

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



602403632CNT002Q

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Benchmark Title Agency, LLC	Phone:	914-250-2400
Address 1:	Domenica Stancato	Fax:	914-422-1550
Address 2:	222 Bloomingdale Road	Email:	dstancato@benchmarkta.com
City/State/Zip:	White Plains NY 10605	Reference for Submitter:	BRS1202964

Document Details

Control Number:	602403632	Document Type:	Contract (CNT)
Package ID:	2020082700259001002	Document Page Count:	7
		Total Page Count:	9

Parties

Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1:	70 WESTCHESTER LLC	1:	SABER-NORTH WHITE PLAINS LLC
2:	- Other	2:	- Other

Property

Additional Properties on Continuation page

Street Address:	70 WESTCHESTER AVENUE	Tax Designation:	126.61-3-15
City/Town:	WHITE PLAINS	Village:	

Cross-References

Additional Cross-Refs on Continuation page

1:	2:	3:	4:
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Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$40.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$0.00
TP-584 Filing Fee:	\$5.00
RPL 291 Notice Fee:	\$0.00
Total Recording Fees Paid:	\$85.00

Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
Total Mortgage Tax:	\$0.00

Transfer Taxes

Consideration:	\$0.00
Transfer Tax:	\$0.00
Mansion Tax:	\$0.00
Transfer Tax Number:	16260

Dwelling Type:	Exempt: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/01/2020 at 10:02 AM
 Control Number: **602403632**
 Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

BENCHMARK TITLE AGENCY LLC
222 BLOOMINGDALE RD
SUITE 102
WHITE PLAINS, NY 10605

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Properties Addendum

64-68 WESTCHESTER AVENUE 10601	WHITE PLAINS	126.61 3 16.1
62 WESTCHESTER AVENUE 10605	WHITE PLAINS	126.61 3 16.2
30-36 FRANKLIN AVENUE 10601	WHITE PLAINS	126.61 3 23
38-40 FRANKLIN AVENUE 10601	WHITE PLAINS	126.61 3 24
42-44 FRANKLIN AVENUE 10601	WHITE PLAINS	126.61 3 25

MEMORANDUM OF CONTRACT

70 WESTCHESTER, LLC.
as
as SELLER

-to-

SABER-NORTH WHITE PLAINS, LLC, as PURCHASER

Premises: 70 Westchester Avenue, 38-40 Franklin Avenue, 42-44 Franklin Avenue, 62 Westchester Avenue, and 64-68 Westchester Avenue, White Plains, New York

Section: 126.61
Block: 3
Lots: 15, 16.1, 16.2, 23, 24 and 25
County: Westchester

Record and Return to:
Westerman Ball Ederer Miller Zucker & Sharfstein, LLP
1201 RXR Plaza
Uniondale, New York 11556
Attention: Philip L. Sharfstein, Esq.

MEMORANDUM OF CONTRACT

NAME AND ADDRESS OF SELLER: **70 WESTCHESTER, LLC**, a New York limited liability company having an address at 70 Westchester, LLC c/o Chrysler Jeep of White Plains, 70 Westchester Avenue, White Plains, NY 10601;

NAME AND ADDRESS OF PURCHASER: **SABER-NORTH WHITE PLAINS, LLC**, a New York limited liability company having an address at 80 Business Park Drive Suite 306, Armonk, New York 10504.

CHRYSLER JEEP OF WHITE PLAINS, INC., a New York corporation having an address at 70 Westchester Avenue, White Plains, NY 10601 is also a party to the Contract in its capacity as the sole Tenant at the Premises hereinafter described.

DATE OF CONTRACT: August 17, 2020, between Seller and Purchaser (as may be further amended in accordance with its terms, the "Contract").

FEE INTEREST TO BE CONVEYED: Those certain premises situate, lying and being located at 70 Westchester Avenue, 30-36 Franklin Avenue, 38-40 Franklin Avenue, 42-44 Franklin Avenue, 62 Westchester Avenue, and 64-68 Westchester Avenue all located in the City of White Plains, New York, Section 126.31, Block 3, Lots 15, 16.1, 16.2, 23, 24 and 25, and more particularly described on Exhibit A annexed hereto and made a part hereof (the "Premises"). The Contract provides for the conveyance from Seller to Purchaser of all of Seller's right, title and interest in and to the Premises.

CLOSING DATE: Subject to certain adjournment rights as set forth in the Contract, the Closing shall be within one hundred twenty (120) days of receipt by Purchaser of all required final, non-appealable Project Approvals (as defined in the Contract) for its proposed redevelopment of the Premises as more particularly provided in Section 3 of the Contract.

