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Bk: 2226 Pg: 469  
Mary H. Maffi  
Hunterdon County Clerk

Prepared By: *K.L.C.*  
Katrina L. Campbell, Esq.

**DEED  
(NEW CONSTRUCTION)**

*82-5571  
2600* *25*

THIS DEED is made on February 27, 2009,

**BETWEEN: TOLL LAND IV LIMITED PARTNERSHIP**, a New Jersey Limited Partnership, **By TOLL LAND CORP. NO. 10**, a Delaware corporation, It's General Partner, having its principal office at: c/o Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA 19044, referred to as the GRANTOR.

**AND: PAUL A. YARUSSI and JOSELYN YARUSSI, husband and wife,**

whose post office address is about to be **125 Albert Drive, Clinton, NJ 08809,**

referred to as the GRANTEE.

The word "Grantee" shall mean all Grantees listed above.

**TRANSFER OF OWNERSHIP.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **EIGHT HUNDRED FIFTY-FOUR THOUSAND, EIGHT HUNDRED FIFTY-SIX and 00/100** ~~(\$854,856.00)~~ **DOLLARS.**

The Grantor acknowledges receipt of this money.

**TAX MAP REFERENCE.** (N.J.S.A. 46:15-1.1) Municipality: Township of Union  
Block No. **11** Lot No. **8.32** Account No.

**PROPERTY.** The property consists of the land and all the buildings and structures on the land in the Township of Union, County of Hunterdon and State of New Jersey. The legal description is as follows:

**BEING** known and designated as **Lot 8.32, Block 11**, as it appears on a map entitled: "Final Plat, Lookout Pointe, Union Township, Hunterdon County, New Jersey, Sheets 1-4", dated December 7, 2001 and revised to October 31, 2005, prepared by Eastern States Engineering and filed in the Hunterdon County Clerk's Office on February 23, 2006 as Instrument No. 8577543.

Further described in accordance with Schedule "A" attached hereto.

**SUBJECT** to, without limitation, a conservation easement on that part of the property as delineated and described on Schedule "B" attached hereto in which the following activities are prohibited:

Open space or conservation deed restricted areas cannot be re-subdivided and no additional disturbance can be provided within these areas beyond what is proposed within the construction plans and these plans.

The conservation deed restriction open space located on individual lots will be owned and maintained by the individual property owners.

No temporary or permanent structures can be located within conservation deed restriction open space except for what is proposed within these subdivision plans. The only additional improvements allowed to be construction within the conservation deed restriction open space by individual property owners is planting of vegetation, fences, and dry laid stone, brick or wood chip garden paths and walkways.

Within each performance subdivision lot, all areas outside of the net buildable area shall remain as a conservation deed restriction open space easement. (See Subdivision Lot Area Table on "Final Plat, Lookout Pointe, Union Township, Hunterdon County, New Jersey, Sheets 1-4",

{00255122-1}

*11/8.32*

# STEWART TITLE GUARANTY COMPANY

## SCHEDULE A - DESCRIPTION - PAGE 1 OF 2

Title No.: ATS-1019-08

All that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Township of Union Township, County of Hunterdon, State of NJ, bounded and described as follows:

BEGINNING at a point in the southeasterly sideline of Albert Drive, 50 feet wide, where said sideline is intersected by the division line between Lot 8.31 and Lot 8.32, in Block 11, as shown on a Map entitled "Final Plat, Lookout Pointe", sheets 1-4, revised dated October 31, 2005, prepared by Eastern States Engineering, and filed in the Hunterdon County Clerk's Office on February 23, 2006 as Instrument No. 8577543 and running; thence

