

**TAX LIEN FORECLOSURE SEARCH**

**Search Date** December 10, 2018

**OHTA Number** A17-0598

**Municipality** Town of Bethlehem

**Index Number** 2651-15

**Foreclosure No.** 0000012

**Tax Map Number** 85.05-1-24

**Property Address** 1569 New Scotland Road, Slingerlands, NY 12159

**Date of Filing of List of Delinquent Taxes** July 2, 2015

Open Mortgages	0
Assignments	0
Judgments	0
Federal Tax Liens	0
UCCs	0
State Tax Warrants	0
Leases	0
Other Lienors	0
Other Interests	3
Estate Proceedings	1
Mortgage Foreclosures	0
	4

**NOTE:** CERTIFIED AS TO A LEVEL 2 SEARCH

Elsa Feigenbaum is shown by virtue of the right of First Refusal to the subject parcel, she was granted in Deed Book 2966 cp. 352. Copy of Deed attached.



## 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**

1.	Estate of Robert A. Zautner	1569	New Scotland Road	Slingerland s	NY 12159
2. Robert N.	Zautner, Jr. as Co-Executor and Specific devisee	1569	New Scotland Road	Slingerland s	NY 12159
3. Mary	Smart, as Co-Executor	1569	New Scotland Road	Slingerland s	NY 12159

**A-2. ADDITIONAL ADDRESSEES**

4.	Estate of Robert A. Zautner	1571	New Scotland Road	Slingerland s	NY 12159
5. Robert N.	Zautner	17	Arch Avenue	Albany	NY 12203
6. Mary	Smart	2	Jones Avenue	Feura Bush	NY 12067
7. John Howard	Breeze, Esq.	1397	New Scotland Road	P.O. Box 279 Slingerland s	NY 12159

**Source Deed** Book 2893 Page 307

**Deed R and R** John Howard Breeze,  
Esq.  
1397 New Scotland Road  
P.O. Box 279  
Slingerlands, New York  
12159

**B. ADDITIONAL PARTIES****MORTGAGES (0)**

1.

**ASSIGNMENTS (0)**

1.

**JUDGMENTS (0)**

1.



## TAX LIEN FORECLOSURE SEARCH

**SECTION I** (continued)**FEDERAL TAX LIENS** (0)

1.

**UCC** (0)

1.

**STATE TAX WARRANTS** (0)

1.

**LEASES** (0)

1.

**OTHER LIENORS** (0)

1.

**OTHER INTERESTS** (3)

1. Elsa	Feigenbaum	207 North Pearl Street	Albany	NY 12207
2. IRS	Federal Estate Tax Division	North Pearl Street and Clinton Avenue	Albany	NY 12207
3. NYS Dept. of Taxation and Finance	TTTB-Estate Tax	Building 8 W.A. Harriman Campus	Albany	NY 12227

**ESTATE PROCEEDINGS** (1)

1. Robert N. Zaunter

**MORTGAGE FORECLOSURES** (0)

1.



TAX LIEN FORECLOSURE SEARCH

SECTION II

---

PARTIES HAVING AN INTEREST OF RECORD  
AS OF SEARCH DATE

A-1. OWNER(S) OF RECORD

1.

A-2. ADDITIONAL ADDRESSEES

2.

Source Deed

Deed R and R

B. ADDITIONAL PARTIES

MORTGAGES (0)

1.

ASSIGNMENTS (0)

1.

JUDGMENTS (0)

1.

FEDERAL TAX LIENS (0)

1.

UCC (0)

1.

STATE TAX WARRANTS (0)

1.



TAX LIEN FORECLOSURE SEARCH

**SECTION II** *(continued)*

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**LEASES** (0)

1.

**OTHER LIENORS** (0)

1.

**OTHER INTERESTS** (0)

1.

**ESTATE PROCEEDINGS** (0)

1.

**MORTGAGE FORECLOSURES** (0)

1.



