

# TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052  
BUILDING DEPARTMENT  
(716) 652-7591

## MEMO

TO: Supervisor Snyder and Town Board Members  
FROM: Richard Miga, Assistant Code Enforcement Officer  
DATE: October 11, 2024

The Building Department has accepted a Special Use permit application for 1150 Underhill, by owner John Radford, for the request to use the first and second floors of his dwelling as a Bed-N-Breakfast while he occupies the basement level. The zoning district is RR/A.

Town Code section 116-43 states that the Town Board shall refer the Special Use permit application to the Planning Commission for their review and recommendation. The Town Board has historically scheduled a public hearing after the Planning Board's recommendation has been received.

This is an Unlisted action for purposes of SEQR.

If you have any questions, please contact me at 652-7591.

Richard Miga





## SPECIAL USE PERMIT APPLICATION FORM AND INSTRUCTIONS

Please Read Carefully  
(Submit checklist with application)

The Town of Aurora Town Board has the authority to issue special use permits in accordance with Town Code Chapter 116 Zoning.

### Application requirements:

For review and approval of a Special Use Permit Application, the following items must be submitted to the Town Board:

- Completed Application
- Application Fee with check made payable to: "Town of Aurora"
- Owner Authorization form, if necessary. (If the applicant/petitioner is not the property owner and the owner did not sign the application, an owner authorization form must be submitted.)
- Narrative describing all activities proposed for the site.
- Survey of the property
- Copy of property deed
- Site plan: A Site Plan and/or Site Plan application may be required as part of the Special Use Permit Application. Please consult with the Building Department to determine if a Site Plan Review Application will be required.
- Environmental Assessment Form (EAF), with Part 1 completed and signed. (Short or Full EAF - Please visit <http://www.dec.ny.gov/permits/6191.html> for EAF information and forms. If you have questions regarding which EAF to submit, please contact the Building Department.)

Agency Review: The Town Board may circulate the Special Use Permit application packet to the following agencies for review and comment, as necessary:

Town: Planning Board, Building Department, Highway Department, Town Attorney

County: Department of Environment and Planning

Fire: East Aurora FD or South Wales FD or West Falls FD

Town Engineer Review: Special Use Permit applications may require review by the Town Engineer. If it is determined that such review is necessary, an escrow account will be required to defray the costs of this review. An estimate of the costs will be provided to the applicant and a check must be received prior to further consideration by the Town Board.

**Incomplete applications will not be accepted for review.** Applications submitted by the deadline (14 days prior to the Town Board work session) will be placed on the agenda at the discretion of the Town Board.





Town of Aurora Town Board  
300 Glead Avenue, East Aurora, New York 14052

### Special Use Permit Application Form

#### I. PROJECT INFORMATION (Applicant/Petitioner):

Business/Project Name: \_\_\_\_\_  
 Business/Project Address: 1150 Underhill Rd East Aurora 14052  
 Applicant Name: John Radford  
 Mailing Address: Same as above  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone 716 380 8681 Fax \_\_\_\_\_ Email JRADFORDMD@gmail.com  
 Interest in the property (ex: owner/purchaser/developer) owner

#### II. PROPERTY OWNER INFORMATION (If different than Applicant AND the Owner does not sign below, please submit and original, notarized "Owner Authorization" form - attached):

Property Owner(s) Name(s) John Radford  
 If a corporate, please name a responsible party/designated officer: \_\_\_\_\_  
 Address 1150 Underhill Rd  
 City East Aurora State NY ZIP 14052  
 Phone 716 380 8681 Fax \_\_\_\_\_ Email JRADFORDMD@gmail.com

#### III. SPECIAL USE AND PROPERTY INFORMATION:

Property Address 1150 Underhill Rd East Aurora NY 14052  
 SBL# 188.00-16.2

Describe Special Use requested (use additional pages if needed):  
BED & BREAKFAST

