

# Albany County Division of Finance

## LEVEL I TAX LIEN FORECLOSURE SEARCH

SEARCH DATE: MAY 15, 2021,

MUNICIPALITY: BETHLEHEM,

INDEX NO: 05419-16,

PARCEL FORECLOSURE NO.: 000046,

DATE OF FILING OF LIST OF DELINQUENT TAXES: DECEMBER 14, 2016,

PROPERTY DESCRIPTION:

18 WELLINGTON ROAD, BETHLEHEM, N.Y.,

TAX MAP NO.: 86.17-2-13.,

PROP. CLASS CODE: 210 1 FAMILY RES,

REPUTED PARCEL OWNER(S) :

MARCIA ROTH & KEVIN CAFFREY  
SUPPLEMENTAL NEEDS TRUST,

OPEN MORTGAGES	0
ASSIGNMENTS	0
JUDGMENTS	0
FEDERAL TAX LIENS	0
UCC'S	0
STATE TAX WARRANTS	0
LEASES	0
OTHER LIENORS	0
OTHER INTERESTS	3
ESTATE PROCEEDINGS	1
MORTGAGE FORECLOSURES	0
TOTAL	4

**NOTE(S): AS OF SEARCH DATE: MAY 15, 2021,**

Said premises is subject to a life estate, described in Liber 3076 of Deeds at Page 612 ( item # 2 ).

LIENS, IF ANY ( 0 ), LISTED IN THIS LEVEL ONE SEARCH.

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# Albany County Division of Finance

## LEVEL I TAX LIEN FORECLOSURE SEARCH SECTION I

PARTIES HAVING AN INTEREST OF RECORD ON THE DATE OF FILING OF THE LIST OF DELINQUENT TAXES

A.1. OWNER(S) OF RECORD:

MARCIA F. ROTH Trustee,	18 WELLINGTON AVENUE,	DELMAR, NY, 12054
KENNETH W. CAFFREY Trustee,	18 WELLINGTON AVENUE,	DELMAR, NY, 12054

A-2. ADDITIONAL ADDRESSES: ( 2 )

MARCIA ROTH,	4731 DELAWARE TURNPIKE,	CLARKSVILLE, NY, 12041
MARCIA ROTH,	P.O.BOX 383,	DELMAR, NY, 12054

TITLE IS VESTED IN:

MARCIA F. ROTH and KENNETH W. CAFFREY, as Trustee of the KEVIN D. CAFFREY SUPPLEMENTAL NEEDS TRUST, dated March 10, 2011, by QUIT CLAIM DEED, from MARCIA F. ROTH, dated March 10, 2011, and recorded August 30, 2013, in Liber 3076 of Deeds, at Page 611, in the Albany N.Y., County Clerk's Office ( item # 2 ).

SUBJECT TO A LIFE ESTATE RESERVED BY MARCIA F. ROTH.

KYLE M. CAFFREY, Executor of the estate of KENNETH W. CAFFREY, aka KENNETH CAFFREY, who died a resident of Albany County, NY, on August 10, 2014. His estate is filed in the Albany County, NY, Surrogate's Court, as File No. 2015-378 ( item # 3 ). LETTERS TESTAMENTARY were granted to KYLE M. CAFFREY, on April 20, 2015 ( item # 3 ).

DEED R & R:

LANG LAW FIRM	12 CORNELL ROAD,	LATHAM, NY, 12110
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ESTATE PROCEEDINGS: ( 3 )

KENNETH CAFFREY aka KENNETH W. CAFFREY, died a resident of Albany County, NY, on August 10, 2014. His estate is filed in the Albany County, NY, Surrogate's Court, as File No. 2015-378 ( item # 3 ). LETTERS TESTAMENTARY were granted to KYLE M. CAFFREY, on April 20, 2015 ( item # 3 ).

KENNETH W. CAFFREY	18 WELLINGTON ROAD,	DELMAR, NY, 12054
KYLE M. CAFFREY ( Executor )	18 WELLINGTON ROAD,	DELMAR, NY, 12054
KEVIN D. CAFFREY ( Beneficiary )	18 WELLINGTON ROAD,	DELMAR, NY, 12054

No proof of death, in the search time frame, was found on MARCIA F. ROTH, in the Albany County, N.Y. Surrogates Court.

OTHER INTERESTS: ( 0 )

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LEASES: ( 0 )

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TAX LIEN FORECLOSURE SEARCH

SECTION I ( CONTINUED )

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**B. ADDITIONAL PARTIES:**

**MORTGAGES: ( 0 )**

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**ASSIGNMENTS: (0)**

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**UCC'S: ( 0 )**

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**MORTGAGE FORECLOSURES: ( 0 )**

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**FEDERAL TAX LIENS: ( 0 )**

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**STATE TAX WARRANTS: ( 0 )**

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**JUDGMENTS: ( 0 )**

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**OTHER LIENS: ( 0 )**

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# LEVEL I TAX LIEN FORECLOSURE SEARCH

## SECTION II

PARTIES HAVING AN INTEREST OF RECORD AS OF THE SEARCH DATE

**A.1. OWNER(S) OF RECORD:**

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**A-2. ADDITIONAL ADDRESSES: ( 0 )**

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**TITLE IS VESTED IN:**

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**DEED R & R:**

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**ESTATE PROCEEDINGS: ( 0 )**

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**LEASES: ( 0 )**

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**OTHER INTERESTS: ( 0 )**

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**B. ADDITIONAL PARTIES:**

**MORTGAGES: ( 0 )**

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**ASSIGNMENTS: (0)**

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**UCC'S: ( 0 )**

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**MORTGAGE FORECLOSURES: ( 0 )**

