

DIVISION OF CEMETERIES

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CHAIR
LETITIA JAMES
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DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

DEPARTMENT OF STATE - DIVISION OF CEMETERIES

MEMORANDUM

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: Greensprings Natural Cemetery Association, #55-034

RE: Land Sale

DATE: August 31, 2020

Exhibits

- a) Report of Division Senior Accountant Andrew Hickey
- b) Application from the Greensprings Natural Cemetery Association
- c) Map of the proposed land to be sold
- d) Appraisal from Landmark Appraisal Company for \$25,000.00
- e) Appraisal from David Long Appraisal Company for \$27,000.00
- f) Board minutes approving the sale
- g) Supporting information from Herbert Engman, trustee of Greensprings Natural Cemetery Association

Introduction and Recommendation

The Greensprings Natural Cemetery Association of the town of Newfield, Tompkins County, has applied to the Cemetery Board for approval to sell five acres of land to a newly-created not-for-profit pet cemetery corporation. The board of Greensprings has determined that there is sufficient interest in their community for green pet burials, which are not allowed in traditional human cemeteries and that the land to be sold is not suitable for human burials. A group of individuals, a minority of whom are also members of the board of Greensprings, have combined with other like-minded individuals to form a not-for-profit pet cemetery corporation. The proceeds of the sale will be deposited into Greensprings' permanent maintenance fund. As



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a result of this benefit, combined with the human cemetery's inability to use this land for human burials, I recommend approval of this land sale. I note that the appraisals are now more than two years old. Because counsel has raised an objection as to the form of appraisal, my recommendation of approval is contingent on receipt of updates to the appraisals or receipt of new appraisals in a form appropriate to the Board. Additionally, such approval should be contingent on the inclusion in the conveyance of "a dedication restricting the real property to be used only for such purposes as are usual and customary for the operation of a pet cemetery" pursuant to General Business Law Section 750-n(1).

Background

Greensprings Natural Cemetery began its operation in 2006 and was the first natural cemetery in the state of New York. They have been extremely successful, with sales exceeding 60 lots in 2019, making Greensprings one of the most active cemeteries in the Finger Lakes region. The cemetery has been profitable since its inception and has been able to accumulate a permanent maintenance endowment of just over \$100,000 in its 14 years of existence. It is controlled by an all-volunteer board, which is very active and serves as a model for natural cemeteries throughout the United States. The cemetery appears to be in compliance with the Not-for-Profit Corporation Law and all Cemetery Board Directives and board members sign a conflict of interest policy annually.

The Parcel

The parcel to be sold is a five-acre parcel on Irish Hill Rd. in the town of Newfield. The property is contiguous to the Greensprings Natural Cemetery and is a portion of the land which the cemetery association purchased in 2013. The land formerly contained a house which was demolished in 2018. There remains a storage building near the land being sold.

The cemetery association has asserted that this parcel is unfit for use by their cemetery for several reasons. First, the parcel is located adjacent to a building as well as a radio tower, neither of which are in keeping with the character of the cemetery as a whole. Furthermore, tests in the area have indicated the presence of bedrock near the surface, which would preclude most burials, especially natural burials, which are the type exclusively performed by Greensprings. Trustees have asserted that a 1.55-acre portion of this land could potentially be used for cremation burials, but this fact is not particularly relevant due to the natural burial model and Greensprings' reluctance to accept cremated remains. Greensprings has had discussions to this effect due to the environmental impact of cremation. The cemetery also contains 125 additional acres, making it unlikely that the land would ever be needed independent of its undesirability, at least within the next 600 years according to the current trend. Taken together, the Division agrees with the cemetery's assessment that the land is not fit for burials.

The purchase price is \$27,000.00, which is the higher of the two appraisals received. These appraisals are out of date, but the cemetery is willing to update them provided the sale is approved contingent on such an update. Because counsel has questioned whether the cemetery's appraisers may use the sales comparison approach to value the property or must use the income approach, this update should await guidance from the Cemetery Board as to what type of appraisal is required; it would be pointless for the cemetery to spend money to update the current sales comparison approach appraisals, only to find that this approach is

impermissible. As is required by the statute, the funds will be deposited in the cemetery's Permanent Maintenance account.

The Purchaser

The purchaser is a newly-formed not-for-profit corporation, the sole purpose of which will be to operate a pet cemetery licensed by the Division of Licensing Services, operating under the name Greensprings Animal Companion Cemetery. The Division is not concerned with any confusion between these names. While the board of the pet cemetery contains a minority of directors who are also directors of Greensprings, they understand that the two entities must conduct their business separately and will work with the Division on an ongoing basis to ensure compliance with the Not for Profit Corporation Law. These directors, Ken Zeserson and Joanne James, have unique qualifications which the pet cemetery feels will help its establishment. Specifically, Mr. Zeserson "was instrumental in the establishment of the dog park in Tompkins County, thus has many contacts in the pet community and the confidence of that group of people." Additionally, Joanne James "is a member of the Newfield Town Board as well as the business manager of the Newfield School District. Thus, she is well known locally and can assure the local community that a pet cemetery, like Greensprings, is in the best interest of Newfield." Greensprings indicates that it believes the overlap of a minority of trustees will be temporary, and that after an initial period the boards of the two not-for-profits will be completely separate. None of the directors of the pet cemetery is a funeral entity as defined by NPCL Section 1506-a.

The pet cemetery will purchase the property outright, eliminating concerns about the cemetery being left owning a failed pet cemetery raised by a previous proposal. The transaction has been approved in its current form by a unanimous vote of Greensprings' directors (Exhibit G).

Recommendation

Greensprings Natural Cemetery is a unique feature in the Finger Lakes region, and the cemetery has received numerous inquiries regarding green pet burials. The cemetery has more land than they will need for many centuries to come, the parcel in question is not suitable for natural full-body human burials, and the additional funds will benefit the cemetery by increasing its permanent maintenance fund. For this reason, I recommend approval of this land sale contingent on:

1. Receipt of updated appraisals in a form acceptable to the Board.
2. Any agreement for Greensprings to provide maintenance, storage and equipment to the pet cemetery should be tied to the expenses of providing those services, not the profits of the pet cemetery.

Exhibit A

DIVISION OF CEMETERIES

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To: NEW YORK STATE CEMETERY BOARD

From: Andrew Hickey, Senior Accountant

Subject: Greensprings Cemetery, #55-034

Re: Land Sale 5.1 acres

Date: August 31, 2020

Schedules:

- 1) Four-year Income and Expense Analysis
- 2) Four-year Balance Sheet
- 3) Additions to PM
- 4) Cost of Land
- 4.1) Estimate of years before sale of 5.1 acres impacts lot sales

Summary:

Greensprings Natural Cemetery is located on approximately 128 acres of land. Cemetery trustees are interested in selling 5.1 acres of land for \$27,000 for the separate development of a pet cemetery.

Trustees understand the proceeds, including all principal and interest payments on a seller type financed mortgage, of the land sale will be wholly transferred to the Permanent Maintenance fund. Cemetery Trustees believe a pet cemetery, located close to Greensprings, will increase Greensprings' lot sales and be a benefit to the long-term viability of the cemetery. They also believe that adding \$27,000 to the cemetery's permanent maintenance fund will benefit the cemetery.

As noted in Investigator Stanton's associated report, Cemetery trustees indicated this parcel is unfit for use by their cemetery. Trustees believe the remaining acreage will allow the cemetery to continue to operate for hundreds of years. This estimate is supported based on current burial trends as the remaining land available for burial, approximately 92 acres, should provide burial space for over 600 years (see Schedule 4.1).

Greensprings Natural Cemetery allows for natural burials and, as such, has full burial lot dimensions of 15'X15'. Cremation burial lots are 7.5'X7.5'.

An audit, conducted in 2018, determined the cemetery has developed a strong business model, with increasing lots sales and the ability to reduce operating expenses in recent years. Furthermore, it was noted to the cemetery maintains detailed and up-to-date burial and financial records.

Costs

1. Cost of appraisals – Trustees indicated amounts incurred for appraisals will be reimbursed by the Pet



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Cemetery.

- a. Appraisal # 1 \$25,000
 - b. Appraisal # 2 \$27,000
2. Total legal costs, incurred or pending, are unknown as of June 22, 2020. Cemetery Trustees indicated all legal costs will eventually be covered by the Pet Cemetery and believe they would not be material.
 3. No costs to subdivide the parcel have been incurred as of June 22, 2020. Cemetery Trustees indicated all such costs will eventually be covered by the Pet Cemetery.
 4. The future cost of potential lost lot sales is estimated to be between \$613,712 and \$1,045,440 (Schedule 4), depending on the actual ability to perform burials. However, based on annual current burial trends (Schedule 4), and available remaining acreage net of pending land sale, land will remain available for burials for more than 600 years. Additionally, as noted above, at least half the land is not suitable for burials. Furthermore, the relevance of loss of burial space is mitigated by Greenspring's reluctance to accept cremated remains.

Cemetery Balance Sheet and PM balances (Schedule 2):

The cemetery's restricted fund balance, as of December 31, 2019, is \$91,705.73. Permanent Maintenance assets are held in a savings account, CD and US Treasury Bills, with a balance, including accumulated interest, of \$100,965 as of 12/31/19. The cemetery's general funds are held in two checking and three savings accounts totaling \$108,322 as of 12/31/19. Asset levels have increased sharply from 2016-2019. In addition, Trustees have materially extinguished outstanding debt of approximately \$38,000 in 2015.

Additions to PM: Assuming the cemetery sells the 5.1 acres, for approximately \$27,000, the same amount would be added to the restricted permanent maintenance fund (see Schedule 3).

Cemetery Income and Expenses (Schedule 1):

Income: Income levels have steadily increased in recent years. Lot Sales and Burial income have been increasing. Donations have been steady and have a material impact on operating results. Although investment earnings have been minimal, Trustees have taken recent steps including investing in US Treasuries with interest rates in excess of 2.5%.

Expense: Cemetery trustees have taken steps to steadily reduce maintenance (see note below regarding 2018) and administrative expenses. Per acreage maintenance costs are deemed reasonable. Trustees indicated small cost savings will be realized if land sale is approved.

Substantial expenses variations in 2018 and 2019: In 2018, trustees incurred additional expenditures (approximately \$37K) for several projects. Trustees indicates these are largely one-time expenditures. Absent these expenditures, 2018 total operating expenditures would have been more in line with 2016-2017 totals.

- \$22,000 to remove depilated barn.
- \$6,494 in capital expenditures to Cemetery Cottage.
- \$9,650 installation of Butterfly habitat (less 50% \$4,825 NRCS grant).

Benefits

1. Although not established, Trustees believe a pet cemetery near Greensprings will increase lot sales at Greensprings because potential lot buyers will want to be buried near their pet.
2. Assuming an estimated purchase price of \$27,000 and investment returns of 2.5%, the cemetery will be able to generate approximately \$675 annually to either cover operating costs or for reinvestment. All principal proceeds will be dedicated to the Permanent Maintenance endowment fund.
3. Potential nominal to minimal decrease in maintenance costs based on the decrease in total acreage.
4. No PM loans or external financing would be required.
5. Income from pet cemetery for providing maintenance.

