. Plaintiffs are entitled to a declaration that their rights to legal title to all real property, personal property and assets held in the name of THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH, including “The Premises” and “Personal Property”, are free from any estate, trust or other interest of Defendants.

THIRD CAUSE OF ACTION

(Permanent Injunction)

75. Plaintiffs repeat paragraphs 1 through 68, as though set forth in full.

76. Plaintiffs have no adequate remedy at law for Defendants' interference with the use and enjoyment of "The Premises" and "Personal Property".

77. Plaintiffs are entitled to an Order enjoining Defendants and those acting thereunder and/or in concert with Defendants from coming onto "The Premises" or interfering in any way with Plaintiffs' title, possession, use and enjoyment of "The Premises" and "Personal Property".

PRAAYER FOR RELIEF

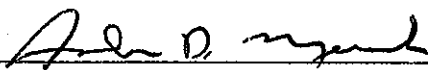
WHEREFORE, Plaintiffs demand judgment:

- A. Declaring that Defendants, and all persons claiming under and/or acting in concert with Defendants, be forever enjoined from any and all claims to an estate, trust or other interest in "The Premises", fully described in the deeds attached hereto; and further
- B. Declaring that Defendants and all persons claiming under and/or acting in concert with Defendants, be forever enjoined from any and all claims to an estate, trust or other interest in "Personal Property" held by and in the name of THE TRUSTEES OF THE PRESBYTERIAN CHURCH SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH; and further
- C. Declaring Plaintiffs' absolute rights to "The Premises", fully described in the deeds attached hereto; and further
- D. Declaring that complete title and possession of "The Premises", fully described in the deeds attached hereto, is vested solely in Plaintiffs and that Plaintiffs may remain in possession thereof; and further
- E. Declaring Plaintiffs' rights to all "Personal Property" held by and in the name of THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH; and further

- F. Declaring that complete title and possession of all "Personal Property" is vested solely in Plaintiffs; and further
- G. Granting temporary, preliminary and permanent injunctive relief enjoining Defendants, and all persons claiming under and/or in concert with Defendants, from interfering with Plaintiffs' title, possession, use and enjoyment of "The Premises", fully described in the deeds attached hereto; and further
- H. Granting temporary, preliminary and permanent injunctive relief enjoining Defendants, and all persons claiming under and/or in concert with Defendants, from interfering with Plaintiffs' title, possession, use and enjoyment of "Personal Property" held by TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK d/b/a LANCASTER PRESBYTERIAN CHURCH; and further
- I. Declaring that Plaintiffs are entitled to recover reasonable attorneys fees; together with costs, disbursements and allowances against Defendants; and further
- J. Providing for any such other, further and different relief as this Court may deem just and proper.

Dated: Buffalo, New York
June 15, 2008

BROWN & KELLY, LLP

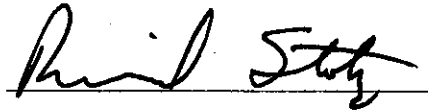
By: 
Andrew D. Merrick, Esq.
Lisa T. Sofferin, Atty.
Attorneys for Plaintiffs
1500 Liberty Building
Buffalo, New York 14202
(716) 854-2620

INDIVIDUAL VERIFICATION

STATE OF NEW YORK :))

COUNTY OF ERIE :))

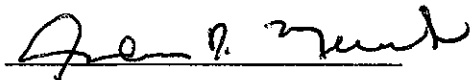
RICHARD STOTZ, being duly sworn, deposes, says that he is a Plaintiff in the above-entitled action and has read the foregoing and knows the contents thereof and that the same is true to own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters believes to be true.



Richard Stotz

Sworn to before this

15th day of June, 2008



Notary Public

ANDREW D. MERRICK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, ~~19~~ 2011

EXHIBIT A

to take the proof and acknowledgment of deeds, and discharges of mortgages &c. And further that I am acquainted with the hand writing of the said conspirators, and verily believe that the signature of W^m Harrison subscribed to the said certificate, is the proper hand writing of the said conspirator.

In testimony whereof I have hereunto set my hand and affixed the seal of the said Court this first day of December 1821.

Jno L. Broome

Recorded, examined and compared with the original the 18th day of January 1823 at 11 O'Clock A.M.

Jacob A. Barker Dep. Clk

Pursuant to Public notice agreed to the directions of the 111 section of the act of the Legislature of this state entitled "an act to provide for the incorporation of religious societies" passed April 5th 1821 a meeting of the inhabitants authorized to vote at such meetings assembled at the School House in school district no eight the usual place of holding public worship in the town of Clarence in the County of Erie on the 15th day of Oct. A.D. 1821.

At the said meeting being duly chosen at the meeting for that purpose do hereby certify that Abraham Luce, Henry Johnson & Elias Deboer were duly elected to serve as trustees for the said congregation and it was unanimously resolved by the meeting above mentioned that the trustees aforesaid, and their successors in office, should forever thereafter be called and known by the name and title of "the trustees of the Presbyterian Society of Cayuga Creek" All which aforesaid articles were duly read and approved of by the said meeting and were signed under our hands and seals at Clarence in the County of Erie this 4th day of Dec. 1821

In presence of
Henry Johnson Jr
Lewis Johnson

Henry Johnson 1821
Elias Deboer 1821

Recorded & compared this 25th day of February 1823

State of New York }
Erie County of } On this twenty ninth day of December 1821
before me Joseph Hollendon a Commissioner to perform certain duties
a Judge of the Supreme Court personally appeared Henry Johnson to me
known who acknowledged he had executed the within instrument
truly & also appeared Lewis Johnson known to me also known who
being duly sworn deposed and said that his name as a subscriber
writing in his hand writing that the instrument was executed by Henry Johnson
& Elias Deboer in his presence & the presence of Lewis Johnson, who as the other subscribers being
sworn the same in his presence. I therefore allow the same to be put on record.