Property size in acres 10.4 Property Frontage in feet 150  
 Zoning District RR/A Surrounding Zoning RR/A  
 Current Use of Property SFD  
 Size of existing building(s): 6875 sf Size of proposed building(s) \_\_\_\_\_ sf  
 Present/Prior tenant/use: SFD  
 Parking spaces: Existing: \_\_\_\_\_ Proposed additional spaces: \_\_\_\_\_ Total #: \_\_\_\_\_



Town of Aurora  
300 Gleed Avenue  
East Aurora, NY 14052  
www.townofaurora.com

**Special Use Permit  
Application  
Owner Authorization**

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The undersigned, who is the owner of the premises know as:

....., identified as Tax Map (SBL)#.....  
(address)

hereby authorizes ..... to bring an application for a special use permit before the Town of Aurora Town Board for review and potential approval. The undersigned further permits the Town or its authorized representative(s) access to the property to review existing site conditions during the review process.

\_\_\_\_\_  
Owner (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner (signature)

STATE OF NEW YORK     )  
  SS  
COUNTY OF ERIE        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known 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





## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <div style="text-align: center; font-size: 1.2em;">Bed and Breakfast</div>			
Project Location (describe, and attach a location map): <div style="text-align: center; font-size: 1.2em;">1150 Underhill Rd East Aurora NY 14052</div>			
Brief Description of Proposed Action: <div style="text-align: center; font-size: 1.5em;">(see attached)</div>			
Name of Applicant or Sponsor: <div style="text-align: center; font-size: 1.2em;">John Radford</div>		Telephone: 716 380 8681	
Address: <div style="text-align: center; font-size: 1.2em;">1150 Underhill Rd East Aurora NY</div>		E-Mail: JRADFORDMD@gmail.com	
City/PO: <div style="text-align: center; font-size: 1.2em;">East Aurora</div>		State: <div style="text-align: center; font-size: 1.2em;">NY</div>	Zip Code: <div style="text-align: center; font-size: 1.2em;">14052</div>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		10.5 acres	
b. Total acreage to be physically disturbed?		2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		19 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. * Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>John Redford</u> Date: <u>9/4/24</u> Signature: <u>(C) REDFORD</u> Title: <u>owner</u>		

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**John Radford MD**  
1150 Underhill Rd  
East Aurora, NY 14052

Sept 7, 2024

East Aurora Town Board  
Town of East Aurora  
East Aurora, NY 14052

Dear Members of the Town Board,

I am writing to formally apply for a permit to operate a bed-and-breakfast at my residence, located at 1150 Underhill Rd East Aurora NY 14052. My home is situated on 20 acres, gated, and set far off the street, with significant distance from the neighboring homes, providing a peaceful and private environment for both me and any guests. I will be offering up to four bedrooms for rent, with parking available for up to 6 cars. However, I do not anticipate having more than four guest vehicles on the property at any given time, outside of my own.

I will be residing on the property full-time in a fully furnished basement with two bedrooms, one and a half bathrooms, a living room, a full kitchen and dining area and a separate entrance and exit. The area I will be renting includes the first and second floors of the home, with all four guest bedrooms located on the second floor.

To maintain the peaceful and respectful environment that is expected in the community, I will be establishing the following house rules for all guests:

1. **No Parties or Events:** Hosting large gatherings, parties, or events is strictly prohibited to avoid disturbing the neighborhood.
2. **Quiet Hours:** Quiet hours are enforced between 9:00 PM and 8:00 AM. During this time, guests are asked to keep noise levels to a minimum both inside and outside the home.
3. **No Excessive Noise:** No loud music, shouting, or other disruptive noises are permitted especially when outdoors. Guests are encouraged to enjoy the property quietly. (please see details listed below)
4. **No Amplified Music Outdoors:** Playing amplified music or using loudspeakers outside the home is not allowed.