Negatives

1. Assuming four of the 5.1 acres of land could be used for burials, with a 75% full burial and 25% cremation burial ratio - the cemetery could incur future loss Lot Sales (in approximately 600 years) of:
 - a. \$774,400 Full Lot sales based on (193.6 lots an acre X 4 acres X \$1,000) (but, as described in Investigator Stanton's report, such revenue is unlikely).
 - b. \$271,040 Cremation Lot sales based on (774.4 lots an acre X 1-acre X \$350) (but, as described in Investigator Stanton's report, such revenue is unlikely).
2. If the Pet Cemetery was unable to continue as a going concern, Greensprings Cemetery could be negatively impacted by alternate landowners (a covenant or dedication of this land as a pet cemetery might mitigate this concern).
3. Currently the sale documents state that Greensprings will provide maintenance, storage, and equipment to the pet cemetery in return for 20 percent of the pet cemetery's sales. Any agreement for Greensprings to provide services to the pet cemetery should be tied to the expenses of providing those services.

Recommendation

Recommendation: Approval to sell 5.1 acres of land to the Greensprings Animal Companion Cemetery, subject to the conditions described in Investigator Stanton's memorandum.

Senior Accountant,

Andrew Hickey

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Date: August 20, 2020

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Expense: Cemetery trustees have taken steps to steadily reduce maintenance (see note below regarding 2018) and administrative expenses. Per acreage maintenance costs are deemed reasonable. Trustees indicated small cost savings will be realized if land sale is approved.

Substantial expenses variations in 2018 and 2019: In 2018, trustees incurred additional expenditures (approximately \$37K) for several projects. Trustees indicates these are largely one-time expenditures. Absent these expenditures, 2018 total operating expenditures would have been more in line with 2016-2017 totals.

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- \$6,494 in capital expenditures to Cemetery Cottage.
- \$9,650 installation of Butterfly habitat (less 50% \$4,825 NRCS grant).

Benefits

1. Although not established, Trustees believe a pet cemetery near Greensprings will increase lot sales at Greensprings because potential lot buyers will want to be buried near their pet.
2. Assuming an estimated purchase price of \$27,000 and investment returns of 2.5%, the cemetery will be able to generate approximately \$675 annually to either cover operating costs or for reinvestment. All principal proceeds will be dedicated to the Permanent Maintenance endowment fund.
3. Potential nominal to minimal decrease in maintenance costs based on the decrease in total acreage.
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Negatives

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2. If the Pet Cemetery was unable to continue as a going concern, Greensprings Cemetery could be negatively impacted by alternate landowners (a covenant or dedication of this land as a pet cemetery might mitigate this concern).
3. Currently the sale documents state that Greensprings will provide maintenance, storage, and equipment to the pet cemetery in return for 20 percent of the pet cemetery's sales. This should not be part of the terms of sale. If Greensprings and the pet cemetery agree to this, the price to be paid for such services should be tied to the expenses of providing those services and it should not be part of the sale itself.

Recommendation

Recommendation: Approval to sell 5.1 acres of land to the Greensprings Animal Companion Cemetery.

Senior Accountant,

Andrew Hickey

Exhibit 1

Schedule 1	4 Y/R Income Expense Analysis
Name	Greensprings Cemetery
County	Tompkins
Cemetery #	55-034
Application Type	Land Sale

Conclusions about revenue

- 1) Cemetery's lot sales are material and show a steady trend.
- 2) Burial income is material and shows a steady trend.
- 3) Receipts from Donations have been material.

Conclusions about Expenditures and results from operations

- 1) Operating expenditures are were steadily decreasing, but increased in 2018/2019 largely related to land improvement projects
 - a) Trustees indicated \$22,000 was incurred for removal of dilapidated barn and indicated this is a one time expense
 - b) Trustees indicated \$6,494 was incurred for cottage capital renovations and are not recurring expense. Trustees indicated insurance company required these modifications in order to provide coverage
- 2) Operating surpluses have been constant and steady.
- 3) Wages increased in 2018 - increase related to implementation of software mapping and time spent on land improvements
- 4) Trustees indicated \$9,650 was incurred for the Monarch Butterfly Habitat Installation (plowing and seeding) near the cottage. Trustees indicated approximately 50% of this Habitat installation was funded by an external grant.

Features:

YEAR	2016	2017	2018	2019	Four Yr Avg
Acres(total)	128.83	128.83	128.83	128.83	
Available land	126	92	126	126	
Burials Full 15X15	29	23	29	29	27.50
Burials Cremations 7.5X7.5	8	6	5	5	6.00
Lot Sales	\$ 53,729.00	\$ 82,150.00	\$ 73,950.00	\$ 68,450.00	\$69,569.75

YEAR	2016	2017	2018	2019	Four Yr Avg
Operating Income					
Lot Sales	53,729	82,150	73,950	68,450	\$69,569.75
Interments	28,750	25,000	31,750	29,000	\$28,625.00
House Rent					\$0.00
Merchandise Sales	2,100	1,500	2,100	1,400	\$1,775.00
Donations	14,918	11,792	28,540	4,841	\$15,022.67
Investment income	10	20	27	43	\$24.87
Other	450		322	300	\$268.03
NRCS Contract	2,898		5,244	15,296	\$5,859.55
Total Revenue	102,855	120,462	141,933	119,330	\$121,144.87
Annual change in operating revenues		17.12%	17.82%	-15.93%	

Expenses Operating and Maintenance	2016	2017	2018	2019	Four Yr Avg
Salaries and Wages	23,138	15,754	34,815	30,669	\$26,094.02
Contractor Services openings	5,960	4,600	6,000	4,400	\$5,240.00
Contractor Services mowing	3,238	263	2,770	9,027	\$3,824.44
				0	\$0.00
Supplies, Repairs, Equipment	6,925	2,600	4,430	7,856	\$5,452.77
Equipment	4,300		3,087	0	\$1,846.87
Insurance - G/L	8,078	4,347	4,349	12,009	\$7,195.75
Insurance - W/C	2,444	3,242	467	5,729	\$2,970.38
Insurance - Commercial Crime	200	200	1,190	2,025	\$903.75
Vandalism & Assessment	139	195	184	203	\$180.25
Payroll Taxes			2,913	2,775	\$1,421.96
Other	9,833	22,882	1,364	0	\$8,519.57
Credit card charges			1,836	1,571	\$851.84
Land payment/costs	15,000	15,000			\$7,500.00
Marketing			823	370	\$298.23
Office - computer software			1,338	2,315	\$913.25
Office - supplies			1,877	2,582	\$1,114.76
Pet Cemetery related expenses			2,617		\$654.22
Contractor Grant			2,419		\$604.72
Equipment insurance			492		\$123.00
Telephone				181	\$45.25
contribution				125	\$31.25
Char 500 Fee				25	\$6.25
Dues/ Meeting Expense				967	\$241.75
Farm House Demo			22,000		\$5,500.00
Cottage Imp			6,494		\$1,623.58
Preparation of Habitat -			9,650	8,924	\$4,643.50
Two Seeding projects			1,352		\$338.08
Accounting			715	1,311	\$506.50
refunds			230		\$57.50
Total Expenses	79,255	69,082	113,413	93,064	\$88,703.43
Annual change in operating expenditures		-12.84%	64.17%	-17.94%	
Surplus / (Deficit) - annual	23,599.66	51,379.60	28,520.52	26,266.00	\$32,441.45

Exhibit 2

Schedule 2	4 YR Balance Sheet
Name	Greensprings Cemetery
County	Tompkins
Cemetery #	55-034
Application Type	Land Sale

Conclusion on Assets:

- 1) Overall assets have steadily increased from 2015.
- 2) Trustees have paid off all outstanding debt.
- 3) PM restricted assets have increased steadily and exceed PM restricted balance as of 12/31/19.

Balance sheet- Financial Assets	2016	2017	2018	2019
General fund	\$33,061	\$74,960	\$91,576	\$108,322
Perpetual Care				
Permanent Maintenance	\$67,666	\$77,468	\$89,451	\$100,965
Total Financial assets	\$100,727	\$152,429	\$181,027	\$209,287
Balance sheet- Non- Financial Assets				
Total Non-financial assets	\$0	\$0	\$0	\$0
Total Assets	\$100,727	\$152,429	\$181,027	\$209,287
Balance sheet- Liabilities				
Other Liabilities	\$2,400	\$1,230	\$0	\$0
Land Payable	\$15,000			
Tractor Payable	\$3,000			
Total liabilities	\$20,400	\$1,230	\$0	\$0
Assets net of liabilities	\$80,327	\$151,199	\$181,027	\$209,287
Y/E Restricted PM Balance	\$ 64,370.73	\$ 73,600.73	\$ 82,185.73	\$ 91,705.73
Y/E PM Surplus/(Deficit)	\$ 3,295.18	\$ 3,867.71	\$ 7,265.11	\$ 9,259.27

Exhibit 3

Schedule 3	Additions to PM
Name	Greensprings Cemetery
County	Tompkins
Cemetery #	55-034
Application Type	Land Sale

Conclusion: Cemetery trustees are aware, and have committed, to put 100% of the gross sales proceeds, \$27,000 principal and \$4,285 interest , into restricted PM.

Estimated additions to PM	\$27,000.00
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From estimated proceeds from land sale		
Higher of two appraisals	\$	27,000
Cumulative interest payments		\$0

Exhibit 4

Schedule 4	Cost of Land
Name	Greensprings Cemetery
County	Tompkins
Cemetery #	55-034
Application Type	Land Sale

Conclusion: 1) Based on current lot dimensions and prices, sale of 5.1 acres could result in total loss of lot sales of \$ 1,045,440
2) Based on cemetery trustee assertions that much of the pending land to be sold is unusable - total loss of lot sales of \$ 613,712
3) Regardless of methodology, any loss of Lot sale receipts would not be incurred for over 600 years based on burial rate and available land

See Sch. 4.1

	Based on Standard Assumptions	Based on Trustee Assertions
Conclusion: Revenue lost on full lots	\$ 774,400	\$ 193,600
Revenue lost on cremation lots	\$ 271,040	\$ 420,112
Estimate total lost	<u>\$ 1,045,440</u>	<u>\$ 613,712</u>

Estimated allocation of land for full and cremation burials	4	acres will be used for full burials based on current trends
	1	acres will be used for cremation burials based on current trends
Estimate potential acres on total of 5.1	5	

Based on lot dimensions of 15X15' for full burial lots, the cemetery can sell approximately 193.6 lots per acre
Based on lot dimensions of 7.5X7.5' for cremation lots, the cemetery can sell approximately 774.4 burials per acre

Calculation of potential loss based on industry figures vs Cemetery Trustee assertions

Full Burials		
It is estimated the cemetery would lose	\$ 774,400	in receipts assuming 4 acres for full burials, 193.6 lots per acre and \$1000 per lot
Cremation Burials		
It is estimated the cemetery would lose	\$ 271,040	in receipts assuming 1 acres for cremation burials, 774.4 lots per acre and \$350 per lot

Trustee assertions that much of the 5.1 acres is not suitable for burials, see calculation of lost revenues per their assertions:

Only 50% of cemetery is usable, and of that, only once acre is suitable for full burials and 1.55 for cremains

Full Burials		
It is estimated the cemetery would lose	\$ 193,600	in receipts assuming 1 acres for full burials, 193.6 lots per acre and \$1000 per lot
Cremation Burials		
It is estimated the cemetery would lose	\$ 420,112	in receipts assuming 1.55 acres for cremation burials, 774.4 lots per acre and \$350 per lot

Schedule 4.1	
Name	Greensprings Cemetery
County	Tompkins
Cemetery #	55-034
Application Type	Land Sale

Objective: Estimate number of years lot sales would be impacted by sale of 5.1 acres

Conclusion: If current activity levels continue, it would take in excess of 600 years before the cemetery ran out of available land.

