MID-STATE ABSTRACT COMPANY

207 HOOPER AVENUE, P.O. BOX 413, TOMS RIVER, NEW JERSEY 08754 (732) 244-3000
2 EAST MAIN STREET, P.O. BOX 203, FREEHOLD, NEW JERSEY 07728 (732) 431-2333
2227 U.S. HWY. 1, PMB 275, NO. BRUNSWICK, NEW JERSEY 08902 (732) 220-9200
45 PARK PLACE SOUTH, PMB 371, MORRISTOWN, NEW JERSEY 07960 (973) 993-9600
E-MAIL ADDRESS: ken@msabstract.com

PLEASE REPLY TO: TOMS RIVER OFFICE, P.O. BOX 413
TELEFAX NUMBER (732) 244-3924

REPORT OF THE TITLE

FILE NUMBER: S-29925

EFFECTIVE DATE: JANUARY 16, 2016

THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO AND COVERED HEREIN IS A
FEE SIMPLE AND TITLE TO THE ESTATE OR INTEREST IN SAID LAND IS AT THE EFFECTIVE DATE HEREOF
VESTED IN AND CAN BE CONVEYED OR MORTGAGED BY:

OCEAN COUNTY

THE SOURCE OF TITLE BEING:

DEED FROM PARKWAY MALL, A NEW JERSEY PARTNERSHIP, DATED JANUARY 13, 2011
AND RECORDED FEBRUARY 3, 2011 IN DEED BOOK 14815 PAGE 1214. (COPY ATTACHED)

SUBJECT TO THE FOLLOWING MATTERS:

1. THE FOLLOWING MORTGAGES:

MORTGAGE FROM JERSEY SHORE SECURITY, INC., TO N.K. WINSTON CORPORATION,
FORMERLY KNOWN AS TOMS RIVER MALL, INC., 711 FIFTH AVENUE, NEW YORK CITY, NEW
YORK, DATED APRIL 16, 1973 AND RECORDED APRIL 19, 1973 IN MORTGAGE BOOK 1759
PAGE 265. SECURES $45,000.00
2. RESTRICTIVE COVENANTS AND/OR CONDITIONS OF RECORD, AS FOLLOWS: NONE

3. EASEMENTS OF RECORD AS FOLLOWS:

SUBJECT TO A JERSEY CENTRAL POWER AND LIGHT COMPANY POWER EASEMENT AND AN OCEAN COUNTY SEWERAGE AUTHORITY EASEMENT AS SHOWN ON THE TOWNSHIP OF TOMS RIVER TAX MAP.

DEED BOOK 880 PAGE 74; DEED BOOK 1386 PAGE 272; DEED BOOK 1442 PAGE 370; DEED BOOK 2133 PAGE 188; DEED BOOK 3569 PAGE 160; DEED BOOK 3830 PAGE 722; DEED BOOK 4711 PAGE 303 AND DEED BOOK 4783 PAGE 57. (COPIES ATTACHED)

4. SET BACK ON FILED MAP: NONE

5. LEASES OF RECORD AS FOLLOWS: NONE

6. TAXES, ASSESSMENTS AND WATER CHARGES AS FOLLOWS:

TAX SEARCH: ORDERED
ASSESSMENT SEARCH: ORDERED
WATER AND SEWER SEARCH: ORDERED

THIS PROPERTY IS SUBJECT TO CURRENT YEAR’S TAXES LEVIED OR TO BE LEVIED, AND NOT YET CERTIFIED TO BY THE COUNTY BOARD OF TAXATION IN ACCORDANCE WITH CHAPTER 397 LAWS OF 1941, AS AMENDED AND SUPPLEMENTED.

7. SUPERIOR COURT OF NEW JERSEY AND UNITED STATES DISTRICT COURT SEARCHES: ORDERED

8. DEFECTS, LIENS ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF.

9. RIGHTS OR CLAIMS BY PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.

10. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.

11. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES AND OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.

12. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.

- CONTINUED -
13. RIGHTS, PUBLIC AND PRIVATE, IN THAT PART OF THE PREMISES INCLUDED WITHIN THE BOUNDS OF ALL ROADS, STREETS, AVENUES AND/OR RIGHTS OF WAY WHICH CROSS OR ABUT THE SUBJECT PREMISES.

14. NOTE: THIS REPORT IS TO BE USED FOR INFORMATIONAL PURPOSES ONLY AND NO INSURANCE IS INTENDED OR IMPLIED HEREWITH.

THE COMPANY’S LIABILITY FOR THIS REPORT IS LIMITED TO $1,000.00. NO LIABILITY IS ASSUMED FOR ITEMS NOT INDEXED OR MIS-INDEXED, NOR FOR MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OR INSPECTION OF THE PREMISES. THIS REPORT DOES NOT REPRESENT EITHER A COMMITMENT TO INSURE TITLE, OR AN OPINION AS TO THE MARKETABILITY OF TITLE OF THE PREMISES.


16. RIGHTS, PUBLIC AND PRIVATE, TOGETHER WITH FLOODING AND DRAINAGE RIGHTS, IF ANY, APPURTENANT THERETO, IN AND TO ALL WATERWAYS AND WETLAND AREAS TRAVERSING THE LAND.

17. SUBJECT TO POSSIBLE ROLL BACK TAXES UNDER THE PROVISIONS OF “THE FARMLAND ASSESSMENT ACT OF 1963” N.J.S.A 54:4-23.1 ET SEQ.

18. SLOPE AND DRAINAGE RIGHTS OF THE STATE OF NEW JERSEY, AS SET FORTH IN DEED BOOK 4711 PAGE 303 AND DEED BOOK 4783 PGE 57. (COPIES ATTACHED)

19. SUBJECT TO THE RESULTS OF A TIDELANDS CLAIM SEARCH. (ORDERED)

20. NOTE: DIRECT ACCESS TO THE GARDEN STATE PARKWAY IS PROHIBITED.

- END OF EXCEPTIONS -
DEED

This Deed is made on January 3, 2011

Between
Parkway Mall, a New Jersey Partnership

With offices at 8 Madison Avenue, Toms River, NJ 08753

Referred to as the Grantor,

and County of Ocean

Whose address is 33 Washington Street
Toms River, NJ 08754

referred to as the Grantee.
The words “Grantor” and “Grantee” shall mean all Grantors and all Grantees listed
above.

1. Transfer of Ownership. The Grantor grants and conveys (transfers ownership
of) the property (called the “Property”) described below to the Grantee. This transfer is
made for the sum of $550,000.

2. Tax Map Reference. (N.J.S.A. 46:15-1.1) Township of Toms River
Block No. 409; Block No. 535 Lot(s) 19.06; 20.02
Qualifier No.
Account No.
( ) No lot and block or account number is available on the date of this Deed.
(Check Box if Applicable.)

3. Property. The Property consists of the land and all the buildings and
structures on the land in the Township of Toms River, County of Ocean and State of New
Jersey.

The legal description is: Being the same premises conveyed to Parkway Mall, by Deed
from Jersey Shore Security, Inc., dated April 16, 1973, recorded March 5, 1974 in Deed
Book 3373, Page 349.

(Check Box if Applicable.)

(For Recorder's Use Only)

Prepared by:

Robert V. Paschen, Attorney at Law

COUNTY OF OCEAN
CONSIDERATION $550,000.00
REALTY TRANSFER FEE $25.00
1/1/2011

Q

NO Fee

Book 14815/Page 1214
Description of
Tax Lot 19.06
*Amended Minor Subdivision Block 535 Lots 19.01 & 19.02*
Township of Toms River
Ocean County
New Jersey

Beginning at a point in the southerly line of New Jersey State Highway Route 37 (69 feet from center line) at the most northwesterly corner of Tax Lot 19.06 in Block 535, said point is further described as being 1,111.67 feet easterly along various courses from the intersection of the extended easterly line of Hospital Drive with the southerly line of New Jersey State Highway Route 37 and running; thence

1) Easterly, along the southerly line of New Jersey State Highway Route 37 (69 feet from center line), on a curve bearing to the left having a radius of 29,069.00 feet, an arc distance of 123.72 feet to a point; thence

2) North 10 degrees 48 minutes 12 seconds East, 7.00 feet to a point in the southerly line of New Jersey State Highway Route 37 (62 feet from center line); thence

3) Easterly, along the southerly line of New Jersey State Highway Route 37 (62 feet from center line), on a curve bearing to the left having a radius of 29,062.00 feet, an arc distance of 475.35 feet to a concrete monument set at a point of compound curvature; thence

4) Easterly, continuing along the said southerly line of New Jersey State Highway Route 37, on a curve bearing to the left having a radius of 4,440.00 feet, an arc distance of 129.24 feet to a concrete monument set; thence the following three courses along the common line between Lots 19.05 and 19.06:

5) South 11 degrees 06 minutes 17 seconds West, 180.00 feet to a point; thence

6) North 38 degrees 45 minutes 24 seconds East, 161.74 feet to a point; thence

7) North 11 degrees 06 minutes 17 seconds East, 145.41 feet to a point in the southerly line of New Jersey State Highway Route 37 (62 feet from center line); thence

8) South 78 degrees 53 minutes 43 seconds East, along said southerly line, 15.18 feet to a concrete monument set; thence the following two courses along the southwestly line of an entrance ramp to New Jersey State Highway Route 9 (Section 4 Parkway Section 21):

9) South 67 degrees 15 minutes 09 seconds East, 158.81 feet to a concrete monument set; thence

10) South 41 degrees 40 minutes 00 seconds East, 997.45 feet to a point in the westerly line of New Jersey State Highway Route 9 (Section 4 Parkway Section 21- width varies); thence the following three courses along the westerly and northwesterly line of said New Jersey State Highway Route 9 (Section 4 Parkway Section 21):

11) Southerly, along a curve bearing to the right having a radius of 10,800.00 feet, an arc distance of 1,678.91 feet to a point; thence
12) South 33 degrees 04 minutes 27 seconds West, 121.57 feet to a point;

13) South 83 degrees 46 minutes 55 seconds West, 527.06 feet to a concrete

14) North 75 degrees 34 minutes 23 seconds West, 265.19 feet to a point in

15) North 36 degrees 04 minutes 22 seconds West, 125.92 feet to a point of

16) Northeasterly, along a curve bearing to the right having a radius of

17) Northwesterly, along a curve bearing to the left having a radius of

18) North 15 degrees 54 minutes 27 seconds West, 1,049.26 feet to a point of

19) Northwesterly, along a curve bearing to the left having a radius of 600.00

20) North 40 degrees 35 minutes 24 seconds West, along the common line

21) Northeasterly, along a curve bearing to the right having a radius of

22) North 11 degrees 36 minutes 15 seconds East, 166.77 feet to a point in

Containing 67.72 acres

Subject to easements and restrictions of record.
Being Lot 19.06 in Block 535 as shown on a map entitled "Amended Minor Subdivision Block 535 Lots 19.01 & 19.02", Township of Toms River, Ocean County, New Jersey, dated October 21, 2009, revised to August 30, 2010 and filed in the Ocean County Clerk's Office December 20, 2010 as map number J-3772. Also known as Lot 19.06 in Block 535 as shown on the Township of Toms River Tax Map.