5. **Respect the Neighbors:** Guests are expected to be mindful of neighbors and avoid any activities that may cause a disturbance, such as excessive vehicle traffic, loud gatherings, or lingering outside late at night.
6. **Parking:** Only designated parking areas should be used, with no parking on the street or in areas that could block driveways or other access points.
7. **No Pets:** To maintain cleanliness and comfort for all guests, pets are not allowed on the property.
8. **Guest Limit:** The maximum number of guests allowed in the home is 8 This ensures a peaceful stay for all guests and respects the privacy of neighbors.
9. **No Smoking:** Smoking is not allowed inside the home. Please smoke only in designated outdoor areas and properly dispose of cigarette butts.
10. **No Hunting or possession of Firearms or weapons of any kind will be allowed on the property.**

The following are specific noise rules that can help ensure and disruption and maintain a peaceful atmosphere for everyone:

1. **Limit Outdoor Conversations:** Please keep all outdoor conversations at a low volume, especially during the evening and early morning hours.
2. **No Outdoor Gatherings After 9:00 PM:** To respect the quiet enjoyment of the neighborhood, outdoor gatherings are not permitted after 9:00 PM.
3. **Limit Use of Outdoor Areas During Quiet Hours:** Use of outdoor spaces such as patios, decks, or yards is not permitted during quiet hours (9:00 PM – 8:00 AM) to avoid noise disturbances.
4. **Vehicle Noise:** Please keep vehicle noise to a minimum, including avoiding idling for long periods, loud engines, or slamming car doors, especially late at night or early in the morning.
5. **Children's Noise:** While children are welcome, guests are kindly asked to ensure children are not excessively loud, especially outdoors or in common areas.
6. **No Use of Loud Equipment:** The use of loud outdoor equipment or other machinery is not permitted by guests.
7. **Monitor Noise Inside:** Guests must keep indoor noise, including television or music volume, to a reasonable level, particularly during quiet hours.
8. **No Shouting or Loud Behavior:** Shouting, yelling, or other loud behaviors inside or outside the home are not permitted at any time to prevent disturbing the peaceful environment.
9. **Noise Sensors:** A noise monitoring device- NoiseAware are placed to track noise levels without invading privacy. These devices send alerts when noise exceeds





acceptable levels. They do not record voice and are located outside the property. For more information, please see <https://noiseaware.com/>

**10. Important Notice:**

Failure to follow the house rules, including but not limited to excessive noise, unauthorized guests, or disturbances to neighbors, will result in immediate removal from the property without a refund. We appreciate your understanding and cooperation in maintaining a peaceful and respectful environment for everyone.

These rules will help maintain the quality and serenity of the property, an enjoyable stay for guests and ensure that the bed-and-breakfast runs smoothly and in harmony with the character of the East Aurora community.

I would be happy to meet with the board to discuss any questions or concerns regarding my application. Thank you for your consideration, and I look forward to contributing positively to the local community with this venture.

Sincerely,

A handwritten signature in black ink that reads "JOHN RADFORD". The letters are cursive and somewhat stylized.

John Radford

(cell) 716-380-8681





County Clerk's Recording Page

Return to:

DAVID W KLOSS ESQ  
69 DELAWARE AVE  
STE 1003  
BUFFALO, NY 14202

**Book Type: D Book: 11262 Page: 5055**

Page Count: 5  
Doc Type: DEED  
Rec Date: 04/04/2014  
Rec Time: 01:46:11 PM  
Control #: 2014066536  
UserID: Eileen  
Trans #: 14053000  
Document Sequence Number  
TT2013015730

Party 1:

MCDANIEL WILLIAM KENNEDY JR BKR TR

Party 2:

RADFORD JOHN C

**Consideration Amount: 375000.00**

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-RES \$116	\$116.00
TP584	\$10.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$1,500.00
ROAD FUND TT	\$1,875.00

**Total: \$3,565.00**

STATE OF NEW YORK  
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Christopher L. Jacobs  
County Clerk

WARRANTY DEED WITH FULL COVENANTS  
(INDIVIDUAL AND CORPORATION)

Return to  
David W. Kelso  
69 Delaware Ave  
Buffalo, NY 14202

**THIS INDENTURE**, made the 31<sup>st</sup> day of MARCH 2014

**Between**

John Kirkland Fort, Chapter 7 Trustee for William Kennedy McDaniel Jr (Bankruptcy Case No. 13-06050-HB - filed in the United States Bankruptcy Court, District of South Carolina) whose office address is 195 W Fairview, Spartanburg, SC 29302 and who has been duly authorized by the Bankruptcy Court to sell the 50% interest of debtor William Kennedy McDaniel Jr aka William K. McDaniel.

