

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

THIS INDENTURE, made <sup>AS</sup> of the 6th day of September, nineteen hundred and Eighty-Nine  
 BETWEEN BIRCH WATHEN SCHOOL, INC., having an address at  
 9 East 71st Street, New York, New York

party of the first part, and NINE EAST 71ST STREET CORPORATION, having  
 an address at 41 South High Street, Suite 3710  
 Columbus, Ohio 43215

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 Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 71st Street distant 225 feet easterly from the corner formed by the intersection of the easterly side of 5th Avenue with the northerly side of 71st Street; running

thence Easterly along the northerly side of 71st Street 50 feet;

thence Northerly and parallel with 5th Avenue 102 feet 2 inches to the centre line of the block between 71st and 72nd Streets;

thence Westerly along the said center line and parallel with 71st Street 50 feet;

thence Southerly and parallel with 5th Avenue 102 feet 2 inches to the northerly side of 71st Street at the point or place of BEGINNING.

This deed is executed in accordance with Supreme Court Order of the State of New York held in and for the County of New York on the 6th day of February, 1989, filed as Index No. 2225/89.

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.

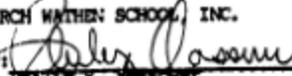
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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:

BIRCH WATHEN SCHOOL, INC.

By:   
 Philip S. Sussman  
 Chairman and President

STATE OF NEW YORK, COUNTY OF **REEL 1617 PAGE 2413**  
On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me  
personally came \_\_\_\_\_

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

**HPDA**  
STATE OF NEW YORK, COUNTY OF \_\_\_\_\_  
On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me  
personally came \_\_\_\_\_

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

STATE OF NEW YORK, COUNTY OF New York  
On the 1<sup>st</sup> day of September 19 89, before me  
personally came **Philip S. Saspower**  
to me known, who, being by me duly sworn, did depose and  
say that he resides at No. **709 East Avenue**  
**N.Y.C.**  
that he is the Chairman and President  
of Birch Wathen School, Inc.,  
the corporation described  
in and which executed the foregoing instrument; that  
~~he knows the contents of said instrument and that he has~~  
~~affirmed by order of the board of directors of said corpora-~~  
tion, ~~that~~ he signed his name thereto ~~by like order.~~

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_  
On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me  
personally came \_\_\_\_\_  
the subscribing witness to the foregoing instrument, with  
whom I am personally acquainted, who, being by me duly  
sworn, did depose and say that he resides at No. \_\_\_\_\_  
that he knows \_\_\_\_\_  
to be the individual  
described in and who executed the foregoing instrument;  
that he, said subscribing witness, was present and saw  
execute the same; and that he, said witness,  
at the same time subscribed his name as witness thereto.

*Phyllis Cassola*  
Notary Public  
PHYLLIS CASSOLA  
NOTARY PUBLIC, State of New York  
In the City of New York  
Qualified in Nassau County  
Commission Expires January 21, 1991

30490

**Margin and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S AGENCIES  
TITLE No. **99-00021 1711019**

SECTION 5  
BLOCK 1386  
LOT 10  
COUNTY OR TOWN Manhattan  
FROM: **4 East 71st Street**

BIRCH WATHEN SCHOOL, INC.

**\$ 50,000**  
REAL ESTATE  
SEP 11 1989  
TRANSFER TAX  
NEW YORK  
COUNTY

RETURN BY MAIL TO:

Jack S. Levey, Esq.  
Schwartz, Kelm, Warren & Rubinstein  
41 South High Street  
Columbus, Ohio  
Zip No. 43215

TO  
NINE EAST 71ST STREET CORPORATION

*Leo Ferrac, Ltd.*  
331 Madison Avenue  
New York, N.Y. 10017  
(212) 699-1300

RECORDED IN NEW YORK COUNTY



OFFICE OF THE CITY REGISTER  
1989 SEP 11 P 3 03  
CITY REGISTER

*A-19*  
DEED 236900  
CHIFF 236900  
R 7625  
1-3  
236900  
\$19.00  
\$3.00  
AC 7125  
BST #  
RPT #