Prepared by:
O'Donnell, Stanton & Associates, Inc.

Stuart D. Christie, P.L.S.
New Jersey License No. GS29345
DESCRIPTION OF
Tax Lot 20.02
Township of Toms River
Ocean County
New Jersey

X
Beginning at a concrete monument set in the northerly line of New Jersey State Highway Route 37 (width varies) at the common corner of Tax Lots 10 and 20.02 in Block 409 as shown on the Township of Toms River Tax Map and running; thence

1) North 14 degrees 42 minutes 00 seconds East, along the easterly line of Tax Lot 10, 1,028.87 feet to a concrete monument found at the terminus of the first course described in Book 3373 of Deeds at page 349; thence

2) North 10 degrees 18 minutes 43 seconds West, continuing along the easterly line of Tax Lot 10, 1,071.50 feet to a point to the common corner of Tax Lots 20.01 and 20.02; thence

3) North 79 degrees 41 minutes 17 seconds East, along the southerly line of Tax Lot 20.01, 1,011.73 feet to a concrete monument set in the westerly line of New Jersey State Highway Route 9 (Route 4 - Parkway Section 21)(width varies); thence

4) South 18 degrees 58 minutes 17 seconds East, along said westerly line, 995.17 feet to a point of curvature; thence

5) Southerly, continuing along said westerly line on a curve to the right having a radius of 10,800.00 feet, an arc distance of 1,098.15 feet to a point; thence the following three courses along the northerly line of a parkway exit ramp:

6) South 47 degrees 27 minutes 27 seconds West, 170.54 feet to a nail and disk set; thence

7) South 34 degrees 27 minutes 11 seconds West, 383.09 feet to a point; thence

8) South 87 degrees 21 minutes 56 seconds West, 240.99 feet to a concrete monument set in the northerly line of aforesaid New Jersey State Highway Route 37; thence the following seven courses along said northerly line:

9) North 79 degrees 26 minutes 13 seconds West, 274.85 feet to a concrete monument set; thence

10) North 78 degrees 35 minutes 53 seconds West, 509.39 feet to a point; thence

11) South 11 degrees 24 minutes 07 seconds West, 2.80 feet to a point; thence

12) Westerly, along a curve bearing to the right having a radius of 28,031.00 feet, an arc distance of 141.75 feet to a concrete monument set; thence

13) South 11 degrees 04 minutes 26 seconds West, 2.00 feet to a concrete monument set; thence

14) Westerly, along a curve bearing to the right having a radius of 28,033.00 feet, an arc distance of 174.67 feet to a concrete monument set at a point of tangency, said point being 67.00 feet north of state highway base line station 410+96.93; thence

15) North 78 degrees 34 minutes 49 seconds West, 27.02 feet to the point and place of Beginning. X

Containing 67.17 Acres

Subject to easements and restrictions of record.
Being Lot 20.02 in Block 409 as shown on the Township of Toms River Tax Map.

Being and intended to be a portion of the premises conveyed to Parkway Mall, a Partnership by deed dated April 16, 1973 and recorded in the Ocean County Clerk’s Office March 5, 1974 in Book 3373 of Deeds at page 349.


Prepared by:

O'Donnell, Stanton & Associates, Inc.

Stuart D. Christie, P.L.S.
New Jersey License No. GS29345
STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY
COUNTY: OCEAN
Municipality of Property Location: Toms River

(1) PARTY OR LEGAL REPRESENTATIVE: Instructions 8 and 4 attached
Deponent: Robert V. Paschon, being duly sworn according to law upon his/her oath deposes and says that he/she is the
Grantor in a deed dated January 13, 2011
transferring real property identified as Block No. 4094, Lot No. 19-06; 20-02 located at 50/66 Route 37 N, Toms River, NJ 08757 and annexed thereto.

(2) CONSIDERATION: $550,000 Instructions 1 and 5 no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A is required.

(3A) REQUIRED CALCULATION of Equalized Valuation for all Class 4A (Commercial) Property Transactions:

\[
\text{Total Assessed Valuation} + \text{Director's Ratio} = \text{Equalized Assessed Valuation}
\]

\[
\frac{\$}{\%} = \% = \%
\]

If Director’s Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director’s Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized value.

(4) FULL EXEMPTION FROM FEE: Instruction 8
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to the exemption symbol is insufficient. Explain in detail. (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision conveyed to a municipality.

(5) PARTIAL EXEMPTION FROM FEE: Instruction 9 NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption.

Deponent claims that this deed transaction is exempt from the State’s portion of the Basic Fee, Supplemental Fee and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1976; C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN (Instruction 9)
- Grantor(s) 62 years of age or over.*
- Owned and occupied by grantor(s) at time of sale.
- One- or two-family residential premises.
- Resident of the State of New Jersey.
- Owners as joint tenants must all qualify.

B. BLIND PERSON (Instruction 9)
- Grantor(s) legally blind.*
- Owned and occupied by grantor(s) at time of sale.
- One- or two-family residential premises.
- Resident of the State of New Jersey.
- Owners as joint tenants must all qualify.
- In the case of husband and wife or statutory partner, only one grantor need qualify. Owners as joint tenants must all qualify.

C. LOW AND MODERATE INCOME HOUSING (Instruction 9)
- Affordable according to HUD standards.
- Meets income requirements of region.
- Residential occupancy.
- Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions 8, 10 and 12)
- Entirely new improvement.
- Not previously used for any purpose.
- "New Construction" printed clearly at top of the first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions 5, 12 and 14)
- No prior mortgage assumed or to which property is subject at time of sale.
- No contributions to capital by either grantor or grantee legal entity.
- No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce the County Clerk, Registrar of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 38, P.L. 2006.

Signed and sworn to before me this 13 day of January, 2011

[Signature]
[Deponent Address]

Robert V. Paschon

8 Madison Ave., Toms River
Grantee Address At Time of Sale

[Signature]

County recording officers seal for this one copy of each Affidavit of Consideration for Use by Seller when Section 3A is completed.

State of New Jersey – Division of Taxation, P.O. Box 251, Trenton, NJ 08695-0251, Attention: Realty Transfer Fee Unit
The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without the prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at http://www.state.nj.us/treasury/taxation/pt/localtax.shtml.
The street address of the Property is: 50/66 Route 37 W.  
Toms River, NJ 08757

4. **Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights that affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. **Signatures.** The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)

Witnessed by:  

[Signature]

Robert V. Paschon  
(Seal)

Witnessed by:  

[Signature]

Byron Kotzas  
(Seal)

Witnessed by:  

[Signature]

David Wallach  
(Seal)

Witnessed by:  

[Signature]

Perlmutter Family Partnership  
Robert V. Paschon  
(Seal)

Witnessed by:  

[Signature]

Charles A. Fontana  
(Seal)

Witnessed by:  

[Signature]

Angelo Family Partnership  
Mark Angelo, Authorized Agent  
(Seal)
a Foreign Commissioner of Deeds for the State of New Jersey, residing in the City of Philadelphia, personally appeared IDA B. LESHER, to me, known, who was duly sworn according to law, on her oath saith, that she is the secretary of PIEDMONT LAND COMPANY, the grantor in the foregoing deed mentioned; that a seal affixed to said deed is the corporate seal of said corporation; that the said seal is so affixed by order of said corporation; that JOHN J. KANE is the President of the said corporation; that she saw the said JOHN J. KANE, as such President, sign the said deed, and heard him declare that he signed, sealed and delivered the same as the voluntary act and deed of the said corporation by its order, and that the deponent signed her name thereto at the same time as an attesting witness. Sworn and subscribed to before me this day and year above mentioned.

( ) Edith W. Smeltzer
( ) L. S.
( ) A Foreign Commissioner of Deeds for New Jersey

Received and Recorded December 22, 1930: 11:15 A.M.

John A. Ernst, Sheriff

--

Lucy R. Anderson & Husband

To

Jersey Central Power & Light Co.

THIS INDENTURE, made this Eleventh day of December, in the year of our Lord One Thousand Nine Hundred and Thirty,

BETWEEN Lucy R. Anderson and Emery E. her husband (the said Lucy R. Anderson being formerly Lucy R. Mallory), of the City of New York, in the County of New York and State of New York, parties of the first part;

AND the Jersey Central Power & Light Co., a corporation of the State of New Jersey, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of One Dollar and other valuable consideration, to the said party of the second part, at or before the sealing and delivering of these presents, the receipt of which is hereby acknowledged, and the sale of the first part being thereon fully satisfied, contented and paid, have granted and conveyed by these presents do grant and convey unto the use of the second part, its successors and assigns, forever,

An easement and right of way over, across the lands owned by the part

State, lying and being in the Town of New Jersey, together with all reconstructions, maintain and operate the said power company, which is made to be placed over and through the lands of the second part, as described hereinafter.

BEING

Lively and fifteen feet Westerly more

described center line:

This described in a deed from Ben.

George W. Dubuisson and Cathre.

1900 and recorded in the Ocean Co.

said point is distant above

the said third line from the thir

and thence running along the cent

over, upon and across the lands of

Isabella S. Ammack, his wife, to

wife, above mentioned; lands des

Federal Power Company dated November

Clerk's Office in Book 862 of Deed

from George H. Holman and others

March 26, 1919 and recorded in th

Deeds on page 231 a., and lands to

Lucy R. Mallory, dated March 1

Office in Book 852 of Deeds on pr

right minutes East forty-two hun

with twelve degrees thirty-eigh

ence (3) South twelve degrees : 5

Fifty-five feet to a point; then

three hundred forty-one feet

leading from Toms River to Lakeh

ninety-two feet measured Northw

Toms River to Lakehurst fro

in the deed from Joseph L. Holma

1930 and recorded in the Ocean C

and recorded in the Ocean C

937 a.c. from George H. Holman,
The lands owned by the parties of the first part, hereinafter described, shall, lying and being in the Township of Dover, in the County of Ocean and State of New Jersey, together with the right and privilege forever, to construct, maintain and operate pole lines for the transmission and distribution of electrical energy for light, heat and power, together with such poles, wires, conductors, appliances, fixtures, accessories and appurtenances as may be necessary in connection therewith, over, upon and across the said easement or right of way, described as follows:

BEING thirty feet in width lying fifteen feet Easterly and fifteen feet Westerly measured at right angles from the following described center line:

BEGINNING at a point in the third line of a tract of land described in a deed from Benjamin F. Ammack and Isabella S. Ammack, his wife, to George W. DuBuisson and Catherine DuBuisson, his wife, et al, dated May 19, 1920, and recorded in the Ocean County Clerk's Office in Book 54 of Deeds on page 863; said point is distant about two hundred thirty-two feet measured along said third line from the third corner described in the deed above mentioned, thence running along the center line of a pole line about to be constructed northerly and across the lands described in a deed from Benjamin F. Ammack and Isabella S. Ammack, his wife, to George W. DuBuisson and Catherine DuBuisson, his wife, et al, above mentioned; lands described in a deed from Harry B. Apple to the Central Power Company dated November 7, 1920, and recorded in the Ocean County Clerk's Office in Book 808 of Deeds on page 280; lands described in a deed from George H. Holman and others to the Ocean County Electric Company, dated May 16, 1919, and recorded in the Ocean County Clerk's Office in Book 528 of Deeds on page 231; lands described in a deed from Joseph L. Holman, Sheriff of Ocean County, to Lucy R. Mallory, dated March 10, 1930, and recorded in the Ocean County Clerk's Office in Book 852 of Deeds on page 460; (1) South twenty degrees thirty-eight minutes East forty-two hundred twenty-eight feet to a point; thence (2) East twelve degrees thirty-eight minutes East twenty-one hundred feet to a point; thence (3) South twelve degrees fifty-six minutes East thirty-eight hundred fifty-five feet to a point; thence (4) South twenty-six degrees forty-one minutes but three hundred forty-one feet to a point in the center line of the road lying from Toms River to Lakerhurst; said point is distant about two hundred sixty-two feet measured Northwesterly along the center line of the road leading from Toms River to Lakerhurst from the southerly corner of the lands described in the deed from Joseph L. Holman, Sheriff, to Lucy R. Mallory, dated March 10, 1930, and recorded in the Ocean County Clerk's Office in Book 852 of Deeds on page 460. The above bearings are referred to Magnetic North of 1930.

There is excepted from the foregoing described easement and right of way so much thereof as lies within the bounds of the premises described in the deeds from Benjamin F. Ammack and Isabella S. Ammack, his wife, to George W. DuBuisson and Catherine DuBuisson, his wife, et al, dated May 19, 1920, and recorded in the Ocean County Clerk's Office in Book 54 of Deeds on page 863; from George H. Holman, et al, to the Ocean County Electric Company, dated...
March 24, 1919 and recorded in the Ocean County Clerk's Office in Book 50 of Deeds on page 231 &c.; and from Harry B. Apple to the Federal Power Company, dated November 7, 1928 and recorded in the Ocean County Clerk's Office in Book 500 of Deeds on page 280 &c.

The intention of the parties of the first part hereto is to grant and convey an easement and right of way over, upon and over that portion of the foregoing described lands as lies within the bounds of the premises described in the deed from Joseph L. Holman, Sheriff, to Lucy E. Laid, dated March 10, 1930 and recorded in the Ocean County Clerk's Office in Book 460 of Deeds, on page 460 &c.

And over, upon, across and along any streets and highways, adjoining said right of way above described, subject, however, to the rights of the public therein.

Together with the right to patrol, improve, alter, repair, rebuild, increase or decrease or remove such lines, poles, conductors, wires, cables, attachments, fixtures, equipment and appliances connected or used therewith, together with all the rights and privileges necessary or desirable for the full enjoyment or use thereof, for the purposes above described, including the right to trim, cut, remove and keep clear all trees, limbs, undergrowth, structures, buildings and other obstructions on a right of way, and all trees and limbs adjacent thereto that may in any way be safe and proper operation of such lines, together also with the right to pass over designated routes across adjoining lands of the parties of the first part during the period of the initial construction of said lines for the purpose of exercising the rights and privileges herein granted.

The parties of the first part covenant they will warrant generally the easement, rights, privileges and right of all hereby conveyed; that the same are free from all encumbrances, that they are lawfully seized thereof; that they have the right to convey the same and use for themselves, their heirs, executors, administrators and assigns, at the option of the said party of the second part, will execute such further assurance of easement, rights, privileges and right of way as may be requested.

The said parties of the first part further covenant and agree to and with the said party of the second part, its successors and assigns, that if they, the said parties of the first part, acquire title to lands traversed by the line hereinabove described, that they, the said parties of the first part, their heirs, executors, administrators or assigns, will, in consideration for the payment for the grant hereinabove made, grant and convey to the Jersey Central Power & Light Company, its successors and assigns, an easement and right of way of the width of thirty feet, over, upon and across said lands, acquired, for the purpose of constructing a pole line for the transmission and distribution of electrical energy.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first written.

Signed, Sealed and Delivered
in the presence of
Louis S. Freeman

STATE OF NEW JERSEY : 33.
COUNTY OF MIDDLESEX : 33.

Attorney-at-Law of New Jersey, per

ANDERSON, her husband (the said L:
also, I am satisfied, are the gran:
first made known the contents of
signed, sealed and delivered the
use and purposes therein expressed.

Received and Recorded
12.00

William Rubel, Trustee
To
Agnes Donovan

BETWEEN
State of New Jersey, as Trustee, d:
ated November 1, 1928 and recorded
County of Ocean, State of New Jer:
of Deeds, party of the first part
AND
Park, Bergen County, State of New:
party of the second part.

WITNES

By virtue of the power and authority
for and in consideration of the a:
United States of America, to him:
part and other good and valuable:
delivery of these presents, the re:
granted, bargained, sold and con:


THIS INDENTURE, Made the 1st day of December in the Year of our Lord One Thousand Nine Hundred and fifty 

BETWEEN Lucy R. Anderson and Emery W. Anderson, now residing at 22 Chedworth Road, Scarsdale, in the County of Westchester, State of New York, and who were formerly of the City of New York in the County of New York and State of New York, party of the first part;

AND the JERSEY CENTRAL POWER & LIGHT COMPANY, of the State of New Jersey, party of the second part;

WITNESSETH, That the said party of the first part, in consideration of One Dollar and other valuable consideration, lawful and good, to the said party of the second part, at or before the same delivery of the within described property, which is hereby acknowledged, and the said party of the first part being fully satisfied, contented and paid, have granted and conveyed and do grant and convey unto the said party of the second part, its successors and assigns, forever, an easement and right of way over, upon and across the Township of Dover in the County of Ocean and State of New Jersey, together with right and privilege forever, to construct, reconstruct, maintain and operate such lines for the transmission and distribution of electrical energy, light, heat and power, together with such towers, poles, wires, conduits, appliances, fixtures, accessories and appurtenances as may be desirable therewith, over, upon and across the said easement or right of way, described as follows:

PARCELS UEB1, UEB2, UEB3, UEB4, UEB5, UEB6 & UEB7, as herein described, being a plan filed or about to be filed in the Office of the Clerk of Ocean County, entitled "New Jersey State Highway Department, General Property Parcel Way 4 Parkway Section 21, From P. R. R. at South Toms River to Route 4 Connects Cassville Road, Showing Existing Right of Way & Parcels to be Acquired in Borough of South Toms River and the Townships of Berkeley and Dover, Ocean Scales as Shown, April 1950";

SAYD Parcel UEB1 beginning at the southermost point of intersection of the existing easterly side line of Jersey Central Power & Light Company's existing thirty-foot (30') line, being entered corner of the parties hereto dated December 7, 1969, Ocean County page 74) and the arc, the center of which is a point in the right of way and in distant two hundred feet (200') to the northermost point of the base line of Route 4, forming thereon (1) northwesterly for eighty feet (80') to the northermost point of the base line of the existing thirty-five foot (35') line, and (2) eastwardly for one hundred thirty-five feet (235') to

Said Parcel UEB1 being the westerly side of the line which is parallel to and distant two hundred feet (200') to the westerly side of the base line of Route 4, as laid down on the aforesaid plan, on the south to about Station 1 plus 25'; thereafter right of way line of State Highway No. 21 plus 80' thereof and thence northerly right of way line of State Highway No. 421 plus 80' thereof and thence in the proposed westerly direction of Section 21, P. R. R. at South Toms River, as laid down on the aforesaid plan, westerly right of way line about one thousand three feet (1300') as shown on the above plan, and still along said plan, about one thousand three hundred feet (1300') thence (5) westwardly and northwardly a radius of fifty feet (50'), the (225') measured westwardly from a point about one hundred forty feet (240') measured from the fourth corner, two thousand and one hundred sixteen feet (2116') measured at right angles southwest thereof, and thence (7) northwesterly from the said third corner the southermost point of intersection of said line, thence (8) westwardly and northwardly a radius of fifty feet (50'), the (225') measured southwesterly from and northerly from the fourth corner, two thousand and one hundred sixteen feet (2116') measured at right angles southwest thereof.
lly's existing thirty-foot (30') wide right of way (described in grant between

Said Parcel UELC beginning at a point in the existing southerly
right of way line of State Highway Route 37 normal to the base line of Route 37
Station 421 plus 80 thereof and running thence (1) eastwardly along the existing
right of way line of State Highway Route 37 about twenty feet (20') to a point in the proposed westerly right of way line of State Highway Route 4

...
distant twenty feet (20’) measured at right angles southerly from the second course of this Parcel UE1C thence (9) northwesterly along said second course about one hundred fifty-eight feet (158’) to a point which is normal to the base line of Route 37 at Station 421 plus 80 thereof thence (10) northerly, along a line which is parallel to and distant fifty feet (50’) measured at right angles southeasterly from a line between said centers about seven hundred eighty-five feet (785’) to the point of beginning.

SAID Parcel UE1C, beginning at a point in the proposed northerly right of way line of State Highway Route 37, as laid down on the aforementioned plan, normal to the base line of Route 37 at Station 421 plus 80 thereof and running thence (1) eastwesterly along said proposed northerly right of way line about twenty feet (20’) to a point in the proposed westerly right of way line of State Highway Route 4 Parkway Section 21, P. R. R., at South Toms River to the connection at Cassville Road, as laid down on the aforementioned plan thence (2) eastwesterly along said proposed westerly right of way line about one hundred two feet (102’) to a point in the line which is parallel to and distant fifty feet (50’) measured at right angles southeasterly from a line between the centers of said proposed Jersey Central Power & Light Company thirty foot (30’) wide right of way at Station 002 plus 07 thereof to the existing westerly side line of the aforementioned Jersey Central Power & Light Company thirty foot (30’) wide right of way thence (4) northwesterly along said existing westerly side line about seventy-eight feet (78’) to a point distant thirty feet (30’) measured at right angles from the prolongation of the third course of this Parcel UE1C thence (5) southwesterly parallel and at distant thirty feet (30’) northwesterly from said third course of the prolongation thereof about one thousand forty feet (1,040’) to a point distant twenty feet (20’) measured northerly at right angles from the second course of this Parcel UE1C thence (6) westwardly parallel to and distant twenty feet (20’) measured northerly from said second course about one hundred eighty-five feet (185’) to a point normal to the base line of Route 37 at Station 421 plus 80 thence (7) southerly about seventeen feet (17’) to the point of beginning.