party of the first part, and

John C. Radford and Emilee Morlock as joint tenants with the right of survivorship, whose address is 186 Wildflower, Ellicottville, New York 14731

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Three Hundred Seventy Five Thousand Dollars (\$375,000.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 12, Township 9, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the west line of Lot No. 12 (being also the center line of Underhill Road) distant 873.74 feet northerly from the southwest corner of said Lot No. 12; thence N 00° 00' 00" E and along the west line of Lot No. 12, a distance of 149.00 feet to a point distant 125.00 feet southerly from the northwest corner of lands deeded to Paul J. Bandrowski and Barbara J. Bandrowski, husband and wife by deed recorded in the Erie County Clerk's Office in Liber 10958 of Deeds at page 3657; thence S 70° 00' 00" E, a distance of 657.00 feet to a point; thence S 82° 00' 00" E, a distance of 108.00 feet to a point; thence N 68° 00' 00" E, a distance of 127.00 feet to a point; thence N 10° 00' 00" E, a distance of 249.00 feet to a point; thence S 87° 49' 00" E and parallel with the northerly line of said lands deeded to Bandrowski, a distance of 213.00 feet to a point; thence S 15° 49' 00" E, a distance of 125.00 feet to the center line of a stream; thence in a southerly direction along the center line of said stream, a distance of 690 feet more or less to a point distant 438.43 feet northerly from the south line of Lot No. 12 (being the center line of Blakely Road) as measured at right angles from a point in said south line distant 868.08 feet easterly from the southwest corner of Lot No. 12; thence S 88° 00' 00" W, a distance of 142.00 feet to a point; thence S 6° 00' 00" W, a distance of 283.00 feet to a point; thence N 81° 00' 00" W, a distance of 317.00 feet to a point; thence N 14° 00' 00" W, a distance of 384.00 feet to a point; thence N 8° 00' 00" E, a distance of 180.00 feet to a point; thence N 65° 00' 00" W, a distance of 366.00 feet to the point of beginning.

Premises is commonly known as 1150 Underhill Road, East Aurora, New York 14052

SBL 188.00-1-6.2.

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

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

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

AUR  
Deed - 4  
100536

AND the party of the first part covenants as follows:

**FIRST.** That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

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

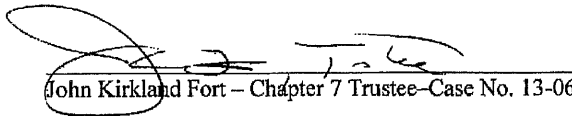
**THIRD.** That the said premises are free from encumbrances, except as aforesaid;

**FOURTH.** That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

**FIFTH.** That said party of the first part will forever warrant the title to said premises.

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

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

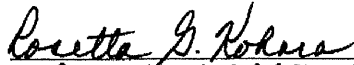


John Kirkland Fort – Chapter 7 Trustee–Case No. 13-06050-HB –William Kennedy McDaniel Jr

STATE OF South Carolina )

COUNTY OF SPARTANBURG SS:

On the 31<sup>ST</sup> day of MARCH, in the year 2014, before me, the undersigned, a notary public in and for said state, personally appeared John Kirkland Fort personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



MY COMMISSION EXPIRES: 5/21/19

NOTARY PUBLIC – apply stamp \ seal and expiration date of appointment

Rosetta G. Kohara



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

In Re:

Case No. 13-06050-HB

MCDANIEL, WILLIAM KENNEDY, JR.

Debtor(s)

Chapter 7

**ORDER AUTHORIZING SALE OF ASSET**

This proceeding comes before the court on the application of John Kirkland Fort, Chapter 7 Trustee ("Trustee") for authority to sell, free and clear of liens, the estate's interest in the following property:

50% of residential real estate located at 1150 Underhill Road, County of Erie, East Aurora, NY 14052; TM# 142489-188-000-0001-006-200.