It is in the the 13th the are choice Manni to an April Resolu officer choice Gray & Co. ma trustees Congre We a menti concern of Eva for ever Elias Deboer In pro Elias Med Erie a person a known ment the 21



STATE OF NEW YORK, COUNTY OF ERIE, ss:
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with the original
CERTIFICATE
filed in my office and that the same is a correct transcript there-
from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on _____

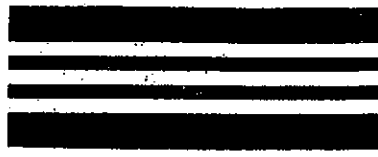
MAR 28 2007

day of _____ 20_____

1st

David J. Swarts
COUNTY CLERK

EXHIBIT B



ERIE COUNTY CLERK'S OFFICE
County Clerk's Recording Page

Return To:

Index

Book 00000 Page 0000

No. Pages 0002

Instrument AMD CT REL INC

Date : 2/12/2002

Time : 10:28:49

Control # 200202120207

INDX#

LANCASTER PRESBYTERIAN CHURCH

Employee ID FVB

COUNTY	\$	25.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	25.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTION 316-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH

David J. Swarts
County Clerk



200202120207

Certificate of Assumed Name
Pursuant to General Business Law, §130

NYS Department of State
Division of Corporations, State Records and UCC
41 State Street, Albany, NY 12231-0001
www.dos.state.ny.us

1. NAME OF ENTITY

The Trustees of the Presbyterian Society of Cayuga Creek # 11136 *Corporation Case*

2. BUSINESS FORMED UNDER (CHECK ONE):

- Business Corporation Law
 Education Law
 Insurance Law
 Other (specify law): Religious Corporations Law
 Limited Liability Company Law
 Not-for-Profit Corporation Law
 Revised Limited Partnership Act

3. ASSUMED NAME

Lancaster Presbyterian Church

4. PRINCIPAL PLACE OF BUSINESS IN NEW YORK STATE (MUST BE NUMBER AND STREET. IF NONE, INSERT OUT-OF-STATE ADDRESS)

5461 Broadway Street
Lancaster, New York 14086-2127

5. COUNTIES IN WHICH BUSINESS WILL BE CONDUCTED UNDER ASSUMED NAME

ALL COUNTIES (if not, circle county[ies] below)

Albany	Clinton	Genesee	Monroe	Orleans	Saratoga	Tompkins
Allegany	Columbia	Greene	Montgomery	Oswego	Schenectady	Ulster
Bronx	Cortland	Hamilton	Nassau	Otsego	Schoharie	Warren
Broome	Delaware	Herkimer	New York	Putnam	Schuyler	Washington
Cattaraugus	Dutchess	Jefferson	Niagara	Queens	Seneca	Wayne
Cayuga	<u>Erie</u>	Kings	Oneida	Rensselaer	Steuben	Westchester
Chautauqua	Essex	Lewis	Onondaga	Richmond	Suffolk	Wyoming
Chemung	Franklin	Livingston	Ontario	Rockland	Sullivan	Yates
Chenango	Fulton	Madison	Orange	St. Lawrence	Tioga	


6. NUMBER AND STREET ADDRESS(ES) AND COUNTY OF EACH BUSINESS LOCATION WITHIN NEW YORK STATE (USE CONTINUOUS SHEET, IF NEEDED)

No New York State Business Location

5461 Broadway Street
Lancaster, New York
14086-2127

INSTRUCTIONS FOR SIGNATURE: If corporation, by an officer; if limited partnership, by a general partner; if limited liability company, by a member or manager or by an attorney-in-fact or authorized person for such corporation, limited partnership, or limited liability company.

Gregg Smith, Bd. Chairman
Name and Title


Signature



STATE OF NEW YORK, COUNTY OF ERIE, ss:
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with the original

Religious Inc
filed in my office and that the same is a correct transcript there-
from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on _____
day of FEB 12 2002

David J. Swarts
COUNTY CLERK.

EXHIBIT C

Henry Merrow Esq.
Maria Merrow Esq.

State of New York

Eric County ss: { On the 12th day of June 1833 personally appeared
the subscriber a commissioner of Deeds for said County of Eric Henry Merrow to
personally known as the person who is within described and who executed the said
Indenture and said Henry acknowledged that he executed the same as his own free
Voluntary Act for the uses and purposes within mentioned and also personally appeared
and Maria Merrow wife of Henry Merrow personally known to me as the person who
within the indenture within described acknowledged that she executed the same as her own free will and from conviction of mind and husband
Merrow for the uses and purposes within mentioned and I having examined the said Indenture
and find therein no material alteration or interlineations do hereby allow the same
to be Recorded the said Maria Merrow being examined separate and apart from her said
husband and made the above declaration.

David S. Warner

Commissioner for

Recorded Examined and Compared with the Original June 13th A.D. 1832 at 9 o'clock A.M.
Oloak P. S. Sprague Clerk.