**LIBER 2893 PAGE 307**



**Albany County Clerk  
32 North Russell Rd.  
Albany, NY 12206-1324**

**Return to:**

**JOHN HOWARD BREEZE ESQ BREEZE AND STANO PLLC  
1397 NEW SCOTLAND RD PO BOX 279  
SLINGERLANDS NY 12159**

**Instrument: Deed**

**Document Number: 1001085 Book: 2893 Page: 307**

**Grantor**

**ZAUTNER, ROBERT N  
ZAUTNER, DONALD G**

**Grantee**

**ZAUTNER, ROBERT N**

**Number of Pages: 4**

**Amount: \$325000.00**

**Transfer Tax Receipt  
Albany County Clerk Received:  
Trans Tax # 192  
.....\$1300.00**

**Filing Date/Time: 08/08/2007 at 11:58 AM**

**Receipt Number: 402351**

**Note:**

**THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316A(5)&  
319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH.**

*Thomas G. Clingan*

**Thomas G. Clingan, County Clerk**



## LIBER 2893 PAGE 308

Warranty Deed with Lien Covenant

RR:

JOHN HOWARD BREEZE, ESQ.  
Breeze and Stano, PLLC  
1397 New Scotland Road  
P.O. Box 279  
Slingerlands, NY 12159

Albany County Clerk  
Deed Books (Record Room)  
Book 2893 Page 308



**This Indenture** *Made this 2<sup>nd</sup> day of August, Two Thousand Seven*  
**Between**

**ROBERT N. ZAUTNER**, residing at 1571 New Scotland Road, Slingerlands, NY 12159 and **DONALD G. ZAUTNER**, residing at 3 Scotch Pine Drive, Voorheesville, NY 12086, *parties of the first part, and*

**ROBERT N. ZAUTNER**, residing at 1571 New Scotland Road, Slingerlands, NY 12159, *party of the second part,*

**Witnesseth** *that the parties of the first part, in consideration of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, paid by the party of the second part, do hereby grant and release unto the party of the second part, his heirs and assigns forever,*

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND** with the buildings and improvements thereon situate, lying and being at Slingerlands, in the Town of Bethlehem, Albany County, New York, more particularly bounded and described as follows:

**Beginning** at a steel pipe set in the ground of the Northwesterly corner of the premises herein conveyed at the point of intersection of the Westerly division line of the premises formerly owned by Williams Press, Inc. and the Southerly boundary of the lands of the Delaware and Hudson Railroad Co., and running thence from said point of beginning South 72 degrees 57 minutes East along the lands of the Delaware and Hudson Railroad Co. on the North One hundred thirty two and sixty two one hundredths (132.62) feet to a point thence South 22 degrees 03 minutes East and with an interior angle of 129 degree 05 minutes Eighty Four and four tenths (84.4) feet to a point; Thence South 68 degrees 24 minutes West with an interior angle of 89 degrees 33 minutes One hundred and five tenths (101.5) feet to a point in the westerly division line of the lands formerly of Williams Press, Inc.; Thence North 22 degrees 32 minutes West and with an interior angle of 90 degrees 56 minutes One hundred sixty seven and twenty five one hundredths (167.25) feet to a point or place of beginning making an interior angle of 50 degrees 25 minutes with the first mentioned course.

**Together with**, All that certain lot piece or parcel of land with the buildings and improvements hereon situate in Slingerlands in the Town of Bethlehem, Albany County, New York more particularly bounded and described as follows:

**Beginning** at an iron pipe in the Northerly bounds of New Scotland Road or Main Street distance Nine (9) feet Easterly from an iron pipe at the Southeast corner of a plot of land conveyed to Rita S. Sleath by William Slingerland and

Albany County Clerk  
Document Number 10010851  
Rcvd 08/08/2007 11:58:13 AM





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Ellen J. Slingerland, his wife, by Deed dated June 27, 1914 and recorded July 10, 1914 in Book 617 of Deeds at Page 532 and runs from said point of beginning North 68 degrees 24 minutes East and along the Northerly bounds of New Scotland Road for a distance of One hundred and no hundredths(100.00) feet to a point in the Westerly bounds of a private road; Thence along the westerly bounds of the private road, North 22 degree and 3 minutes West for a distance of One Hundred eighty and no tenths180 feet; thence South 68 degrees and 24 minutes West for a distance of One hundred one and fifty hundredths (101.50) feet to an iron pipe in the Westerly line of the land now or formerly of Zautner; Thence along the said line South 22 degrees and 32 minutes East for a distance of One hundred eighty and no tenths (180.0) feet to the point of place beginning.

**Collectively being** a portion of the lands conveyed to the grantors by Deed recorded in the Office of the Clerk of the County of Albany December 20, 1988 in Liber 2380 of Deeds at Page 177.

**BEING** Parcels 1 and 3 of lands described in a deed to the grantors recording in the Office of the Clerk of the County of Albany December 20, 1988 in Liber 2380 of Deeds at Page 177, and further described in a deed recorded in the Office of the Clerk of the County of Albany in Liber 1847 of Deeds at Page 5.