Cemetery currently has a total of approximately				128	acres		
Trustees believe there are approximately				92	acres of land remaining for burial		
The difference between 92 acres available and 128 total				36			
	Future pathways			10			
	Restricted from burials			10			
	Estimated sold to date			5.9			
	Estimated current pathways etc			5			
	Pending land sale			5.1			
				36			

Cemetery Trustees estimate	87	acres will be used for full burials based on current trends
Cemetery Trustees estimate	5	acres will be used for cremation burials based on current trends
	92	

Based on lot dimensions of 15X15' for full burial lots, the cemetery can sell approximately 193.6 lots per acre
 Based on lot dimensions of 7.5X7.5' for cremation lots, the cemetery can sell approximately 774.4 burials per acre

Based on full burial activity from 2016-2019	27.50
Based on cremation activity from 2016-2019	6.00

It is estimated it will take 612 years before the cemetery can no longer sell full burials lots based on 27.5 burials a year, 193.6 burials per acre and 87 acres of available land

It is estimated it will take 645.33 years before the cemetery can no longer sell cremation burials lots based on 6 cremation burials a year, 774.4 cremation lots per acre and 5 acres of available land

Exhibit B

Greensprings Natural Cemetery Association

Request to Sell Five Acres of Land

Greensprings Natural Cemetery Association, Inc. requests the approval of the New York State Cemetery Board to sell five unused acres of its 130 acres to a non-profit pet cemetery corporation. Greensprings considers the 5 acres unsuitable for human burials because they lie between a large storage barn and a County-owned cell tower, includes some steep slopes, and bedrock close to the surface will make graves deeper than two feet difficult if not impossible. This site lies a considerable distance from current human burial areas and will have substantial permanent buffer zones around it. The purchase price will increase Greensprings' permanent maintenance fund by approximately 25% and with compounded interest will provide better financial sustainability than open space for the next few hundred years. A sale for other purposes such as a house site would have a negative effect on the cemetery and will not be considered.

In addition to the purchase price, there will be mutual benefits for both Greensprings and the pet cemetery. A person buying a pet site might be more likely to buy a human site nearby especially since both would be natural, not traditional cemeteries. A contiguous pet cemetery is an opportunity to promote the natural burial approach, which we consider much more positive for wildlife and the environment in general. Also, it does not make sense for both entities to duplicate equipment, so the pet cemetery will help maintain and purchase equipment such as mowers and backhoes. The agreement between the two non-profits spelling all this out will be sent separately to the Division of Cemeteries. It is anticipated that the pet cemetery will be highly successful. The nearest pet cemeteries are in Syracuse and Binghamton and they are traditional cemeteries (headstones, caskets required, etc.). The Tompkins County area is a pet-loving community and the majority of residents rent and thus have no place to bury pets themselves. Many pet lovers do not want to cremate. It is anticipated the pet burials will be quite competitive with cremation costs.

Current Greensprings board trustees have substantial experience in running the first natural human cemetery in New York State (and among the first few in the nation) and will help guide the start of the pet cemetery. The Greensprings board has the capacity to make sound decisions regarding this entire matter: the business manager of the local school system and a town board member; member of the county legislature; chair of a village planning board; a former chair of a town planning board and a retired business owner; a data specialist at Cornell University; a retired prison counselor; and an attorney in private practice. Finally, the immediate past president of Greensprings is the former town supervisor of the Town of Ithaca. During his 8 years as supervisor the town had to take over the Inlet Valley Cemetery. A fraud almost caused the takeover of Lakeview Cemetery. Close cooperation of the town with the Division of Cemeteries kept Lakeview afloat and it is now independently successful again. Two of the 5 pet cemetery board members are also Greensprings board members (of 10). One of the pet cemetery directors started the first (and only) dog park in the area and has extensive contacts within the dog owners

community. Another is a veterinarian with important contacts with pet owners and with those who have faced the death of their pets with no option available other than cremation.

It is anticipated that the only impact on human burials at Greensprings will be positive. The purchase price will greatly increase the permanent maintenance fund, more burial sites will be sold, and the additional income will help keep prices and fees low to accommodate a larger segment of the population. There is an extensive buffer zone between the human and pet cemeteries. There is a road (thus at least 70 feet) between any potential human burials and the pet cemetery on one side. On another, there are two acres of the cell tower land and a possible new access path between the pet cemetery and any human burials. On the third side there will be no human burials between the pet cemetery and the property boundary. On the fourth side there will be at least 45 feet because of a driveway right-of-way to the cell tower. With 130 acres, Greensprings does not have to worry about burial sites. The Cemetery Division's own auditor has estimated that it has 500 years of capacity. Thus, there will be no pet burials within close proximity of human burials (see distances above). Future potential purchasers of human sites will be informed of the pet cemetery and can choose a section far removed from any pets. Greensprings is non-religious and dedicated to honoring the wishes of our site purchasers but individual religions can not dictate the rules and regulations and board decisions outside any specific agreements agreed upon in advance of establishing a specific section of the cemetery. The nearest current section is the Jewish one, approximately 800+ feet away. The Greensprings President is Jewish, has parents buried at Greensprings, and is enthusiastic about the pet cemetery. There are Jewish prayers for use at animal burials, so any objection there might be in the Jewish community is not universal.

The potential pet cemetery has been discussed at lot owners annual meetings and the response has been overwhelmingly positive. No lot owners have expressed opposition. In fact, some has been extremely disappointed that it has taken so long to get permission to sell the land and to get the pet cemetery going.

All people involved in both cemeteries are volunteers. The pet cemetery is not anticipated to have employees unless it is spectacularly successful. In any case no employees (unlike machinery and maintenance) will be shared. All aspects of the pet cemetery have been considered and approved by both boards.

Greensprings, as the proposed seller, obtained two appraisals in mid- to - late 2018 upon instructions from the NYS Division of Cemeteries. The two appraisers were told that an accurate appraisal of the value of the land was needed for possible sale to a non-profit pet cemetery corporation. One appraiser at first tried to use the income approach method but decided that it was not practical for this situation and switched to the comparison approach. The two appraisals were within \$2,000 of one another.

The name of the pet cemetery has been the subject of lively debate within both the human and pet cemeteries boards. Since the two entities would be contiguous, it was thought it might be less confusing to have "Greensprings" in the name of both. For example, if someone mentions that the pet cemetery is on Irish Hill Road, another person might think, no, that's Greensprings (the human cemetery). The name of the pet cemetery, which includes "animal companion" seems to

be sufficient to distinguish the two without confusion. In addition to separate, independent boards and incorporation, the two entities will have separate "intake" - that is, there will be different telephone numbers, websites mailing lists, etc. There will be an agreement for shared equipment and maintenance between the two entities as indicated above, but there will be no joint forms, deeds, publications, contracts, solicitations, marketing or other documents and information will not mention both parties.

Potential conflicts of interest have been carefully considered. Greensprings has a conflict of interest/ethics policy. Anyone involved with the pet cemetery will be asked to divulge any potential conflicts of interest. As per Greensprings' policy, a vote will be taken to determine if it is believed an actual conflict exists and if so the affected parties will refrain from the discussion of the decision and the vote. The pet cemetery is a separate non-profit corporation and will not be guided by Cemetery Law. It will be authorized and governed by the Licensing Division of the state.

The pet cemetery has made the following financial arrangements from monies provided by donors:

- Pay full purchase price of \$27,000 for the five acres of land
- Has \$12,000 in the bank for the start of a permanent maintenance fund
- Has \$4,000 available for start-up, including closing costs, establishment of a web site, publicity, etc.

Representatives of Greensprings are always available to answer questions concerning the sale of five acres of land. Thank you for your consideration.

Submitted June, 2020

Exhibit C

- ▲ - COMPUTED POINT
- - PIN SET WITH CAP
- ⊗ - IRON PIPE FOUND
- ⊙ - UTILITY PIPE FOUND
- * - PROPOSED NEW DIVISION LINE

TAX MAP No. 32-1-3.1
 GREENSPRINGS NATURAL
 CEMETERY ASSOCIATION, INC. (R.O.)
 2014-15691

TITLE INFORMATION

GREENSPRINGS NATURAL CEMETERY
 ASSOCIATION, INC.
 P/O INSTRUMENT No. 2014-15691
 P/O TAX MAP No. 32-1-3.1
 P/O INSTRUMENT No. 482117-001
 P/O TAX MAP No. 32-1-2.11
 TOTAL AREA = 5.102 ACRES TO R/W

ASSOCIATION, INC. (R.O.)
 482117-001

"DEED TO CENTERLINE OF
 ROAD, EXCEPT & RESERVE ALL
 EXISTING PUBLIC ROAD &
 UTILITY RIGHT OF WAYS"