Joseph Carpenter To Trustees of Presbyterian Society Cayuga Creek
This Indenture Made the Seventh day of March in the year of our Lord one thousand
Eight hundred and thirty two Between Joseph Carpenter and Sarah his wife of the County
of Eric State of New York of the first part and Henry H. Russell James Clarke Israel
Ely Trustees of the Presbyterian Society at Cayuga Creek and their Successors in Office of the second
Witnesseth that the said party of the first part for and in consideration of the sum of Fifty
lawful money of the United States of America to them in hand paid by the said party
second part the receipt whereof is hereby confessed and acknowledged have granted bargained
conveyed released and confirmed and by these presents do grant bargain sell
release claim and confirm unto the said party of the second part and to their successors in Office
that certain piece or parcel of Land Situate lying and being in the town of Clarence in the County
of Eric and State of New York being part of Lots number Eleven and Seventh Section and one
Tenth Section in the Eleventh Township and Sixth range of the Holland Land Company
Land so called and bounded as follows Beginning four rods west of the line between the said
Seventh and Tenth Sections at the south bounds of Cayuga Creek Road thence East eight rods
following the line of said Road thence Southwardly at right angles from said Road for
thence East eight rods thence Northwardly to the line
of beginning containing one half acre or thereabouts in the same more or less together with all
singular the hereditaments and appurtenances thereunto being or in any wise appertaining
and the services and revenues thereunto and remainders thereto assured and subject
thereof as if the estate right title interest claim or demand whatsoever of the said party of
the first part either in law or equity if any and to above bargained premises with the said
hereditaments and appurtenances to have and to hold the said premises as above described
with the appurtenances unto the said party of the second part and to their successors
lawful and the said Joseph Carpenter and Sarah Carpenter for themselves their heirs executors
and administrators do covenant grant bargain and give to and with the said party of
the second part that at the time of the executing and delivery of these presents they are
well seized of the premises above covered as of a good sure perfect absolute and undivided
estate of inheritance in the Law in Fee simple and that the above bargained premises in
the said lands peaceable possession of the said party of the second part against all and every
person or persons lawfully claiming the same the whole money paid there of they well
lawfully stand and defend the Obligation being the party of the first part have been

set their hands and Seals the day and year first above written
 Signed Sealed and Delivered in presence of Henry Johnson Jr. Esq. before Signing
 Joseph Carpenter Esq. Sarah Carpenter Esq.
 State of Ohio
 Erie County

Be it remembered that on this Seventh day of March A.D. 1852 before me Attorney
 Johnson Jr. a commissioner of Deeds for Erie County personally came the within named
 Joseph Carpenter and Sarah Carpenter his wife his wife to me to be persons described
 in and who executed the within instrument in writing and the said Joseph duly
 acknowledged that he executed the same for the uses and purposes therein mentioned
 and the said Sarah Carpenter in a separate examination apart from her husband
 duly acknowledged that she subscribed to the said deed freely and voluntarily with-
 out any force or compulsion of her said husband Let it be Recorded

Henry Johnson Jr. Comd.
 Received Examined and Certified with the Original June 13th A.D. 1852 at Toledo O.M.
 Noah P. Sprague Clerk

Nathaniel L. Carpenter and John B. Carpenter To Joseph Carpenter.
 This indenture made the Seventh day of March in the year of our Lord one thousand
 Eight hundred and thirty two Between Nathaniel L. Carpenter John B. Carpenter
 and Frances R. his wife of the county of Erie of the first part and Joseph Carpenter
 of the same place of the second part Witnesseth that the said party of the first part for and in
 consideration of the sum of one hundred and fifty dollar lawful money of the United States
 of America to them in hand paid by the said party of the second part the Receipt whereof
 is hereby confessed and acknowledged have granted bargained sold remised released aliened
 and confirmed and by these presents do grant bargain sell remise release alien and confirm
 unto the said party of the second part and to his heirs and assigns forever all that certain
 piece or parcel of land situate lying and being in the town of Clarence in the county of
 Erie and State of New York being part of Lot number one in the Eleventh section Eleventh
 Township and Sixth range of the Holland Land Company's Land so called and bounded
 as follows Beginning on the east line of said lot number one at the center of the Cayuga
 Creek Road thence South in said Erie forty rods thence westerly in a line parallel with
 the said Road Twelve Rods thence North in a line parallel with the east line of said
 lot forty rods to the center of the said highway thence Easterly to the place of Beginning
 Containing about three Acres to the same more or less Together with all and singular
 the hereditaments and appurtenances therunto belonging or in any wise appertaining
 and the revenues and reversions remainder and remainders rents issues and profits
 thereof and all the estate right title interest claim or demand whatsoever of the said
 party of the first part either in law or Equity of in and to the above bargained premises with
 the said hereditaments and appurtenances To have and To hold the said premises as above
 described with the appurtenances unto the said party of the second part and to his heirs
 and assigns forever in and to the said Nathaniel L. John B. and Frances R. Carpenter for
 themselves their heirs executors and administrators do covenant grant bargain and agree
 to and with the said party of the second part his heirs and assigns that at the time of the
 enacting and bearing of these presents they are well seized of the premises above conveyed
 as of a good sure perfect absolute and indefeasible estate of inheritance in the law for
 sample and that the above bargained premises in the quiet and peaceable possession of the
 said party of the second part his heirs and assigns against all

STATE OF NEW YORK, COUNTY OF ERIE, ss.
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with m