SAID Parcel UE1C beginning at the southermost point of intersection of the existing easterly side line of the aforementioned Jersey Central Power & Light Company thirty foot (30’) wide right of way and the arc of a curve having a radius of thirty feet (30’) the center of which is distant three hundred five feet (305’) measured westwardly and normal to the base line of Route 4 Parkway at Station 002 plus 07 thereof and running thence (1) northwesterly along said existing easterly side line about fifty-eight feet (58’) to the northermost point of intersection thereof with the last mentioned arc of curve thence (2) southeastwardly, southerly and southwestwardly along said arc curve an arc distance of about sixty-two feet (62’) to the point of beginning.

AND said Parcel UE1F, beginning at the southermost point of intersection of the existing easterly side line of the aforementioned Jersey Central Power & Light Company thirty foot (30’) wide right of way and the arc of a curve having a radius of fifty feet (50’) the center of which is distant five hundred ninety-two feet (592’) measured eastwardly from and normal to the base line of Route 4 Parkway at Station 158 plus 80 right of way described in the northeasterly along said existing thence (3) to an angle point therein opn still along said existing easterly northermost point of intersection thence (3) eastwardly, southerly and distance of about one hundred fifty feet (150’) to a point in the proposed westerly right of way line along said public way the public wherein.

TOGETHER WITH THE appurtenances, 5
electrical, gas, water, gas, and all other appliances, conveniences and appurtenances thereto appurtenances thereto and therein.

and the right to use, enjoy, and have the full enjoyment of said land including the right to trim, cut, prune and maintain any and all streets, sidewalks, alleys, and private roads and driveways.

The party of the first shall have the right to use, enjoy, and have the full enjoyment of said land including the right to trim, cut, prune and maintain any and all streets, sidewalks, alleys, and private roads and driveways.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals this 26th day of January, 1951.

LeRoy Grant
LEROY GRANT

STATE OF NEW JERSEY, SS.
COUNTY OF OCEAN

Public of New Jersey personally app
his wife who, I am satisfied, are t

Received and Recorded Jan. 17, 1951

L.S.

I, 

in the presence of

Signed, Sealed and Delivered

[Signature]


declared, sealed and delivered for the uses and purposes therein expressed.

[Signature]
PARKWAY at Station 158 plus 71 said center being also the third corner of
right of way described in the aforesaid deed 880/74 and running thence (1)
northeastwardly along said existing easterly side line about fifty-three feet
(1') to an angle point therein opposite said third corner thence (2) northwestwardly
along said existing easterly side line about fifty-five feet (55') to the
northwest point of intersection thereof with the last mentioned arc of curve
(3) eastwardly, southwardly and southwestwardly along said arc of curve an
distance of about one hundred sixty-four feet (164') to the point of beginning.

AND over, upon, across and along any roads, streets and highways
adjoining said right of way above described, subject, however, to the rights of
the public therein.

TOGETHER with the right to patrol, inspect, alter, improve,
wait, rebuild, increase, decrease or remove such lines, and all poles, towers,
mastes, wires, cables, attachments, fixtures, equipment and appurtenances
connected or sued therewith, together with all the rights and privileges necessary
desirable for the full enjoyment or use thereof, for the purposes above described,
including the right to trim, cut, remove and keep clear all trees, limbs, under-
brush, structures, buildings and other obstructions on said right of way, and all
poles and limbs adjacent thereto that may in any way endanger the safe and proper
operation of such lines, together also with the right to pass and repass over
alleged routes across adjoining lands of the party of the first part during
the period of the initial construction of said lines for the purpose of exercising
rights and privileges herein granted.

THE party of the first part covenants that they will warrant
naturally the easement, rights, privileges and right of way hereby conveyed, that
same are free from all encumbrances; that they are lawfully seized thereof; that
they have the right to convey the same and that they for their heirs, executors,
administrators and assigns, will execute such further assurance of said easement,
rights, privileges and right of way as may be requested.

IN WITNESS WHEREOF, the said party of the first part have hereunto
set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  )

in the Presence of  )
Lucy R. Anderson
LUCY R. ANDERSON

Le Roy Grant
LENROY GRANT

Emery M. Anderson
EMERY M. ANDERSON

STATE OF NEW JERSEY, )
COUNTY OF OCEAN )

BE IT REMEMBERED, That on this
thirteenth day of December 1950

before me, the subscriber, a Notary
Public of New Jersey personally appeared Lucy R. Anderson and Emery M. Anderson
wife who, I am satisfied, are the grantors mentioned in the within Instrument
whom I first made known the contents thereof, and thereupon they acknowledged
at they signed, sealed and delivered the same as their voluntary act and deed,
in the uses and purposes therein expressed.

Le Roy Grant
LENROY GRANT

L.S.
Notary Public of New Jersey

Recorded Jan.17,1951 1:32 P.M.  SYLVESTER B. MATHIS, CLERK
RIGHT OF WAY AGREEMENT

Lucy R. Anderson & wife

To

Jersey Central P. & L. Co., et al:

IN CONSIDERATION of One ($1.00) Dollar, and other valuable considerations, paid by Jersey Central Power & Light Company, body corporate of the State of New Jersey, or New Jersey Bell Telephone Company, the receipt of which is hereby acknowledged, we the undersigned do hereby grant unto said Jersey Central Power & Light Company, its successors and assigns, and New Jersey Bell Telephone Company, its associated and allied companies, their successors and assigns, the right to enter upon a part of the premises now owned by Lucy R. Anderson, (formerly known as Lucy R. Mallory), one of the grantors herein, in the Township of Dover, County of Ocean, State of New Jersey, which lies between the Jersey Central Power & Light Company pole line easement, recorded in Book 880 of Deeds, page 744, in the office of the Clerk of Ocean County, New Jersey, at the part of said easement now marked by pole no. 391, and the point South 81 degrees 1 minutes East therefrom on that property line of said Lucy R. Anderson which runs South 33 degrees West as set forth in the deed to Lucy R. Mallory recorded in Book 852 of Deeds, page 460, in the office of the Clerk of Ocean County, New Jersey.

To erect, maintain, renew, repair and remove poles, guys, anchors, guy stubs, crossarms, wires, cables, and appurtenances in perpetuity for the transmission and distribution of electricity, the operation of communication systems, and in addition thereto to erect and maintain such other wires or appurtenances on said poles and crossarms as said Company may deem necessary and proper to be attached thereto upon, over, across, along and beyond said property, it being understood and agreed that the course of said pole line is to run, and the erection thereof is to be, as follows:

BEGINNING at an existing pole, no. 1931, now situated on the South side of Messenger Street as shown on Jersey Central Power & Light Co. (Asbury Park, N.J.) Drawing No. C-16805, drawn by R. D. 2-6-52, checked by WMA 2-22-52, W. B. 190, 23-28, rev. nos. 1, 5-19-52 by R. K., and running thence North 81 degrees 14 minutes West 173.6 feet to STK # 1, which marks the place where a pole is to be erected, running thence still North 81 degrees 14 minutes West 173.6 feet, and crossing the mentioned property line of the grantor, Lucy R. Anderson, which runs South 33 degrees West, to STK # 2, which marks the place on the property of said Lucy R. Anderson.

03 1442 370 E 7-7-52
a pole is to be erected, all as is specifically indicated and delineated on said
C-16865, and continuing thence still North 81 degrees 14 minutes West
316 feet to said pole no. 391 in the Jersey Central Power & Light Company pole
of easement aforesaid, recorded in Book 880 of Deeds page 745s in the office
of the Clerk of Ocean County, New Jersey.

IT IS AGREED that the Companies from time to time may renew any
pole erected hereunder so that the same shall be kept in proper condition and
all have the right to trim and keep trimmed, or cut and remove, such trees or
trees branches as may be required to maintain service at all times; the work shall
be done with care, and the sidewalk, street and premises disturbed thereby shall
be restored to a proper and safe condition by and at the expense of said Companies.

IN WITNESS WHEREOF we have set our hands and seals this 31st day
of May in the year 1952.

Lucy R. Anderson  (L.S.)
LUCY R. ANDERSON

Emery M. Anderson  (L.S.)
EMERY M. ANDERSON

STATE OF NEW YORK

COUNTY OF WESTCHESTER

On this 31st day of May, 1952,
before me, the subscriber, a
Notary Public of the State of
New York, duly authorized to act as a Notary Public in Westchester County, New
York, personally appeared LUCY R. ANDERSON and EMERY M. ANDERSON who are the
grantors husband and wife in this instrument, and I having first made known to
them the contents thereof, they acknowledged that they signed, sealed and
delivered this instrument as their voluntary act and deed, for the uses and
purposes therein expressed.

Maurice Clarke
MAURICE CLARKE
NOTARY PUBLIC, STATE OF NEW YORK
No. 60-0056000
Qualified in Westchester County
Term expires March 30, 1953

Received and Recorded July 7, 1952

10:07 A. M.

Sylvester H. Mathis, Clerk
RIGHT OF WAY GRANT FOR ELECTRIC LINES

INDENTURE made this 27th day of February, 1951, at 7 o'clock in the afternoon between LUCY R. MALLORY and LUCY A. ANDERSON, her husband,
Residing at 22 Chelworth Road, Scarsdale, Westchester County, New York.

IN the Town of Scarsdale, County of Westchester, State of New York, the premises conveyed to Lucy R. MALLORY by deed from JOSEPH L. ROLMAN, dated March 22, 1951, and recorded in the Ocean County Clerk's Office on March 24, 1951, and also being the same premises conveyed to Lucy R. MALLORY by deed from JERSEY CENTRAL POWER & LIGHT COMPANY Light Company Drawing No. D-3370 dated June 32, 1949, being an easement of 59 feet in width as shown on the plan below, is, together, in all 59 feet, more or less, all attached hereto and made part hereof. These premises are subject to and stated in Schedule "A" of the indenture above, is more particularly described in Schedule "A" of the indenture above, is more particularly described in Schedule "A" of the indenture above.

SCHEDULE "A"

Being an easement of 50 feet in width as shown on Jersey Central Power & Light Company Drawing No. D-3370 lying 25 feet on each side of the following described center line:

(1) North 22° 09' 26" East 53.06 feet, thence
(2) North 17° 37' 56" West 1100.92 feet to a point, in the easterly right of way line of the Garden State Parkway.