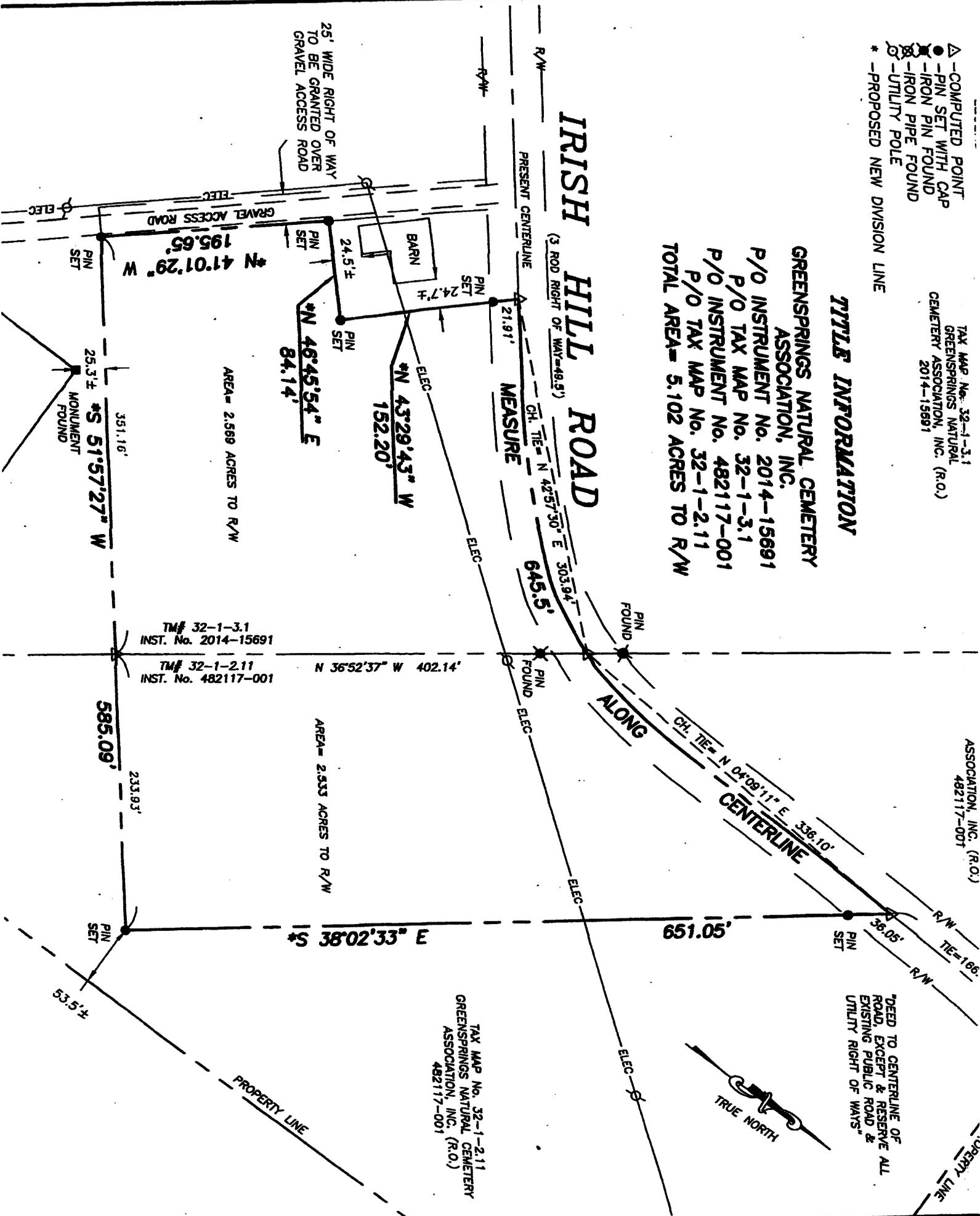


IRISH HILL ROAD

PRESENT CENTERLINE
 (3 ROD RIGHT OF WAY=49.5')

MEASURE

ALONG CENTERLINE



AREA = 2.569 ACRES TO R/W

AREA = 2.533 ACRES TO R/W

TAX MAP No. 32-1-2.11
 GREENSPRINGS NATURAL CEMETERY
 ASSOCIATION, INC. (R.O.)
 482117-001

PROPERTY LINE

PROPERTY LINE

TM# 32-1-3.1
 INST. No. 2014-15691

TM# 32-1-2.11
 INST. No. 482117-001

N 36°52'37" W 402.14'

651.05'

S 38°02'33" E

585.09'

233.93'

N 41°01'29" W
 195.65'

N 46°45'54" E
 84.14'

N 43°29'43" W
 152.20'

21.91'

645.5'

303.94'

N 04°09'11" E 336.10'

36.05'

53.5'±

24.5'±

24.7'±

25.3'±

351.16'

25.3'±

25.3'±

25.3'±

25.3'±

25.3'±

25.3'±

25.3'±

25.3'±

25.3'±

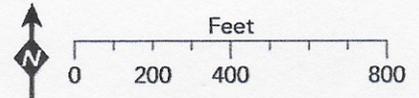
25.3'±

25.3'±

25.3'±



FINGER LAKES LAND TRUST
Property of Greensprings Natural Cemetery
126.6 acres | Parcels #32.-1-2.11 & 3.1
Tompkins Co, Town of Newfield
247 Irish Hill Rd, Newfield, NY



2018 imagery

Finger Lakes Land Trust GIS
1/22/2020



-  Greensprings parcels
-  FLLT Nature Preserve
-  FLLT Conservation Easement
-  Municipal Open Space
-  State Public Lands
-  University Conserved Land
-  Finger Lakes Trail

Exhibit D

RESTRICTED APPRAISAL REPORT

APPRAISAL OF



**Greensprings Natural Cemetery
247 Irish Hill Road
Newfield, NY**

Prepared for

**Greensprings Natural Cemetery Assoc. Inc.
247 Irish Hill Road
Newfield, NY 14867**

Prepared by

**Landmark Appraisal Co., LLC
278 Bill George Rd.
Lansing, NY 14882**

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EFFECTIVE DATE OF APPRAISAL

July 24, 2018

Landmark Appraisal Co., LLC
278 Bill George Rd.
Lansing, NY 14882

Telephone: 607-227-2384
Fax: 607-697-0414
Email: landmarkappraisalco@gmail.com

Date of Inspection: July 24, 2018
Effective Date of Appraisal: July 24, 2018
Date of Report: August 13, 2018

Greensprings Natural Cemetery Assoc. Inc.
247 Irish Hill Road
Newfield, NY 14867

Attention: Herb Engman

Dear Mr. Engman,

Pursuant to your request, we have made an appraisal of the market value of the property located at:

**247 Irish Hill Road
Newfield, NY,
Tompkins County**

As per mutual agreement with Greensprings Natural Cemetery Assoc. Inc. (client) and Landmark Appraisal Co., LLC (appraiser), the format used is defined as a Restricted Appraisal Report appraisal. It complies with the requirements set forth under Standard 2-2(b), Rule 1 of the Uniform Standards of Professional Practice, but is subject to the Assumptions and Limiting Conditions listed in this report. This appraisal report details the information used to arrive at a conclusion of value. It can be understood by a knowledgeable reader without additional information in the work file of the appraiser.

The Fee Simple Stabilized Market Value on July 24, 2018 of the 5 acres of land was estimated at:

**Twenty Five Thousand Dollars
\$25,000**

Respectfully Submitted,
Landmark Appraisal Co., LLC



NYS General Certified
Appraiser #4641804 Exp 2/2/19
Operating Mgr.

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Certification Statement

I, Clay Burruss, Certified General Appraiser certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this appraisal report and no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements specified under **Assumptions and Limiting Conditions**.

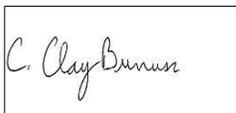
I have made a personal inspection of the property that is the subject of this report.

No one provided significant real property appraisal assistance to the person signing this certification.

As of the date of this report, I Clay Burruss, Certified General Appraiser am a General Certified Appraiser in the state of NY (Certificate Number 46000041804), which certificate expires on 2/2/2019.

Except as noted below, I/we have performed no services regarding the subject property within the last three years prior to accepting this assignment.

Respectfully Submitted,
Landmark Appraisal Co., LLC



Clay Burruss, Certified General
Appraiser
Operating Mgr.

Summary of Conclusions

Property Name	Greensprings Natural Cemetery
Address	247 Irish Hill Road, Newfield, NY
Parcel Number	32.-1-3.1 & 32.-1-2.11
Deed Reference	DBV 2014, pg.15691
Property Type	Cemetery
Property Rights Appraised	Fee Simple
Purpose of Appraisal	Market Value
Date of Inspection	July 24, 2018
Market Value - Fee Simple	\$25,000
Market Value by the Income Approach	Not Developed
Market Value by the Comparison Approach	\$25,000
Market Value by the Cost Approach	Not Developed
Estimated Exposure Time	6 to 12 months
Estimated Marketing Time	6 to 12 months
Contingencies	See Addenda
Highest and Best Use - As Vacant	Agricultural/Residential
Highest and Best Use - As Improved	Cemetery
Land Area	5 acres
Zoning	No Zoning
Flood Area	Zone C
Property Type	Cemetery

Scope of This Appraisal

In preparing this appraisal we have:

- Made a complete physical inspection of the property on July 24, 2018.
- Researched public records for assessment and historical sales information pertaining to the subject property.
- Analyzed income and expense information provided by the owner, if applicable.
- Researched the demographics and other data effecting the area and neighborhood. Among our sources of information that we referenced were; properties that we have previously appraised in the area, relevant publications, periodicals, U.S. Census data, and other reference material.
- Researched pertinent neighborhood data, comparable listings, comparable rentals, and comparable sales.
- Gathered comparable improved sales, comparable listings, comparable rentals, comparables expenses, etc. from similar neighborhoods and/or previous appraisals that we have made on similar properties.
- Analyzed the current real estate market and trends for the subject's property type, particularly in the subject's market area.
- In preparing our written report we have:
 - Identified the property by tax identification number and deed references.
 - Considered the purpose and intended use of the appraisal.
 - Prepared a brief history of the property.
 - Stated the current definition of market value and exposure time.
 - Determined the property rights being appraised as the Fee Simple interest in the property.
 - Discussed and analyzed to the extent appropriate, the demographic data in the area surrounding the subject; including population characteristics, employment data, income characteristics, school district, and other amenities.
 - Described the neighborhood surrounding the subject, including highway access and the location and uses of notable properties.
 - Discussed and analyzed the physical attributes of the subject site.
 - Discussed and analyzed the physical attributes of the subject building(s).
 - Analyzed the Highest and Best Use of the site.
 - Analyzed and discussed the reasoning for choosing the most applicable approach or approaches in determining the value for the subject property.
 - Considered all three approaches to value and determined which approach or approaches were applicable, given the nature of the assignment and the characteristics of the subject property.
 - Thoroughly discussed and documented our value conclusions by the applicable approach and/or approaches.

- Analyzed and discussed the Reconciliation of the applicable approaches and final conclusions of values.
- Stated the Assumptions and Limiting Conditions upon which this report was based.

Identification of the Appraised Property

The property being appraised is a 5-acre portion of the current +/- 125-acre cemetery property. The 5-acre subdivision is for the purpose of dedicating it as a pet cemetery. It is located at 247 Irish Hill Road in the Town of Newfield, County of Tompkins, in the state of NY. It is identified on the county records as tax identification numbers 32.-1-3.1 & 32.-1-2.11.

Purpose of the Appraisal

The purpose of this appraisal is to estimate the "as is" market value of the property interest(s) specified in this report as of the effective date of this appraisal. The "as is" value is defined as the market value of the property as it actually exists on the date of the appraisal, with no contingencies. The appraised value assumes that if the property were sold, it would be sold in its existing condition, subject only to the Assumptions and Limiting Conditions listed in this report.

Intended Use of the Appraisal

The appraiser has been engaged by Greensprings Natural Cemetery Assoc. Inc., the client for this appraisal and also the intended user. The appraiser(s) have been informed that the appraisal will be used for the sole purpose of assisting the client in determining value for the sub-division purpose mentioned above.

