



MIDDLESEX COUNTY CLERK

Return To:

MARTIN ZIPERN  
53 CARDINAL DR  
WESTFIELD NJ  
07090

EDISON 321 MIDVALE ROAD, LLC

Index DEED BOOK  
Book 05490 Page 0724  
No. Pages ~~0009~~ 011  
Instrument STANDARD EXCESS  
Date : 5/11/2005  
Time : 8:05:38  
Control # 200505110001  
INST# DE 2005 008170

Employee ID RBOOKER

RECORDING	\$	65.00
NJPRPA	\$	16.00
DARM	\$	24.00
DARM 3.00	\$	3.00
NJPRPA	\$	2.00
GRANTEE TX	\$	.00
- - - - -	\$	.00
DD4 T1 CO	\$	150.00
DD4 T1 ST	\$	375.00
All Other	\$	25,082.50
Total:	\$	25,717.50

STATE OF NEW JERSEY  
MIDDLESEX COUNTY CLERK

ELAINE FLYNN  
COUNTY CLERK



DO NOT REMOVE THIS PAGE.  
TO ACCESS THE IMAGE OF  
THE DOCUMENT RECORDED  
HEREUNDER BY BOOK AND  
PAGE NUMBER, USE THE  
BOOK AND PAGE NUMBER  
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Cover sheet is part of Middlesex County filing record  
Retain this page for future reference  
Not part of the original submitted document

B05490P-724

# Deed

RECORDED  
ELAINE M. FLYNN  
MIDDLESEX COUNTY CLERK

05 MAY 11 AM 8:03

This Deed is made on **April 27, 2005**

**BETWEEN**

**Edison 321 Midvale Road, LLC, a Limited Liability Company**

BOOK # \_\_\_\_\_

PAGE # \_\_\_\_\_

# OF PAGES \_\_\_\_\_

of the state of **New Jersey**

having its principal office at

**Richard Huss, c/o Bell Delivery, Raritan Center Business Park  
Building 410-CL, 410 Clearview Avenue, Edison, NJ 08837**

referred to as the Grantor,

**AND**

**Deer Realty, LLC**

whose post office address is

**about to be 75 Midvale Road, Edison, NJ 08817**

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**1. Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **\$2,325,000.00**

**Two Million Three Hundred Twenty-Five Thousand Dollars and No Cents**

The Grantor acknowledges receipt of this money.

**2. Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of **Edison**

Block No. **366A** Lot No. **14** Qualifier No. \_\_\_\_\_ Account No. \_\_\_\_\_

☐ No property tax identification number is available on the date of this Deed. (Check Box if Applicable.)

**3. Property.** The Property consists of the land and all the buildings and structures on the land in the **Township** of **Edison**, County of **Middlesex** and State of New Jersey. The legal description is:

☒ Please see attached Legal Description annexed hereto and made a part hereof. (Check Box if Applicable.)

Prepared by: (print signer's name below signature)

(For Recorder's Use Only)

**Steve Golar, Esq.**

805490P-725

110-

# CONTROL LAYOUTS, INC.

Land Surveyors

271 Cleveland Ave. PO Box 4319  
Highland Park, NJ 08904  
732/846-9100 Telephone  
732/937-5793 Facsimile



122 West Main Street  
Clinton, NJ 08809  
908/730-8243 Telephone  
908/730-8045 Facsimile

Legal Description  
Our File No. 195-05  
February 10, 2005  
Block 366-A Lot 14  
Edison, New Jersey

BEGINNING at a point on the Northerly Right of Way line of Conrail Lehigh Valley Railroad (Main Stem) (60.00 feet wide), said point being located 387.63 feet Westerly from the intersection of the aforesaid Northerly sideline of Conrail Lehigh Valley Railroad with the Southerly Right of Way line of Midvale Road (50.00 feet wide), said beginning point being also described in Deed Book 4597 Page 320; thence running:

- 1) Along the aforesaid Northerly sideline of Conrail Lehigh Valley Railroad, North 76 degrees 26 minutes 30 seconds West, a distance of 996.05 feet to a point on the Southeasterly sideline of the New Jersey Turnpike; thence
- 2) Along the aforesaid Southeasterly sideline of the New Jersey Turnpike, North 47 degrees 32 minutes 21 seconds East, a distance of 124.77 feet to a point; thence
- 3) Continuing along the aforesaid Southeasterly sideline of the New Jersey Turnpike, North 36 degrees 32 minutes 48 seconds East, a distance of 154.50 feet to a point; thence
- 4) Continuing along the aforesaid Southeasterly sideline of the New Jersey Turnpike, North 50 degrees 24 minutes 11 seconds East, a distance of 340.22 feet to a point; thence
- 5) South 66 degrees 03 minutes 40 seconds East, a distance of 111.70 feet to a point; thence

Continued...