The easterly 50 feet of the above described 50 foot right of way is intended to be the same right of way granted to Jersey Central Power and Light Company by Lucy R. and LUCY A. ANDERSON by an easement dated December 13, 1950 and recorded January 17, 1951 in the Ocean County Clerk's Office in Book 1394, page 272.
This Grant of Right of Way and Easement supersedes, cancels and renders void, so much of that certain Grant and Easement from Grantee herein to Grantee herein, dated December 13, 1950 and recorded in the Ocean County Clerk's Office in Book 1386 at Page 272 as is shown on Grantee's Drawing 6C-33780 dated June 23, 1960, Rev.12 dated March 7, 1961.
If Grantee's title to said premises be marketable and all items prior to this grant have been paid or subscribed to, Grantor shall tender and Grantee shall accept Grantor's check for $39,900.00, as full payment for all rights hereby granted, within 60 days from date hereof, and if such payment is not tendered (either directly to, or by presentation for deposit with), name of bank, N.J., in credit of the Grantees within the time specified, the rights and privileges hereinafter granted shall, without further act on the part of the parties hereto, cease and determine and Grantor shall record a proper release of the rights granted hereby and be relieved from any further obligation hereunder. Otherwise, Grantor shall, from the date hereof, have and hold the rights hereby granted and conveyed until the expiration of the first line hereunder and thereafter so long as any such line is maintained pursuant hereto, subject to its covenant to do the sum aforesaid without interest upon, and after notice of, Grantors' perfection of title and subordination of lien.

The words "Grantees" and "Grantor" shall include their heirs, executors, administrators, successors and assigns, as the case may be. This indenture contains the entire agreement between the parties with respect to said right of way.

IN WITNESS WHEREOF, Grantors signed and sealed this instrument the day and year first above written.

WITNESS:

Maurice Clark

as to both

ATTEST:

SECRETARY

By:

PRESIDENT
Plaintiff, OCEAN COUNTY
State of New Jersey,

1. Possession of the premises, mentioned in the pleadings herein, is being held by temporary authority.

2. The premises, to which the complaint refers, have been marked Exhibit A, and the same is a part hereof, and upon the附件

3. The estate and all permanent easements relate to the premises,

4. The sum of $10,000.00, to be paid as just compensation, which sum is deposited, and

5. The Ocean County Sewerage Authority,

6. The names of the parties, the nature of their interests in the premises.

PARKWAY MALL, a Partnership; N.J. WINSTON CORPORATION, (formerly known as Toms River Mall, Inc.), a Delaware Corporation; TOWNSHIP OF DOVER; JERSEY CENTRAL POWER & LIGHT COMPANY; and STATE OF NEW JERSEY,

Defendants
Plaintiff, OCEAN COUNTY SEWAGE AUTHORITY, a body politic of the State of New Jersey, hereby declares:

1. Possession of the premises described in the Complaint, heretofore filed herein, is being taken by and for the use of the Ocean County Sewage Authority.

2. The premises hereby taken are described in the exhibit attached hereto, made a part hereof and marked Exhibit "A", wherein reference is made to a map marked Exhibit "B", a copy of which is also attached hereto and made a part hereof, and upon which map the said lands and premises are designated.

3. The estate or interest hereby taken is permanent easement and temporary easement in the lands and premises hereinafter described.

4. The sum of money estimated by the Ocean County Sewage Authority to be just compensation for the taking is
   permanent easement - $11,100.00
   temporary easement - $1,000.00
which sum is deposited with the Clerk of the Superior Court.

5. The Ocean County Sewage Authority is entitled to the exclusive possession, title and use of the premises aforesaid and will forthwith enter into and take possession of them. (N.J.S.A. 40:14A-7 (5), (11); N.J.S.A. 20:3-17 through 20)

6. The names and addresses of all condemnees known to the Ocean County Sewage Authority, the condemnor herein, after reasonable investigation, and the nature of their interest in the property, are as follows:
   PARKWAY MALL, A Partnership c/o Robert V. Paschen, Esquire Paschen & Feurey 1027 Hooper Avenue Toms River, New Jersey #08753
   Is made a party defendant by reason of being record owner under Deed of Conveyance dated April 16, 1973, recorded March 5, 1974 in the Ocean County Clerk's Office in Book 3373 of Deeds at Page 349.
N.K. WINSTON CORPORATION
(formerly known as Toms River Mail, Inc.), A Delaware Corporation
711 Fifth Avenue
New York, New York

Is made a party defendant by reason
of being the holder of a mortgage
made by Jersey Shore Security, Inc.
dated April 16, 1973, recorded
April 19, 1973 in the Ocean County
Clerk's Office in Book 1759 of
Mortgages at Page 265.

TOWNSHIP OF DOVER
C/O Township Clerk
33 Washington Street
P.O. Box #728
Toms River, New Jersey #08753

Is made a party defendant by reason
of the following:

a) Certain taxes and assessments,
duly levied and assessed and by
reason thereof may claim to have
an interest in the subject premises.

b) Being the holder of Tax Sale
Certificate #6401 made by Carl F.
Heagey, Collector of Taxes,
Township of Dover, dated
December 16, 1974 and recorded
on March 6, 1975 in the Ocean
County Clerk's Office in Book
1093 of Mortgages at Page 171
(amount of $3,685.09).

JERSEY CENTRAL POWER & LIGHT COMPANY
Madison Avenue & Punch Bowl Road
Morristown, New Jersey

Is made a party defendant by reason
of being the holder of Easement
(Right of Way grant) given by
Lucy R. Anderson, et al., to Jersey
Central Power & Light Company, dated
February 27, 1961 and recorded on
March 30, 1961 in the Ocean County
Clerk's Office in Book 2193 of
Deeds at Page 108.
STATE OF NEW JERSEY  
C/o Attorney General  
State House  
Trenton, New Jersey #08625  

[Text discussing defendants and corporations]  

IN WITNESS WHEREOF, the Ocean County Sewerage Authority has caused this Declaration to be signed by Joseph L. Penn, Chief of Real Estate Department, of said Authority, thereunto duly authorized, its corporate seal to be affixed, attested by its Secretary, this 25 day of October, 1976.

OCEAN COUNTY SEWERAGE AUTHORITY  
By ________________________________  
Joseph L. Penn  

[Signature]

Chester Holman
DESCRIPTION OF AREA TO BE TAKEN AS EASEMENT BY THE
OCEAN COUNTY SEWERAGE AUTHORITY
TOMS RIVER INTERCEPTOR SECTION 4, PARCEL 1.1
DOVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY

ALL those certain lots, tracts, or parcels of land situate,
ylying and being in the Township of Dover, County of Ocean and State of
New Jersey and being herein more particularly bounded and described as
follows:

TRACT 1 - PERMANENT EASEMENT

BEGINNING at a point in the northerly right-of-way line of
N.J. State Highway Route 37, said point being distant 35.01 feet along
a course of South 78° 35' 53" East from a point of intersection formed
by the northerly right-of-way line of Route 37 and the westerly line
of the Jersey Central Power and Light Co. easement (240 feet wide),
and proceeding:

(1) North 10° 05' 12" East, a distance of 937.74 feet to a point;
    thence
(2) South 79° 54' 48" East, a distance of 35.00 feet to a point
    in the westerly right-of-way line of the Jersey Central Power and
    Light Co. easement; thence
(3) North 10° 05' 12" East, along the westerly right-of-way line
    of the Jersey Central Power and Light Co. easement, a dis-
    tance of 100.00 feet to an angle point in said line; thence
(4) North 15° 13' 01" West, still along the westerly right-of-way
    line of the Jersey Central Power and Light Co. easement, a dis-
    tance of 1375.37 feet to an angle point in said line; thence
(5) North 23° 02' 07" West, still along the westerly right-of-way
    line of the Jersey Central Power and Light Co. easement, a dis-
    tance of 200.00 feet to a point; thence
(6) South 66° 57' 53" West, a distance of 35.00 feet to a point;
    thence
(7) North 23° 02' 07" West, a distance of 775.95 feet to a point
    in the southerly line of Lot 61, Block 409; thence
(8) South 71° 08' 02" East, along the southerly line of Lot 61,
    Block 409, a distance of 67.16 feet to a point; thence
(9) South 23° 02' 07" East, a distance of 933.11 feet to a point;
    thence
(10) South 15° 13' 01" East, a distance of 1379.76 feet to a point;
    thence

EXHIBIT "A" - Page #1
TRACT 1 - PERMANENT EASEMENT (cont'd)

(11) South 10° 05' 12" West, a distance of 1042.25 feet to a point in the northerly right-of-way line of N.J. State Highway Route 37; thence

(12) North 78° 35' 53" West, along said northerly right-of-way line of Route 37, a distance of 50.01 feet to the point and place of beginning.

Said tract contains 2.522 acres.

TRACT 2 - PERMANENT EASEMENT

BEGINNING at a point in the westerly line of Lot 61, Block 409, said point being distant the following two courses from the terminus of the seventh course herein above described:

(A) North 71° 08' 02" West, a distance of 328.29 feet to a monument set at the southwest corner thereof; thence

(B) North 5° 08' 11" West, along the westerly line of Lot 61, a distance of 681.16 feet to the true point and place of beginning

(1) North 23° 02' 07" West, a distance of 1035.03 feet to a point in the southerly line of Lot 60, Block 409; thence

(2) South 43° 09' 37" East, along the southerly line of Lot 60, a distance of 145.32 feet to a point; thence

(3) South 23° 02' 07" East, a distance of 789.78 feet to a point in the westerly line of Lot 61, Block 409; thence

(4) South 13° 51' 40" West, along the westerly line of Lot 61, a distance of 43.43 feet to an angle point in said line; thence

(5) South 5° 00' 11" East, still along the westerly line of Lot 61, a distance of 77.84 feet to the point and place of beginning.

Said tract contains 1.035 acres.

10' WIDE TEMPORARY EASEMENT

BEGINNING at the terminus of the second course of the first tract herein above described, and proceeding; thence

(1) North 79° 54' 48" West, along the second course of Tract 1 herein above described, a distance of 10.00 feet to a point; thence

EXHIBIT "A" - Page #2
10' WIDE TEMPORARY EASEMENT (cont'd)

(2) North 10° 05' 12" East, running parallel to and 10 feet offset therefrom, the westerly line of the Jersey Central Power and Light Co. easement (240 feet wide), a distance of 97.76 feet to a point; thence

(3) North 15° 13' 01" West, still running parallel to and 10 feet offset therefrom, the westerly line of said Jersey Central Power and Light Co. easement, a distance of 1372.44 feet to a point; thence

(4) North 23° 02' 07" West, still running parallel to and 10 feet offset therefrom, the westerly line of said Jersey Central Power and Light Co. easement, a distance of 199.32 feet to a point in the sixth course of Tract 1 herein above described; thence

(5) North 66° 57' 53" East, along said sixth course of Tract 1, a distance of 10.00 feet to the terminus of the fifth course of Tract 1 described above; thence

(6) South 23° 02' 07" East, along the westerly line of the Jersey Central Power and Light Co. easement, a distance of 200.00 feet to an angle point in said line; thence

(7) South 15° 13' 01" East, still along the westerly line of the Jersey Central Power and Light Co. easement, a distance of 1375.37 feet to an angle point in said line; thence

(8) South 10° 05' 12" West, still along said westerly line of the Jersey Central Power & Light Co. easement, a distance of 100.00 feet to the point and place of beginning.

Said temporary easement contains 0.384 acre (16,724.4 sq. ft.).