COMPETENCY PROVISION

The guidelines of the Uniform Standards of Professional Practice (USPAP) of the Appraisal Foundation as mandated under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) requires that:

Prior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently.

One or more of the signatories to this report have prepared the appraisals that are similar in location and type to the subject property.

Definition of Value

The opinion of market value developed in this appraisal follows a current definition of Market Value as cited in USPAP Advisory Opinion 22 (AO-22):¹

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as if a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised and acting in what they consider their own best interests.
- A reasonable time is allowed for exposure in the open market.
- Payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

According to USPAP Advisory Opinion 22, this definition

is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, as revised and updated December 2010.

Exposure Time assumes that:²

- The subject property would sell at the appraised value(s) as of the effective date(s) of the appraisal.
- The subject property was on the market for a reasonable time prior to the date of value and that the terms of sale are typical of other properties of its type that have sold as confirmed by exposure times of comparable sales.

¹ **2018-2019 USPAP PUBLISHED BY THE APPRAISAL FOUNDATION / DEFINITIONS**

MARKET VALUE is a type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.

² **ibid.**

EXPOSURE TIME: estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of sale at market value on the effective date of the appraisal. Comment: Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market.

Property Rights Appraised

The property rights being appraised consist of the Fee Simple Estate of the subject property. A Fee Simple Estate is defined as:

*Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.*³

The value of the Fee Simple Estate is, therefore, impacted by its current zoning, tax status, condemnation proceedings, public easements, and environmental legislation. The Fee Simple Estate encompasses all rights of ownership not limited by government, including the right of occupancy (use), the right to lease and receive rents, the right of conveyances to another, etc. This interest is analogous to the total "bundle of rights", each of which may be severed and conveyed by the Fee Simple owner. The Fee Simple Estate may be severed into various partial or fractional interests, including the leased fee and leasehold interests. The Fee Simple Estate is the sum of the leased fee and all leasehold interests.

Personal Property is Excluded from this Appraisal

Any movable equipment, furnishings, and fixtures necessary to the operation of this property were not included in the value of the real estate. If necessary to the operation of the real estate as a hotel, personal care residence, etc., and a value is required by the client, the personal property has been allocated separately.

Personal property is defined as follows:

*Personal property is, generally, movable items - that is, those not permanently affixed to and part of the real estate. Thus personal property is not endowed with the rights of real property ownership. Examples of personal property are furniture and furnishings that are not built into the structure, such as refrigerators and freestanding shelves.*⁴

³ *The Appraisal of Real Estate, 13th. Edition* (Appraisal Institute, Chicago, Il., 2008), p. 114

⁴ *ibid.*, p. 7

Brief History of the Property

According to Tompkins County records, the subject property, tax identification number(s) 32.-1-3.1 & 32.-1-2.11, is owned by Greensprings Natural Cemetery Assoc. Inc.. No transfers of the property appeared on the public record in the last three years.

Description of the Neighborhood

A neighborhood is defined as:

A group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises.⁵

Neighborhood boundaries may be well defined by natural or man-made barriers or they may be less well defined and measured by a change in land use, change in the character of the inhabitants or any other distinctive trait that separates uses or groups of inhabitants. The following paragraphs list the predominant characteristics of the neighborhood.

Location

The subject property is located on 247 Irish Hill Road in Newfield, NY.

Neighborhood Stability

Neighborhoods generally experience a four-stage life cycle that includes growth, stability, decline, and revitalization. The subject neighborhood would be described as being in a period of stability.

Detrimental Features

No major detrimental features were noted that would adversely affect the value of the subject property in the foreseeable future.

⁵ *The Appraisal of Real Estate, 13th. Edition* (Appraisal Institute, Chicago, Il., 2008), p. 55

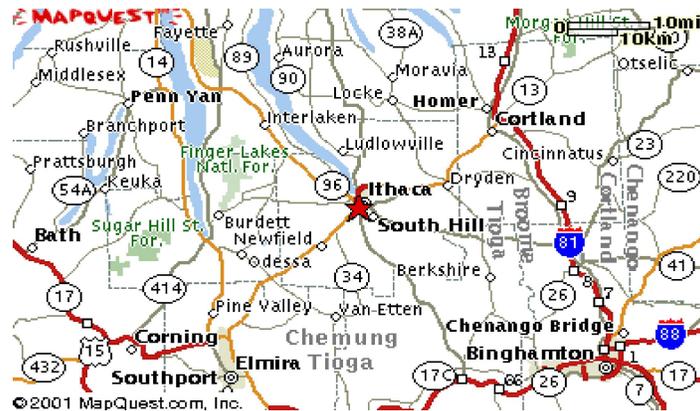
Neighborhood Map



County or Regional Data

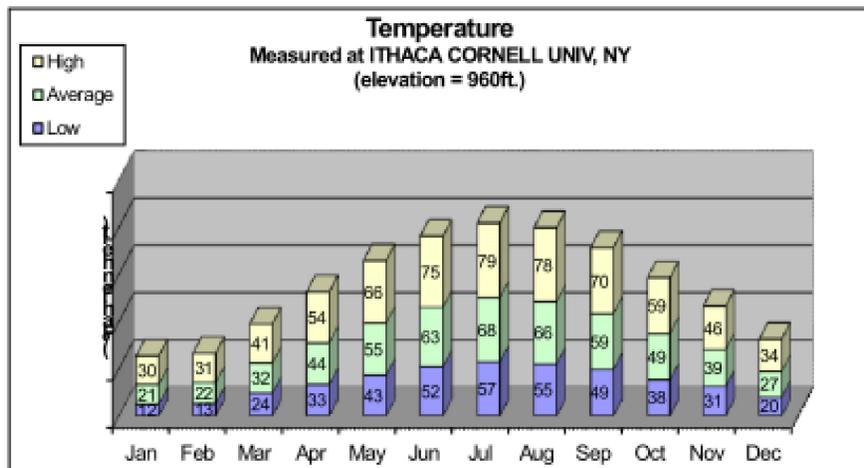
Topography

Tompkins County is located in the Finger Lakes Region of central New York State. The County is over 500 square miles in size and wraps around the southern end of Cayuga Lake, the longest of the Finger Lakes. The county has a varied topography with rolling areas of farmland in the northern part of the county to steep hills in the southern part. Elevations range from ± 400 feet in the city to $\pm 2,100$ feet in the south. The hills overlooking Cayuga Lake are typically steep which helps to create scenic views that draw tourists from around the world.



The Climate

The area enjoys a climate type known as humid continental with average Fahrenheit temperatures of 25 degrees in the winter and 67 degrees in the summer. Rainfall averages just over 33 inches and snowfall 72 inches.



Access and Transportation

Tompkins County is located about 165 miles southwest of the city of Albany, 50 miles northwest of Binghamton, 55 miles southwest of Syracuse and 100 miles southeast of Rochester. The County is served by four state roads. Route 13 runs southwest to the Elmira-Corning area and northeast to the Cortland-Syracuse area. Route 96 runs northwest to the Geneva-Canandaigua area and southeast to the Binghamton area. Route 34 runs north to Cayuga County and south to Tioga County. Route 79 runs west to Schuyler County and east to Tioga County. These roads provide links to the major routes across the state. The Tompkins County Airport offers daily flights to and from Ithaca. Conrail railroad runs through the county offering freight service only. National bus service is provided by Greyhound. The county is part of the New York State Barge Canal System via the Seneca-Cayuga Canal.

Population and Workforce Demographics

The estimated Ithaca 2010 population according to the Census Bureau was 30,014, scattered among approximately 10,400 households. The estimated Tompkins County population in 2010 was 101,564. This was an increase of 5.20% from the 2000 census of 96,502, in approximately 41,000 households. Education is the primary industry in the area, with Cornell University employing 9,480, Ithaca College employing 1,525, Tompkins Cortland Community College employing 200 and the Ithaca City School District employing 1,200. Due to the major role education plays in the economy of Tompkins County, its employment base is not significantly affected by general economic recessionary influences. Other major employers include Borg-Warner Automotive with 1,500 employees, Emerson Power Transmission with 450, Cayuga Medical Center with 1,000, the County of Tompkins with 757, and Wegmans Food Markets with 570. The following table is an economic overview of the county taken from the US Census website:

Report Format:

Table 1: Geography selected at the 2-digit NAICS code level

Tompkins County, NY

Table 1: Selected Statistics by Economic Sector: 2007

2007 Population: 101,055

[NOTE: Data based on the 2007 Economic Census and the 2007 Nonemployer Statistics. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see [Survey Methodology](#). Data in this table represent those available when this report was created; employer and nonemployer data may not be available for all NAICS industries or geographies. Data in this table are subject to employment- and/or sales-size minimums that vary by industry. United States totals do not include the Island Area data.]

2007 NAICS code	Industry description	Number of employer establishments	Employer sales, shipments, receipts, revenue, or business done (\$1,000)	Annual payroll (\$1,000)	Number of paid employees for pay period including March 12	Number of nonemployer establishments	Nonemployer sales, shipments, receipts, revenue, or business done (\$1,000)
31-33	Manufacturing	92	742,802	137,327	3,152	131	5,765
44-45	Retail trade	372	1,018,298	106,134	5,068	505	19,341
51	Information	65	N	37,780	801	151	4,503
53	Real estate and rental and leasing	95	116,230	19,756	748	552	51,440
54	Professional, scientific, and technical services	281	D	D	h	1,813	53,352
56	Administrative and Support and Waste Mang and Remediation Srvs	102	46,306	15,947	587	336	6,771
61	Educational services	21	D	D	c	385	4,524
62	Health care and social assistance	250	388,721	152,873	4,919	710	20,657
71	Arts, entertainment, and recreation	53	22,954	7,308	444	719	11,010
72	Accommodation and food services	308	177,718	51,856	3,742	118	5,400
81	Other services (except public administration)	149	129,200	21,581	945	668	17,180

Source: U.S. Bureau of the Census, 2007 Economic Census

D: Withheld to avoid disclosing data for individual companies; data are included in higher level totals.

N: Not available or not comparable.

Q: Revenue not collected at this level.

r: Revised.

S: Withheld because estimate did not meet publication standards.

s: Sampling error exceeds 40 percent.

X: Not applicable.

Z: Less than half the unit shown.

Recreation, Leisure and Tourism

Tompkins County has numerous parks, walks, marinas and scenic attractions, such as Buttermilk Falls State Park, Treman State Park Marina, The Finger Lakes Trails System, Stewart Park and Cass Park. Sporting, recreational and cultural facilities and activities are provided by Cornell University and Ithaca College as well as through numerous active community organizations.

The Finger Lakes, located midway between New York City and Niagara Falls in west central New York State, represent one of the truly unspoiled vacation areas in the USA. Well known for its picturesque lakes, wineries and lush forests, the region offers many opportunities for recreational activity. It is home to 25 State Parks and a variety of museums and historic homes. The countryside is dotted with wineries, orchards, dairy farms, resorts and country inns.

