

ENCROACHMENT AGREEMENT

RE: Deck at 40 Sun Path
Affecting Property at 44 Sun Path
Town of Lansing, County of Tompkins, State of New York
DATE: July 22, 2022

WHEREAS, Boris Simkin is a Member and duly authorized representative of Westview Partners, LLC, a New York limited liability company (hereinafter "Westview"), owner of real property located at 44 Sun Path in the Town of Lansing, County of Tompkins and State of New York, Tax Map Parcel No. 42.-1-2.27 (see deed dated March 22, 2007 and recorded March 22, 2007 in the Tompkins County Clerk's Office as Instrument No. 505919-001); and

WHEREAS, Omar Taha (hereinafter "Taha") is the owner of adjoining real property located at 40 Sun Path in the Town of Lansing, County of Tompkins and State of New York, Tax Map Parcel No. 42.-1-2.28 (see deed dated April 28, 2020 and recorded May 29, 2020 in the Tompkins County Clerk's Office as Instrument No. 2020-04869); and

WHEREAS, a survey map incorporated herein entitled "Survey Map No. 40 Sun Path, Town of Lansing, Tompkins County, New York," prepared by Lee Dresser, L.L.S. No. 050096, of T.G. Miller P.C., Engineers and Surveyors, Ithaca, New York, dated April 8, 2020 and revised May 20, 2022, a copy of which is attached hereto and recorded in the Tompkins County Clerk's Office concurrently herewith, shows portions of the deck of Taha encroaches over the mutual boundary line of premises of the parties hereto; and

WHEREAS, the parties hereto are desirous of establishing the certain rights and obligations pertaining to said encroachment upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration One Dollars (\$1.00) lawful money of the United States, and other good and valuable consideration exchanged between the parties hereto, receipt of which is hereby acknowledged, and of the mutual promises made herein, the parties agree as follows:

1. Westview permits the encroachment of the deck as shown on the aforesaid survey map.
2. Westview permits Taha reasonable access to the Westview premises for the purpose of using and maintaining said deck including the use of the premises enclosed by said deck.
3. Taha shall hold Westview harmless from any and all liability on account of personal injury and property damage actions arising out of Taha's use and maintenance of the deck not resulting from the wanton or negligent acts or omissions of Westview.
4. Taha makes no claim of ownership, and hereby waives any claim for adverse possession, to the Westview premises.

5. In the event the encroaching portion of the deck is ever moved, removed, or destroyed, this agreement shall terminate as to said portion of the deck and Taha will rebuild solely on the Taha premises.

6. This agreement shall run with the lands affected and shall be binding upon the parties hereto, and their respective heirs, successors and assigns forever and may be signed in counterparts.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the date first written above.

[signatures follow]

Notary Public, State of New York
No. 400151
Qualified in Tompkins County, NY
Tompkins County Clerk's Office

WESTVIEW PARTNERS, LLC

By: Boris Simkin
BORIS SIMKIN, Member

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS.:

On the 9th day of July in the year 2022 before me, the undersigned, a notary public in and for said state, personally appeared BORIS SIMKIN, 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.

Joanne M. Hunter
NOTARY PUBLIC

JOANNE M. HUNTER
Notary Public, State of New York
No. 4943753
Qualified in Tompkins County
Term Expires October 31, 2022

Joanne Hunter

7/7/22

MEMBER LLC
Credit Line Mortgage Certificate, and
Certificate of Compliance from
Qualified Residential Person

Omar Taaha
OMAR TAHA

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS.:

On the 7th day of July in the year 2022 before me, the undersigned, a notary public in and for said state, personally appeared OMAR TAHA, 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.

Joanne M. Hunter
NOTARY PUBLIC

JOANNE M. HUNTER
Notary Public, State of New York
No. 4943753
Qualified in Tompkins County
Term Expires October 31, 2022

Form with checkboxes for property type (e.g., 1 Single-family house, 2 Multi-family building, etc.) and other notary-related options.