1. Along said division line between Lot 8.31 and Lot 8.32 in Block 11, South 34 degrees 53 minutes 29 seconds East, a distance of 363.14 feet; thence
2. Along the division line between Lot 8.32 and Lot 8.33 in Block 11, South 40 degrees 50 minutes 37 seconds West, a distance of 198.64 feet; thence
3. Along the division line between Lot 8.32 and Lot 8.06 in Block 11, North 00 degrees 43 minutes 28 seconds West, a distance of 240.00 feet; thence
4. Continuing along the division line between Lot 8.32 and Lot 8.06 in Block 11 and Lot 8.34 in Block 11, South 89 degrees 16 minutes 32 seconds West, a distance of 350.00 feet; thence
5. Continuing along the division line between Lot 8.32 and Lot 8.34 in Block 11, North 34 degrees 53 minutes 29 seconds West, a distance of 16.95 feet to the aforementioned southeasterly sideline of Albert Drive; thence
6. Along said sideline, North 55 degrees 06 minutes 31 seconds East, a distance of 347.32 feet to the point of BEGINNING.

The above description was drawn in accordance with a survey made by Eastern States Engineering, dated December 2, 2008 and is subject to a conservation easement on Lot 8.32, Block 11 as described below:

**Attorney Title Services, LLC**  
6 South Avenue East Cranford, New Jersey 07016  
Tel: (908) 931-1966 \* Fax: (908) 931-1967

SCHEDULE A - DESCRIPTION - PAGE 2 OF 2

Title No.: ATS-1019-08

BEGINNING at the southeasterly corner of Lot 8.32, Block 11, as shown on a Map entitled "Final Plat, Lookout Pointe", sheets 1-4, revised October 31, 2005, prepared by Eastern States Engineering, and filed in the Hunterdon County Clerk's Office on February 23, 2006 as Instrument No. 8577543, said corner also being the southerly corner of Lot 8.31 and also a point in the northwesterly line of Lot 8.33 as shown on said Final Plat and running; thence

1. Along the southeasterly line of Lot 8.32 in Block 11, South 40 degrees 50 minutes 37 seconds West, a distance of 198.64 feet; thence
2. Along a division line between Lot 8.32 and Lot 8.06 in Block 11, North 00 degrees 43 minutes 28 seconds West, a distance of 240.00 feet; thence
3. By a line through Lot 8.32 and Lot 8.06 in Block 11, North 54 degrees 15 minutes 14 seconds East, a distance of 57.74 feet; thence
4. Along the division line between Lot 8.32 and Lot 8.31 in Block 11, South 34 degrees 53 minutes 29 seconds East, a distance of 150.49 feet to the point of BEGINNING.

End of Schedule A - Description

Attorney Title Services, LLC  
6 South Avenue East Cranford, New Jersey 07016  
Tel: (908) 931-1966 \* Fax: (908) 931-1967



AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1988, as amended through Chapter 33, P.L. 2008) (N.J.S.A. 46:15-5 et seq.)

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

STATE OF NEW JERSEY

Commonwealth of Pennsylvania

SS. County Municipal Code  
1025

COUNTY

Montgomery

MUNICIPALITY OF PROPERTY LOCATION Union Township

FOR RECORDER'S USE ONLY	
Consideration	\$ 854,856.00
RTF paid by seller	\$ 7,893.00
Date	3-5-09
By	NF

\*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, **Kathryn L. Yates for Toll Land IV, Limited Partnership, a NJ L.P.**, being duly sworn according to law upon his/her oath, deposes and says that he/she is the **Authorized Representative** in a deed dated **2/27/09** transferring (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number **11** Lot number **B.32** located at **125 Albert Drive, Clinton, Hunterdon County, NJ** and annexed thereto. (Street Address, Town)

(2) CONSIDERATION \$ **854,856.00** (See Instructions #1 and #5 on reverse side)

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

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS:

(See Instructions #5A and #7 on reverse side)  
Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

\$ \_\_\_\_\_ ÷ \_\_\_\_\_ % = \$ \_\_\_\_\_

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 valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)  
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1988, as amended through C. 68, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(5) PARTIAL EXEMPTION FROM FEE (See Instruction #9 on reverse side)  
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 State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1978, C. 113, P.L. 2004, and C. 86, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s)  62 years of age or over. \* (See Instruction #9 on reverse side for A or B)
- B.  BLIND PERSON Grantor(s)  legally blind or;
- DISABLED PERSON Grantor(s)  permanently and totally disabled  Receiving disability payments  Not gainfully employed\*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- Owned and occupied by grantor(s) at time of sale.  Resident of State of New Jersey.
- One or two-family residential premises.  Owners as joint tenants must all qualify.

