

**MORTGAGE RECORDING TAX EXEMPTION AFFIDAVIT**

Russell E. Gaenzle, being duly sworn, deposes and says:

1. That he resides in Rochester, New York, and is counsel for the **ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency").

2. That the Agency is a public benefit corporation duly organized and existing under the laws of the State of New York, having its offices at 255 Main Street, Goshen, New York 10924.

3. That the Agency has entered into a certain lease agreement, dated as of March 1, 2008 with **CRH REALTY II, LLC** (the "Company"), whereby the Agency has received a leasehold interest in the property described in Exhibit A, and the Agency and the Company thereafter executed a leaseback agreement dated as of March 1, 2007 whereby the Agency leases said real property back to the Company.

4. That the Company has entered into certain agreements concerning loans to be made to the Company by TD Banknorth, N.A. (the "Mortgagee"). As collateral for said debt, the Agency and the Company have executed a certain Mortgage, dated as of March 31, 2008 (the "Mortgage") in favor of the Mortgagee in the principal sum of \$2,720,000.00.

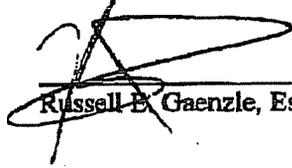
5. The Agency has covenanted that it will cause the Mortgage to be recorded in all offices where recordation thereof is necessary.

6. That, in the opinion of your deponent, while the Agency would ordinarily pay the mortgage recording tax with respect to the Mortgage, the recording of the Mortgage is exempt from the payment of the mortgage recording tax by reason of Section 874 of the General Municipal Law.

7. That, the Mortgage will be recorded in the Orange County Clerk's Office.

8. That, therefore, I request that the Orange County Clerk record the Mortgage as exempt from mortgage recording taxes.

9. That this affidavit exempts the Mortgage from the Mortgage recording tax.

  
\_\_\_\_\_  
Russell E. Gaenzle, Esq.

Subscribed and sworn to before me  
this 28<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_

Notary Public

LORI A. PALMER  
Notary Public, State of New York  
Qualified in Monroe County  
Commission Expires May 31, 2011

EXHIBIT A

All that certain piece or parcel of land, situated in the Town of Walkill, County of Orange, State of New York, and being designated as Tax Map Section 80, Block 1, Lot 52.22 and shown on a survey map entitled "Subdivision, Portion of Lands of Crystal Run Associates" as prepared by Clark Patterson Associates, 4 Fairlawn Avenue, Middletown, New York, and being more accurately bounded and described as follows:

Beginning at a point on the westerly side of a town road known as Crystal Run Road, said point being the most northeasterly corner of lands now or formerly 85 Crystal Run Company, Tax Map Section 80, Block 1, Lot 50.21, thence running along said 85 Crystal Run Company lands on the following three courses and distances: (1) North 42° 54' 22" West 330.00 feet to a point, (2) North 56° 39' 10" West 125.00 feet to a point, (3) North 57° 01' 44" West 537.38 feet to the easterly right of way of the New York State Thruway Authority highway known as Interstate Route 503, Interstate Route 84, thence running along said right of way on the following four courses and distances: (4) North 57° 04' 34" East 149.78 feet to a point, (5) South 51° 35' 51" East 45.03 feet to a point, (6) North 56° 57' 57" East 377.89 feet, (7) North 58° 56' 44" East 395.43 feet to the northwesterly side of a town road known as Ballard Road, thence running along said Ballard Road on the following three courses and distances: (8) South 31° 03' 02" East 51.98 feet to a point, (9) South 13° 40' 02" East 384.21 feet to a point, (10) South 11° 18' 38" East 394.81 feet to the westerly side of said Crystal Run Road, thence running along said road on the following two courses and distances: (11) South 22° 48' 50" West 115.62 feet to a point, (12) South 47° 05' 35" West 244.28 feet to the point and place of beginning.

Said premises being Lot B on filed Subdivision Map #8555 less the lands conveyed in fee title to the Town of Walkill for the purposes of widening Ballard Road by deed in Liber 4818 cp 342.

**MORTGAGE RECORDING TAX EXEMPTION AFFIDAVIT**

Russell E. Gaenzle, being duly sworn, deposes and says:

1. That he resides in Rochester, New York, and is counsel for the **ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency").