25' WIDE TEMPORARY EASEMENT

BEGINNING at the terminus of the tenth course of Tract 1, herein above described, and proceeding; thence

(1) North 15° 13' 01" West, along the tenth course of Tract 1, a distance of 1379.76 feet to the terminus of the ninth course of Tract 1; thence

(2) North 23° 02' 07" West, along the ninth course of Tract 1, a distance of 201.03 feet to a point; thence

(3) North 66° 57' 53" East, a distance of 25.00 feet to a point; thence.
30' WIDE TEMPORARY EASEMENT (cont'd)

61. South 23° 02' 07" East, a distance of 202.74 feet to a point; thence

62. South 15° 13' 01" East, a distance of 1387.08 feet to a point; thence

63. South 10° 05' 12" West, a distance of 108.98 feet to a point; thence

64. North 7° 54' 48" West, a distance of 25.00 feet to a point in the eleventh course of Tract 1; thence

65. North 10° 05' 12" East, along the eleventh course of Tract 1, a distance of 103.37 feet to the point and place of beginning.

Said temporary easement contains 0.971 acre.

Being in accordance with a map prepared for the Ocean County Sewerage Authority by Fellows, Read & Weber, Inc., dated January 2, 1976.

* * * *

EXHIBIT "A" - Page #4

Temporary Easement is for a term of 11-1-76 or date of filing of Declaration of Taking herein, whichever shall first occur, through 10-31-76.
ALL that right of perpetual easement ("permanent easement") in and along
lands heretofore described for the installation, repair, relocation, maintenance
or removal of underground sanitary sewer pipelines and/or mains and facilities
or appurtenances as required in the use, operation and maintenance of a sanitary
sewage disposal system. This system will convey sewage and waste across, through
and under the lands heretofore described.

The right to excavate and refill ditches and/or trenches for the location
of said sanitary sewer pipelines and/or mains and facilities and/or appurtenances
and/or installation of dirt or gravel access roads and the further right to do all
things proper, necessary for or incidental to the location, construction, mainte-
nance and operation of said sanitary sewer pipelines and/or mains and facilities
and/or appurtenances and/or access roads.

TO HAVE AND TO HOLD the same unto and to said use of said Ocean County
Sewerage Authority, its successors and assigns.

The Authority, or its contractor, at its own cost and expense, will take
steps to restore the surface of the land heretofore described to a condition
similar to that in which existed prior to the construction, including the reseeding
of the land to provide a ground cover to prevent soil erosion where necessary.

Such restoration shall include above-ground plantings such as trees and
shrubs where expressly provided for in the construction contract restoration plans.
It shall also include the restoration of fences, driveways, roadways and parking
areas to a condition similar to that in which existed prior to construction, when same
are affected by such construction.

The Authority shall have the right to patrol, inspect, redesign, rebuild
or alter said lines and to install such additional lines, apparatus and equipment
as the Authority may, at any time determine necessary and the right to remove any
line or any part thereof. In the event that the Authority shall exercise its rights
under this paragraph, it shall make restoration at its own cost and expense as
provided above.

Together, also, with the right from time to time to remove or clear and
keep clear any or all trees, underbrush, structures and other obstructions from
said right of way, together, also, with the right of entry upon the condenser’s
said lands as heretofore described for all of the purposes aforesaid.

Subject to the Authority's exercise of the rights sought to be acquired,
the condensers may use the ground within the limits of said right of way without
substantial change of grade, provided that such use shall not interfere with, limit
or obstruct any subsequent exercise of the rights hereby granted and provided
further that no building or other structure shall be erected within said right of
way unless expressly provided herein.

However, fences, parking areas, driveways, and roadways shall not be
considered as obstructions or structures within the meaning of this prohibition
and, further, shall not be considered an interference with the limitation of or
obstruction of any subsequent exercise of the easement rights hereby granted.
However, fences, roadways, driveways, and parking areas and the incident utility
placement, while specifically permitted, shall be subject to location approval
by the Ocean County Sewerage Authority, which approval shall not be unreasonably
withheld.

EXHIBIT "A-1"
CARTON, MARY, WITT & ARVANITIS
Route 66 at Garden State Parkway
P. O. Box 1229
Asbury Park, N.J. 07712
(201) 922-9500
Attorneys for Plaintiff

OCEAN COUNTY SEWERAGE AUTHORITY, 
: a public body politic and corporate 
constituting a political sub-
: division of the State of N.J., 
: Plaintiff 
: 
: v. 
: 
: PARKWAY MALL, A Partnership; 
: N.K.WINSTON CORPORATION, (formerly 
known as Tom's River Mall, Inc.) 
: A Delaware Corporation; TOWNSHIP 
of DOVER; STATE OF NEW JERSEY, 
: Defendants 

OCEAN COUNTY SEWERAGE AUTHORITY, a body politic 
of the State of New Jersey, hereby declares:

1. Possession of the premises described in the SECOND 
AMENDMENT TO COMPLAINT, heretofore filed herein, is being taken 
by and for the use of the Ocean County Sewerage Authority.

2. The premises hereby taken are described in the exhibit 
attached hereto, made a part hereof, and marked Exhibit "A" 
wherein reference is made to a map marked Exhibit "B", a copy of 

which is also attached which map the said lan
3. The estate or 
easement in the lands
4. The sum of mo Authority to be just c
which sum is deposited
5. The Ocean Cou 
exclusive possession, 
and will forthw with ent 
S.A.40:14A-7 (5), (11)
6. The names and 
Ocean County Sewerage 
reasonable investigat:
the property, are as:

PARKWAY MALL, A 
c/o Robert V. Pas 
Paschon & Feurey 
1027 Hooper Aven 
Tom's River, N.J.,

N.K.WINSTON CORP 
(formerly known 
River Mall,Inc.) 
Corporation 
711 Fifth Avenue 
New York, N.Y.
which is also attached hereto and made a part hereof, and upon
which map the said lands and premises are designated.

3. The estate or interest hereby taken is permanent
easement in the lands and premises hereinafter described.

4. The sum of money estimated by the Ocean County Sewerage
Authority to be just compensation for the taking is $9,700.00,
which sum is deposited with the Clerk of the Superior Court.

5. The Ocean County Sewerage Authority is entitled to the
exclusive possession, title and use of the premises aforesaid
and will forthwith enter into and take possession of them. (N.J.
S.A.40:14A-7 (5), (11); N.J.S.A.20:3-17 through 20).

6. The names and addresses of all condemnees known to the
Ocean County Sewerage Authority, the condemnor herein, after
reasonable investigation, and the nature of their interest in
the property, are as follows:

PARKWAY MALL, A Partnership
c/o Robert V. Paschon, Esquire
Paschon & Feurey
1027 Hooper Avenue
Toms River, N.J., 08753

N.K.WINSTON CORPORATION
(formerly known as Toms River Mall, Inc.) a Delaware
Corporation
711 Fifth Avenue
New York, N.Y.

Is made a party defendant by
reason of being record owner
under Deed of Conveyance dated
4/16/73, recorded 3/5/74 in the
Ocean County Clerk’s Office in
Book 3373 of Deeds at page 349

Is made a party defendant by
reason of being the holder of
a mortgage made by Jersey Shore
Security, Inc. dated 4/16/73
recorded 4/19/73 in the Ocean
County Clerk’s Office in
Book 1759 of Mortgages at
Page 265.
TOWNSHIP OF DOVER

c/o Township Clerk
33 Washington Street
F. O. Box 728
Toms River, N.J. 08753

STATE OF NEW JERSEY

c/o Attorney General
State House
Trenton, N.J. 08625

Is made a party defendant by reason of the following:

a) Certain taxes and assessments, duly levied and assessed and by reason thereof may claim to have an interest in the subject premises.

b) Being the holder of Tax Sale Certificate #6401 made by Carl F. Haughey, Collector of Taxes, Township of Dover, dated 12/16/74 and recorded on 3/6/75 in the Ocean County Clerk's Office in Book 1895 of Mortgages at page 171 (amount of $3,685.00)

Is made a party defendant by reason of any franchise or other corporate taxes, if any, due and unpaid to it from the following Corporations:

a) N.K. Winston Corporation, a Delaware corporation (formerly known as Toms River Mall, Inc.)

b) Jersey Shore Security, Inc., a predecessor in title to Parkway Mall, Inc.

IN WITNESS WHEREOF, the Ocean County Sewerage Authority has caused this Declaration to be signed by Kathy Marmur, Administrative Assistant of said Authority, thereunto duly authorized, its corporate seal to be affixed, attested by its Secretary this 4th day of April 1979

OCEAN COUNTY SEWERAGE AUTHORITY

By Kathy Marmur

This instrument prepared by
Robert V. Carlton, Esq.
DESCRIPTION OF AREA TO BE TAKEN AS EASEMENT BY THE
OCEAN COUNTY SEWERAGE AUTHORITY
TOMS RIVER INTERCEPTOR SECTION 4, PARCEL 1.1
DOVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY

ALL those certain lots, tracts, or parcels of land situate,
lying and being in the Township of Dover, County of Ocean and State of
New Jersey and being herein more particularly bounded and described as
follows:

TRACT 1 - PERMANENT EASEMENT

BEGINNING at a point in the northerly right-of-way line of
N. J. State Highway Route 37, said point being distant 35.01 feet along
a course of South 78° 35' 53" East from a point of intersection formed
by the northerly right-of-way line of Route 37 and the westerly line
of the Jersey Central Power and Light Co. easement (240 feet wide),
and proceeding, thence

(1) North 10° 05' 12" East, a distance of 937.74 feet to a point;
    thence
(2) South 79° 54' 48" East, a distance of 35.00 feet to a point
    in the westerly right-of-way line of the Jersey Central Power
    and Light Co. easement; thence
(3) North 10° 05' 12" East, along the westerly right-of-way line
    of the Jersey Central Power and Light Co. easement, a
distance of 100.00 feet to an angle point in said line; thence
(4) North 15° 13' 01" West, still along the westerly right-of-way
    line of the Jersey Central Power and Light Co. easement, a
distance of 1375.37 feet to an angle point in said line;
thence
(5) North 23° 02' 07" West, still along the westerly right-of-
    way line of the Jersey Central Power and Light Co. easement,
a distance of 300.00 feet to a point; thence
(6) South 66° 57' 53" West, a distance of 35.00 feet to a point;
    thence
(7) North 23° 02' 07" West, a distance of 776.95 feet to a point
    in the southerly line of Lot 61, Block 409; thence
(8) South 71° 08' 02" East, along the southerly line of Lot 61,
    Block 409, a distance of 67.18 feet to a point; thence
(9) South 23° 02' 07" East, a distance of 933.11 feet to a point;
    thence
Desc. area to be taken as easement by
O.C.S.A., Toms River Inter., Sec. 4, Par. 1,1
Dover Twp., Ocean Co., N.J.

(10) South 15° 13' 01" East, a distance of 1379.76 feet to a point; thence

(11) South 16° 05' 12" West, a distance of 1042.25 feet to a point; thence

(12) North 78° 35' 53" West, along said northerly right-of-way line of Route 37, a distance of 50.01 feet to the point and place of beginning.