B05490P-726

# CONTROL LAYOUTS, INC.

Land Surveyors

271 Cleveland Ave. PO Box 4319  
Highland Park, NJ 08904  
732/846-9100 Telephone  
732/937-5793 Facsimile



122 West Main Street  
Clinton, NJ 08809  
908/730-8243 Telephone  
908/730-8045 Facsimile

Legal Description

Our File No. 195-05

Page 2

- 6) South 39 degrees 35 minutes 49 seconds East, a distance of 325.80 feet to a point; thence
- 7) South 67 degrees 09 minutes 35 seconds East, a distance of 107.59 feet to a point; thence
- 8) South 45 degrees 06 minutes 20 seconds West, a distance of 299.30 feet to a point; thence
- 9) South 76 degrees 26 minutes 30 seconds East, a distance of 341.80 feet to a point; thence
- 10) South 13 degrees 33 minutes 30 seconds West, a distance of 30.00 feet to a point on the aforesaid Northerly sideline of Conrail Lehigh Valley Railroad, said point being the point and place of BEGINNING.

BEING known and designated as Lot 14 in Block 366-A as shown on the Official Tax Map of the Township of Edison, Middlesex County, New Jersey.

The above description being drawn in accordance with a survey prepared by Control Layouts, Inc. dated February 10, 2005.

A handwritten signature in cursive script, appearing to read 'William J. Buttler', written over a horizontal line.

WILLIAM J. BUTTLER NJPLS # 19451

B05490P-727

# CONTROL LAYOUTS, INC.

Land Surveyors

271 Cleveland Ave. PO Box 4319  
Highland Park, NJ 08904  
732/846-9100 Telephone  
732/937-5793 Facsimile



122 West Main Street  
Clinton, NJ 08809  
908/730-8243 Telephone  
908/730-8045 Facsimile

## Legal Description – Access Easement

Our File No. 195-05  
February 10, 2005  
Block 366-A Lot 14  
Edison, New Jersey

BEGINNING at a point on the Northerly Right of Way line of Conrail Lehigh Valley Railroad (Main Stem) (60.00 feet wide), said point being the intersection of the aforesaid Northerly sideline of Conrail Lehigh Valley Railroad with the terminus of Midvale Road (50.00 feet wide), said beginning point being also described in Deed Book 2932 Page 211; thence running:

- 1) Along the aforesaid Northerly sideline of Conrail Lehigh Valley Railroad, North 76 degrees 26 minutes 30 seconds West, a distance of 387.63 feet to a point, said point being the most Southeasterly corner of Lot 13H in Block 366A; thence
- 2) North 13 degrees 33 minutes 30 seconds East, a distance of 50.00 feet to a point; thence
- 3) South 76 degrees 26 minutes 30 seconds East, a distance of 387.63 feet to a point, said point being the terminus of Midvale Road; thence
- 4) Along the terminus of Midvale Road, South 13 degrees 33 minutes 30 seconds West, a distance of 50.00 feet to a point on the aforesaid Northerly sideline of Conrail Lehigh Valley Railroad, said point being the point and place of BEGINNING.

BEING known and designated as part of Lot 14 in Block 366-A as shown on the Official Tax Map of the Township of Edison, Middlesex County, New Jersey.

The above description being drawn in accordance with a survey prepared by Control Layouts, Inc. dated February 10, 2005; revised March 12, 2005 and April 19, 2005.