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TAX LIEN FORECLOSURE SEARCH

SECTION II ( CONTINUED )

FEDERAL TAX LIENS: ( 0 )

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STATE TAX WARRANTS: ( 0 )

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JUDGMENTS: ( 0 )

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OTHER LIENS: ( 0 )

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LEVEL 1 SEARCH EXAMINED BY:

JAMES A. ALBANO
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SEARCH TIME FRAME

START DATE ( FROM ):

COMPLETION DATE ( TO ):

MAY 8, 1996	MAY 15, 2021
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**LIST OF DELINQUENT TAXES**

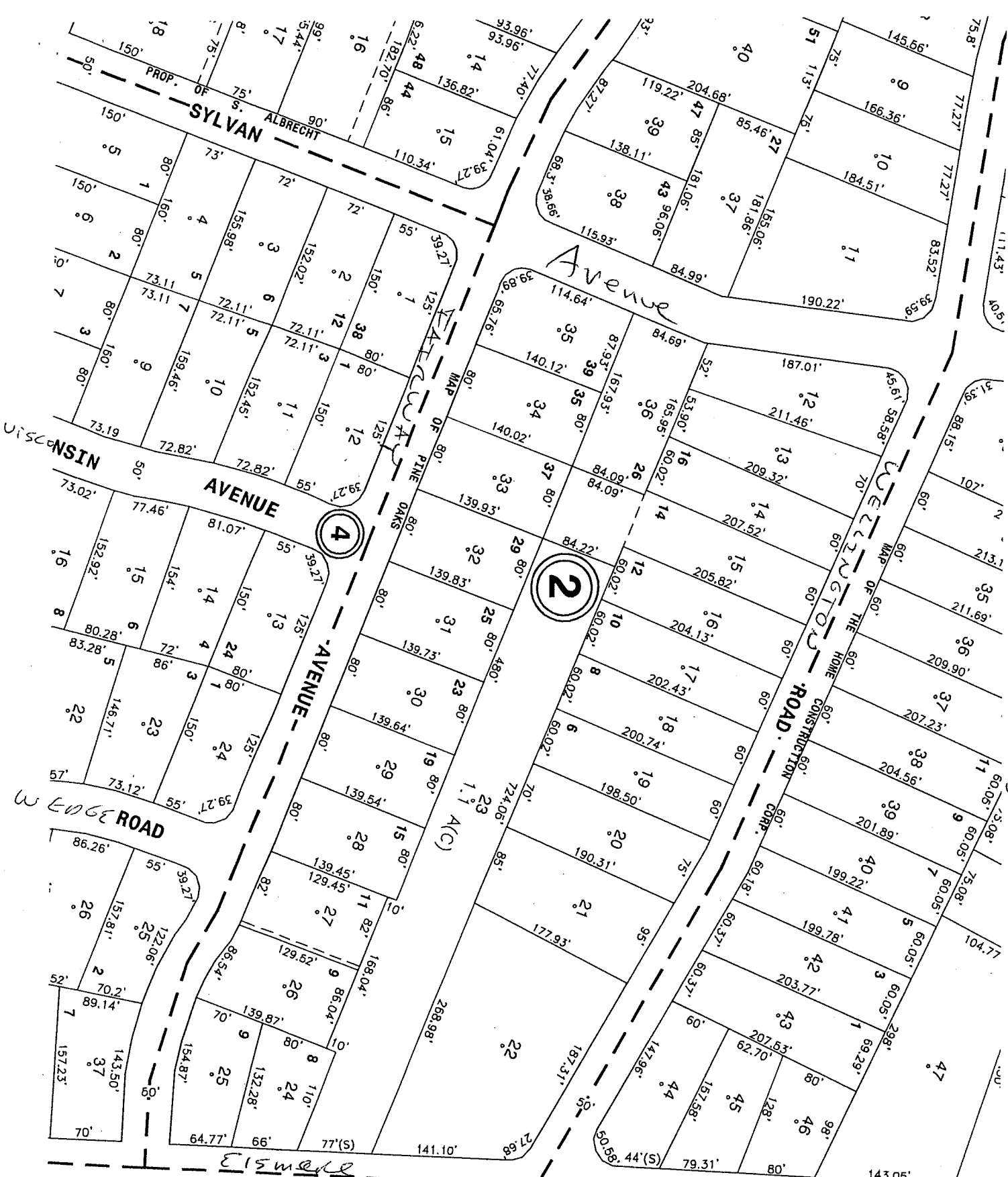
**FOR**

**TOWN OF BETHLEHEM, ALBANY COUNTY**

PARCEL FORCLOSURE NO: 000046  
FORECLOSURE PROCEEDING INDEX NO: 05419-16  
PARCEL LOCATION: 18 WELLINGTON RD, TOWN OF BETHLEHEM  
PARCEL TAX MAP NUMBER: 08601700020130000000  
PARCEL PROPERTY CLASS CODE: 210  
OWNER LISTED ON DELINQUENT TAX BILL: ROTH MARCIA  
REPUTED PARCEL OWNER(S): ROTH MARCIA  
AS OF 12/12/2016 KEVIN D CAFFREY SUP NEEDS TRST  
MAILING ADDRESS: PO BOX 383  
DELMAR, NY 12054

**DELINQUENT TAXES**

<u>YEAR</u>	<u>TYPE OF TAX</u>	<u>AMOUNT DUE</u>
2015	PROPERTY	5,791.20



Bethman  
 18 Wellingston Road,  
 6.17-2-13-00

LAND CONVEYED BY BARKHUFF TO DELMAR  
 29' 31.71' 120.36' 98.88' 51.12' 112.50' 218.62' 30' 65.50' 99'(S) 242.40'  
 20.1 239.66' 302.42' 321.33' 378.1' 401' 245.16' 352'