Because of the location and climate there are dozens award-winning vineyards surrounding many of the lakes, complete with wine-tasting tours for a relaxing weekend.

Cayuga is the longest of the five major Finger Lakes. It is 38.3 miles long and up to 2 miles wide at certain sections, giving it an area of about 66 square miles. Excluding the Great Lakes, it is the second deepest lake east of the Rockies with a depth of 435 feet. Within Cayuga Lake is Frontenac Island, known for its northern pike population and good fishing. It is one of two major Finger Lake islands.

Allan H. Treman State Park in Ithaca is one of the largest inland marinas in New York State. It boasts 370 seasonal, 30 transient and 30 dry boat slips. The park has picnic areas and playing fields and provides access to the Barge Canal and Seneca Lake.

Description of the Site

The major objective of site analysis is to gather all of the facts pertinent to an evaluation and commentary of its Highest and Best Use. Other objectives include use as the basis for an analysis of comparable sales and allocation of value in the Cost Approach. The examination of these facts is an important step in assessing the appropriateness of the subject site for its intended use. Further, its location and physical attributes are significant factors in determining its likelihood of economic feasibility for this use.

The following description was prepared after a physical inspection of the site on July 24, 2018, and reference to County assessment records. We have assumed that the dimensions obtained from these sources and relied upon in this report are essentially correct. No current survey was provided.

Summary

County Identification Number	32.-1-3.1 & 32.-1-2.11
Size	5 acres - 100.00% useable
Zoning	No Zoning
Flood Hazard Area	Zone C
Topography	Slightly sloping
Easements	None noted from a physical inspection
Utilities	Electric, Private Water

VALUATION ANALYSIS

Highest and Best Use

Highest and best use is defined as the reasonably probable and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility and maximum profitability.

AS VACANT

Highest and best use of the land or site as though vacant pertains to the use of a property based on the assumption that a parcel of land is vacant or can be made vacant through demolition of any improvements. The highest and best use must be physically possible, legally permissible, and financially feasible. These criteria are usually considered sequentially; a use may be financially feasible but this is irrelevant if it is physically impossible or legally prohibited. Only when there is a reasonable probability that one of the prior unacceptable conditions can be changed is it appropriate to proceed with the analysis. If, for example, current zoning does not permit highest and best use but there is a possibility that the zoning can be changed, the proposed use can be considered on that basis.

In testing the above criteria for highest and best use the physically possible criteria is addressed first. The only possible legal restrictions that apply to the subject property are private and the public restriction of zoning. No known private restrictions affect property title. There is no zoning in Newfield so it was determined that the property considered as if vacant could be developed without a variance. In considering the financial feasibility of the highest and best use the surrounding uses in the immediate neighborhood must be considered along with their supply and demand relationship as well as the potential income for each use. A brief survey of existing properties and their uses in the neighborhood along with an analysis of cost of construction and rental rates was made. As a result of this analysis, it was determined that the highest and best use of the subject property considered as vacant is for it to be developed for agricultural or residential use under the current zoning regulations.

AS IMPROVED

Highest and best use of the property as improved is the use that should be made of the property as it exists as of the date of valuation. Considering the configuration and condition of the existing subject improvements, their conformance to the current zoning and the surrounding improvements and the structure of the entire neighborhood, it is my opinion that the current use of the subject property constitutes the highest and best use of the subject property.

Method of Procedure

Having determined that the Highest and Best Use of the subject property is at its present use, we proceeded with our analysis.

The Valuation Process - The valuation process is a systematic approach that identifies the appraisal problem, analyzes a property's characteristics, and generally engages three common valuation methods to form an opinion of market value.

The steps in the valuation process include: ⁶

- Identification of the problem
- Scope of work determination
- Data Collection and Property Description
- Data Analysis
- Site Value Opinion
- Application of the Approaches to Value
- Reconciliation of Value indicators and final Opinion of Value
- Report of Defined Value

There are three generally accepted approaches to value in the appraisal of real property. These are summarized as follows.

The **Cost Approach** consists of estimating the cost new of the building improvements, deducting depreciation from all sources, and adding the value of the land and lot improvements. It is often the most difficult approach to apply to existing buildings because of the problem encountered in accurately estimating depreciation.

The **Sales Comparison Approach** consists of analyzing the sale of comparable properties within the immediate area and/or in similar locations by a comparison of their respective similarities and differences. A judgment is then made as to the value of the subject property, based upon the adjusted values.

The **Income Approach** consists of estimating the potential annual gross income using actual or market derived rentals. Deducted from this amount, to arrive at a projected net income, are projected vacancy, annual expenses, and an estimated reserve for replacement. The resulting net income is capitalized into value.

We will use the Sales Comparison Approaches, which is typical for vacant land property valuation.

⁶ The Appraisal of Real Estate 13th Edition, Pages 129 and 131 Appraisal Institute

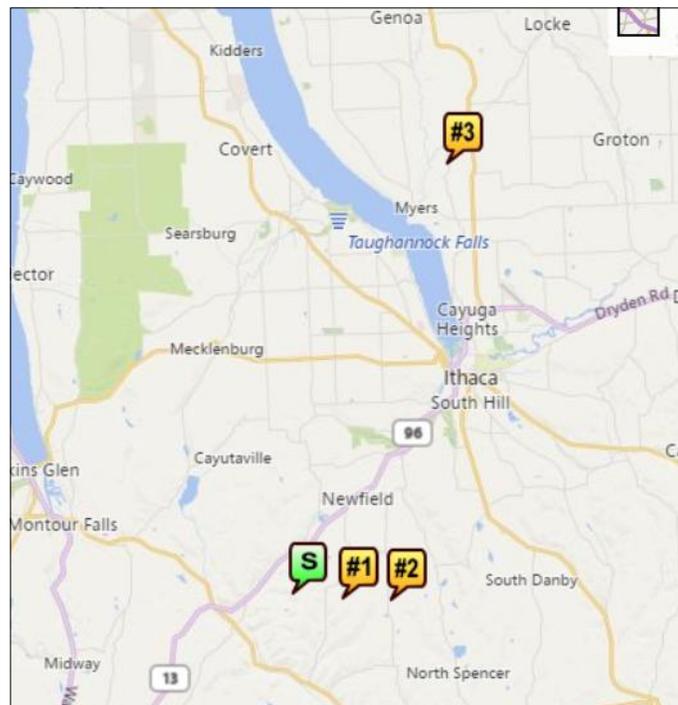
SALES COMPARISON APPROACH

The **Sales Comparison Approach** consists of comparing the subject property with sales of similar properties that have sold. It is based upon the principle of substitution and implies that a prudent investor will not pay more for an existing property than he will to buy an identical substitute property.

Direct Comparison Method

In the direct comparison method, comparable sales are chosen that are most similar to the property being appraised in location, physical characteristics and amenities. Adjustments are then made for observed differences in items such as financing and market conditions (time). Physical characteristics such as lot size and value; building size and age; and condition are then compared. A judgment is then made as to the market value indicated by the adjusted sales prices.

Although two nearby sales were discovered, it was necessary to broaden our search to other similar locations. The sales finally chosen were determined to be the most comparable.



Sales Comparable 1 Datasheet

Property Identification

Property Type	Rural Vacant Land
Property Name	Newfield, Rural Vacant Land
Street Address	Barnes Hill Rd
City, State, Zip Code	Newfield, NY
County	Tompkins
Tax Map No.	28.-1-6.226



Land Data

Land Area - s.f.	130,680
Area - acres	3.000

Property Summary

Price per s.f.-Land	\$0.10
Price per Acre	\$4,333

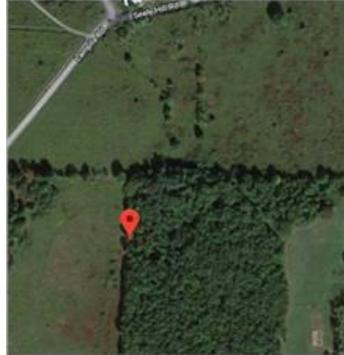
Sale Data

Deed Bk Vol.,Page	2017, 14219
Grantor	Stephen Sitch
Grantee	Joseph William Basl
Sale Price	\$13,000
Sale Date	12/13/2017
Deed Type	Simple

Sales Comparable 2 Datasheet

Property Identification

Property Type	Rural Vacant Land
Property Name	Newfield, Rural Vacant Land
Street Address	Seely Hill Rd
City, State, Zip Code	Newfield, NY
County	Tompkins
Tax Map No.	27.-1-14.81



Land Data

Land Area - s.f.	522,720
Area - acres	12.000

Property Summary

Price per s.f.-Land	\$0.05
Price per Acre	\$2,083

Sale Data

Deed Bk Vol.,Page	2017, 10105
Grantor	Lars L Blomquist
Grantee	Sam Granger and Ann E Granger
Sale Price	\$25,000
Sale Date	9/1/2017
Deed Type	Simple

Sales Comparable 3 Datasheet

Property Identification

Property Type	Rural Vacant Land
Property Name	Lansing Vacant Land
Street Address	Searles Rd
City, State, Zip Code	Lansing, NY
County	Tompkins
Tax Map No.	21-1-21.3



Land Data

Land Area - s.f.	549,727
Area - acres	12.620

Sale Data

Deed Bk Vol.,Page	2018, 1353
Grantor	Kirk
Grantee	Oliver
Sale Price	\$52,000
Sale Date	2/5/2018
Data Source	Assessor

Property Summary

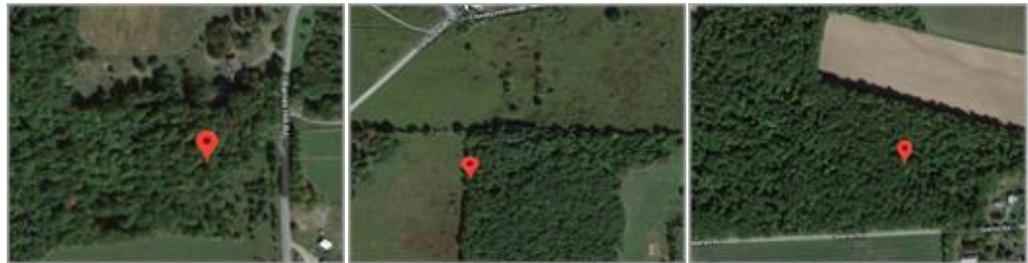
Price per s.f.-Land	\$0.09
Price per Acre	\$4,120
Latitude	[42.4901585351521]
Longitude	[-76.4856444092629]

Sales Comparison Grid

Comparable 1

Comparable 2

Comparable 3



Property Name	Newfield, Rural Vacant Land	Newfield, Rural Vacant Land	Lansing Vacant Land
Street Address	Barnes Hill Rd	Seely Hill Rd	Searles Rd
City, State, Zip Code	Newfield, NY	Newfield, NY	Lansing, NY
Tax Map No.	28.-1-6.226	27.-1-14.81	21-1-21.3
Grantor	Stephen Sitoh	Lars L Blomquist	Kirk
Grantee	Joseph William Basl	Sam Granger and Ann E Granger	Oliver
Sale Price	\$13,000	\$25,000	\$52,000
Sale Date	12/13/2017	9/1/2017	2/5/2018
Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple
Financing Terms	Market Terms	Market Terms	Market Terms
Conditions of Sale	Arms Length	Arms Length	Arms Length
Comp.Land acres	3.000	12.000	12.620
Comp.Land per acre	\$4,333	\$2,083	\$4,120
ADJUSTMENTS			
Location	0.00%	0.00%	-15.00%
Site Size	0.00%	10.00%	10.00%
Adj.Comp.Land per acre	\$4,333	\$2,292	\$3,914
Subject Land acres	5.000	5.000	5.000
Indicated Total Value	\$21,667	\$11,458	\$19,572
Total Gross Adjustments	0.00%	10.00%	25.00%
Total Net Adjustments	0.00%	10.00%	-5.00%

Percentages are provided as a guide and include a Time Adj. if applied. Individual percentages may not add up due to rounding and compounding.