DEED

filed in my office and that the same is a correct transcrip
tion from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on

day of MAR 15 2007 20

1st

David J. Swarts
COUNTY CLERK

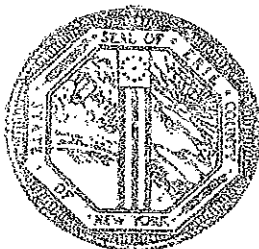


Exhibit D

This Indenture, Made the Thirtieth day of December in the year of our Lord one thousand eight hundred and seventy-
 Between Isra Sleeper & Polly Sleeper his wife of the Village of Lancaster County of Eric and State of New York of the first part, and The Presbyterian Society of Congregation of the same place of the second part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twenty hundred Dollars, to them — duly paid, have sold, and by these Presents, do grant and convey to the said party of the second part, their heirs and assigns, All that tract or parcel of Land, situate in the Village of Lancaster County of Eric and State of New York and being a part of lot Number one and Section two Township Eleven and Range Six bounded and described as follows:
 Beginning on the North-East Corner of land owned and occupied by Draffer thence easterly along the center of the Caeyers Creek road to the North-West Corner of the Presbyterian Meeting house thence southerly along the West line of said Presbyterian Meeting house lot to the South-West Corner thereof thence westerly and parallel with the center line of said Caeyers Creek road to the East line of land owned and occupied by said Draffer thence northerly along the East line of said land owned by said Draffer to the place of Beginning

Res Stamp \$ 1.⁰⁰
 Canceled

Statement filed April 5, 1871 recorded in Liber 4. of Certificate of Incorporation page 568.

With the appurtenances, and all the estate, title and interest therein, of the said party of the first part. And the said Isra Sleeper do sell hereby covenant and agree with the said party of the second part, their heirs and assigns,

that the premises thus conveyed, in the quiet and peaceable possession of the said party of the second part, their heirs and assigns, will forever Warrant and Defend, against any person whomsoever, lawfully claiming the same or any part thereof.

In Witness Whereof, The part of the first part ha hereunto set hand and seal the day and year first above written.

Scaled and Delivered in Presence of

Isra Sleeper & B
Polly Sleeper & B

STATE OF NEW YORK,

one COUNTY, ss. On this twenty first day of January in the year one thousand eight hundred and seventy one before me, the subscriber, personally appeared Isra Sleeper and Polly Sleeper to me known to be the same persons described in, and who executed the within instrument, who severally acknowledged that they executed the same. And the said Polly Sleeper on a private examination by me, apart from her said husband, acknowledged that she executed the same freely, and without any force or compulsion of her said husband.

Antonio Rufiniano
 Notary Public in and for
 Eric County

(299)

6
 1871
 13
 day of January
 24
 Recorded, Examined and Compared with the Original, in

STATE OF NEW YORK, COUNTY OF ERIE, ss.
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with

DEED

filed in my office and that the same is a correct transcript
from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on

day of MAR 15 2007 20

/s/

David J. Swarts

COUNTY CLERK



Exhibit E

20.35

LIBER 6052 PAGE 128

This Indenture,

Made the 6th day of September Nineteen Hundred and Fifty-six Between

ALICE SIMPSON residing No. 5461 Broadway, in the Village of Lancaster, County of Erie and State of New York

party of the first part, and THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK, a religious corporation created by and under the Laws of the State of New York, and having its place of business in the Village of Lancaster, County of Erie and State of New York

Witnesseth that the party of the first part, in consideration of party of the second part, lawfully money of the United States, EIGHTEEN THOUSAND FIVE HUNDRED - - - Dollar (\$18,500.00) paid by the party of the second part, do es hereby grant and release unto the party of the second part, its successors and assigns forever, all

THAT TRACT OR PARCEL OF LAND, situate in the Village of Lancaster, County of Erie and State of New York, being a part of Lot No. 1, Section 10, Township 11, and Range 6 of the Holland Land Company's Survey and being more particularly bounded and described as follows: BEGINNING at a point in the southerly line of Broadway (formerly East Main Street) 111 feet westerly of the point of intersection of the said southerly line of Broadway with the westerly line of Lake Avenue; running thence southerly a distance of 165.4 feet to a point in the southerly line of premises now owned by The Presbyterian Society of Cayuga Creek which is 127 feet westerly of the west line of Lake Avenue; running thence westerly along said southerly line of premises now owned by The Presbyterian Society of Cayuga Creek a distance of 39 feet to a point; running thence northerly a distance of 166.55 feet to a point in the southerly line of Broadway (formerly East Main Street) which said point is 65.20 feet westerly from the point or place of beginning; and running thence easterly along the said southerly line of Broadway 65.20 feet to the point or place of beginning, be the same more or less.



Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,
To have and to hold the premises herein granted unto the party of the second part, its successors of the and assigns forever.

And said party of the first part covenants as follows:
First, That the party of the second part shall quietly enjoy the said premises;
Second, That said party of the first part

will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of

Alice Simpson

State of New York } On this 6th day of September
County of Erie } ss. Nineteen Hundred and Fifty-six
before me, the subscriber, personally appeared

ALICE SIMPSON

to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly acknowledged to me that she executed the same.

Paul F. Klaasesz

PAUL F. KLAASESZ—Reg. No. 76
Notary Public in the State of New York
Residing in Erie County at time of appointment
My Commission Expires March 30, 1958

FILED
1956 SEP 7 AM 10 26
ERIE COUNTY
CLERK'S OFFICE

- A 2247 0

Deed

ALICE SIMPSON

TO 25

THE TRUSTEES OF THE PRESBYTERIAN
SOCIETY OF CAYUGA CREEK

Dated, September 6, 1956

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber 6052 Page 129
of 10
on the 7 day of September
A. D., 1956, at 10:24 o'clock A.M.
and examined.