EFFECT OF MEMORANDUM: This Memorandum of Contract is entered into by the parties, and is to be recorded solely to set forth the Contract as a matter of record. Nothing contained in this Memorandum of Contract shall be deemed to modify, amend, alter, limit or otherwise change any of the provisions of the Contract itself or the rights and obligations of the parties thereto as provided therein. All capitalized terms in this Memorandum of Contract shall have the meaning ascribed in the Contract. In the event of any conflict or ambiguity between the terms of this Memorandum of Contract or the terms of the Contract, the terms of the Contract shall prevail. Reference is hereby made to the Contract for all of the terms, covenants and conditions thereof. This memorandum may be executed in counterparts.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Seller, Purchaser and WP Chrysler have duly executed this Memorandum of Contract as of the date first above written.

SELLER:

70 WESTCHESTER, LLC:

By: Agostino A. DiFeo
Name: Agostino A. DiFeo
Title: Member

CHRYSLER JEEP OF WHITE PLAINS, INC.

By: Agostino A. DiFeo
Name: Agostino A. DiFeo
Title: president

PURCHASER:

SABER-NORTH WHITE PLAINS, LLC

By: _____
Name: Martin G. Berger
Title: Managing Member

IN WITNESS WHEREOF, Seller, Purchaser and WP Chrysler have duly executed this Memorandum of Contract as of the date first above written.

SELLER:

70 WESTCHESTER, LLC:

By: _____

Name: Agostino A. DiFeo

Title: Member

CHRYSLER JEEP OF WHITE PLAINS, INC.

By: _____

Name:

Title:

PURCHASER:

SABER-NORTH WHITE PLAINS, LLC

By: _____

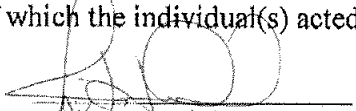
Name: Martin G. Berger

Title: Managing Member

ACKNOWLEDGEMENTS

State of New York }
 } ss.:
 County of }

Westchester On the 20th day of August, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Agostino A. DiFeo, 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.

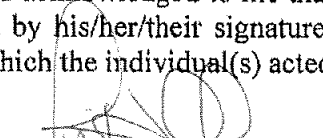


 Notary Public

JILL HAYWARD
 Notary Public, State of New York
 No. 01HA6040287
 Qualified in Westchester County
 Term Expires 4-18-23

State of New York }
 } ss.:
 County of }

Westchester On the 20th day of August, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Agostino A. DiFeo, 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.



 Notary Public

JILL HAYWARD
 Notary Public, State of New York
 No. 01HA6040287
 Qualified in Westchester County
 Term Expires 4-18-23

State of New York }
 } ss.:
 County of }

On the _____ day of _____, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Martin G. Berger, 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.

 Notary Public

ACKNOWLEDGEMENTS

State of New York }
 } ss.:
 County of }

On the _____ day of _____, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Agostino A. DiFeo, 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.

 Notary Public

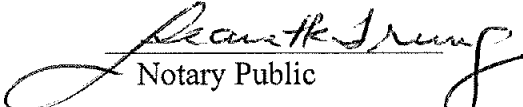
State of New York }
 } ss.:
 County of }

On the _____ day of _____, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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.

 Notary Public

State of New York }
 } ss.:
 County of Westchester

On the 10 day of August in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Martin G. Berger, 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.


 Notary Public

JEANETTE TRIVIGNO
 Notary Public, State of New York
 No. 01TR6001701
 Qualified in Dutchess County
 Commission Expires January 20, 2022

EXHIBIT A

Description of Land

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of White Plains, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Franklin Avenue, distant 350.00 feet easterly from the corner formed by the intersection of the southerly side of Franklin Avenue with the easterly side of Westchester Avenue;

RUNNING THENCE along the southerly side of Franklin Avenue, North 72 degrees 26' 50" East, 215.02 feet;

THENCE South 17 degrees 33' 10" East, 178.47 feet;

THENCE South 77 degrees 03' 20" West, 59.15 feet;

THENCE South 00 degrees 36' 50" West, 249.36 feet to the northerly side of Westchester Avenue;

THENCE along the northerly side of Westchester Avenue, North 85 degrees 40' 00" West 197.90 feet;

THENCE North 02 degrees 54' 00" East, 97.67 feet;

THENCE North 00 degrees 12' 40" East, 75.11 feet;

THENCE North 02 degrees 42' 50" East, 18.59 feet;

THENCE North 76 degrees 50' 30" East 36.93 feet;

THENCE North 17 degrees 33' 10" West, 39.75 feet;

THENCE North 72 degrees 26' 50" East, 5.00 feet;

THENCE North 17 degrees 33' 10" West, 119.49 feet to the southerly side of Franklin Avenue, the point or place of BEGINNING