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LIBER 3076 PAGE 611



Albany County Clerk  
16 Eagle St. Rm 128  
Albany, NY 12207

Return to:

LANG LAW FIRM  
12 CORNELL RD  
LATHAM NY 12110

Instrument: Deed

Document Number: 11467523 Book: 3076 Page: 611

Grantor

ROTH, MARCIA F

Grantee

ROTH, MARCIA F  
CAFFREY, KENNETH W

Number of Pages: 3

Transfer Tax Receipt  
Albany County Clerk Received:  
Trans Tax# 894  
.....\$0.00

Recorded Date/Time: 08/30/2013 at 12:20 PM

Receipt Number: 784954

Note: \*\*DO NOT REMOVE - THIS PAGE IS PART OF THE DOCUMENT \*\*  
THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a(5) &  
319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Thomas G. Clingan, County Clerk

#2

Albany County Clerk  
Document Number 11467523  
Rcvd 08/30/2013 12:20:55 PM

Kindly Record & Return to:  
Lang Law Firm  
12 Cornell Road  
Latham, New York 12110



Quit-Claim Deed

**THIS INDENTURE**

Made the 10<sup>th</sup> day of March  
Two Thousand Eleven

Albany County Clerk  
Deed Books (Record Room)  
Book 3076 Page 612



Between

MARCIA F. ROTH, residing at 18 Wellington Avenue, Delmar NY, party of the first part, and

KENNETH W. CAFFREY, residing at 18 Wellington Avenue, Delmar NY, as life tenant, party of the second part, and

MARCIA F. ROTH and KENNETH W. CAFFREY, residing at residing at 18 Wellington Avenue, Delmar NY, as Trustees of the KEVIN D. CAFFREY SUPPLEMENTAL NEEDS TRUST dated March 10, 2011, as party of the third part,

Witnesseth that the party of the first part, in consideration of TEN AND 00/100 Dollars (\$10.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part and the party of the third part, does hereby remise, release and quitclaim unto the party of the second part, as life tenant, and to the party of the third part, as remainderman, and their respective heirs, successors and assigns forever.

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND with the improvements thereon at Elsmere, Town of Bethlehem, Albany Count, New York, bounded and described as follows:

BEGINNING at a point on the southerly line of Wellington Road East which is ninety and eighty eight hundredths (90.88) feet easterly of the point of intersection of the southerly line of Wellington Road East extended westerly and the easterly line of Sylvan Drive (a proposed street) extended northerly; thence southerly on a line making an interior angle of eighty-five (85) degrees thirty-seven (37) minutes forty (40) seconds with the southerly line of Wellington Road East, two hundred and eleven and forty-six hundredths (211.46) feet to a point in the northerly line of lands said to belong to Southwell; thence easterly along Southwell making an interior angle within the herein described premises of ninety-two (92) degrees forty- five (45) minutes twenty (20) seconds fifty three and ninety hundredths (53.90) feet to a point which is seven hundred and eighty-eight and twenty two hundredths (788.22) feet westerly of the westerly line of Elsmere Avenue; thence northerly making an interior angle of ninety-one (91) degrees thirty-seven (37) minutes along the westerly line of premises said to belong now or formerly to Home Construction Corp. two hundred and nine and thirty-two hundredths (209.32) feet to a point in the southerly line of Wellington Road East seventy (70) feet to the place of beginning.

BEING the same premises conveyed to said party of the first part by deed dated May 9, 1996 and recorded in the Albany County Clerk's Office in Liber 2556, page 28.

THE party of the first part hereby excepts and reserves unto herself the right to the exclusive use and occupancy of the premises during her lifetime, with the party of the first part to pay for all maintenance and repairs, water and sewer charges, insurance charges, and taxes relating to said premises. It is the intention of the party of the first part to reserve an unrestricted life estate herein. The party of the first part also reserves the power to appoint the remainder and/or her life use in the premises to any one or more of her issue, siblings, or issue of her siblings, or the spouses or surviving spouses of any of the foregoing persons, with the term "issue" being deemed to include persons who have been adopted according to law or born out of wedlock. This power shall be exercisable or may be relinquished during the lifetime of the party of the first

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part, by a deed to the Grantees herein, or to others who are members of the class of appointees set forth herein, making express reference to this power and executed and recorded in the County Clerk's Office where this deed is recorded, prior to the death of the party of the first part. No exercise of this power shall be deemed to release the party of the first part's life estate unless such a release is explicitly made in a deed properly executed and recorded. The exercise of this power shall not exhaust it, and unless the power is specifically released in such a deed, the deed recorded last shall control as to any ambiguities or inconsistencies.

It is the intention of the party of the first part to retain an unrestricted life estate, to grant an unrestricted life estate to the party of the second part, and to convey the remainder interest to the party of the third part.

THIS conveyance is made subject to all enforceable conditions, covenants, easements and restrictions of record, if any.

TOGETHER with all the right, title and interest, if any, of the parties of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and right of the party of the first part in and to said premises.


TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, and the party of the third part, and their respective heirs, successors and assigns forever.

AND, the parties of the first part, in compliance with Section 13 of the Lien Law, will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied for the purpose of paying the cost of any improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purposes.

The word "party" shall be construed as if it read "parties" whenever the sense of this Indenture so requires.

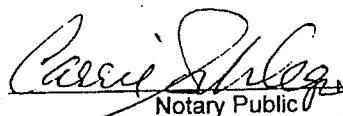
IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF

  
\_\_\_\_\_  
MARCIA F. ROTH L.S.