X **TOGETHER** with an easement ingress and egress, for the parking of automobiles, snow and refuse removal and the delivery of goods, and services on all areas paved or designated for parking or driving purposes, in common with the rights of others, for that parcel of paved parking areas measured 25 feet from the common boundary from the common boundary line, said easement having been reserved by Robert N. Zautner and Donald G. Zautner to Elsa Feigenbaum April 24, 2007 in a deed intended to be recorded in the Office of the Clerk of the County of Albany.

X **SUBJECT TO** an easement ingress and egress for the parking of automobiles, snow and refuse removal and the delivery of goods, and services on all areas paved or designated for parking or driving purposes, in common others for that parcel of paved parking areas measured 25 feet from the common boundary from the common boundary line in accordance with an easement granted in a deed by Robert N. Zautner and Donald G. Zautner to Elsa Feigenbaum April 24, 2007 recorded in the Office of the Clerk of the County of Albany in Book 2883 of Deeds at Page 124.

**Together** with all the appurtenances and all the estate and rights of the parties of the first part in and to the said premises,

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

**And** The parties of the first part covenant as follows:

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

**Second** That the parties of the first part will forever **Warrant** the title to the premises.


**Third** That, in compliance with Section 13 of the Lien Law, the grantors will receive the



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*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 cost of the improvement before using any part of the total of the same for any other purpose.*

**In Witness Whereof**, the parties of the first part have hereunto set their hands and seals the day and year first above written.

  
 ROBERT N. ZAUTNER

  
 DONALD G. ZAUTNER

STATE OF NEW YORK ) SS.:  
 COUNTY OF ALBANY )

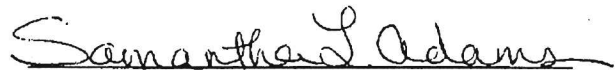
On the ~~4<sup>th</sup>~~ day of August in the year 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT N. ZAUTNER**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he duly executed the same in his individual capacity, and that by his signature on the instrument, the individual executed the instrument.



STATE OF NEW YORK ) SS.:  
 COUNTY OF ALBANY )

Notary Public  
**JOHN HOWARD BREEZE**  
 Notary Public, State of New York  
 Qualified in Albany County  
 Commission Expires 9/30/2010

On the 2<sup>nd</sup> day of August in the year 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared **DONALD G. ZAUTNER**, 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 duly executed the same in his individual capacity, and that by his signature on the instrument, the individual executed the instrument.



Notary Public

**SAMANTHA L. ADAMS**  
 NOTARY PUBLIC, STATE OF NEW YORK  
 QUALIFIED IN ALBANY COUNTY  
 COMMISSION EXPIRES 3/28/10



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**Albany County Clerk  
32 North Russell Rd.  
Albany, NY 12206-1324**

**Return to:**

**DENNIS A FEENEY  
116 GREAT OAKS BLVD  
ALBANY NY 12203**

**Instrument: Deed**

**Document Number: 10551111 Book: 2966 Page: 352**

**Grantor**

**ZAUTNER, ROBERT N  
ZAUTNER, DONALD G**

**Grantee**

**FEIGENBAUM, ELSA**

**Number of Pages: 7**

**Transfer Tax Receipt  
Albany County Clerk Received:  
Trans Tax # 2666  
.....\$0.00**

**Recorded Date/Time: 12/11/2009 at 11:55 AM**

**Receipt Number: 556107**

**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**



LIBER 2966 PAGE 353

Correction Warranty Deed with Lien Covenant

RR:  
DENNIS A. FEENEY, ESC  
116 Great Oaks Bouleva  
Albany, NY 12203Albany County Clerk  
Deed Books (Record Room)  
Book 2966 Page 353**This Indenture** *Made this <sup>30<sup>th</sup></sup> day of <sup>November</sup> October, Two Thousand Nine***Between****ROBERT N. ZAUTNER**, residing at 1571 New Scotland Road, Slingerlands, NY 12159 and **DONALD G. ZAUTNER**, residing at 3 Scotch Pine Drive, Voorheesville, NY 12086  
*parties of the first part, and***ELSA FEIGENBAUM**, having offices at 207 North Pearl Street, Albany, NY 12207  
*party of the second part,*

**Witnesseth** that the parties of the first part, in consideration of Ten Dollars (\$10.00) lawful money of the United States of America, 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, her heirs and assigns forever,