Edward A. Rank
Clerk

1-305 5

STATE OF NEW YORK, COUNTY OF ERIE, ss.
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with the original

DEED

filed in my office and that the same is a correct transfer
from and of the whole of said original.

WITNESS my hand and seal of said County and Courts

day of MAR 15 2007

/s/

David J. Swarts

COUNTY CLERK



Exhibit F

This Indenture,

Made the 19th day of November, Nineteen Hundred and Eighty

Between DAVID J. HILL, residing at 5053 S. Newstead Road,
Akron, New York, 14001

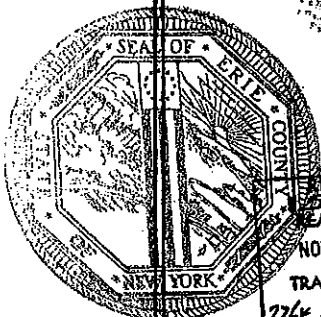
part y of the first part, and
TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK,
a religious corporation with its principal office at
1 Lake Avenue, Lancaster, New York 14086
part y of the second part.

Witnesseth, that the said part y of the first part, in consideration of
One and more Dollars (\$ 1.00 & more)
lawful money of the United States, paid by the part y of the second part, do hereby grant and release unto the
part y of the second part, and assigns forever.

All that Tract or Parcel of Land, situate in the Village
and Town of Lancaster, County of Erie and State of New York, being
part of Lot 1, Section 10, Township 11, Range 6 of the Holland Land
Company's Survey, bounded and described as follows:

BEGINNING at a stake in the center of Broadway, formerly
East Main Street and formerly Cayuga Creek Plank Road, beginning at
the northeast corner of Lot now or formerly owned and occupied by
Emeline Draper; THENCE running southerly along the line of said Lot
to the northwest corner of a lot formerly owned by School District
No. 8; THENCE easterly along line of said School Lot to the center of
Lake Avenue; THENCE northerly along the center of Lake Avenue to the
southeast corner of the Presbyterian Church Lot; THENCE westerly
along the south line of said lot to the southwest corner of said lot;
THENCE northerly along the line of same Lot to the center of said
Broadway (formerly East Main Street) THENCE westerly along the center
of said road to the place of beginning.

EXCEPTING therefrom lands conveyed to the Presbyterian Society
by deed recorded in Liber 299 of Deeds at page 6, lands conveyed to
Herman P. Campbell by deed recorded in Liber 257 of Deeds at page
257, and lands conveyed to Arthur P. Wood and Catherine M. Wood, his wife,
by deeds recorded in Liber 1449 of Deeds at page 116 and in Liber
1944 of Deeds at page 406.



RECEIVED
62.30
REAL ESTATE
NOV 19 1980
TRANSFER TAX
ERIE
COUNTY

STATE OF NEW YORK, COUNTY OF ERIE, ss:
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with the original

DEED
filed in my office and that the same is a correct transcript there-
from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on

Day of MAR 15 2007 20

David J. Swarts
COUNTY CLERK

1980 NOV 19 AM 11:33
FILED
ERIE COUNTY
CLERK'S OFFICE

TOGETHER with the appurtenances and all the estate rights of the part y of the first part in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said part y of the second part.

AND the said party of the first part do covenants with said part y of the second part as follows:

FIRST.—That the part y of the second part shall quietly enjoy the said premises.

SECOND.—That the said part y of the first part will forever WARRANT the title to said premises.

THIRD.—Subject to the trust and provisions of section thirteen of the Gen law.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF

David J. Hill (L.S.)

_____ (L.S.)

STATE OF NEW YORK
COUNTY OF Erie

On this 19th day of November
Nineteen Hundred and Eighty

before me, the subscriber(s), personally appeared

DAVID J. HILL

to me personally known and known to me to be the same person described in and who executed the within instrument, and he acknowledged to me that he executed the same.

Freda Dickman Newbury

FREDA DICKMAN NEWBURY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1981

8964

Page 140

DAVID J. HILL

59

TRUSTEES OF THE PRESBYTERIAN
SOCIETY OF CAYUGA CREEK,

LIBER 8964 PAGE 134

DATED November 19th 1980

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber 8964 Page 133
of Books
on the 19 day of November
A. D., 1980 at 11:33 o'clock A. M.
and examined.

Ann Marie ...
County Clerk

1-7-80-28

Exhibit G



ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

BOX 169

Index DEED LIBER

Book 10926 Page 4025

No. Pages 0003

Instrument DEED

Date : 1/15/1998

Time : 2:06:18

Control # 199801150738

MOSMAN
EDWARD G
MOSMAN
WINIFRED A
PRESBYTERIAN SOCIETY OF CAYUGA
CREEK

TT# TT 1997 012106

Employee ID EMS

MORTGAGE TAX

COUNTY	\$	24.00
STATE	\$	25.00
COE	\$	5.00
TRANSFER	\$	412.00
	\$	.00
NFTA TT	\$	515.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	981.00

Basic	\$	.00
Special	\$	.00
Special Addl	\$	.00
Total	\$	.00

TRANSFER TAX

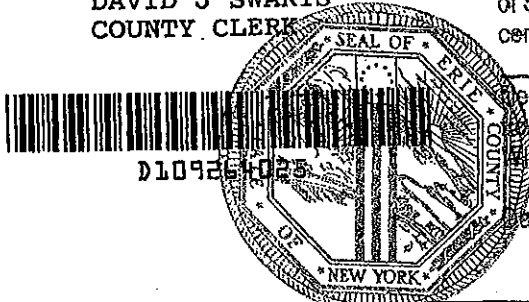
STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 316-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH

CONSIDERATN \$ 103,000.00
Transfer Tax \$ 927.00

DAVID J SWARTS
COUNTY CLERK

STATE OF NEW YORK, COUNTY OF ERIE, ss:
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with the original



ed in my office and that the same is a correct transcript there-
of and of the whole of said original.