STATE OF NEW YORK }  
COUNTY OF ALBANY }ss.:

On this 10<sup>th</sup> day of March, 2011 before me, the undersigned, a Notary Public in and for said State, personally appeared **MARCIA F. ROTH**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public  
CARRIE SILVESTRI  
Notary Public State of New York  
Reg # 0157718051  
Qualified in Schoharie County  
Commission Expires April 04, 2014  
Carrie Silvestri

**QUITCLAIM DEED**  
**MARCIA F. ROTH TO KENNETH W. CAFFREY**  
**AND THE KEVIN D. CAFFREY SUPPLEMENTAL NEEDS TRUST**

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**LAST WILL AND TESTAMENT OF KENNETH W. CAFFREY**

I, KENNETH W. CAFFREY, now residing in the County of Albany, State of New York, which I hereby declare to be my domicile, being of sound and disposing mind and memory, do hereby make, publish, and declare this Instrument to be my Last Will and Testament, hereby revoking and canceling all testamentary instruments by me at any time heretofore made.

FIRST: I direct that all my debts, funeral and testamentary expenses be paid by my Executor, Successor Executor, or any person or persons acting in such capacity, out of my Estate as soon after my death as is practicable.

SECOND: I direct that all transfer, Estate and inheritance taxes and death and succession duties (together with interest and penalties, if any) which may be payable in respect of any property which may be includable in my Estate for the purpose of determining the amounts of such taxes, whether passing pursuant to the provisions of this my Last Will and Testament or otherwise, shall be paid out of my Residuary Estate, as hereinafter defined, and shall be paid prior to any distribution therefrom and without apportionment against or reimbursement from beneficiaries.

THIRD: I make the following pre-residuary gifts:  
I give and bequeath to my spouse, MARCIA F. ROTH, if my said spouse survives me, all my tangible personal property not of a financial nature. If my said spouse shall not survive me, all my said tangible personal property shall be added to my Residuary Estate and be disposed of as provided in Article FOURTH below.

The words "tangible personal property" do not include money, bank accounts, bonds, stocks, securities, mutual fund shares, interests in partnerships, and other similar investments.

FOURTH: I dispose of all the rest, residue, and remainder of my property, of whatsoever kind and nature, real, personal, and mixed, and wherever situate, of which I shall die seized or possessed or to which I may be, in any manner, entitled at the time of my death, including any pre-residuary gifts that lapse, hereinafter referred to as my Residuary Estate, as follows:

A. I give, devise and bequeath my Residuary Estate to my spouse, MARCIA F. ROTH, if my said spouse survives me.

B. If my said spouse, MARCIA F. ROTH, does not survive me, I give, devise and bequeath my Residuary Estate as follows:

(i) SIXTY THOUSAND DOLLARS (\$60,000.00) to KYLE M. CAFFREY, if he survives me, and if not to his issue.

(ii) The remainder of my Residuary Estate to the KEVIN D. CAFFREY SUPPLEMENTAL NEEDS TRUST dated March 10, 2011.

FIFTH: I make the following Fiduciary appointments:

I hereby nominate, constitute and appoint my spouse, MARCIA F. ROTH, Executor of this my Last Will and Testament. In the event my said spouse, MARCIA F. ROTH, shall have predeceased me, fails to qualify, resigns or dies before my Estate has been fully administered, then in any of such events, I hereby nominate, constitute and appoint, KYLE M. CAFFREY, Successor Executor of this my Last Will and Testament.

The Executor shall only hire attorneys or accountants to perform services regarding my Estate who agree to charge a flat fee or an hourly rate for their services rendered, rather than based upon a percentage of the size of my Estate.

SIXTH: It is my Will and I hereby direct that all my Fiduciaries and their successors shall be permitted to qualify in each such capacity in any jurisdiction without the giving of bond or other security.

SEVENTH: Whenever and as often as any beneficiary under this my Will to whom principal payments are herein directed to be made shall be under a legal disability, or has not attained age 21 years, or in the sole judgment of my Fiduciaries shall otherwise be unable to apply such payments to his or her own best interests and advantage, or my Fiduciaries shall otherwise be unable to apply such payments to his or her own best interests and advantage, my Fiduciaries may make all or any portion of such payments in any one or more of the following ways:


- A. Directly to such beneficiary; or
  - B. To a relative of such beneficiary to be expended by such relative for the benefit of such beneficiary; or
  - C. To the legal guardian, committee, custodian, or conservator of such beneficiary;
- or
- D. To any person with whom such beneficiary may reside; or

NINTH: In the event my spouse, MARCIA F. ROTH, dies simultaneously with me or under circumstances as to render it difficult or impossible to determine who predeceased the other, I direct that my said spouse shall be deemed to have survived me. Any person other than my said spouse who dies within 90 days after the date of my death shall be deemed to have predeceased me.

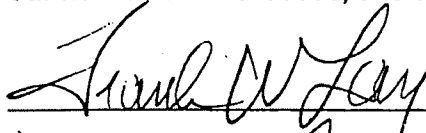

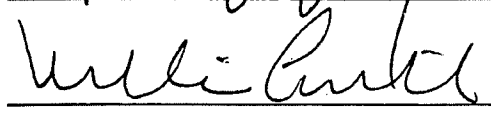

TENTH: Any words or pronouns concerning or referring to any Fiduciary nominated by me or any person named or referred to by my Last Will and Testament or in the attestation clause following this Will shall be construed for the purposes of this my Last Will and Testament as masculine, feminine or neuter, or singular or plural, as the sense requires.

For the purposes of this my Last Will and Testament, "issue" shall mean issue per stirpes and not issue by representation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on March 10, 2011.