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND** with the buildings and improvements thereon situate, lying and being at Slingerlands, in the Town of Bethlehem, Albany County, New York, more particularly bounded and described as follows:

**BEGINNING AT A POINT** in the northerly line of a highway known as New Scotland Road (NYS Route 85), said point being the southwest corner of Parcel 2 contained in a deed given by Zautner Brothers Real Estate, Inc. to Donald G. Zautner and Robert N. Zautner by deed dated November 25, 1988, recorded in the Office of the Albany County Clerk December 20, 1988 in Book 2380 of Deeds at Page 177; thence running from said point of beginning North 22 degrees, 3 minutes West along the westerly line of said Parcel 2, Two Hundred Sixty Four and four tenths (264.4) feet to its point of intersection with the southerly line of lands conveyed to D&H Corporation by deed dated July 13, 1990, recorded as aforesaid in Book 2432 at Page 1; thence South 73 degrees 09 minutes 07 seconds East along said lands conveyed to D&H Corporation Three Hundred Eighty Two and five tenths (382.5) feet to its point of intersection with the northwesterly line of a parcel of land acquired by the State of New York and more fully shown on a map entitled, "STATE OF NEW YORK, DEPARTMENT OF TRANSPORTATION. RIGHT OF WAY TO BE ACQUIRED FOR THE PROPOSED ELIMINATION OF GRADE CROSSING OF THE D.&H. R.R. AND STATE HIGHWAY ROUTE NO. 7, ALBANY COUNTY, SECTION No. 9. From C.H. Slingerland (reputed owner)", date completed: September, 1911,

Albany County Clerk  
Document Number 10551111  
Rcvd 12/11/2009 11:55:41 AM



**LIBER 2966 PAGE 354**

and on file with the New York State Department of Transportation; thence South 58 degrees 27 minutes 17 seconds West along the northwesterly line of said parcel of land acquired One Hundred Twenty Nine and eighty eight one hundredths (129.88) feet to a point in the first mentioned northerly line of New Scotland Road (NYS Route 85); thence South 67 degrees 00 minutes 17 seconds West along the northerly line of New Scotland Road One Hundred Sixty Nine and sixty one one hundredths (169.61) feet to the point of beginning. Containing 0.94 acres of land.

**TOGETHER** with an easement for ingress and egress, for the parking of automobiles, snow and refuse removal and the delivery of goods, and services on all areas paved or designated for parking or driving purposes, in common with the rights of the tenants of the grantors, for that parcel of paved parking area measured 25 feet from the common boundary line.

**RESERVING** unto the grantors an easement for ingress and egress for the parking of automobiles, snow and refuse removal and the delivery of goods, and services on all areas paved or designated for parking or driving purposes, in common with the rights of the tenants of the grantors, for that parcel of paved parking area measured 25 feet from the common boundary line.

**AND FURTHER GRANTING** to purchaser the right of first refusal to acquire land adjacent to 1565 New Scotland Road Slingerlands, NY owned by the grantors or the successor of them, at the expiration of the family interests therein, it being contemplated the family business may continue in a variety of personal or corporate formats for further generations. The right of first refusal shall not survive the grantees ownership of the premises herein conveyed, nor shall it be transferred to an assignee absent the consent of the then owners of the land concerned. The first refusal shall not require the obligated party to first obtain an enforceable offer to acquire the lands, but shall merely require the offer on the part of the then owner to the grantee herein, at fair market value. The premises subject to this right of first refusal is more particularly described as follow:

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND** with  
the buildings and improvements thereon situate, lying and being at

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Slingerlands, in the Town of Bethlehem, Albany County, New York, more particularly bounded and described as follows:

**Beginning** at a steel pipe set in the ground of the Northwesterly corner of the premises herein conveyed at the point of intersection of the Westerly division line of the premises formerly owned by Williams Press, Inc. and the Southerly boundary of the lands of the Delaware and Hudson Railroad Co., and running thence from said point of beginning South 72 degrees 57 minutes East along the lands of the Delaware and Hudson Railroad Co. on the North One hundred thirty two and sixty two one hundredths (132.62) feet to a point thence South 22 degrees 03 minutes East and with an interior angle of 129 degree 05 minutes Eighty Four and four tenths (84.4) feet to a point; Thence South 68 degrees 24 minutes West with an interior angle of 89 degrees 33 minutes One hundred one and five tenths (101.5) feet to a point in the westerly division line of the lands formerly of Williams Press, Inc.; Thence North 22 degrees 32 minutes West and with an interior angle of 90 degrees 56 minutes One hundred sixty seven and twenty five one hundredths (167.25) feet to a point or place of beginning making an interior angle of 50 degrees 25 minutes with the first mentioned course.