The Court has been informed that all parties in interest have been notified of the intention to sell said property, and that no objection to the proposed sale has been received or filed by any party in the office of the Clerk of this Court. The Trustee has represented to the Court that such sale is in the best interest of creditors of the estate. The trustee also has informed the court that there is a lien claimed by M & T Bank, Williamsville, NY against said property that should be paid upon the sale of said property. The remaining 50% interest is held by the debtor's non-filing, estranged wife, Judith McDaniel. She is entitled to 50% of the net proceeds and should be paid upon the sale of said property. If the sale does not close within 30 days of the date of this order, the trustee reserves the right to sell the property to a back up purchaser on the same terms and purchase price as stated in the Notice of Sale without further notice. The identity of the backup purchaser shall be disclosed in the report of sale filed with the court. If the backup purchaser is an insider, the trustee shall notify the United States Trustee prior to proceeding with the backup sale. It is therefore,

**ORDERED, ADJUDGED, AND DECREED**, that the trustee is authorized to sell and to convey, free and clear of liens, the estate's interest in the above-described property, to John Radford and Emilee Morlock for the sum of \$750,000.00. The aforementioned liens shall be deducted from the sales proceeds; sales commissions and costs shall be paid at closing as outlined in the Notice of Sale.

All tax liens as defined in 11 U.S.C. §724(b) of the U.S. Bankruptcy Code which may be due now or after the closing on the sale will be treated as secured tax claims pursuant to 11 U.S.C. §724(b) and will be subordinate to all administrative claims. The property subject to this sale will be sold free and clear of said tax liens with the liens to attach to the sale proceeds.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED**, that the automatic 14-day stay provided by Fed. R. Bankr. P. 6004(h) does not apply to this sale.

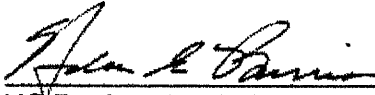
**FOR THE MOTION:**

/s/ John Kirkland Fort  
John Kirkland Fort  
Trustee  
PO Box 789  
Drayton, SC 29333  
(864) 237-8284

**FILED BY THE COURT  
03/17/2014**



Entered: 03/17/2014

  
US Bankruptcy Judge  
District of South Carolina

FOR COUNTY USE ONLY  
 C1. SWIS Code 142489  
 C2. Date Deed Recorded 4/4/14  
 C3. Book 11262 C4. Page 5055



New York State Department of  
**Taxation and Finance**  
 Office of Real Property Tax Services  
**RP-5217**  
 Real Property Transfer Report (8/10)

**PROPERTY INFORMATION**

1. Property Location: 1150 Underhill Road, Aurora, 14052  
 2. Buyer Name: Radford John C., Morlock Emilee  
 3. Tax Billing Address: [Blank]  
 4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR Part of a Parcel  
 5. Deed Property Size: X FRONT FEET OR 10.46 DEPTH ACRES  
 6. Seller Name: McDaniel William  
 7. Select the description which most accurately describes the use of the property at the time of sale:  
 A. One Family Residential  
 Check the boxes below as they apply:  
 8. Ownership Type is Condominium   
 9. New Construction on a Vacant Land   
 10A. Property Located within an Agricultural District   
 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

**SALE INFORMATION**

11. Sale Contract Date: 01/24/2014  
 12. Date of Sale/Transfer: 4/4/14  
 13. Full Sale Price: 375,000.00  
 14. Indicate the value of personal property included in the sale: .00 50% interest in property  
 15. Check one or more of these conditions as applicable to transfer:  
 A. Sale Between Relatives or Former Relatives   
 B. Sale Between Related Companies or Partners in Business   
 C. One of the Buyers is also a Seller   
 D. Buyer or Seller is Government Agency or Lending Institution   
 E. Deed Type not Warranty or Bargain and Sale (Specify Below)   
 F. Sale of Fractional or Less than Fee Interest (Specify Below)   
 G. Significant Change in Property Between Taxable Status and Sale Dates   
 H. Sale of Business is Included in Sale Price   
 I. Other Unusual Factors Affecting Sale Price (Specify Below)   
 J. None   
 Comment(s) on Condition: [Blank]

**ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill**

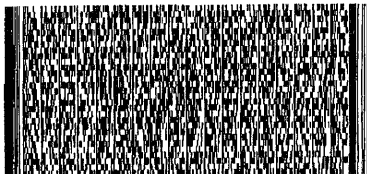
16. Year of Assessment Roll from which information taken(Yr): 13  
 17. Total Assessed Value: 493,600  
 18. Property Class: 240  
 19. School District Name: East Aurora  
 20. Tax Map Identifier(s)/Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))  
 21. 99.00-1-6.2

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE: [Signature] 3/31/14  
 BUYER SIGNATURE: [Signature] 3/31/14  
 BUYER SIGNATURE: [Signature] 4/1/14

**BUYER CONTACT INFORMATION**  
 Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.  
 LAST NAME: Radford FIRST NAME: John  
 AREA CODE: 1150 TELEPHONE NUMBER (616) 0000000  
 STREET NUMBER: Underhill Rd  
 CITY OR TOWN: Aurora STATE: NY ZIP CODE: 14052  
**BUYER'S ATTORNEY**  
 LAST NAME: Kloss FIRST NAME: David  
 AREA CODE: (716) TELEPHONE NUMBER (616) 853-1111





ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:

DAVID W KLOSS ESQ  
69 DELAWARE AVE  
STE 1003  
BUFFALO, NY 14202

**Book Type: D Book: 11262 Page: 5058**

Page Count: 3  
Doc Type: DEED  
Rec Date: 04/04/2014  
Rec Time: 01:46:11 PM  
Control #: 2014066537  
UserID: Eileen  
Trans #: 14053000  
Document Sequence Number  
TT2013015731

Party 1:  
MCDANIEL JUDITH H

Party 2:  
RADFORD JOHN C

**Consideration Amount: 375000.00**

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-RES \$116	\$116.00
TP584	\$10.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$1,500.00
ROAD FUND TT	\$1,875.00

**Total: \$3,565.00**

STATE OF NEW YORK  
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Christopher L. Jacobs  
County Clerk

WARRANTY DEED WITH FULL COVENANTS  
(INDIVIDUAL AND CORPORATION)

Record and Return  
David W. Kross, Esq.  
69 Delaware Ave, Suite 1003  
Buffalo, NY 14202

**THIS INDENTURE**, made the 31<sup>st</sup> day of March 2014

**Between**

Judith H. McDaniel currently residing at 114 Riverside Avenue, Riverside, Connecticut 06878, her 50 % interest in the property as the wife of William K. McDaniel (also known as William Kennedy McDaniel Jr.)

party of the first part, and

John C. Radford and Emilee Morlock as joint tenants with the right of survivorship, whose address is 186 Wildflower, Ellicottville, New York 14731

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of One and More dollars (\$1.00 & more), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 12, Township 9, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the west line of Lot No. 12 (being also the center line of Underhill Road) distant 873.74 feet northerly from the southwest corner of said Lot No. 12; thence N 00° 00' 00" E and along the west line of Lot No. 12, a distance of 149.00 feet to a point distant 125.00 feet southerly from the northwest corner of lands deeded to Paul J. Bandrowski and Barbara J. Bandrowski, husband and wife by deed recorded in the Erie County Clerk's Office in Liber 10958 of Deeds at page 3657; thence S 70° 00' 00" E, a distance of 657.00 feet to a point; thence S 82° 00' 00" E, a distance of 108.00 feet to a point; thence N 68° 00' 00" E, a distance of 127.00 feet to a point; thence N 10° 00' 00" E, a distance of 249.00 feet to a point; thence S 87° 49' 00" E and parallel with the northerly line of said lands deeded to Bandrowski, a distance of 213.00 feet to a point; thence S 15° 49' 00" E, a distance of 125.00 feet to the center line of a stream; thence in a southerly direction along the center line of said stream, a distance of 690 feet more or less to a point distant 438.43 feet northerly from the south line of Lot No. 12 (being the center line of Blakely Road) as measured at right angles from a point in said south line distant 868.08 feet easterly from the southwest corner of Lot No. 12; thence S 88° 00' 00" W, a distance of 142.00 feet to a point; thence S 6° 00' 00" W, a distance of 283.00 feet to a point; thence N 81° 00' 00" W, a distance of 317.00 feet to a point; thence N 14° 00' 00" W, a distance of 384.00 feet to a point; thence N 8° 00' 00" E, a distance of 180.00 feet to a point; thence N 65° 00' 00" W, a distance of 366.00 feet to the point of beginning.