\*IN THE CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEEDS TO QUALIFY IF TENANTS BY THE ENTIRETY.

- C. LOW AND MODERATE INCOME HOUSING (See Instruction #9 on reverse side)
  - Affordable according to H.U.D. standards.  Reserved for occupancy.
  - Meets income requirements of region.  Subject to resale controls.

(6) NEW CONSTRUCTION (See Instructions #2, #10 and #12 on reverse side)

Entirely new improvement.  Not previously occupied.

Not previously used for any purpose.  "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(7) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1988, as amended through Chapter 33, P.L. 2008.

Subscribed and sworn to before me this 10<sup>th</sup> day of December, 2009

*Colleen Connolly*      *Kathryn L. Yates*      Toll Land IV, LP, by Toll Land Corp.  
Notary Public      Signature of Deponent      No. 10 Grantor Name  
Horsham Twp., Montgomery County      250 Gibraltar Rd., Horsham, PA  
My Commission Expires April 26, 2010      Deponent Address      Grantor Address at Time of Sale

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
COLLEEN CONNOLLY, Notary Public  
Horsham Twp., Montgomery County  
My Commission Expires April 26, 2010

Let 3 digits in Grantor's Social Security Number      Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY

Instrument Number	County	<i>Hunterdon</i>
Deed Number	Book	<i>2226</i>
Deed Dated	Page	<i>469</i>
	Date Recorded	<i>3-5-09</i>

Let 3 digits in Grantor's Social Security Number      Name/Company of Settlement Officer

STATE OF NEW JERSEY - DIVISION OF TAXATION  
PO BOX 251  
TRENTON, NJ 08646-0251  
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 may not be altered or amended without 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 [www.state.nj.us/treasury/taxation/pt/localtax.htm](http://www.state.nj.us/treasury/taxation/pt/localtax.htm).



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
 (C.55, P.L. 2004)

GIT/REP-3  
 (12-07)

(Please Print or Type)

**SELLER(S) INFORMATION (See Instructions, Page 2)**

Name(s)

TOLL NJ IV, L.P.

Current Resident Address:

Street: 250 Gibraltar Road

City, Town, Post Office

State

Zip Code

Horsham, PA 19044

**PROPERTY INFORMATION (Brief Property Description)**

Block(s)	Lot(s)	Qualifier
11	8.32	

Street Address:

125 Albert Drive

City, Town, Post Office

State

Zip Code

Clinton (Union Township)

NJ

08809

Seller's Percentage of Ownership

Consideration

Closing Date

100%

\$854,856.00

2/27/09

**SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to NON-residents)**

1.  I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3.  I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6.  The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7.  The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).  
 No non-like kind property received.
8.  Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

TOLL NJ IV, L.P., a NJ Limited Partnership, By TOLL LAND CORP. NO.10, a DE corporation, General Partner

Date  
 12/11/08

Signature  
 (Seller) Please Indicate if Power of Attorney or Attorney In Fact  
 By *Kathryn L. Yates*  
 Kathryn L. Yates, Signature Authorized Representative  
 (Seller) Please Indicate if Power of Attorney or Attorney In Fact

2009030500045370 8/6  
 03/05/2009 04:05:26 PM D  
 Recording Fee: \$90.00  
 Tax Fee: \$7993.00  
 Consideration: \$854856.00  
 Buyers Fee: \$.00  
 NF11