**Together with,** All that certain lot piece or parcel of land with the buildings and improvements hereon situate in Slingerlands in the Town of Bethlehem, Albany County, New York more particularly bounded and described as follows:

**Beginning** at an iron pipe in the Northerly bounds of New Scotland Road or Main Street distance Nine (9) feet Easterly from an iron pipe at the Southeast corner of a plot of land conveyed to Rita S. Sleath by William Slingerland and Ellen J. Slingerland, his wife, by Deed dated June 27, 1914 and recorded July 10, 1914 in Book 617 of Deeds at Page 532 and runs from said point of beginning North 68 degrees 24 minutes East and along the Northerly bounds of New Scotland Road for a distance of One hundred and no hundredths (100.00) feet to a point in the Westerly bounds of a private road; Thence along the westerly bounds of the



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private road, North 22 degree and 3 minutes West for a distance of One Hundred eighty and no tenths 180 feet; thence South 68 degrees and 24 minutes West for a distance of One hundred one and fifty hundredths (101.50) feet to an iron pipe in the Westerly line of the land now or formerly of Zautner; Thence along the said line South 22 degrees and 32 minutes East for a distance of One hundred eighty and no tenths (180.0) feet to the point of place beginning.

**Collectively being** a portion of the lands conveyed to the grantors by Deed recorded in the Office of the Clerk of the County of Albany December 20, 1988 in Liber 2380 of Deeds at Page 177.

**BEING** Parcels 1 and 3 of lands described in a deed to the grantors recording in the Office of the Clerk of the County of Albany December 20, 1988 in Liber 2380 of Deeds at Page 177, and further described in a deed recorded in the Office of the Clerk of the County of Albany in Liber 1847 of Deeds at Page 5.

**TOGETHER** with an easement ingress and egress, for the parking of automobiles, snow and refuse removal and the delivery of goods, and services on all areas paved or designated for parking or driving purposes, in common with the rights of others, for that parcel of paved parking areas measured 25 feet from the common boundary from the common boundary line, said easement having been reserved by Robert N. Zautner and Donald G. Zautner to Elsa Feigenbaum April 24, 2007 in a deed intended to be recorded in the Office of the Clerk of the County of Albany.

**SUBJECT TO** an easement ingress and egress for the parking of automobiles, snow and refuse removal and the delivery of goods, and services on all areas paved or designated for parking or driving purposes, in common others for that parcel of paved parking areas measured 25 feet from the common boundary from the common boundary line in accordance with an easement granted in a deed by Robert N. Zautner and Donald G. Zautner to Elsa Feigenbaum April 24, 2007 recorded in the Office of the Clerk of the County of

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Albany in Book 2883 of Deeds at Page 124.

**IT IS THE PURPOSE** of this deed to correct the previous deed in the grant to the grantee herein dated April 24, 2007 and recorded in the Office of the Clerk of the County of Albany May 2, 2007 in Liber 2883 of Deeds at Page 124, which deed omitted the grant of the first refusal to purchase contained in the contract between the parties thereto.

**Together** with all the appurtenances and all the estate and rights of the parties of the first part in and to the said premises,

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

**And** The parties of the first part covenants as follows:

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

**Second** That the parties of the first part will forever **Warrant** the title to the premises.

**Third** That, in compliance with Section 13 of the Lien Law, the grantors 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 cost of the improvement before using any part of the total of the same for any other purpose.

**In Witness Whereof**, the parties of the first part have hereunto set their hands and seals the day and year first above written.

ROBERT N. ZAUTNER

DONALD G. ZAUTNER

STATE OF NEW YORK     )  
COUNTY OF ALBANY    )

SS.:

On the 3<sup>rd</sup> day of October in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT N. ZAUTNER**, 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 duly executed the same in his individual capacity, and that by his signature on the instrument, the individual executed the instrument.

