

THIS INDENTURE, made this 2nd. day of September, 1922, by and between Dickinson W. Richards, residing at No. 163 Irving Avenue, South Orange, State of New Jersey, as executor, and Katherine G. Dutcher, residing at No. 308 North Mountain Avenue, Upper Montclair, State of New Jersey, individually as sole residuary devisee under the Will of the late Cornelius B. Gold and as executrix, respectively, of the will of the late Cornelius B. Gold, of the County and State of New York, deceased, hereinafter called the grantors, and MILDRED DuBOIS, residing at No. 1015 Madison Avenue, in the Borough of Manhattan, City, County and State of New York, hereinafter called the grantee.

WHEREAS at a Court of Probate holden at Washington, Connecticut, within and for the District of Washington, in the County of Litchfield, State of Connecticut, on the 21st. day of May, A.D. 1921, on the application of said Dickinson W. Richards, an order was made filing and recording a duly authenticated and exemplified copy of the will, dated the 12th. day of November, 1919, and the codicil, dated the 8th. day January, 1921, of the said Cornelius B. Gold, deceased, and granting letters testamentary to the said Dickinson W. Richards, as executor, and Katherine G. Dutcher, as executrix; and

WHEREAS the said will expressly authorizes and empowers the said executor and executrix to sell any and all real estate of which the said Cornelius B. Gold shall die seized or possessed, at such times and for such prices and upon such terms as they, the said executor and executrix, shall see fit, and to give good and sufficient deeds and conveyances thereof:

NOW, THEREFORE, TO ALL PEOPLE TO WHOM THESE PRESENCE SHALL COME, GREETING: KNOW YE, That the said Dickinson W. Richards, as executor, and Katherine G. Dutcher, individually and as executrix, aforesaid, in pursuance of the authority and discretion given by said will, and in consideration of the sum of Nine Hundred (\$900.00) Dollars received to their full satisfaction from the said Mildred DuBois, do hereby give, grant, bargain, sell and confirm unto the said Mildred DuBois, all the right, title, interest, claim and demand which the said Cornelius B. Gold had at the time of his death, or which the grantors, as executors, or Katherine G. Dutcher, individually, had or ought to have in and to a certain piece or parcel of land, situate, lying and being in the Town of Washington, County of Litchfield, State of Connecticut, about nine hundred feet northeast of Washington Green, and bounded and described as follows:

Starting from a stone marker on the easterly side of the old North or Mallory Road, said marker being the northwest corner of land of E.K. Rossiter; thence N. 84° 30' E., 134.3 feet along the northerly boundary of premises now owned by said Rossiter, to a stone marker; thence N. 49° 35' E., 240 feet to a point in the center of right of way hereafter referred to; thence N. 23° 10' W., 116 feet to a stone marker near water tank, said line runs through an iron set in ledge on northerly side of said right of way; thence N. 87° 45' W. 267.7 feet to a stone marker on the easterly side of the old North or Mallory road; thence along the easterly boundary of said road to the place of beginning, containing 1.643 acres, more or less (true bearings and level measurements used in each case), being part of the premises conveyed to the late Cornelius B. Gold by David Orr, by deed dated the 21st. day of May, 1886, and recorded in the Washington Land

Records in Vol. 26, page 377.

TOGETHER with a right of way for passage only over the portion of the said old highway known as the North or Mallory Road, and lying westerly and southerly of the premises herein conveyed so that the said grantee shall have a direct right of way from the Litchfield Highway to the said premises herein conveyed, in so far as the said grantors have the power to grant the same.

TOGETHER with a right of way for passage only, over a strip of land adjoining and extending along the entire southerly boundary (to-wit: 135 feet more or less) of the premises conveyed herein, fifteen feet in width on the premises heretofore conveyed to Ehrick K. Rossiter.

TOGETHER with a right of way for passage only, over a strip of land adjoining and extending along the entire southeasterly boundary (to-wit: 240 feet, more or less) of the premises conveyed herein, twenty-five feet in width, partly on the premises heretofore or about to be conveyed to said Ehrick K. Rossiter and partly on the premises of the grantors.

RESERVING, HOWEVER, a right of way for passage only over a strip of land thirty-five feet in width on the premises conveyed herein, adjoining and extending along the entire southerly boundary (to-wit: 135 feet, more or less) of said premises; also a right of way over a strip of land twenty-five feet in width on the premises conveyed herein, adjoining and extending along the entire southeasterly boundary (to-wit: 240 feet, more or less) of said premises.

All rights of way herein granted or reserved are to be used in common with the grantors, their successors and assigns, and the heirs and assigns of Cornelius B. Gold and their heirs and assigns and such other person and persons and in such manner as the said grantors and their successors or assigns and the heirs and assigns of Cornelius B. Gold and their heirs and assigns may from time to time authorize or empower to use as right of way.