IN WITNESS my hand and seal of said County and Courts on _____
day of MAR 15 2007 20

DEED

/s/

David J Swarts

Box 169

THIS INDENTURE,

Made the 29th day of ~~November~~ ^{December}, Nineteen Hundred and Ninety-Seven,

BETWEEN EDWARD G. MOSMAN and
WINIFRED A. MOSMAN, husband and wife
2241 Townline Road
Alden, NY 14004 Grantor(s), and

THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK
a Religious Corporation
5461 Broadway
Lancaster, NY 14086 Grantee(s).

WITNESSETH, that the said Grantor(s), in consideration of One and More Dollars (\$1.00) lawful money of the United States, paid by the Grantee(s), do hereby grant and release unto the Grantee(s), their successors, heirs and assigns forever that parcel of land as described in attached Schedule A.

TOGETHER with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee(s).

AND the said Grantor(s) do covenant with said Grantee(s) as follows:

FIRST. — That the Grantee(s) shall quietly enjoy the said premises.

SECOND. — That the Grantor(s) will forever WARRANT the title to said premises.

THIRD. — Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, The said Grantor(s) have hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF:

Edward G. Mosman [I.S.]
Edward G. Mosman

Winifred A. Mosman [I.S.]
Winifred A. Mosman

STATE OF NEW YORK) On this 29th day of ~~November~~ ^{DECEMBER}
COUNTY OF ERIE) ss: Nineteen Hundred and Ninety-Seven,

before me, the subscriber, personally appeared EDWARD G. MOSMAN and WINIFRED A. MOSMAN, husband and wife, to me personally known and known to me to be the same person(s) described in and who executed the within instrument, and they acknowledged to me that they executed the same.

DEBRA J. KERRISON
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires 12/31/99

Debra J. Kerrison
Notary Public

LAN
DIB-2
2/20/98
1/98

580731

DESCRIPTION

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, more particularly described as follows:-

BEGINNING at a point in the center of Lake Avenue at the northeast corner of land now or formerly owned by H. P. Campbell; running thence northerly along the center of Lake Avenue about 40 feet; thence westerly and parallel with the aforesaid Campbell's land to the lands now or formerly owned Emeline Draper; thence southerly along the said Draper's land to the northwest corner of land now or formerly owned by H.P. Campbell as described in deed recorded in Erie County Clerk's Office in Liber 267 of Deeds at page 257; thence easterly and along the aforesaid Campbell's land about 200 feet to the place of beginning, be the same more or less.

PARCEL "B"

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, more particularly described as follows:-

BEGINNING in the center line of Lake Avenue and at the northeast corner of land conveyed by Philip Martzloff and Lina Martzloff his wife to Arthur P. Wood and Catherine M. Wood his wife by Warranty Deed dated January 2, 1919 and recorded in Erie County Clerk's Office January 27, 1919 in Liber 1449 of Deeds at page 116; running thence northerly along the center of Lake Avenue 3 feet; thence westerly and parallel with the northerly line of lands owned and occupied by Arthur P. Wood and Catherine M. Wood his wife to the land now or formerly owned by Emeline Draper; thence southerly and along said Draper's east line about 3 feet to the northwest corner of the property owned and occupied by Arthur P. Wood and Catherine M. Wood his wife; thence easterly and along said Wood's land to the place of beginning.

It being the intention in this last description to convey a strip of land 3 feet wide adjoining the first parcel on the north.

Exhibit H

This Indenture,

Made the 25th day of March

Two thousand and Sixty-Six

Between ALLEN ROBERT WOOD, residing at 290 Bernherdt Drive Snyder, New York

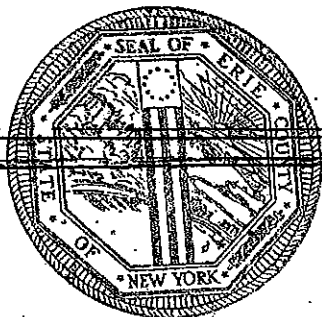
as Executor of the last Will and Testament of ARTHUR P. WOOD late of Village of Lancaster, Erie County, New York party of the first part, and deceased.

THE PRESBYTERIAN SOCIETY OF CAYUGA CREEK, a domestic religious corporation having its principal office at Broadway and Lake Avenue, Lancaster, New York

Witnesseth, That the party of the first part, by virtue of the power and authority to him given in and by the said last Will and Testament, and in consideration of Fifteen Thousand and 00/100 Dollars, (\$ 15,000.00) 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, its successors and assigns forever, all

THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the west line of Lake Avenue distant 266.06 feet south of the intersection of said west line with the south line of Broadway, as measured along the west line of Lake Avenue, 50 feet to the northeast corner of lands conveyed to Samuel Walter and wife by deed recorded in the Erie County Clerk's Office in Liber 1668 of Deeds at Page 568; thence westerly at right angles to the westerly line of Lake Avenue and along the north line of lands conveyed to Walter, as aforesaid, 201 feet to the southeasterly line of lands now or formerly owned by Emsline Draper; thence northeasterly along the southeasterly line of said Draper's lands 51.51 feet to a point; thence easterly in a straight line 188.60 feet to the point of beginning and being intended to convey the same lands described in deed made by Anna Myers, as Executor and sole devisee under the Will of Emma J. Comstock also known as Emma Fairchild Comstock to Arthur P. Wood and Catherine M. his wife, dated October 23, 1936 and recorded October 26, 1936 in Liber 2571 of Deeds at Page 210.