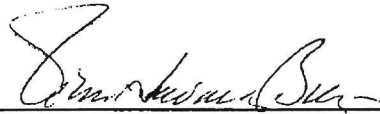
Notary Public  
Qualified in Albany County, New York  
My Commission Expires 9/30/2010



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STATE OF NEW YORK     )  
COUNTY OF ALBANY    )     SS.:

On the <sup>14th</sup> ~~7th~~ day of ~~October~~ in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared **DONALD G. ZAUTNER**, 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 duly executed the same in his individual capacity, and that by his signature on the instrument, the individual executed the instrument.



Notary Public  
Qualified in Albany County, New York  
My Commission Expires 9/30/2010

File#: 2015-461

Proceeding: LIMITED ADMINISTRATION

Decedent: Robert N Zautner Sr

Date of Death: 02-22-2012

File Date: 05-12-2015

File Status: CLOSED

Letters Issued Date: NONE

Type of Letters Issued: NONE

Attorneys:

Estate Attorney: Overton Russell - Doerr  
5 Computer Dr West Albany NY 12205



**File#:**

**2015-461/A**

**Proceeding: PROBATE PETITION**

**Decedent: Robert N Zautner Sr**

**Date of Death: 02-22-2012**

**File Date: 12-05-2016**

**File Status: OPEN**

**Letters Issued Date: December 5, 2016**

**Type of Letters Issued: LETTERS TESTAMENTARY**

**Attorneys:**

**Estate Attorney: John Howard Breeze The Breeze Law Firm  
1397 New Scotland Road P.O Box 279 Slingerlands NY 12159**



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

PROBATE PROCEEDING, WILL OF

**ROBERT N. ZAUTNER, SR.**

a/k/a

Deceased.

Filing Fee Paid \$ 625.00  
6 Certificates Paid \$ 36.00  
Trustee Certs. Paid \$ \_\_\_\_\_  
Prelim. Certs. Paid \$ \_\_\_\_\_  
\$ \_\_\_\_\_ Bond, Fee: \$ \_\_\_\_\_  
Receipt No.: \_\_\_\_\_ No.: \_\_\_\_\_

**PETITION FOR PROBATE AND:**

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

File No. \_\_\_\_\_

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 <b>Robert N. Zautner, Jr.</b>	Citizenship <b>United States</b>
---------------------------------------	-------------------------------------

Domicile Address: Street and Number  
**17 Arch Avenue**

City, Village or Town <b>Albany</b>	State <b>New York</b>	ZIP Code <b>12210</b>	Country <b>United States</b>
--	--------------------------	--------------------------	---------------------------------

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 <b>Mary L. Smart</b>	Citizenship <b>United States</b>
------------------------------	-------------------------------------

Domicile Address: Street and Number  
**2 Jones Lane**

City, Village or Town <b>Feura Bush</b>	State <b>New York</b>	ZIP Code <b>12067</b>	Country <b>United States</b>
--	--------------------------	--------------------------	---------------------------------

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]



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

**Decedent Information:**

Name <b>Robert N. Zautner, Sr.</b>			Citizenship <b>United States</b>
Domicile Address: Street and Number <b>1571 New Scotland Road</b>			
City, Village or Town <b>Slingerlands</b>	State <b>New York</b>	ZIP Code <b>12159</b>	Country <b>United States</b>
County <b>Albany</b>	Date of Death <b>February 22, 2012</b>	Place of Death <b>Albany Medical Center Hospital</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:

**December 21, 2007**

**John Howard Breeze and Samantha Adams**

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. ☐ **4** 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.**]

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 <b>Robert N. Zautner, Jr.</b>			
Domicile Address: Street and Number <b>17 Arch Avenue</b>			
City, Village or Town <b>Albany</b>	State <b>New York</b>	ZIP Code <b>12210</b>	Country <b>United States</b>
Mailing Address: Street and Number (If different from domicile)			
City, Village or Town	State	ZIP Code	Country
Relationship <b>Son</b>			
Description of Legacy, Devise or Other Interest			

**Distributee, Specific Beneficiary**

Nature of Fiduciary Status (if applicable) <b>Primary Executor</b>			
Name <b>Mary L. Smart</b>			
Domicile Address: Street and Number <b>2 Jones Lane</b>			
City, Village or Town <b>Feura Bush</b>	State <b>New York</b>	ZIP Code <b>12067</b>	Country <b>United States</b>
Mailing Address: Street and Number (If different from domicile)			
City, Village or Town	State	ZIP Code	Country
Relationship <b>Daughter</b>			
Description of Legacy, Devise or Other Interest			