  
KENNETH W. CAFFREY

The foregoing instrument was, on the day it bears date, signed, sealed, published, and declared by KENNETH W. CAFFREY the Testator therein named, to be the Last Will and Testament of KENNETH W. CAFFREY in the presence of us, who at the Testator's request and in the Testator's presence, and in the presence of each other, have hereunto set our names as witnesses, this attestation clause having first been read aloud.

 residing at   
 residing at 

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**AFFIDAVIT OF SUBSCRIBING WITNESSES**

STATE OF NEW YORK )  
COUNTY OF ALBANY )

The undersigned,

FRANK W. LANG

and

MELANIE W. TRIMBLE

being severally sworn, state under oath that they witnessed the execution of the Will of KENNETH W. CAFFREY the within named Testator, on March 10, 2011; the Testator, in their presence, subscribed the Will at the end and at the time of making the subscription declared the instrument to be the Testator's Last Will and Testament; at the request of the Testator and in the Testator's sight and presence and in the sight and presence of each other, they witnessed the execution of the Will by the Testator by subscribing their names as witnesses to it; and the Testator at the time of the execution of the Will, was over the age of 18 years and appeared to them of sound mind and memory and was in all respects competent to make a Will and was not under any restraint.

The subscribing witnesses further state that this Affidavit was executed at the request of KENNETH W. CAFFREY and at the time of the execution of this Affidavit the original Will, above described, was exhibited to them and they identified it as such Will by their signatures appearing on it as subscribing witnesses.

The subscribing witnesses further state that the Will was executed under the supervision of FRANK W. LANG, attorney for the Testator.

Severally subscribed and sworn to before me on March 10, 2011

*Candice Shy*  
Notary Public

CANDICE SHY STRAIN *laine xiviegel*  
Notary Public, State of New York  
Qualified in Schoharie County  
Commission Expires April 11, 2014

*Frank W. Lang*  
\_\_\_\_\_

FRANK W. LANG  
4 Bradford Place, Slingerlands, New York

*Melanie W. Trimble*  
\_\_\_\_\_

MELANIE W. TRIMBLE  
4 Bradford Place, Slingerlands, New York

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SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

PROBATE PROCEEDING, WILL OF

**KENNETH W. CAFFREY**

a/k/a

**KENNETH CAFFREY**

Deceased.

Filing Fee Paid \$ 420.00  
10 Certificates Paid \$ 60.00  
Trustee Certs. Paid \$ \_\_\_\_\_  
Prelim. Certs. Paid \$ \_\_\_\_\_  
\$ \_\_\_\_\_ Bond, Fee: \$ 480.00  
Receipt No.: \_\_\_\_\_ No.: \_\_\_\_\_

**PETITION FOR PROBATE AND:**

- Letters Testamentary
- Letters of Trusteeship
- Letters of Administration c.t.a

File No. 2015-378

TO THE SURROGATE'S COURT, COUNTY OF ALBANY

It is respectfully alleged:

1. (a) The name, citizenship, domicile (or, in the case of a bank or trust company, its principal office) and interest in this proceeding of the petitioner are as follows:

**Petitioner Information:**

Name **Kyle M. Caffrey** Citizenship **United States**

Domicile Address: Street and Number  
**18 Wellington Road**

City, Village or Town **Delmar** State **New York** ZIP Code **12054** Country **United States**

Mailing Address: Street and Number (If different from domicile)

City, Village or Town \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Country \_\_\_\_\_

Interest: (Check One)

Executor named in decedent's Will  Other: \_\_\_\_\_

1. (b) The proposed Executor  is  is not an attorney.

[NOTE: A sole Executor-Attorney must comply with 22 NYCRR 207.16(e)]

1. (c) The proposed Executor  is  is not the attorney-draftsperson, a then-affiliated attorney or employee thereof.

[NOTE: An attorney-draftsperson, a then-affiliated attorney or employee thereof, must comply with SCPA 2307-a]

Name \_\_\_\_\_ Citizenship \_\_\_\_\_

Domicile Address: Street and Number

City, Village or Town \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Country \_\_\_\_\_

Mailing Address: Street and Number (If different from domicile)

City, Village or Town \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Country \_\_\_\_\_

Interest: (Check One)

Executor named in decedent's Will  Other: \_\_\_\_\_

1. (b) The proposed Executor  is  is not an attorney.

[NOTE: A sole Executor-Attorney must comply with 22 NYCRR 207.16(e)]

1. (c) The proposed Executor  is  is not the attorney-draftsperson, a then-affiliated attorney or employee thereof.

[NOTE: An attorney-draftsperson, a then-affiliated attorney or employee thereof, must comply with SCPA 2307-a]

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2. The name, domicile, date and place of death, and national citizenship of the above-named decedent are as follows:

**Decedent Information:**

Name <b>Kenneth W. Caffrey, a/k/a Kenneth Caffrey</b>			Citizenship <b>United States</b>
Domicile Address: Street and Number <b>18 Wellington Road</b>			
City, Village or Town <b>Delmar</b>	State <b>New York</b>	ZIP Code <b>12054</b>	Country <b>United States</b>
County <b>Albany</b>	Date of Death <b>August 10, 2014</b>	Place of Death <b>Albany Medical Center, Albany, NY</b>	

3. The Last Will, herewith presented, relates to both real and personal property and consists of an instrument or instruments dated as shown below and signed at the end thereof by the decedent and the following attesting witnesses:

<b>March 10, 2011</b>	<b>Frank W. Lang and Melanie W. Trimble</b>
Date of Will	Name of All Witnesses to Will

4. No other will or codicil of the decedent is on file in this Surrogate's Court, and upon information and belief, after a diligent search and inquiry, including a search of any safe deposit box, there exists no will, codicil or other testamentary instrument of the decedent later in date to any of the instruments mentioned in Paragraph 3 except as follows:  None