  
WILLIAM J. BUTTLER NJPLS # 19451

B05490P-728



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

GIT/REP-3  
(7-04)

(Please Print or Type)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s)

Edison 321 Midvale Road, LLC  
Current Resident Address:

Street: Richard Huss c/o Bell DELivery, Raritan Center, Bldg. 410-CL  
City, Town, Post Office  
410 Clearview Ave., Edison, NJ 08837 State Zip Code

Home Phone

Business Phone

**PROPERTY INFORMATION (Brief Property Description)**

Block(s)

Lot(s)

Qualifier

366A 14

Street Address:

75 Midvale Rd., Edison NJ 08817  
City, Town, Post Office State Zip Code

100% \$2,325,000.00 April 27, 2005  
Seller's Percentage of Ownership Consideration Closing Date

**SELLER ASSURANCES (Check the Appropriate Box)**

1. ☐ I am a resident taxpayer 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 mortgagee 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 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:1-1 et seq.

**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.

April 27, 2005

Date

X  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact

B05490P-729

**STATE OF NEW JERSEY**  
**AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER**

(Chapter 49, P.L. 1968, as amended through Chapter 19, P.L. 2005)  
 To be recorded with deed pursuant to Chapter 49, P.L. 1968, as amended by Chapter 308, P.L. 1991 (N.J.S.A. 48:15-5 et seq.)  
**BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.**

STATE OF NEW JERSEY

} SS.

COUNTY OF ESSEX**FOR RECORDER'S USE ONLY**

Consideration \$ \_\_\_\_\_  
 RTF paid by buyer \$ \_\_\_\_\_  
 Date \_\_\_\_\_ By \_\_\_\_\_

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

Deponent, ABDUL PARACHA, being duly sworn according to law upon his/her oath,  
 (Name) MANAGING MEMBER OF  
 deposes and says that he/she is the GRANTEE in a deed dated 4/27/05 transferring  
 (Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)  
 real property identified as Block number 366-A Lot number 14 located at  
75 MIDVALE ROAD, EDISON (MIDDLESEX COUNTY) and annexed thereto.  
 (Street Address, Municipality, County)

(2) **CONSIDERATION** \$ 2,325,000.00 (See Instructions #1 and #5 on reverse side)

Entire consideration is in excess of \$1,000,000:

**PROPERTY CLASSIFICATION CHECKED BELOW SHOULD BE TAKEN FROM THE OFFICIAL TAX LIST (WHICH IS A PUBLIC RECORD) OF THE MUNICIPALITY WHERE THE PROPERTY IS LOCATED IN THE YEAR THAT THE TRANSFER IS MADE.**

(A) When Grantee pays:

- ☐ Class 2 - Residential (4 Families or less) ☐ Class 4C - Residential Cooperative Unit
- ☐ Class 3A - Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property.

(B) When Grantee does not have to pay, fill out below:

- ☒ Property class. Circle applicable class(es): 1 4A 4B 4C 15
- ☐ Exempt Organization Pursuant to Federal Internal Revenue Code of 1986

Property classes: 1-Vacant Land, 4A-Commercial, 4B-Industrial, 4C-Apartment (other than residential cooperative unit), 15-Public Property

(3) **FULL EXEMPTION FROM FEE** (See Instruction #6 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through Chapter 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail:

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. 1968, as amended through Chapter 19, P.L. 2005.

Subscribed and sworn to before me  
 this 27 day of April, 20 05

MARTIN S. ZIPERN  
 AN ATTORNEY AT LAW OF NEW JERSEY

Abdul Paracha  
 Signature of Deponent  
75 MIDVALE ROAD  
EDISON, NJ 08817  
 Deponent Address

DEER REALTY LLC

Grantee Name

75 MIDVALE ROAD  
EDISON, NJ 08817

Grantee Address at Time of Sale

Name/Company of Settlement Officer

**FOR OFFICIAL USE ONLY**

Instrument Number \_\_\_\_\_ County \_\_\_\_\_  
 Deed Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
 Deed Dated \_\_\_\_\_ Date Recorded \_\_\_\_\_