**Distributee, Contingent Beneficiary**

Nature of Fiduciary Status (if applicable) <b>Primary Executrix</b>			
Name <b>Erin Hulverson</b>			
Domicile Address: Street and Number <b>2109 West Bananza Lane</b>			
City, Village or Town <b>Phoenix</b>	State <b>Arizona</b>	ZIP Code <b>85085</b>	Country <b>United States</b>
Mailing Address: Street and Number (If different from domicile)			
City, Village or Town	State	ZIP Code	Country
Relationship <b>Granddaughter</b>			
Description of Legacy, Devise or Other Interest			

**Distributee, Contingent Beneficiary**

Nature of Fiduciary Status (if applicable)			
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6. (a) Persons and parties of full age and sound mind: (continued)

Name <b>Torre Rivers</b>			
Domicile Address: Street and Number <b>1 Spruce Court</b>			
City, Village or Town <b>Voorheesville</b>	State <b>New York</b>	ZIP Code <b>12186</b>	Country <b>United States</b>
Mailing Address: Street and Number (If different from domicile)			
City, Village or Town	State	ZIP Code	Country
Relationship <b>Granddaughter</b>			
Description of Legacy, Devise or Other Interest			
<b>Distributee, Contingent Beneficiary</b>			
Nature of Fiduciary Status (if applicable)			

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 <b>NONE</b>			
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
Description of Legacy, Devise or Other Interest			
Nature of Fiduciary Status (if applicable)			
Name			
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
Description of Legacy, Devise or Other Interest			
Nature of Fiduciary Status (if applicable)			

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

☒ **None**

I, **Robert N. Zautner, Sr.**, residing at 1571 New Scotland Road, Slingerlands in the Town of Bethlehem, Albany County, New York, declare this to be my last Will and revoke all Wills and Codicils heretofore made by me.

FIRST: I give, devise and bequeath all of my "Toll Gate" Business and my lands and buildings located at 1569 New Scotland Road, Slingerlands, NY known as the "Toll Gate" and the "Toll Gate Annex" to my son Robert N. Zautner, Jr., residing at Albany, N Y if he shall survive me and if not,

- A. Two thirds to my daughter Mary Smart, residing at Albany, NY.
- B. One third to be divided in equal shares between my daughter-in-law Barbara Hallenbeck, residing at Rensselaer, NY, my granddaughter Torri Hallenbeck Rivers, residing at Schenectady, NY and my granddaughter Erin Halverson, residing at Tempe, AZ. I further direct that these gifts shall not lapse upon the death of any beneficiary in this paragraph.

SECOND: I appoint my son Robert N. Zautner and my daughter Mary Smart, as the Co-Executors of my Will and if one of them is unwilling or unable to accept this appointment, I nominate, constitute and appoint the other as sole Exccutor. I direct that said Executors shall serve without bond or security.

INITIALS OF ROBERT N. ZAUTNER, SR.

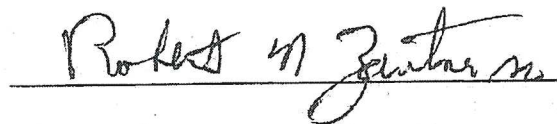
RN Z *er*



THIRD: I give said Executors the fullest power and authority in all matters and questions, to do all acts which I might or could do if living, including without limitation, complete power and authority to invest, sell, borrow against, mortgage, lease and dispose of and distribute in kind, all property real and personal, at such times and upon such terms and conditions as she or he may deem advisable.

FOURTH: I direct that my Co-Executors pay out of my residuary estate without apportionment, all estate, inheritance, and like taxes imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof, in respect of all property required to be included in my gross estate for estate or like tax purposes by any such governments, whether the property passes under this Will or otherwise, without contribution by any recipient of any such property.

IN WITNESS WHEREOF, I hereafter sign my name and publish and declare this to be my Last Will in the presence of the persons witnessing it at my request this 21st day of December, 2007.



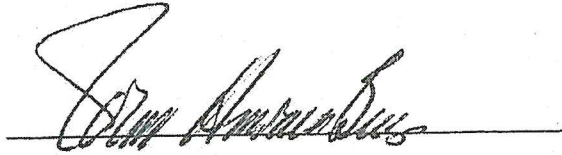
Robert N. Zautner, Sr.

The foregoing instrument, consisting of this and two other typewritten page, each identified by the initials of the Testator, was signed, published and declared by Robert N. Zautner, Sr., Testator, to be his Last Will and Testament, in our presence and we, at his request, and in his presence and in the presence of each other, have hereunto subscribed our names as

INITIALS OF ROBERT N. ZAUTNER



witnesses, this 21st day of December, 2007 at Slingerlands, New York, this attestation clause having been read aloud in the presence of the Testator.