2. That the Agency is a public benefit corporation duly organized and existing under the laws of the State of New York, having its offices at 255 Main Street, Goshen, New York 10924.

3. That the Agency has entered into a certain lease agreement, dated as of March 1, 2008 with **CRH REALTY II, LLC** (the "Company"), whereby the Agency has received a leasehold interest in the property described in Exhibit A, and the Agency and the Company thereafter executed a leaseback agreement dated as of March 1, 2007 whereby the Agency leases said real property back to the Company.

4. That the Company has entered into certain agreements concerning loans to be made to the Company by TD Banknorth, N.A. (the "Mortgagee"). As collateral for said debt, the Agency and the Company have executed a certain Mortgage, dated as of March 31, 2008 (the "Mortgage") in favor of the Mortgagee in the principal sum of \$2,720,000.00.

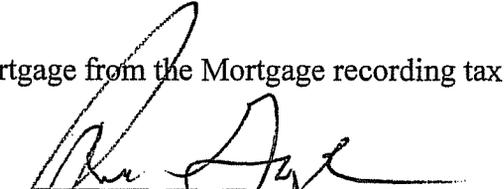
5. The Agency has covenanted that it will cause the Mortgage to be recorded in all offices where recordation thereof is necessary.

6. That, in the opinion of your deponent, while the Agency would ordinarily pay the mortgage recording tax with respect to the Mortgage, the recording of the Mortgage is exempt from the payment of the mortgage recording tax by reason of Section 874 of the General Municipal Law.

7. That, the Mortgage will be recorded in the Orange County Clerk's Office.

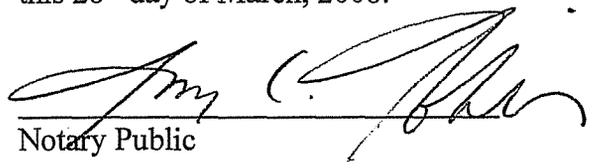
8. That, therefore, I request that the Orange County Clerk record the Mortgage as exempt from mortgage recording taxes.

9. That this affidavit exempts the Mortgage from the Mortgage recording tax.



Russell E. Gaenzle, Esq.

Subscribed and sworn to before me  
this 28<sup>th</sup> day of March, 2008.



Notary Public

**AMY C. ABBINK**  
Notary Public, State of New York  
No. 01AB5057993  
Qualified in Ontario County  
Commission Expires April 1, 2010

EXHIBIT A

All that certain piece or parcel of land, situated in the Town of Wallkill, County of Orange, State of New York, and being designated as Tax Map Section 60, Block 1, Lot 52.22 and shown on a survey map entitled "Subdivision, Portion of Lands of Crystal Run Associates" as prepared by Clark Patterson Associates, 4 Fairlawn Avenue, Middletown, New York, and being more accurately bounded and described as follows:

Beginning at a point on the westerly side of a town road known as Crystal Run Road, said point being the most northeasterly corner of lands now or formerly 85 Crystal Run Company, Tax Map Section 60, Block 1, Lot 50.21, thence running along said 85 Crystal Run Company lands on the following three courses and distances: (1) North 42° 54' 22" West 330.00 feet to a point, (2) North 56° 39' 10" West 125.00 feet to a point, (3) North 57° 01' 44" West 537.38 feet to the easterly right of way of the New York State Thruway Authority highway known as Interstate Route 503, Interstate Route 84, thence running along said right of way on the following four courses and distances: (4) North 57° 04' 34" East 149.76 feet to a point, (5) South 51° 35' 51" East 45.03 feet to a point, (6) North 56° 57' 57" East 377.89 feet, (7) North 56° 56' 44" East 395.43 feet to the northwesterly side of a town road known as Ballard Road, thence running along said Ballard Road on the following three courses and distances: (8) South 31° 03' 02" East 51.96 feet to a point, (9) South 13° 40' 02" East 384.21 feet to a point, (10) South 11° 16' 38" East 394.61 feet to the westerly side of said Crystal Run Road, thence running along said road on the following two courses and distances: (11) South 22° 48' 50" West 115.62 feet to a point, (12) South 47° 05' 35" West 244.28 feet to the point and place of beginning.

Said premises being Lot B on filed Subdivision Map #8555 less the lands conveyed in fee title to the Town of Wallkill for the purposes of widening Ballard Road by deed in Liber 4816 cp 342.