B05490P-730

## INSTRUCTIONS FOR FILING FORM RTF-1EE, AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER

### 1. STATEMENT OF CONSIDERATION AND REALTY TRANSFER FEE PAYMENT ARE PREREQUISITES FOR DEED RECORDING

No county recording officer shall record any deed evidencing transfer of title to real property unless (a) the consideration is recited in the deed, or (b) an Affidavit for Use by Buyer by one or more of the parties named in the deed or by their legal representatives declaring the consideration is annexed for recording with the deed, and (c) for conveyances and transfers of property for which the total consideration recited in the deed is not in excess of \$350,000, a fee is remitted at the rate of \$2.00/\$500 of consideration or fractional part thereof not in excess of \$150,000; \$3.35/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; and \$3.90/\$500 of consideration or fractional part thereof in excess of \$200,000. For transfers of property for which the total consideration recited in the deed is in excess of \$350,000, a fee is remitted at the rate of \$2.90/\$500 of consideration or fractional part not in excess of \$150,000; \$4.25/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; \$4.80/\$500 of consideration or fractional part thereof in excess of \$200,000 but not in excess of \$550,000; \$5.30/\$500 of consideration or fractional part thereof in excess of \$550,000 but not in excess of \$850,000; \$5.80/\$500 of consideration or fractional part thereof in excess of \$850,000 but not in \$1,000,000; and \$6.05/\$500 of consideration or fractional part thereof in excess of \$1,000,000, which fee shall be paid in addition to the recording fees imposed by Chapter 123, P.L. 1965, Section 2 (C. 22A:4-4.1) as amended by Chapter 370, P.L. 2001, through Chapter 66, P.L. 2004, which fee shall be paid to the county recording officer at the time the deed is offered for recording/transfer. Of these fees, \$.75/\$500 of consideration or fractional part in excess of \$150,000 paid to the State Treasurer is credited to the Neighborhood Preservation Nonlapsing Revolving Fund.

In addition to all other fees imposed under Chapter 49, P.L. 1968 (C. 46:15-5 et seq.) as amended through Chapter 19, P.L. 2005, a fee is imposed upon the grantee of a deed for the transfer of real property for consideration in excess of \$1,000,000:

- A. that is classified pursuant to the requirements of N.J.A.C. 18:12-2.2 as Class 2 "residential";
- B. that includes property classified pursuant to N.J.A.C. 18:12-2.2 as Class 3A: "farm property (regular)" but only if the property includes a building or structure intended or suited for residential use, and; any other real property, regardless of class, that is effectively transferred to the same grantee in conjunction with farm property as described above; or
- C. that is a cooperative unit as defined in section 3 of P.L. 1987, c. 381 (C.46:8D-3).

The 1% fee is not imposed on an organization determined by the federal Internal Revenue Service to be exempt from federal income taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 501 that is the grantee in a deed for consideration in excess of \$1,000,000.

### 2. WHEN AFFIDAVIT FOR USE BY BUYER MUST BE ANNEXED TO DEED

- Recorded with the deed when the entire consideration is in excess of \$1,000,000;
- When grantee claims an exemption from payment of the fee;
- When the entire consideration is not recited in the deed or the acknowledgement or proof of the execution.

Exemptions from the RTF are found in N.J.S.A. 46:15-10.

### 3. LEGAL REPRESENTATIVE

"Legal representative" is to be interpreted broadly to include any person actively and responsibly participating in the transaction, such as, but not limited to: an attorney representing one of the parties; a closing officer of a title company or lending institution participating in the transaction; a holder of power of attorney from grantor or grantee.

### 4. OFFICER OF CORPORATE GRANTOR OR CORPORATE GRANTEE/OFFICER OF TITLE COMPANY OR LENDING INSTITUTION

Where a deponent is an officer of corporate grantor or grantee, state the name of corporation and officer's title or where a deponent is a closing officer of a title company or lending institution participating in the transaction, state the name of the company or institution and officer's title.

### 5. CONSIDERATION

"Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. (C. 49, P.L. 1968, Section 1, as amended.)

### 6. FULL EXEMPTION FROM THE REALTY TRANSFER FEE (GRANTOR/GRAZTEE)

The fee imposed by this Act shall not apply to a deed:

- (a) For consideration of less than \$100; (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision; (c) Solely in order to provide or release security for a debt or obligation; (d) Which confirms or corrects a deed previously recorded; (e) On a sale for delinquent taxes or assessments; (f) On partition; (g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; (h) Eligible to be recorded as an "ancient deed" pursuant to R.S. 46:16-7; (i) Acknowledged or proved on or before July 3, 1968; (j) Between husband and wife, or parent and child; (k) Conveying a cemetery lot or plot; (l) In specific performance of a final judgment; (m) Releasing a right of reversion; (n) Previously recorded in another county and full Realty Transfer Fee paid or accounted for as evidenced by written instrument, attested to by the grantee and acknowledged by the county recording officer of the county of such prior recording, specifying the county, book, page, date of prior recording, and amount of Realty Transfer Fee previously paid; (o) 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; (p) Recorded within 90 days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee; (q) Issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