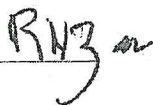
A handwritten signature in cursive script, appearing to read "John Howard Breeze", written over a horizontal line.

John Howard Breeze, residing at Bullock Road, Slingerlands, NY 12159

A handwritten signature in cursive script, appearing to read "Samantha Adams", written over a horizontal line.

Samantha Adams, residing at 658 Clipp Raod, Voorheesville, New York 12186

INITIALS OF ROBERT N. ZAUTNER

Handwritten initials "RNZ" in a stylized cursive script, with a small flourish at the end.



Affidavit of Attesting Witness to Will

In the Matter  
of  
The Execution of the Last Will and Testament  
of  
Robert N. Zautner, Sr.

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

John Howard Breeze and Samantha L. Adams, being severally duly sworn, depose and state:

That I, John Howard Breeze have offices at 1397 New Scotland Road in the Town of Bethlehem, County of Albany, State of New York, and am over eighteen (18) years of age, and that I, Samantha L. Adams reside at Clipp Road, in the Town of New Scotland, County of Albany, State of New York, and am over eighteen (18) years of age.

That we are acquainted with Robert N. Zautner, Sr., hereinafter referred to as the Testator of 1571 New Scotland Road, Slingerlands, New York.

That we were present and saw the said Testator subscribe his name at the end of a paper writing, dated the 21st day of December, 2007, and heard the Testator publish and declare the same to be his Last Will and Testament and that the said instrument was duly executed at Albany, New York.

That Testator, at the time of the aforesaid subscription and declaration, requested each of us to sign our names as witnesses thereto.

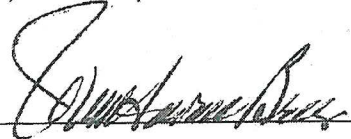
That each of us signed our names as such witnesses below the signature of the Testator, in the presence of each other and in the presence of the Testator.

That at the time of execution, the Testator stated that he was of the age of eighteen (18) years or over.

That at the time of the execution, in our opinion, Testator, was of sound mind, memory and understanding, and not under any mental or physical restraint and was in all respects competent to make a Last Will and Testament.

That Testator, at the time of execution, signed only one copy of the said Last Will and Testament.

That immediately following execution of the said Last Will and Testament, Testator requested each of us to make this affidavit and this affidavit is made in accordance with such request.



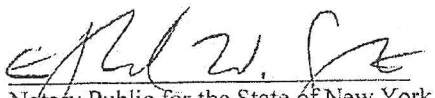
John Howard Breeze



Samantha L. Adams

Sworn to before me this

21st day of December, 2007



Notary Public for the State of New York  
Residing in Albany County.  
My commission expires

Edward W. Stano  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires 04/26 2008

ROBERT N. ZAUTNER, SR.

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LAST WILL

DECEMBER 21, 2007

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BREEZE & STANO, PLLC  
1397 NEW SCOTLAND ROAD  
P.O. Box 279  
SLINGERLANDS, NEW YORK 12159-0279  
TEL. (518) 439-9936  
FAX (518) 439-7915



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

Name of Decedent: **Robert N Zautner Sr**

**File #: 2015-461/A**

**Date of Death: February 22, 2012**

Domicile of Decedent: **Town of Bethlehem**

Fiduciary Appointed: **Robert N Zautner Jr**  
Mailing Address **17 Arch Avenue**  
**Albany NY 12203**

**Mary Smart**  
**2 Jones Avenue**  
**Feura Bush NY 12067**

Letters Issued: **LETTERS TESTAMENTARY**

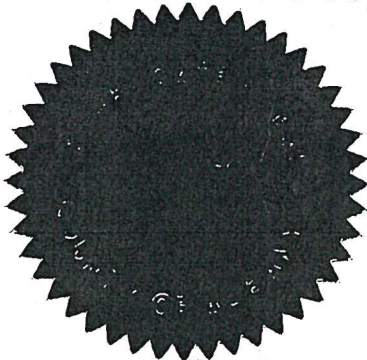
Limitations: **NONE**

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: *December 5, 2016*

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:**  
**John Howard Breeze**  
**The Breeze Law Firm**  
1397 New Scotland Road P.O Box 279  
Slingerlands NY 12159