	Mean Value
Value Per Acre	\$3,513
Indicated Value	\$17,566

Indicated Value via Sales Comparison Approach:	\$17,500
Additional Value for Certification Costs: *	+ 7,500
Total Value	\$25,000

Note: A discussion with the cemetery representative revealed that, if the 5-acres had not already been certified as a cemetery by the State of New York then there would be some legal costs, permitting costs, etc. incurred by the grantee. We are allocating \$7,500 to cover those costs which appear reasonable after the discussion we had re: initial cemetery start-up costs.

Analysis of the Adjustments

The following is a discussion of the adjustments that have been considered and applied, where appropriate, to the price indications of the comparable sales.

Unit of Comparison

The price per unit method is chosen and used in comparing the market sales with the subject.

Elements of Comparison

According to *The Appraisal of Real Estate*, there are ten basic elements of comparison that should always be considered in the analysis of the sales comparison approach. These are identified as:

- Real property right conveyed
- Financing terms
- Conditions of the sale
- Expenditures immediately after sale
- Market Conditions
- Location
- Physical characteristics
- Economic characteristics
- Use
- Non-realty components of value

The adjustments for the comparable sales are presented on the Sales Comparison Grid that follows later in this section. Adjustments were based, when possible, on market extracted data, paired sales analysis, and data from previous appraisal assignments.

Real Property Rights Conveyed

A transaction price is predicated upon the real property interest conveyed in the transaction. The subject is analyzed in fee simple estate. The subject and all the comparable sales are fee simple sales with no adjustments required.

Financing

The transaction price of one property may differ from that of an identical property due to different financing or favorable financing arrangements.

Except as noted in the Sales Comparison Grid, no financing data was available and the comparables were presumed to have sold on an all cash basis to the seller or financing that did not influence the sales price. No adjustments are required.

Conditions of Sale

When the conditions of sale are atypical, the result may be a sales price that is higher or lower than a normal market transaction.

Except as noted in the Sales Comparison Grid, According to the market participants interviewed or other sources, all of the sales were arm's length transactions and considered to be typical market acquisitions. None of the sources indicated that the sales were distressed and we have presumed that the buyers and sellers were acting in their own best interests. No adjustments were required.

There were no indications of special conditions that impacted any of the transactions.

Immediate Expenditures

This category typically includes expenditures for immediate capital outlays for items such as deferred maintenance.

Except as noted in the Sales Comparison Grid, we are not aware of any immediate expenditures for the comparable sales.

Market Conditions

Changes in market conditions may be necessary to reflect the market trends since the sales transaction dates. Ideally, a sale and re-sale of a property unaffected by other changes is considered a good indicator of appreciating or depreciating conditions.

Except as noted in the Sales Comparison Grid and discussed elsewhere in this report, we have concluded that no specific market trend can be discerned and no adjustment for Market Conditions is warranted at this time.

Location

This adjustment accounts for differences in factors that affect the physical location of the sales compared to the subject. Such factors that affect location may include nearby drawing powers, arterial streets, interstate interchange locations, demographics, etc.

Physical Characteristics

All comparables selected had similar physical characteristics and construction features.

Adjustments were made, where appropriate, for differences in physical characteristics and construction features of the subject and each comparable.

Age/Condition

Adjustments were made, where appropriate, for differences in the age and condition of the subject and each comparable.

Zoning/Uses

Zoning is one of the primary factors in determining the highest and best use of a property. Zoning is typically given significant consideration in choice of comparable properties. Adjustments are warranted when the difference in utility is supported from the market data.

Except as noted in the Sales Comparison Grid, all of the comparable sales have the same or competitive zoning and no measurable differences were concluded.

Non-Realty Items (FF&E)

Non-realty components of value may include fixtures, furniture, equipment, etc. that are included in the sale but do not constitute real estate. These components should be analyzed separately from the realty.

None of the sales are known to have included FF&E or other non-realty items and no adjustments were necessary.

Adjustment Commentary

Adjustments were based, where possible, on paired sales analysis from within and outside the data set. In those instances where sufficient data was not available, best judgment was used to make reasonable and appropriate adjustments as warranted, although the magnitude of those adjustments may not necessarily be reflected in the market. Every effort was made to base the adjustments on quantified empirical or reasonably inferred market data.

Final Value by the Sales Comparison Approach

After analyzing the available comparable sales and selecting those considered most comparable, appropriate adjustments were made to the sale price of each. The value of the subject, as indicated by these sales was determined to be \$25,000, rounded.

\$25,000

Twenty Five Thousand Dollars

INCOME APPROACH

The value developed by the Income Approach is based on the present worth of the expected future income flows. Its premise is that a prudent investor will pay no more for the property than he would for another investment of similar risk and cash flow characteristics.

The cemetery representative indicated that it would likely take decades to fill the 125 acres of the cemetery, so a Discounted Cash Flow analysis is not credible, and will not be used.

ASSUMPTIONS AND LIMITING CONDITIONS

General Assumptions

- We have no present or contemplated interest in the property appraised.
- The property is being appraised free and clear of any and all liens or encumbrances unless otherwise stated.
- Responsible ownership and competent property management are assumed.
- No responsibility is assumed for matters involving legal or title considerations. Title to the property was assumed to be good and marketable unless otherwise stated.
- Some information identified in this report is being furnished to us by others and is believed to be reliable. This is especially pertinent to financial projections and other assumptions furnished by the developer(s), owner(s) or their agents. Some of these projections and assumptions inevitably will not materialize or unanticipated events may occur subsequent to the date of the appraisal. Therefore, the actual results may differ from the projections and these variations could materially affect value.
- The dimensions and sizes of both the land and buildings as reported herein are assumed to be correct. All engineering data were assumed to be correct. Plot plans and exhibits have been included only to assist the reader in visualizing the property.
- It was assumed that the utilization of the land and/or improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.
- Since the appraiser is not an architect, engineer or surveyor, he does not warrant this report against mathematical errors or miscalculations of building or site areas. Should such an error occur, we reserve the right to modify the value to reflect any substantial difference.
- Financing is one of the prime considerations in the purchase of real estate and while the subject property may be financed with special terms, the estimation of "Market Value" requires that current market terms be used, and our value assumes market financing.
- We have taken into consideration the building and use restrictions, zoning, and other regulations applicable to the property.
- Furnishings and equipment or business operations, except as specifically indicated and typically considered as part of the real estate, are excluded from this appraisal.
- If the Cost Approach has been used, Reproduction and/or Replacement costs have been estimated utilizing accepted building cost services. However, it must be noted

that even actual contractor's cost estimates are subject to wide variation and we assume no responsibility for their accuracy.

- If the Income Approach to value has been used, our Discounted Cash Flow Analysis and/or other mathematical techniques represent a conscientious effort to analyze the performance of the property over a reasonable projection period. However, these are models based upon specific forecasts that may or may not occur.

The income and expense projections were based upon our interpretation of the leases (if any), data provided by the owner and/or his representatives, and information obtained by third parties. Where we found possible conflicting paragraphs in the lease documents that could affect income, we requested additional data from the owner. We relied upon this additional data to resolve any apparent lease conflicts and have assumed that the data provided accurately reflect the actual income and expenses reported by the owner. Any significant variations could result in a significantly different value and the appraiser reserves the right to adjust the appraised value accordingly.

- It was assumed that there are no hidden or unapparent conditions of the property, sub-soil or structures that would render it more or less desirable. No responsibility is assumed for such conditions or for engineering that may be required to discover them.
- It was assumed that the property is in full compliance with all-applicable federal, state and local environmental regulations and laws unless a non-compliance is stated, defined and considered in the appraisal report.
- We are not aware of any restrictions such as moratoriums on commercial development, ground leases, master plans, historic district controls, deed covenants, environmental regulations, building costs, fire regulations, title restrictions or private agreements that would prevent the building's legal use. However, should such restrictions become evident, we reserve the right to consider their effect on the appraised value.
- It was assumed that all licenses, certificates of occupancy, consents or other legislative or administrative authority required by any local, state or national government or private utility or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- Typical property utility border easements were noted during the site inspection. No study of deed restrictions has been conducted by the appraiser. A title search would be required to provide positive assurance of the existence or absence of deed restrictions. For the purpose of this appraisal, it is assumed that there are no deed restrictions or liens that would adversely affect the subject site.
- The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. It is invalidated if used separately or in conjunction with any other appraisal.

- This appraisal has been prepared as closely as possible to comply with the guidelines set forth by the Uniform Standards of Professional Practice (USPAP) of the Appraisal Foundation as mandated under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). We have also made every attempt to adhere to the specific instructions of the engagement letter issued by the lender and included in the addenda of this report.
- Except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report in its entirety to such third parties as may be selected by the party for whom this appraisal report was prepared; however, portions of this appraisal report shall not be given to third parties without prior written consent of the signatories of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations media, news media, sales media or other media for public communication without the prior written consent of the signatories of this appraisal report.

Specific Assumptions

- This Restricted Appraisal Report Appraisal Report is intended to comply with the requirements set forth under Standard 2 2(b) of the Uniform Standards of Professional Appraisal Practice for a Restricted Appraisal Report Appraisal Report. As such, it does not present detailed discussions of the data, reasoning, and analysis used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and the intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.
- Unless otherwise stated in this report, the existence of hazardous material, that may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

- The required occupancy permits that are necessary for compliance with all local, state and federal regulations are assumed to be in place and valid.
- The appraised value assumes that the boundaries, as described on the public record, are accurate, unless otherwise noted in this report.
- The appraised value assumes that the improvements described in this report are the only improvements that exist on the described land and the no adverse easements or encroachments negatively affect the value of the property.

Extraordinary Assumptions⁷

None Noted

Hypothetical Conditions⁸

None Noted

⁷**2018-2019 USPAP PUBLISHED BY THE APPRAISAL FOUNDATION / DEFINITIONS**

EXTRAORDINARY ASSUMPTION: an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Uncertain information might include physical, legal, or economic characteristics of the subject property; or conditions external to the property, such as market conditions or trends; or the integrity of the data used in an analysis.