5. The decedent was survived by distributees classified as follows:

- a.  NO Spouse (husband/wife).
- b.  2 Child or children and/or issue of predeceased child or children. *[Must include marital, nonmarital, adopted, or adopted-out child under DRL Section 117]*
- c.  X Mother/Father.
- d.  X Sisters and/or brothers, either of the whole or half blood, and issue of predeceased sisters and/or brothers (nieces/nephews, etc.).
- e.  X Grandparents. *[Include maternal and paternal]*
- f.  X Aunts and/or uncles, and children of predeceased aunts and/or uncles (first cousins). *[Include maternal and paternal]*
- g.  X First cousins once removed (children of predeceased first cousins). *[Include maternal and paternal]*

6. The names, relationships, domicile and addresses of all distributees (under EPTL 4-1.1 and 4-1.2) of each person designated in the Will herewith presented as primary executor, of all persons adversely affected by the purported exercise by such Will of any power of appointment, of all persons adversely affected by any codicil and of all persons having an interest under any other will of the decedent on file in the Surrogate's Court, are hereinafter set forth in subdivisions (a) and (b).

[If the propounded will purports to revoke or modify an inter vivos trust or any other testamentary substitute, list the names, relationships, domicile and addresses of the trustee and beneficiaries affected by the will in subparagraphs (a) and (b) below. **Submit trust agreement.**]

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6. (a) All persons and parties so interested who are of full age and sound mind or which are corporations or associations, are as follows:

Name  
**Kevin D. Caffrey**

Domicile Address: Street and Number  
**18 Wellington Road**

City, Village or Town <b>Delmar</b>	State <b>New York</b>	ZIP Code <b>12054</b>	Country <b>United States</b>
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Mailing Address: Street and Number (If different from domicile)

City, Village or Town	State	ZIP Code	Country
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Relationship  
**son**

Description of Legacy, Devise or Other Interest

**beneficiary of Supplemental Needs Trust, residuary beneficiary**

Nature of Fiduciary Status (if applicable)  
**none**

Name  
**Kyle M. Caffrey**

Domicile Address: Street and Number  
**18 Wellington Road**

City, Village or Town <b>Delmar</b>	State <b>New York</b>	ZIP Code <b>12054</b>	Country <b>United States</b>
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Mailing Address: Street and Number (If different from domicile)

City, Village or Town	State	ZIP Code	Country
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Relationship  
**son**

Description of Legacy, Devise or Other Interest

**specific bequest**

Nature of Fiduciary Status (if applicable)  
**Executor**

Name

Domicile Address: Street and Number

City, Village or Town	State	ZIP Code	Country
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Mailing Address: Street and Number (If different from domicile)

City, Village or Town	State	ZIP Code	Country
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Relationship

Description of Legacy, Devise or Other Interest

Nature of Fiduciary Status (if applicable)

#3

6. (a) Persons and parties of full age and sound mind: (continued)

Name

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Domicile Address: Street and Number

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City, Village or Town	State	ZIP Code	Country
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Mailing Address: Street and Number (If different from domicile)

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City, Village or Town	State	ZIP Code	Country
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Relationship

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Description of Legacy, Devise or Other Interest

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Nature of Fiduciary Status (if applicable)

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6. (b) All persons so interested who are persons under disability, are as follows:  None

7. (a) The names and domiciliary addresses of all substitute or successor executors and of all trustees, guardians, legatees, devisees, and other beneficiaries named in the Will and/or trustees and beneficiaries of any inter vivos trust designated in the propounded Will other than those named in Paragraph 6 herewith are as follows:

Name

**NONE**

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Domicile Address: Street and Number

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City, Village or Town	State	ZIP Code	Country
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Mailing Address: Street and Number (If different from domicile)

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City, Village or Town	State	ZIP Code	Country
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Description of Legacy, Devise or Other Interest

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Nature of Fiduciary Status (if applicable)

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Name

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Domicile Address: Street and Number

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City, Village or Town	State	ZIP Code	Country
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Mailing Address: Street and Number (If different from domicile)

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City, Village or Town	State	ZIP Code	Country
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Description of Legacy, Devise or Other Interest

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Nature of Fiduciary Status (if applicable)

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7. (b) All such legatees, devisees and other beneficiaries who are persons under disability are as follows:

None

#3

8. (a) No beneficiary under the propounded will, listed in Paragraph 6 or 7 above, had a confidential relationship to the decedent, such as attorney, accountant, doctor, or clergyperson, except:  None

(b) No persons, corporations or associations are interested in this proceeding other than those mentioned above.

9. (a) To the best of the knowledge of the undersigned, the approximate total value of all property constituting the decedent's gross testamentary estate is:

<b>Greater than</b>	\$	<b>100,000.00</b>
<b>But less than</b>	\$	<b>250,000.00</b>
Personal Property	\$	215,000.00
Improved Real Property in New York State	\$	0.00
Unimproved Real Property in New York State	\$	0.00
Estimated Gross Rents for a Period of 18 Months	\$	0.00

(b) No other testamentary assets exist in New York State, nor does any cause of action exist on behalf of the estate, except as follows:  None

10. Upon information and belief, no other petition for the probate of any will of the decedent or for letters of administration of the decedent's estate has heretofore been filed in any court.