### 7. REALTY TRANSFER FEE IS A FEE IN ADDITION TO OTHER RECORDING FEES

The fee imposed under Chapter 49, P.L. 1968, as amended, is in addition to the usual recording fees imposed under Chapter 123, P.L. 1965, Section 2 (C. 22A: 4-4.1). The county recording officer is required to collect the Realty Transfer Fee at the time the deed is offered for recording/transfer.

### 8. PENALTY FOR WILLFUL FALSIFICATION OF CONSIDERATION AND TRANSFERS OF NEW CONSTRUCTION

Any person who knowingly falsifies the consideration recited in a deed or in the proof or acknowledgement of the execution of a deed or in an affidavit annexed to a deed declaring the consideration therefor or a declaration in an affidavit that a transfer is exempt from recording fee is guilty of a crime of the fourth degree (Chapter 308, P.L. 1991, effective June 1, 1992). The Division of Taxation is entitled to review the Fees collected pursuant to the State Uniform Procedure Law. The Director of the Division of Taxation is authorized to make deficiency assessments to taxpayers who have, intentionally or mistakenly, underestimated the consideration or sales price of properties on the Affidavit of Consideration for Use by Buyer attached to deeds and upon which the Realty Transfer Fee is based.

B05490P-731



**STATE OF NEW JERSEY**  
**AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER**

(Chapter 49, P.L. 1968, as amended through Chapter 19, P.L. 2005)  
 To be recorded with deed pursuant to Chapter 49, P.L. 1968, as amended by Chapter 308, P.L. 1991 (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

**FOR RECORDER'S USE ONLY**

Consideration \$ \_\_\_\_\_  
 RTF paid by buyer \$ \_\_\_\_\_  
 Date \_\_\_\_\_ By \_\_\_\_\_

COUNTY OF ESSEX

} SS.

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

Deponent, ABDUL PARACHA, being duly sworn according to law upon his/her oath,  
 (Name) MANAGING MEMBER OF  
GRANTEE in a deed dated 4/27/05 transferring  
 (Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)  
 real property identified as Block number 366-A Lot number 14 located at  
75 MIDVALE ROAD, EDISON (MIDDLESEX COUNTY) and annexed thereto.  
 (Street Address, Municipality, County)

(2) **CONSIDERATION** \$ 2,325,000.00 (See Instructions #1 and #5 on reverse side)

Entire consideration is in excess of \$1,000,000:

**PROPERTY CLASSIFICATION CHECKED BELOW SHOULD BE TAKEN FROM THE OFFICIAL TAX LIST (WHICH IS A PUBLIC RECORD) OF THE MUNICIPALITY WHERE THE PROPERTY IS LOCATED IN THE YEAR THAT THE TRANSFER IS MADE.**

(A) When Grantee pays:

- ☐ Class 2 - Residential (4 Families or less) ☐ Class 4C - Residential Cooperative Unit
- ☐ Class 3A - Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property.

(B) When Grantee does not have to pay, fill out below:

- ☒ Property class. Circle applicable class(es): 1 4A 4B 4C 15
- ☐ Exempt Organization Pursuant to Federal Internal Revenue Code of 1986

Property classes: 1-Vacant Land, 4A-Commercial, 4B-Industrial, 4C-Apartment (other than residential cooperative unit), 15-Public Property

(3) **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. 1968, as amended through Chapter 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

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. 1968, as amended through Chapter 19, P.L. 2005.