Said tract contains 2.522 acres.

TRACT 2 - PERMANENT EASEMENT

BEGINNING at a point in the westerly line of Lot 61, Block 409, said point being distant the following two courses from the terminus of the seventh course herein above described:

(A) North 71° 08' 02" West, along the southerly line of Lot 61, Block 409, a distance of 328.29 feet to a monument set at the southwest corner thereof; thence

(B) North 5° 08' 11" West, along the westerly line of Lot 61, a distance of 681.16 feet to the true point and place of beginning.

(1) North 23° 02' 07" West, a distance of 1035.03 feet to a point in the southerly line of Lot 60, Block 409; thence

(2) South 43° 09' 37" East, along the southerly line of Lot 60, a distance of 145.32 feet to a point; thence

(3) South 23° 02' 07" East, a distance of 789.78 feet to a point in the westerly line of Lot 61, Block 409; thence

(4) South 13° 51' 40" West, along the westerly line of Lot 61, a distance of 43.43 feet to an angle point in said line; thence

(5) South 5° 08' 11" East, still along the westerly line of Lot 61, a distance of 77.84 feet to the point and place of beginning.

Said tract contains 1.035 acres.

10' WIDE TEMPORARY EASEMENT

BEGINNING at the terminus of the second course of the first tract herein above described, and proceeding; thence

(1) North 79° 54' 48" West, along the second course of Tract 1 herein above described, a distance of 10.00 feet to a point; thence

25' WIDE TEMPORARY EASEMENT

BEGINNING at the herein above described, and

(1) North 15° 13' 01" a distance of 137 course of Tract 1

(2) North 23° 02' 07" a distance of 201

(3) North 66° 57' 53" thence
10' WIDE TEMPORARY EASEMENT (cont'd)

(2) North 10° 05' 12" East, running parallel to and 10 feet
offset therefrom, the westerly line of the Jersey Central
Power and Light Co. easement (240 feet wide), a distance
of 97.76 feet to a point; thence

(3) North 15° 13' 01" West, still running parallel to and 10
feet offset therefrom, the westerly line of said Jersey
Central Power and Light Co. easement, a distance of 1372.44
feet to a point; thence

(4) North 23° 02' 07" West, still running parallel to and 10
feet offset therefrom, the westerly line of said Jersey
Central Power and Light Co. easement, a distance of 199.32
feet to a point in the sixth course of Tract 1 herein above
described; thence

(5) North 66° 57' 53" East, along said sixth course of Tract 1,
a distance of 10.00 feet to the terminus of the fifth course
of Tract 1 described above; thence

(6) South 23° 02' 07" East, along the westerly line of the Jersey
Central Power and Light Co. easement, a distance of 200.00
feet to an angle point in said line; thence

(7) South 15° 13' 01" East, still along the westerly line of the
Jersey Central Power and Light Co. easement, a distance of
1375.37 feet to an angle point in said line; thence

(8) South 10° 05' 12" West, still along said westerly line of the
Jersey Central Power & Light Co. easement, a distance of
100.70 feet to the point and place of beginning.

Said temporary easement contains 0.384 acre (16,724.4 sq. ft.).

25' WIDE TEMPORARY EASEMENT

BEGINNING at the terminus of the tenth course of Tract 1,
herein above described, and proceeding; thence

(1) North 15° 13' 01" West, along the tenth course of Tract 1,
a distance of 1379.76 feet to the terminus of the ninth
course of Tract 1; thence

(2) North 23° 02' 07" West, along the ninth course of Tract 1,
a distance of 201.03 feet to a point; thence

(3) North 66° 57' 53" East, a distance of 25.00 feet to a point;
thence
25' WIDE TEMPORARY EASEMENT (cont'd)

(4) South 23° 02' 07" East, a distance of 202.74 feet to a point; thence

(5) South 15° 13' 01" East, a distance of 1307.08 feet to a point; thence

(6) South 10° 05' 12" West, a distance of 108.98 feet to a point; thence

(7) North 79° 54' 48" West, a distance of 25.00 feet to a point in the eleventh course of Tract 1; thence

(8) North 10° 05' 12" East, along the eleventh course of Tract 1, a distance of 103.37 feet to the point and place of beginning.

Said temporary easement contains 0.971 acre.

Being in accordance with a map prepared for the Ocean County Sewerage Authority by Fellows, Read & Weber, Inc., dated January 2, 1976.

* * *
DESCRIPTION OF AREA TO BE ACQUIRED AS EASEMENT BY
THE OCEAN COUNTY SEWERAGE AUTHORITY
TOMS RIVER INTERCEPTOR SECTION 4, PARCEL 7
DOVER TOWNSHIP, OCEAN COUNTY, NEW JERSEY

ALL that certain lot, tract or parcel of land lying, situate
and being in the Township of Dover, County of Ocean and State of New
Jersey and being herein more particularly bounded and described as
follows:

BEGINNING at a point, said point being distant the following
two courses and distances from a monument found in the easterly right-
of-way line of N.J. State Highway Rte. 37, said monument being the 15th
corner of a tract of land conveyed by deed from Lucy R. Anderson to
Parkway Hall Associates, said deed dated April 16, 1973, recorded March
4, 1974 in the Ocean County Clerk's office in deed book 3373, page 345,

(A)
North 78° 35' 47" East, along said northerly right-of-way line
of N.J. State Highway Rte. 37, a distance of 600 feet, more or
less, to a point; thence

(B) North 10° 05' 12" East, a distance of 937.74 feet to the true
point and place of beginning; thence

(C) North 10° 05' 12" East, a distance of 79.46 feet to a point;
thence

(D) North 15° 13' 01" West, a distance of 1365.12 feet to a point;
thence

(E) North 23° 02' 07" West, a distance of 197.61 feet to a point;
thence

(F) South 66° 57' 53" West, a distance of 35.00 feet to a point;
thence

(G) South 23° 02' 07" East, a distance of 200.00 feet to a point;
thence

(H) South 15° 13' 01" East, a distance of 1375.37 feet to a point;
thence

(I) South 10° 05' 12" West, a distance of 100.00 feet to a point;
thence

(J) North 79° 54' 48" West, a distance of 35.00 feet to the point
and place of beginning.

Being a portion of Lot 20, Block 409 as shown on the Township
Dover Tax Map, said parcel contains 1.221 acres.

Being in accordance with a parcel survey map prepared for the
Ocean County Sewerage Authority by Fellows, Read & Weber, Inc., dated

* * * * *
STATE OF NEW JERSEY, by the
COMMISSIONER OF TRANSPORTATION,
Plaintiff,

vs.

Parkway Mall, a partnership; et al.

Defendants.

CIVIL ACTION
DECLARATION OF TAKING

Plaintiff, State of New Jersey, by the Commissioner of Transportation, hereby declares that:

1. Possession of the land and premises described in the complaint, filed herein, is hereby taken by and for the use of the New Jersey Department of Transportation.

2. The New Jersey Department of Transportation is entitled to the exclusive possession and use of the premises aforesaid and will forthwith enter into and take possession.
of them pursuant to the provisions of N.J.S.A. 20:3-17 et seq., and N.J.S.A. 27:7-22.

3. The premises hereby taken are described in Exhibits "A" and "B" annexed hereto.

4. The estate or interest taken is either a fee simple absolute, or such lesser interest, or both, as are set forth in the Exhibits "A" and "B" annexed hereto.

5. The sum of money estimated by the Plaintiff to be just compensation for the taking is $17,300.00 which sum is deposited with the Clerk of the Superior Court.

6. The names and addresses of all condemnees known to the Plaintiff and the nature of their alleged interest in said property are as follows: The owner of record of said land and premises is Parkway Mall, a partnership, address, 25 Route 37 East, Toms River, New Jersey;
other persons and corporations appearing of record of have an interest in the said land and premises and persons and corporations who have or may claim to have an interest therein as are known to the plaintiff are:

N.K. Winston Corporation, formerly known as Toms River Mall, Inc., a corporation of Delaware, address, 711 5th Street, New York, New York, which, by reason of a mortgage made to it by Jersey Shore Security, Inc., a corporation of New Jersey, dated April 16, 1973, recorded in the office of the County Clerk of Ocean County on April 19, 1973, in Book 1759 of Mortgages, at page 265, the said N.K. Winston Corporation has or may claim to have an interest therein; Township of Dover, in the County of Ocean, a municipal corporation of New Jersey, address, Clerk, L. Manuel Hirshland, 33 Washington Street, Toms River, New Jersey, which, by reason of certain taxes and assessments duly levied and assessed, and for the further reason of sidewalk roll-back taxes assessed, or to be assessed, has or may claim to have an interest therein.

Hazel Frank Gluck
COMMISSIONER OF TRANSPORTATION

BY: J. Newman

Joseph J. Schamohr
Director, Right of Way Transportation

Dated: 05/18/89

084711-0305
All that certain land and premises, situate, lying and being in the Township of Dover, in the County of Ocean and State of New Jersey and particularly described as follows:

Parcels R208A and 2R208C, as indicated on a map entitled: "New Jersey Department Of Transportation, GENERAL PROPERTY PARCEL MAP, ROUTE 37 (1953) SECTION 8, From Route 70 To Garden State Parkway, Showing Existing Right Of Way And Parcels To Be Acquired In The Borough Of Lakehurst And Townships Of Manchester And Dover, County Of Ocean, Scale: As Indicated, June 1986"; and as shown more particularly on a map attached hereeto, made a part hereof, marked "Exhibit B", entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 37 (1953) SECTION 8, FROM ROUTE 70 TO GARDEN STATE PARKWAY, PARCELS R208A & 2R208C, TOWNSHIP OF DOVER, COUNTY OF OCEAN, SCALE: AS INDICATED, JUNE 28, 1986";

Parcel R208A, including specifically all the land and premises located at about Station 412+25 (Base Line Stationing), bounded on the east and south by the existing right of way line of State Highway Route 37 (1953); on the west by lands now or formerly of Township of Dover and on the north, east and north by the proposed right of way line of State Highway Route 37 (1953) Section B, as laid down on the aforesaid maps; all as shown on the aforesaid maps; containing 0.232 acre more or less;

Parcel 2R208C, including specifically all the land and premises located at about Station 420+35 (Base Line Westbound Stationing), bounded on the south by the existing right of way line of State Highway Route 37 (1953); and on the north by the proposed right of way line of State Highway Route 37 (1953) Section B, as laid down on the aforesaid maps; all as shown on the aforesaid maps; containing 0.024 acre more or less;

TOGETHER WITH the right to form and maintain slopes for grading the said State Highway as far as the line marked "Slope E" on the aforesaid maps, including the right to topsoil, seed, plant trees, vines and shrubs and to maintain the same so as to stabilize the soil, prevent erosion and/or to improve the aesthetic aspects of the highway; PROVIDED, HOWEVER, that the slope easement may be annulled only after the State has been given sufficient notice to remove the aforementioned stabilizing and landscaping items and by furnishing and maintaining adequate support or protection for the highway so as to make the continuance of the slope right unnecessary;

AND ALSO the right to construct and maintain an open ditch and appurtenances at the location shown on the aforesaid maps;

AND ALSO the right to construct and maintain subsurface drains, headwalls and appurtenances at the locations shown on the aforesaid maps;

EXHIBIT A
Route 37
Section 8
Parcels R208A and R208C

Page 2

AND ALSO the right to enter upon the remaining lands of the owner for the purpose of constructing relocated driveways as far as the lines marked "Limit of Grading" on the aforesaid maps; Said right to terminate upon completion of said construction;

AND ALSO all right, title and interest that the owner may have in State Highway Route 37 (1953), contiguous to the above described premises as shown on the aforesaid maps;

Being also known as part of Lot 20-2 in Block 409 on the tax map of the Township of Dover;

SUBJECT TO the easements of Jersey Central Power & Light Company, Ocean County Sewerage Authority and all other public utility easements, recorded or unrecorded affecting the herein described premises;

The above described premises are color-coded on "Exhibit B" in the following manner: Red - Parcel Area, Yellow - Slope Area, Green - Drainage & Ditch Areas, Brown - Limit of Grading.
STATE OF NEW JERSEY, by the
COMMISSIONER OF TRANSPORTATION,
Plaintiff,
vs.
Parkway Mall, a partnership; et al.,
Defendants.