WHEREFORE your petitioner(s) pray(s) (a) that process be issued to all necessary parties to show cause why the Will and the Codicil(s) set forth in Paragraph 3 and presented herewith should not be admitted to probate; (b) that an order be granted directing the service of process, pursuant to the provisions of Article 3 of the SCPA, upon the persons named in Paragraph (6) hereof whose names or whereabouts are unknown and cannot be ascertained, or who may be persons on whom service by personal delivery cannot be made; and (c) that such Will and Codicil(s) be admitted to probate as a Will of real and personal property and that letters issue thereon as follows:

Letters Testamentary to: Kyle M. Caffrey

Letters of Trusteeship to:

- \_\_\_\_\_ f/b/o \_\_\_\_\_
- \_\_\_\_\_ f/b/o \_\_\_\_\_
- \_\_\_\_\_ f/b/o \_\_\_\_\_
- \_\_\_\_\_ f/b/o \_\_\_\_\_
- \_\_\_\_\_ f/b/o \_\_\_\_\_

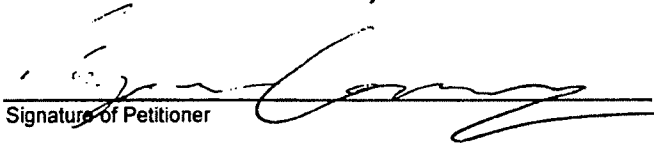
#3

Letters of Administration c.t.a. to: \_\_\_\_\_

and that petitioner(s) have such other relief as may be proper.

Further relief sought (if any):

Dated: March 31, 2015

  
\_\_\_\_\_  
Signature of Petitioner

**Kyle M. Caffrey**  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print Name

#3

COMBINED VERIFICATION, OATH AND DESIGNATION  
For use when petitioner is an individual

STATE OF NEW YORK  
COUNTY OF ALBANY } ss.:

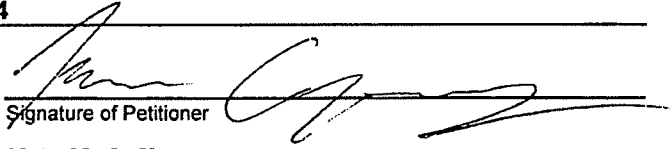
The undersigned, the petitioner named in the foregoing petition, being duly sworn, says:

1. VERIFICATION: I have read the foregoing petition subscribed by me and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

2. OATH OF  EXECUTOR  ADMINISTRATOR c.t.a.  TRUSTEE (I am the Trustee named in the Will of \_\_\_\_\_, for the trust created under Paragraph \_\_\_\_\_ for the benefit of \_\_\_\_\_) as indicated above: I am over eighteen (18) years of age and a citizen of the United States; and I will well, faithfully and honestly discharge the duties of Fiduciary of the goods, chattels and credits of said decedent according to law. I am not ineligible to receive letters and will duly account for all moneys and other property that will come into my hands.

3. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I hereby designate the Clerk of the Surrogate's Court of Albany County, and his/her successor in office, as a person on whom service of any process, issuing from such Court may be made in like manner and with like effect as if it were served personally upon me, whenever I cannot be found and served within the State of New York after due diligence used.

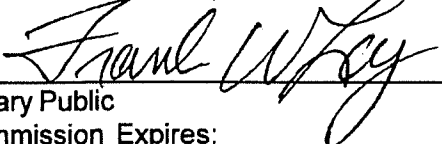
My domicile is: 18 Wellington Road, Delmar, New York 12054

  
Signature of Petitioner  
Kyle M. Caffrey  
Print Name

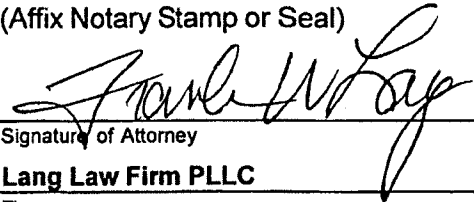
On the 31<sup>st</sup> day of March in the year 2015 before me, the undersigned, personally appeared, Kyle M. Caffrey

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Sworn to before me this 31<sup>st</sup> day of March 2015

  
Notary Public  
Commission Expires:  
(Affix Notary Stamp or Seal)

FRANK W. LANG  
Notary Public, State of New York  
Qualified in Albany County  
No. 4974112  
Commission Expires Nov. 5, 2018

  
Signature of Attorney  
Lang Law Firm PLLC  
Firm

Frank W. Lang  
Print Name of Attorney  
(518) 690-0668  
Telephone

12 Cornell Road, Latham, New York 12110  
Address

#13

At a Surrogate's Court of the State of New York held in and for the County of Albany at Albany, New York.

PRESENT: Hon. Stacy L. Pettit, Surrogate

**Probate Proceeding, Will of  
Kenneth W Caffrey**

aka Kenneth Caffrey

Deceased.

**DECREE GRANTING PROBATE**

File No. 2015-378

ALBANY COUNTY  
SURROGATE'S COURT  
FILED  
2015 APR 20 PM 3:29

A verified petition having been filed by Kyle M Caffrey praying for a decree admitting to probate a written instrument dated [redacted] propounded as the Last Will and Testament of the above named decedent; and

It satisfactorily appearing that all the persons required by law to be cited or who are interested in this proceeding have either failed to appear in response to a duly served citation or by their waiver and consent in writing duly executed and filed, waived the issuance and service upon them of a citation in this proceeding or have appeared and consented to the probate of the propounded instrument; and that notice of probate has been given to all persons entitled to such notice; and

The probate not having been contested; and proofs having been duly filed on behalf of the attesting witnesses to the foregoing testamentary instrument; and it appearing by such proofs that the same were duly executed and are genuine and valid and that the decedent at the time of executing same was in all respects competent to make a will and not under restraint; it is

ORDERED AND DECREED, that the instrument offered for probate herein be, and the same hereby is admitted to probate as the Last Will and Testament of the above-named decedent, valid to pass real and personal property, that the Will and this Decree be recorded and that Letters Testamentary issue to Kyle M Caffrey upon properly qualifying for such office; and that if Preliminary Letters Testamentary were issued, the same are hereby revoked.