Subscribed and sworn to before me  
 this 27 day of April, 2005

Martin S. Zipern  
**MARTIN S. ZIPERN**  
 AN ATTORNEY AT LAW OF NEW JERSEY

[Signature]  
 Signature of Deponent  
75 MIDVALE ROAD  
EDISON, NJ 08817  
 Deponent Address

DEER REALTY LLC

75 MIDVALE ROAD  
EDISON, NJ 08817  
 Grantee Address at Time of Sale

Name/Company of Settlement Officer

**FOR OFFICIAL USE ONLY**

Instrument Number \_\_\_\_\_ County \_\_\_\_\_  
 Deed Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
 Deed Dated \_\_\_\_\_ Date Recorded \_\_\_\_\_

B05490P-732

## INSTRUCTIONS FOR FILING FORM RTF-1EE, AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER

### 1. STATEMENT OF CONSIDERATION AND REALTY TRANSFER FEE PAYMENT ARE PREREQUISITES FOR DEED RECORDING

No county recording officer shall record any deed evidencing transfer of title to real property unless (a) the consideration is recited in the deed, or (b) an Affidavit for Use by Buyer by one or more of the parties named in the deed or by their legal representatives declaring the consideration is annexed for recording with the deed, and (c) for conveyances and transfers of property for which the total consideration recited in the deed is not in excess of \$350,000, a fee is remitted at the rate of \$2.00/\$500 of consideration or fractional part thereof not in excess of \$150,000; \$3.35/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; and \$3.90/\$500 of consideration or fractional part thereof in excess of \$200,000. For transfers of property for which the total consideration recited in the deed is in excess of \$350,000, a fee is remitted at the rate of \$2.90/\$500 of consideration or fractional part not in excess of \$150,000; \$4.25/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; \$4.80/\$500 of consideration or fractional part thereof in excess of \$200,000 but not in excess of \$550,000; \$5.30/\$500 of consideration or fractional part thereof in excess of \$550,000 but not in excess of \$850,000; \$5.80/\$500 of consideration or fractional part thereof in excess of \$850,000 but not in \$1,000,000; and \$6.05/\$500 of consideration or fractional part thereof in excess of \$1,000,000, which fee shall be paid in addition to the recording fees imposed by Chapter 123, P.L. 1965, Section 2 (C. 22A:4-4.1) as amended by Chapter 370, P.L. 2001, through Chapter 66, P.L. 2004, which fee shall be paid to the county recording officer at the time the deed is offered for recording/transfer. Of these fees, \$.75/\$500 of consideration or fractional part in excess of \$150,000 paid to the State Treasurer is credited to the Neighborhood Preservation Nonlapsing Revolving Fund.

In addition to all other fees imposed under Chapter 49, P.L. 1968 (C. 46:15-5 et seq.) as amended through Chapter 19, P.L. 2005, a fee is imposed upon the grantee of a deed for the transfer of real property for consideration in excess of \$1,000,000:

- A. that is classified pursuant to the requirements of N.J.A.C. 18:12-2.2 as Class 2 "residential";
- B. that includes property classified pursuant to N.J.A.C. 18:12-2.2 as Class 3A: "farm property (regular)" but only if the property includes a building or structure intended or suited for residential use, and; any other real property, regardless of class, that is effectively transferred to the same grantee in conjunction with farm property as described above; or
- C. that is a cooperative unit as defined in section 3 of P.L. 1987, c. 381 (C.46:8D-3).

The 1% fee is not imposed on an organization determined by the federal Internal Revenue Service to be exempt from federal income taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 501 that is the grantee in a deed for consideration in excess of \$1,000,000.

### 2. WHEN AFFIDAVIT FOR USE BY BUYER MUST BE ANNEXED TO DEED

- Recorded with the deed when the entire consideration is in excess of \$1,000,000;
- When grantee claims an exemption from payment of the fee;
- When the entire consideration is not recited in the deed or the acknowledgement or proof of the execution.

Exemptions from the RTF are found in N.J.S.A. 46:15-10.

### 3. LEGAL REPRESENTATIVE

"Legal representative" is to be interpreted broadly to include any person actively and responsibly participating in the transaction, such as, but not limited to: an attorney representing one of the parties; a closing officer of a title company or lending institution participating in the transaction; a holder of power of attorney from grantor or grantee.

### 4. OFFICER OF CORPORATE GRANTOR OR CORPORATE GRANTEE/OFFICER OF TITLE COMPANY OR LENDING INSTITUTION

Where a deponent is an officer of corporate grantor or grantee, state the name of corporation and officer's title or where a deponent is a closing officer of a title company or lending institution participating in the transaction, state the name of the company or institution and officer's title.

### 5. CONSIDERATION

"Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. (C. 49, P.L. 1968, Section 1, as amended.)