STATE OF NEW YORK, COUNTY OF ERIE, ss: I, DAVID J. SWARTS, Clerk of said County, and also Clerk of Supreme and County Courts of said County, do hereby certify that I have compared the annexed copy with the original

DEED

filed in my office and that the same is a correct transcript therefrom and of the whole of said original.

WITNESS my hand and seal of said County and Courts on

Day of MAR 15 2007 20

David J. Swarts COUNTY CLERK

Together with the appurtenances, and also all the estate which the said Testator had at the time of his decease, in said premises, And also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said Will or otherwise.
 To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

In Presence of

Arthur P. Wood
 Executor of the Last Will and Testament of ARTHUR P. WOOD, Deceased



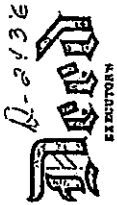
State of New York } On this 20th day of March
 County of Erie } Nineteen Hundred and Sixty-Six
 before me, the subscriber, personally appeared

ALLEN ROBERT WOOD

the Executor of the last Will and Testament of ARTHUR P. WOOD, Deceased

to me personally known and known to me to be the same person described in and who executed the within instrument, and he acknowledged to me that he executed the same as such Executor as aforesaid for the purposes therein mentioned.

Elmer E. Lepard
 ELMER E. LEPARD—Reg. No. 905
 Notary Public in the State of New York
 2nd Reg. in Erie County at time of Appointment
 My Commission expires March 30, 1967



D-2436

ALLEN ROBERT WOOD, as Executor
of the Last Will and Testament
of ARTHUR P. WOOD, Deceased

364

TO

THE PRESBYTERIAN SOCIETY
OF CAYUGA CREEK

Dated, March 23rd 1966

FILED

Apr 1 4:00 PM '66
ERIE COUNTY
CLERK'S OFFICE

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

Recorded in Liber 7217 Page 406

of Deeds
on the 1 day of March
A. D., 1966 at 4:00 o'clock P. M.
and examined.

Clerk

1 5.50 120

Exhibit I

**TICOR TITLE INSURANCE COMPANY
SCHEDULE A — DESCRIPTION (AMENDED)**

Tide No.: 7410732-8399

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Lancaster, Town of Lancaster, County of Erie and State of New York, being part of Lot No.1, Section 10, Township 11, Range 6 and part of Lot No.11, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Broadway (formerly East Main Street) in the Village of Lancaster with the westerly line of Lake Avenue; thence southerly, along the westerly line of Lake Avenue, 179.08 feet to an angle point therein; thence continuing southerly, along the westerly line of Lake Avenue, 137.81 feet to the northeast corner of lands conveyed to Samuel Walter by deed recorded in Liber 1668 of Deeds at page 568; thence westerly, along the north line of lands so conveyed to Walter, 201 feet to the southeasterly line of lands conveyed to Emeline Draper by deed recorded in Liber 195 of Deeds at page 6; thence northeasterly, along the southeasterly line of lands so conveyed to Draper, 382.88 feet to a point in the south line of Broadway; thence easterly, along the southerly line of Broadway, 176.20 feet to the point or place of beginning.

EXCEPTING THEREFROM lands acquired by the State of New York and designated as Map 45, Parcel 48 by Notice of Appropriation recorded in Liber 10986 of Deeds at page 7865.

Exhibit J

This Indenture,

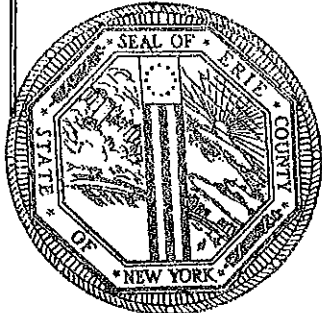
Made the 8th day of
 NOVEMBER Nineteen Hundred and Eighty-Nine
 Between LANCASTER LODGE NO. 1478, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF
 THE UNITED STATES OF AMERICA, duly organized and existing pursuant to and under the
 Benevolent Orders of the State of New York, by its duly elected and acting successor
 Trustees: LEROY G. ARBER, 63 Canisius Ct., Depew, NY 14043; RAYMOND C. MALONE, JR.,
 4811 William, Lancaster, NY 14086;
 RALPH E. BERNIS, 32 Fardee Ave., Lancaster, New York 14086; WILLIAM C. NEUREITHER,
 71 Naval Ave., Buffalo, New York 14211; and VICTOR T. RIZZI, 12 Brunck Road,
 Lancaster, NY 14086
 THE TRUSTEES OF THE party of the first part, and
 PRESBYTERIAN SOCIETY OF CAYUGA CREEK, 1 Lake Avenue, Lancaster, New York 14086 party of the second part,

Witnesseth that the party of the first part, in consideration of
 * * * * * ONE & MORE * * * * * Dollar (\$ 1 & More)
 lawful money of the United States, to it
 paid by the party of the second part, does hereby grant and release unto the
 party of the second part, its successors and assigns forever, HER