DATED: *April 20, 2015*

*Stacy L. Pettit*  
\_\_\_\_\_  
Stacy L. Pettit  
Surrogate

#3

On the Date Written Below LETTERS are Granted by the Surrogate's Court, State of New York as follows:

File #: 2015-378

Date of Death: August 10, 2014

Name of Decedent: Kenneth W Caffrey  
AKA Kenneth Caffrey

Domicile of Decedent: Town Of Bethlehem

Fiduciary Appointed: Kyle M Caffrey  
Mailing Address: 18 Wellington Road  
Delmar NY 12054

Letters Issued: LETTERS TESTAMENTARY

Limitations: NONE

THESE LETTERS, granted pursuant to a decree entered by the court, authorize and empower the above-named fiduciary or fiduciaries to perform all acts requisite to the proper administration and disposition of the estate/trust of the Decedent in accordance with the decree and the laws of New York State, subject to the limitations and restrictions, if any, as set forth above.

Dated: April 20, 2015



IN TESTIMONY WHEREOF, the seal of the Albany County Surrogate's Court has been affixed.

WITNESS, Hon Stacy L. Pettit, Judge of the Albany County Surrogate's Court.

*Stacy L. Pettit*  
\_\_\_\_\_  
Hon. Stacy L. Pettit

*These Letters are Not Valid Without the Raised Seal of the Albany County Surrogate's Court*

Attorney:  
Frank W Lang  
Lang Law Firm PLLC  
12 Cornell Road  
Latham NY 12110

*M*  
U.S. INTEREST  
AGENCY  
440

M 280--Warranty deed; basic covenants; ind. or corp.

JULIUS BLUMBERG INC., LAW BLANK PUBLISHERS

#1

# This Indenture made May 9, 1996

**Between** KATHLEEN L. CRAMER, f/k/a KATHLEEN L. PAIGO, residing at 378 New Salem Road, Voorheesville, New York

LIBER 2556 PAGE 28 5464

partly of the first part, and  
MARCIA ROTH, residing at 4731 Delaware Turnpike, Clarksville, New York

partly of the second part,  
**Witnesseth** that the party of the first part, in consideration of Ten Dollars (\$ 10.00 )

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, all

THAT LOT OF LAND with the improvements thereon at Elsmere, Town of Bethlehem, Albany County, New York, bounded and described as follows:

BEGINNING at a point on the southerly line of Wellington Road East which is ninety and eighty eight hundredths (90.88) feet easterly of the point of intersection of the southerly line of Wellington Road East extended westerly and the easterly line of Sylvan Drive (a proposed street) extended northerly; thence southerly on a line making an interior angle of eighty-five (85) degrees thirty-seven (37) minutes forty (40) seconds with the southerly line of Wellington Road East, two hundred and eleven and forty-six hundredths (211.46) feet to a point in the northerly line of lands said to belong to Southwell; thence easterly along Southwell making an interior angle within the herein described premises of ninety-two (92) degrees forty-five (45) minutes twenty (20) seconds fifty-three and ninety hundredths (53.90) feet to a point which is seven hundred and eighty-eight and twenty-two hundredths (788.22) feet westerly of the westerly line of Elsmere Avenue; thence northerly making an interior angle of ninety-one (91) degrees thirty-seven (37) minutes along the westerly line of premises said to belong now or formerly to Home Construction Corp. two hundred and nine and thirty-two hundredths (209.32) feet to a point in the southerly line of Wellington Road East seventy (70) feet to the place of beginning.

SUBJECT TO any existing and enforceable restrictions, conditions and easements of record, if any, in the chain of title of and affecting said premises.

Being the same preresis described in a deed from Roger J. Hill and Leslie M. Hill to Kathleen L. Paigo dated October 30, 1992 and recorded February 4, 1993 in the Albany County Clerk's office in Book 2477 of Deeds at page 87

OFFICE OF  
ALBANY COUNTY CLERK  
ALBANY, N.Y.  
MAY 10 11 46 AM '96

RECEIVED  
\$ 400 -  
REAL ESTATE  
MAY 10 1996  
TRANSFER TAX  
ALBANY  
COUNTY

#1

LIBER 2556 PAGE 29

COUNTY OF ALBANY )

Recorded in DEEDS  
As Shown Herein and  
Examined  
*Thomas G. Clingan*  
THOMAS G. CLINGAN  
ALBANY COUNTY CLERK

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That the party of the first part will forever Warrant the title to said premises.

Third, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

In Presence of

*Kathleen L. Cramer*

Kathleen L. Cramer  
f/k/a Kathleen L. Paigo

L.S.  
L.S.  
L.S.  
L.S.

STATE OF NEW YORK, COUNTY OF ALBANY  
On *May 9*, 1996, before me personally came Kathleen L. Cramer f/k/a Kathleen L. Paigo

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

*Robert J. Heim*  
Notary Public

ROBERT J. HEIM  
Notary Public  
State of New York  
County of Albany  
Commission Expires 7-31-96

STATE OF NEW YORK, COUNTY OF  
On 19, before me personally came

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

STATE OF NEW YORK, COUNTY OF  
On 19, before me personally came  
to me known, who, being by me duly sworn, did depose and say that deponent resides at No. deponent is

of the corporation described in and which executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.

REF: *Ann E. Rockwell, Esq*  
*17 W.oughby Dr*  
*Columbia, NY 12525*

STATE OF NEW YORK, COUNTY OF  
On 19, before me personally came  
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness therein.

11-8755