Premises is commonly known as 1150 Underhill Road, East Aurora, New York 14052

SBL 188.00-1-6.2.

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

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

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

**AND** the party of the first part covenants as follows:

Page 1 of 2

Aur

66537 Deed-2

**FIRST.** That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

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

**THIRD.** That the said premises are free from encumbrances, except as aforesaid;

**FOURTH.** That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

**FIFTH.** That said party of the first part will forever warrant the title to said premises.

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

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

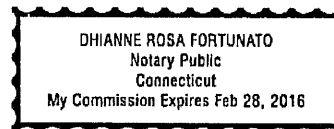
Judith H. McDaniel  
Judith H. McDaniel

STATE OF Connecticut )  
COUNTY OF Fairfield ) ss: Riverside

On the 31<sup>st</sup> day of March, in the year 2014, before me, the undersigned, a notary public in and for said state, personally appeared Judith H. McDaniel personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

D Fortunato

NOTARY PUBLIC – apply stamp \ seal and expiration date of appointment



2014066537

FOR COUNTY USE ONLY

C1. SWIS Code 142489  
C2. Date Deed Recorded 4/4/14  
C3. Book 11126244 Page 5058



New York State Department of Taxation and Finance  
Office of Real Property Tax Services  
RP-5217  
Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location 1150 Underhill Road  
Aurora 14052  
2. Buyer Name Radford John  
Morlock Emilee

3. Tax Billing Address  
Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply:  
5. Deed Property Size X FRONT FEET OR 10.46 DEPTH - AGRES  
4A. Planning Board with Subdivision Authority Exists  
4B. Subdivision Approval was Required for Transfer  
4C. Parcel Approved for Subdivision with Map Provided

6. Seller Name McDaniel Judith

\*7. Select the description which most accurately describes the use of the property at the time of sale:  
A. One Family Residential  
Check the boxes below as they apply:  
8. Ownership Type is Condominium  
9. New Construction on a Vacant Land  
10A. Property Located within an Agricultural District  
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date 01/24/2014  
\*12. Date of Sale/Transfer 4/4/14  
\*13. Full Sale Price 375,000.00  
Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations. Please round to the nearest whole dollar amount.

15. Check one or more of these conditions as applicable to transfer:  
A. Sale Between Relatives or Former Relatives  
B. Sale between Related Companies or Partners in Business  
C. One of the Buyers is also a Seller  
D. Buyer or Seller is Government Agency or Lending Institution  
E. Deed Type not Warranty or Bargain and Sale (Specify Below)  
F. Sale of Fractional or Less than Fee Interest (Specify Below)  
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H. Sale of Business is Included in Sale Price  
I. Other Unusual Factors Affecting Sale Price (Specify Below)  
J. None  
Comment(s) on Condition:

14. Indicate the value of personal property included in the sale .00 50% interest in property

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken (YY) 13 \*17. Total Assessed Value 493,600  
\*18. Property Class 240 \*19. School District Name East Aurora  
\*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional Identifier(s))  
198.00-1-6.2

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE  
Judith McDaniel 3/3/14  
BUYER SIGNATURE  
Emilee Morlock 4/4/14

BUYER CONTACT INFORMATION  
(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)  
Radford John  
1150 Underhill Rd.  
Aurora NY 14052

BUYER'S ATTORNEY  
Kloss David  
(716) 853-1111