CIVIL ACTION
AMENDED DECLARATION OF TAKING

Plaintiff, State of New Jersey, by the Commissioner of Transportation, hereby declares that:

1. Possession of the land and premises described in the Complaint, and any amendments thereto filed herein, has been taken by and for the use of the New Jersey Department of Transportation.

2. The New Jersey Department of Transportation is entitled to the exclusive possession and use of the premises aforesaid.
3. The premises taken are described in exhibits "E" and "M" annexed hereunto.

4. The estate or interest taken is either a fee simple absolute or such lesser interests, or both, as are set forth in the said exhibits.

5. The revised sum of money estimated by the Department of Transportation of the State of New Jersey to be just compensation for the taking is $18,800.00. The sum of $17,300.00 was previously deposited with the Clerk of the Superior Court. The additional sum of $1,500.00, is being deposited herewith.

6. The names and addresses of all condemnees known to the Department of Transportation, and the nature of their alleged interest in said property are set forth in the Complaint filed in this action.

Robert DiOcchi
Commissioner of Transportation

Dated: 8/26/89

By: Joseph J. Schuscher
Director of Right of Way
Transportation

084783-0058
All that certain land and premises, situate, lying and being in the Township of Dover, in the County of Ocean and State of New Jersey and particularly described as follows:

Parcels R208A, R208C, E208D and E208F, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 37 (1953) SECTION 8, From Route 70 To Garden State Parkway, Showing Existing Right Of Way And Parcels To Be Acquired In The Borough Of Lakewood And Townships Of Manchester And Dover, County Of Ocean, Scale: As Indicated, June 1986"; and as shown more particularly on a map attached hereto, made a part hereof, marked "Exhibit "E", entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 37 (1953) SECTION 8, FROM ROUTE 70 TO GARDEN STATE PARKWAY, PARCELS R208A, R208C, E208D & E208F, TOWNSHIP OF DOVER, COUNTY OF OCEAN, SCALE: AS INDICATED, JUNE 20, 1988";

Parcel R208A, including specifically all the land and premises located at about Station 412+25 (Base Line Stationing), bounded on the east and south by the existing right of way line of State Highway Route 37 (1953); on the west by lands now or formerly of Township of Dover and on the north, east and north by the proposed right of way line of State Highway Route 37 (1953) Section 8, as laid down on the aforesaid maps; all as shown on the aforesaid maps; containing 0.232 acre more or less;

Parcel R208C, including specifically all the land and premises located at about Station 420+35 (Base Line Westbound Stationing), bounded on the south by the existing right of way line of State Highway Route 37 (1953); and on the north by the proposed right of way line of State Highway Route 37 (1953) Section 8, as laid down on the aforesaid maps; all as shown on the aforesaid maps; containing 0.024 acre more or less;

Parcel E208D, consisting of the right at about Station 412+00 (Base Line Stationing) to construct and maintain an open ditch, and appurtenances at the location shown on the aforesaid maps;

Parcel E208F, consisting of the right at about Station 420+35 (Base Line Stationing) to form and maintain slopes for grading the said State Highway as far as the line marked "Slope E" on the aforesaid maps, including the right to topsoil, seed, plant trees, vines and shrubs and to maintain the same so as to stabilize the soil, prevent erosion and/or to improve the aesthetic aspects of the highway; PROVIDED, HOWEVER, that the slope easement may be annulled only after that the State has been given sufficient notice to remove any other improvements or encroachments on the said highway so as not to make the continuation of the slope right unnecessary;

TOGETHER with the right to form and maintain slopes for grading the said State Highway as far as the line marked "Slope E" on the aforesaid maps, including the right to topsoil, seed, plant trees,
vines and shrubs and to maintain the same so as to stabilize the
soil, prevent erosion and/or to improve the aesthetic aspects of the
highway; PROVIDED, HOWEVER, that the slope easement may be annulled
only after the State has been given sufficient notice to remove the
aforementioned stabilizing and landscaping items and by furnishing
and maintaining adequate support or protection for the highway so as
to make the continuance of the slope right unnecessary;

AND ALSO the right to construct and maintain an open ditch and
appurtenances at the location shown on the aforesaid maps;

AND ALSO the right to construct and maintain subsurface drains,
headwalls and appurtenances at the locations shown on the aforesaid
maps;

AND ALSO the right to enter upon the remaining lands of the owner
for the purpose of constructing relocated driveways as far as the
lines marked "Limit of Grading" on the aforesaid maps; Said right to
terminate upon completion of said construction;

AND ALSO all right, title and interest that the owner may have in
State Highway Route 37 (1953), contiguous to the above described
premises as shown on the aforesaid maps;

Being also known as part of Lot 20-2 in Block 409 on the tax map
on the Township of Dover;

SUBJECT TO all public utility easements of Jersey Central Power &
Light Company, Ocean County Sewerage Authority and all other public
utility easements, recorded or unrecorded affecting the herein
described premises;

The above described premises are color-coded on "Exhibit E" in
the following manner: Red - Parcel Area, Yellow - Slope Area, Green
- Drainage & Ditch Area, Brown - Limit of Grading
SCHEDULE A
DESCRIPTION OF LAND

ALL THAT CERTAIN PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON IN
THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN AND STATE OF NEW JERSEY:

BEGINNING AT A CONCRETE MONUMENT SET IN THE NORTHERLY LINE OF NEW JERSEY STATE
HIGHWAY ROUTE 37 (WIDTH VARIES) AT THE COMMON CORNER OF TAX LOTS 10 AND 20.02
IN BLOCK 409 AS SHOWN ON THE TOWNSHIP OF TOMS RIVER TAX MAP AND RUNNING;

1. NORTH 14 DEGREES 42 MINUTES 00 SECONDS EAST, ALONG THE EASTERLY LINE OF
   TAX LOT 10, 1,023.87 FEET TO A CONCRETE MONUMENT FOUND AT THE TERMINUS OF
   THE FIRST COURSE DESCRIBED IN BOOK 3373 OF DEEDS AT PAGE 349;

2. NORTH 10 DEGREES 18 MINUTES 43 SECONDS WEST, CONTINUING ALONG THE
   EASTERLY LINE OF TAX LOT 10, 1,071.50 FEET TO A POINT TO THE COMMON CORNER
   OF TAX LOTS 20.01 AND 20.02;

3. NORTH 79 DEGREES 41 MINUTES 17 SECONDS EAST, ALONG THE SOUTHERLY LINE OF
   TAX LOT 20.01, 1,011.73 FEET TO A CONCRETE MONUMENT SET IN THE WESTERLY
   LINE OF NEW JERSEY STATE HIGHWAY ROUTE 9 (ROUTE 4 – PARKWAY SECTION 21)
   (WIDTH VARIES);

4. SOUTH 18 DEGREES 58 MINUTES 17 SECONDS EAST, ALONG SAID WESTERLY LINE,
   995.17 FEET TO A POINT OF CURVATURE;

5. SOUTHERLY, CONTINUING ALONG SAID WESTERLY LINE ON A CURVE TO THE RIGHT
   HAVING A RADIUS OF 10,800.00 FEET, AN ARC DISTANCE OF 1,098.15 FEET TO A
   POINT; THENCE THE FOLLOWING THREE COURSES ALONG THE NORTHERLY LINE OF A
   PARKWAY EXIT RAMP;

6. SOUTH 47 DEGREES 27 MINUTES 27 SECONDS WEST, 170.54 FEET TO A NAIL AND
   DISK SET;

7. SOUTH 34 DEGREES 27 MINUTES 11 SECONDS WEST, 383.09 FEET TO A POINT;

8. SOUTH 87 DEGREES 21 MINUTES 56 SECONDS WEST, 240.99 FEET TO A CONCRETE
   MONUMENT SET IN THE NORTHERLY LINE OF AFORESAID NEW JERSEY STATE
   HIGHWAY ROUTE 37; THENCE THE FOLLOWING SEVEN COURSES ALONG SAID
   NORTHERLY LINE;

9. NORTH 79 DEGREES 26 MINUTES 13 SECONDS WEST, 274.85 FEET TO A CONCRETE
   MONUMENT SET;

10. NORTH 78 DEGREES 35 MINUTES 53 SECONDS WEST, 509.39 FEET TO A POINT;

11. SOUTH 11 DEGREES 24 MINUTES 07 SECONDS WEST, 2.90 FEET TO A POINT;

-CONTINUED-
12. WESTERLY, ALONG A CURVE BEARING TO THE RIGHT HAVING A RADIUS OF 28,931.00 FEET, AN ARC DISTANCE OF 141.75 FEET TO A CONCRETE MONUMENT SET;

13. SOUTH 11 DEGREES 04 MINUTES 26 SECONDS WEST, 2.00 FEET TO A CONCRETE MONUMENT SET;

14. WESTERLY, ALONG A CURVE BEARING TO THE RIGHT HAVING A RADIUS OF 28,933.00 FEET, AN ARC DISTANCE OF 174.67 FEET TO A CONCRETE MONUMENT SET AT A POINT OF TANGENCY, SAID POINT BEING 67.00 FEET NORTH OF STATE HIGHWAY BASE LINE STATION 410+96.93;

15. NORTH 78 DEGREES 34 MINUTES 49 SECONDS WEST, 27.02 FEET TO THE POINT AND PLACE OF BEGINNING.

ALSO KNOWN AS LOT 20.02 IN BLOCK 409 ON THE TOWNSHIP OF TOMS RIVER TAX MAP.

AS