SUBJECT, HOWEVER, to the restrictions and covenants, but not conveying any of the rights or privileges contained in a deed from Cornelius B. Gold to Arthur D.

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Woodruff, dated the 1st. day of April, 1890, and recorded in Washington Land Records, Vol. 29, at page 236.

SUBJECT, HOWEVER, to the restrictions and covenants, but not conveying the rights or privileges contained in a deed from Cornelius B. Gold to the Judea Water Company, dated the 6th. day of February, 1907, and recorded in Washington Land Records Vol. 34, at page 481.

SUBJECT, FURTHER, to the right of the grantors, their successors and assigns and the heirs and assigns of Cornelius B. Gold, their heirs and assigns, to lay pipes (and enter for the purpose of maintenance and repair thereof) through any part of the land herein conveyed, but underground, doing no unnecessary injury to the premises and resting the surface as well as may be, it being especially understood that said pipes shall not interfere with any buildings or structures erected or that may be erected by said grantee, her heirs or assigns, and that the said pipes shall be at least three feet below the surface of the land.

And the said grantee, for herself, her executors, administrators, heirs and assigns does hereby covenant and agree with the said grantors, their successors and assigns and the heirs and assigns of Cornelius B. Gold and their heirs and assigns, as follows:

That she will not erect or permit at any time upon any part of said premises herein granted and conveyed, any slaughter house, smith shop, forge, engine for manufacturing purposes, foundry, manufactory, tannery, bone-boiling establishment, livery stable or public garage, hog pen, store, shop or any dangerous, noxious or offensive establishment or thing whatsoever, nor any boarding house or hotel; that she will not manufacture for sale, or sell or cause or permit to be manufactured for sale or sold, on any portion of said premises, any intoxicating liquors, or do or permit any matter or thing which shall be a nuisance, unwholesome or offensive to the neighborhood.

That she shall not and will not at any time, unless thereunto permitted by the written consent of the then owners of the premises situated within 300 feet of the premises hereby granted, such consents to be executed and recorded as a deed of conveyance, erect or maintain upon said premises herein granted and conveyed, any building or structure of any kind except two dwelling houses, abars and summer houses and two private garages.

That the several covenants and restrictions hereinbefore set forth shall attach to and run with the premises herein granted and conveyed in whosoever's hands the same may hereafter be, and that any violation or attempted violation of said covenants by said grantee, her heirs and assigns, may be prevented by injunction by the said grantors or their successors or assigns, or the heirs or assigns of the said Cornelius B. Gold, their heirs and assigns; and any building, structure or other thing erected, or placed or suffered to be upon said premises in violation of said covenants may be removed by said grantors their successors or assigns, or the heirs or assigns of the said Cornelius B. Gold or their heirs or assigns, at the expense of said grantee, her heirs and assigns, and that the several covenants on the part of the said grantee, her heirs and assigns, may be enforced in any other way provided or recognized by law for the enforcement of like covenants.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Mildred DuBois, her heirs and assigns forever, to their and her proper use and behoof; and we, the said grantors, do covenant with the said grantee, her heirs and assigns, that except as herein set forth we have full power and authority, as executors aforesaid, to bargain and sell the same in the manner and form as above written.

And furthermore, Dickinson W. Richards and Katharine G. Dutcher, as executors two of the said grantors, do by these presents bind ourselves forever to warrant and defend, except as herein set forth, the above granted and bargained premises to the said grantee, her heirs and assigns, against all claims and demands of any person or persons claiming by from or under us, as executor and executrix as aforesaid.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals to duplicate originals, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Anna L. Feil)
Florence Brungler) as to

Dickinson W. Richards (L.S.)
As Executor.

Mary Kaylor)
Stuart Schmiedel) as to

Katharine G. Dutcher (L.S.)
Individually and as Executrix.

Mary Kaylor)

his free act and deed as such executor, before me.

(Notary Seal attached)

Anna L. Feil

Notary Public

State of Connecticut)
County of Litchfield) ss.

September 2, 1922

Personally appeared KATHARINE G. DUTCHER, individually and as executrix as aforesaid, and one of the signers and sealers of the foregoing instrument, and acknowledged the same to be her free act and deed individually and as such executrix, before me.

Robert J. Benham

Notary Public

(Notary Seal attached)

State of Connecticut)
County of Litchfield) ss.

September 2, 1922

Personally appeared MILDRED DuBOIS, one of the signers and sealers of the foregoing instrument, and acknowledged the same to be her free act and deed, before me.

Robert J. Benham

Notary Public.

(Notary Seal attached)

Received for Record September 29th. 1922 at 1 o'clock P.M. and recorded by


Town Clerk.