### 6. FULL EXEMPTION FROM THE REALTY TRANSFER FEE (GRANTOR/GRAZTEE)

The fee imposed by this Act shall not apply to a deed:

- (a) For consideration of less than \$100; (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision; (c) Solely in order to provide or release security for a debt or obligation; (d) Which confirms or corrects a deed previously recorded; (e) On a sale for delinquent taxes or assessments; (f) On partition; (g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; (h) Eligible to be recorded as an "ancient deed" pursuant to R.S. 46:18-7; (i) Acknowledged or proved on or before July 3, 1968; (j) Between husband and wife, or parent and child; (k) Conveying a cemetery lot or plot; (l) In specific performance of a final judgment; (m) Releasing a right of reversion; (n) Previously recorded in another county and full Realty Transfer Fee paid or accounted for as evidenced by written instrument, attested to by the grantee and acknowledged by the county recording officer of the county of such prior recording, specifying the county, book, page, date of prior recording, and amount of Realty Transfer Fee previously paid; (o) 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; (p) Recorded within 90 days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee; (q) Issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

### 7. REALTY TRANSFER FEE IS A FEE IN ADDITION TO OTHER RECORDING FEES

The fee imposed under Chapter 49, P.L. 1968, as amended, is in addition to the usual recording fees imposed under Chapter 123, P.L. 1965, Section 2 (C. 22A: 4-4.1). The county recording officer is required to collect the Realty Transfer Fee at the time the deed is offered for recording/transfer.

### 8. PENALTY FOR WILLFUL FALSIFICATION OF CONSIDERATION AND TRANSFERS OF NEW CONSTRUCTION

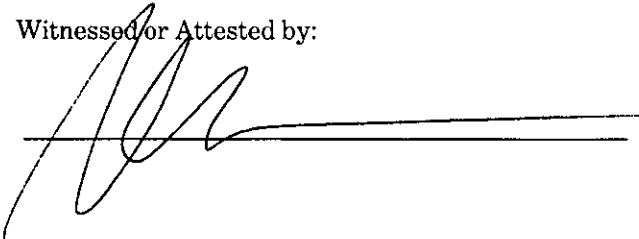
Any person who knowingly falsifies the consideration recited in a deed or in the proof or acknowledgement of the execution of a deed or in an affidavit annexed to a deed declaring the consideration therefor or a declaration in an affidavit that a transfer is exempt from recording fee is guilty of a crime of the fourth degree (Chapter 308, P.L. 1991, effective June 1, 1992). The Division of Taxation is entitled to review the Fees collected pursuant to the State Uniform Procedure Law. The Director of the Division of Taxation is authorized to make deficiency assessments to taxpayers who have, intentionally or mistakenly, underestimated the consideration or sales price of properties on the Affidavit of Consideration for Use by Buyer attached to deeds and upon which the Realty Transfer Fee is based.

B05490P-732A

The street address of the Property is:  
**75 Midvale Road, Edison, NJ 08817**

**4. Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed. (Print name below each signature.)

Witnessed or Attested by:



By: 

**Richard Huss**

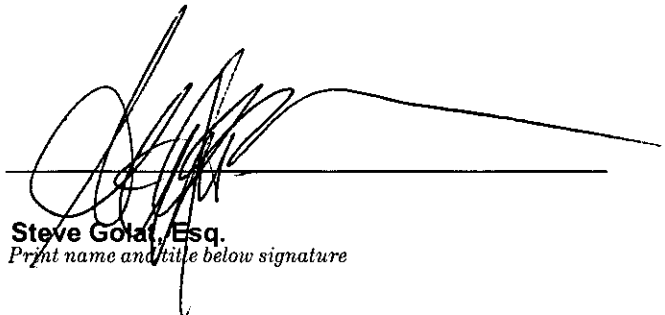
STATE OF NEW JERSEY, COUNTY OF **Essex**  
I CERTIFY that on **April 27, 2005**  
**Richard Huss**

SS:

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as **Managing Member**  
of **Edison 321 Midvale Road, LLC** the entity named in this Deed; and,
- (c) executed this Deed as the act of the entity.

RECORD AND RETURN TO:  
**Martin Zipern, Esq.**  
**53 Cardinal Drive**  
**Westfield, NJ 07090**



**Steve Goral, Esq.**  
*Print name and title below signature*