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town and Village of
 Lancaster, County of Erie and State of New York, being part of Lot Number eleven
 (11), Section seven (7), Township eleven (11), Range six (6) of the Holland
 Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the south line of Broadway at its intersection with
 the east line of Lake Avenue, formerly Factory Road; thence easterly along the
 south line of Broadway a measured distance of one hundred three and two hundredths
 (103.02) feet to the westerly line of lands conveyed to Aletta C. White by deed
 recorded in the Erie County Clerk's Office in Liber 1268 of Deeds at page 414;
 thence southerly along the westerly line of lands so conveyed to White a measured
 distance of 156.57 feet to the northeast corner of lands conveyed by deed recorded
 in Liber 4829 of Deeds at page 424; thence south along the east line of said deed
 a measured distance of 57.4 feet to the southeasterly corner of lands conveyed to
 the Trustees of Lancaster Lodge No. 1478, Benevolent and Protective Order of Elks
 of the United States of America by deed recorded in the Erie County Clerk's
 Office in Liber 4829 of Deeds at page 424; thence westerly along the southerly
 line of lands so conveyed by the last mentioned deed a measured distance of
 eighty-nine and eighty-eight hundredths (89.88) feet to a point on the east line
 of Lake Avenue; thence northerly along the east line of Lake Avenue a measured
 distance of two hundred forty-three and eighty hundredths (243.80) feet to the
 point of beginning.

RECEIVED
 \$ 673.00
 REAL ESTATE
 NOV 08 1989
 TRANSFER TAX
 ERIE
 COUNTY



STATE OF NEW YORK, COUNTY OF ERIE, ss:
 I, DAVID J. SWANSON, Clerk of said County, and also Clerk
 of Supreme and County Courts of said County, do hereby
 certify that I have compared the annexed copy with the original

DEED

filed in my office and that the same is a correct transcript there-
 from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on

Day of MAR 15 2007 20

David J. Swanson
 COUNTY CLERK

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 part Y of the second part, its successors and assigns forever.

And the party of the first part covenants as follows:

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

Third, That, in Compliance with Sec. 15 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has caused its seal to be hereunto affixed, and these presents to be signed by its duly elected and authorized successor trustees this 8th day of November, Nineteen Hundred and Eighty-Nine.

LANCASTER LODGE NO. 1478, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA

William C. Neureuther - trustee

By Leroy G. Arber - Chairman - Trustee

Victor T. Rizzi - trustee

Raymond C. Malone, Jr. - Trustee

Ralph E. Berns - Trustee

1989 NOV - 8 AM 10 56

County of ERIE ss. On this 8th day of November Nineteen Hundred and Eighty-Nine before me personally came LEROY G. ARBER, RAYMOND C. MALONE, RALPH E. BERNS, VICTOR T. RIZZI, and WILLIAM C. NEUREUTHER, Trustees of Lancaster Lodge No. 1478, Benevolent and Protective Order of Elks of the United States of America.

to me personally known, who, being by me duly sworn, did depose and say that they the resides in Erie County, New York, and that they are members of the Lancaster Lodge No. 1478, Benevolent and Protective Order of Elks of the United States of America, and that they know the seal of said Lodge and that the seal affixed to said instrument is such that it was so affixed by order of the Lancaster Lodge No. 1478, Benevolent and Protective Order of Elks and that they signed their names thereto by like order.



Handwritten signature of Timothy J. Dwan

TIMOTHY J. DWAN Notary Public, State of New York Qualified in Erie County My Commission Expires October 31, 1991

B-01 109 027K



COMPOSITION WARRANTY WITH LIEN COVENANT LANCASTER LODGE NO. 1478, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, by successor trustees LEROY G. ARBER, RALPH E. BERNS, WILLIAM C. NEUREUTHER, VICTOR T. RIZZI, & RAYMOND C. MALONE TO THE TRUSTEES OF THE PRESBYTERIAN SOCIETY OF CANICA CREEK 62

Dated November 8, 1989

STATE OF NEW YORK ERIE COUNTY CLERK'S OFFICE Recorded in Liber Page 212 of day of A.D. 19 at o'clock P.M. and examined.

Handwritten signature of David J. Lawrence, CLERK

1-11-89-D

Exhibit K

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Lancaster, Town of Lancaster, County of Erie and State of New York, being part of Lot Number 11, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the south line of Broadway at its intersection with the east line of Lake Avenue, formerly Factory Road; thence easterly, along the south line of Broadway, 103.02 feet to the westerly line of lands conveyed to Aletta C. White by deed recorded in Liber 1268 of Deeds at page 414; thence southerly, along the westerly line of lands so conveyed to White, 156.57 feet to the northeast corner of lands conveyed by deed recorded in Liber 4829 of Deeds at page 424; thence south, along the east line of said deed, a measured distance of 57.4 ft. to the southeasterly corner of lands conveyed to the Trustees of Lancaster Lodge No.1478, Benevolent and Protective Order of Elks of the United States of America by deed recorded in Liber 4829 of Deeds at page 424; thence westerly, along the southerly line of lands so conveyed by the last mentioned deed, 89.88 feet to a point on the east line of Lake Avenue; thence northerly, along the east line of Lake Avenue, 243.80 feet to the point of beginning.

EXCEPTING THEREFROM lands acquired by the State of New York and designated as Map 45, Parcel 49 by Notice of Appropriation recorded in Liber 10986 of Deeds at page 7865.