⁸ **ibid.**

HYPOTHETICAL CONDITION: a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

Reconciliation and Final Value Estimate

Reconciliation is the final step in the valuation process. It correlates the values obtained from all of the approaches. Each approach used is rated as to its relative significance and dependability. The greatest consideration is placed upon that approach that is most relevant to the property being appraised. The criteria used for choosing the most applicable approach are the "appropriateness, accuracy, and quantity of evidence"⁹ available for each approach. From this analysis, a final value is chosen that reflects the appraiser's best judgment of the Market Value.

The **Income Approach** was Not Developed.

The **Sales Comparison Approach** indicated a value of \$25,000.

The value indicated by the Sales Comparison Approach is \$25,000. It is our opinion that the value of the Fee Simple interest in the subject property as of **July 24, 2018** subject to the limiting conditions contained herein, is:

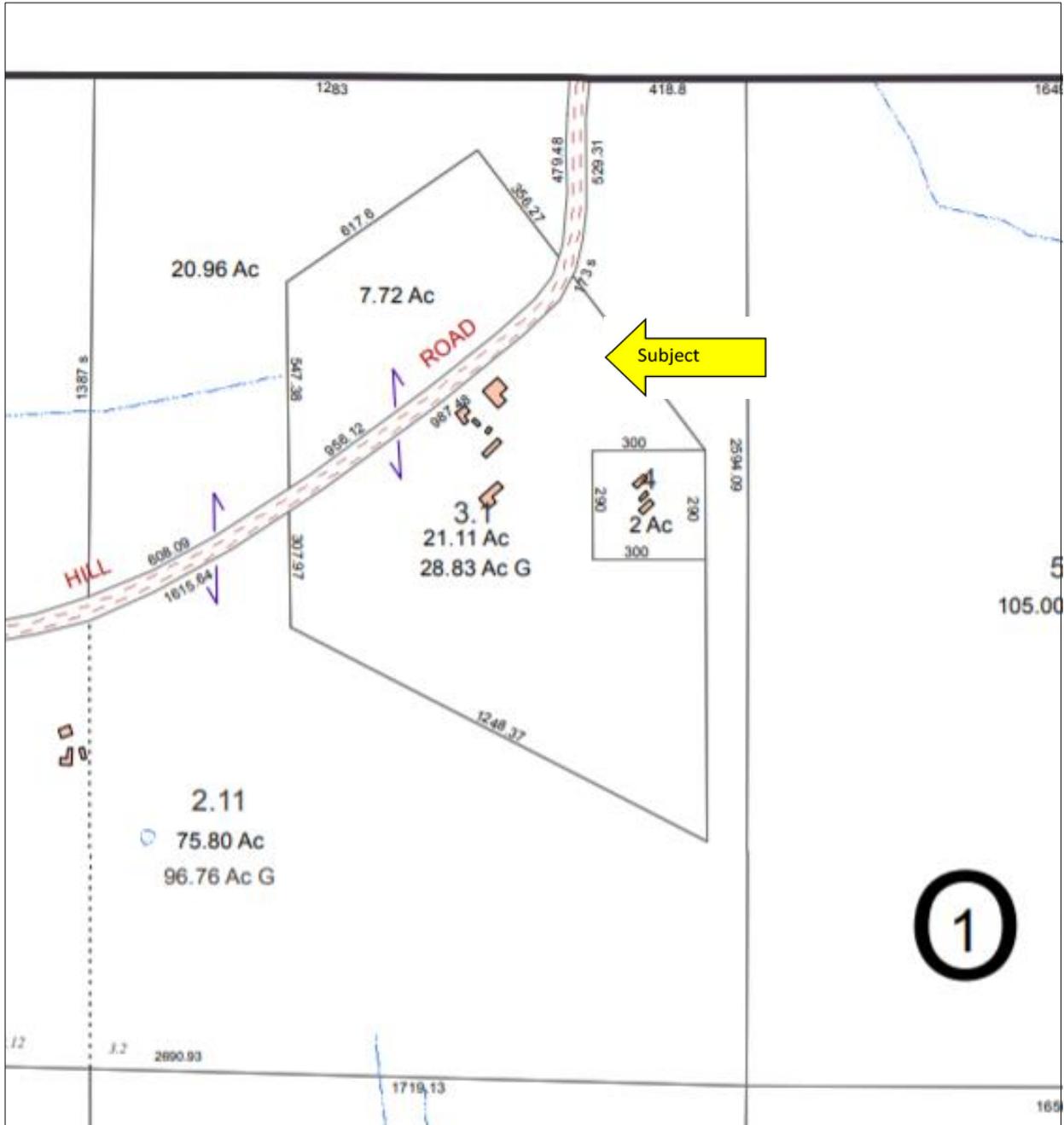
\$25,000

Twenty Five Thousand Dollars

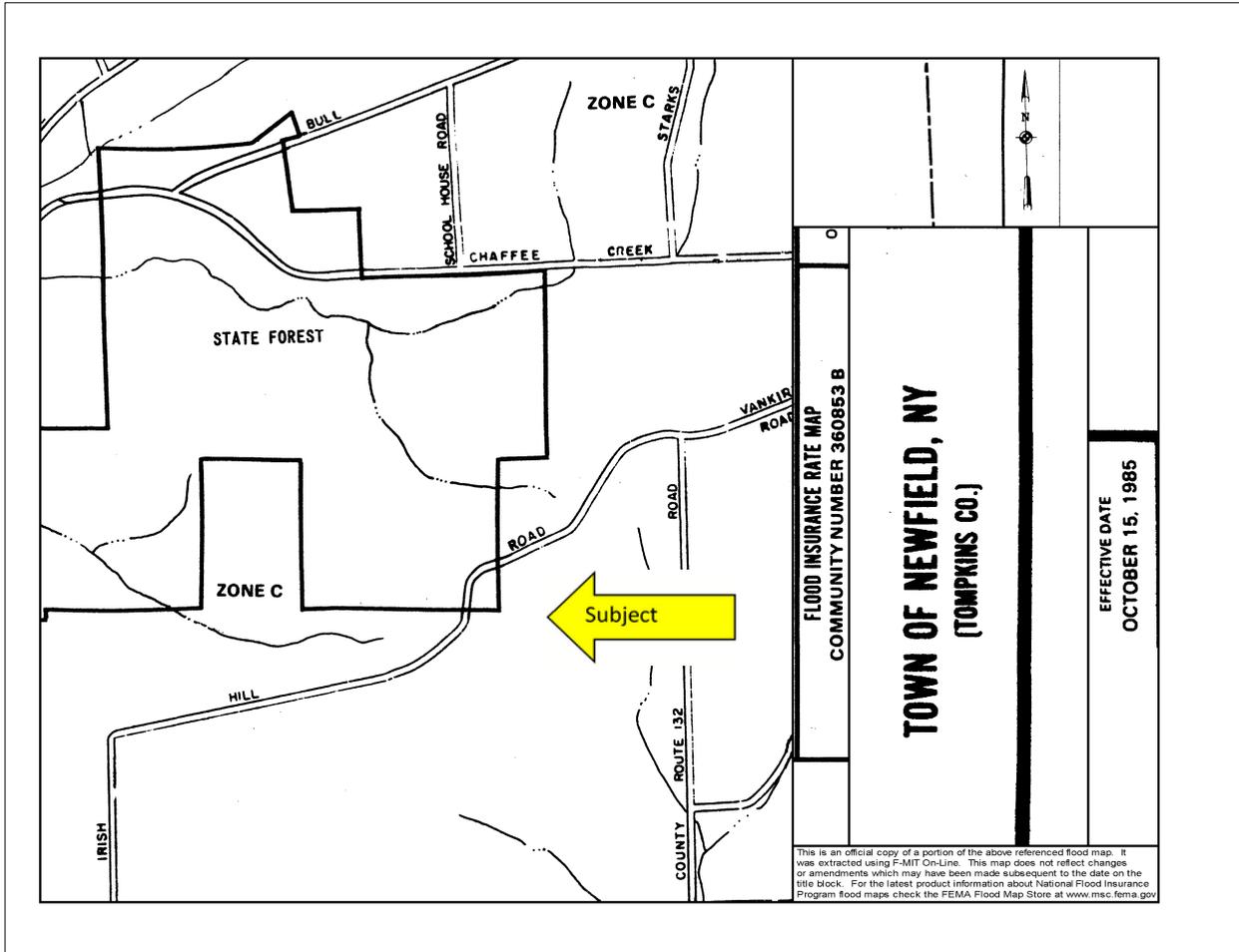
⁹ *The Appraisal of Real Estate, 13th. Edition* (Appraisal Institute, Chicago, Il., 2008), p. 562

ADDENDA

Tax Map



Flood Map



Appraiser Qualifications

C. CLAY BURRUSS
NYS General Certified Real Estate Appraiser
Practicing Affiliate - The Appraisal Institute
NYS License #46000041804 Exp. 02/02/19

EDUCATION

Broome Community College, Business Administration

APPRAISAL COURSES

Appraisal Principles R-1 1998
Standards of Professional Practice, 1998
Appraisal Procedures R-2 1998
Narrative Report Writing 2000
Appraisal Procedures R-3 2001
Income Property Valuation R-4 2001
Income Property Valuation G-1 2001
Income Property Valuation G-2 2001
Income Property Valuation G-3 2001
AQ-1 Fair Housing & Environmental Issues 2002
Hotel/Motel Valuation-Appraisal Institute 2004
Internet Search Strategies-Appraisal Institute 2004
Feasibility, Market Value, Option Value- Appraisal Institute 2004
USPAP Update Appraisal Institute 2005
Zoning, Subdivision and Land Development Law Seminar ? Lorman Education Services 2005
Investment Properties - Professional Career Center 2006
GIS Applications for Real Estate Appraisal Appraisal Institute 2006
Appraising from Blueprints & Specifications Appraisal Institute 2006
Analyzing Operating Expenses Appraisal Institute 2006
USPAP Update 2007 McKissock Continuing Education
What Commercial Clients Would Like Appraisers to Know Appraisal Institute 2008
USPAP Update 2009 Manfred RE School
Business Practices and Ethics Appraisal Institute 2009
Case Studies in the Valuation of Upstate NY Real Estate 2009, 2010, 2012
Supervising Appraisal Trainees Appraisal Institute 2011
USPAP Update 2011, 2013, 2015 Career Web School
Property Value as Affected by Property Taxes Appraisal Institute 2011
Regression Analysis McKissock Learning Center 2013
Vineyard & Winery Valuation ASFMRA May 2013
Understanding Residential Construction McKissock Education 2015
Income Capitalization Overview Career WebSchool 2015
Analyzing Tenant Credit Risk & Commercial Lease Analysis Appraisal Institute 2015
USPAP Update 2017 McKissock Education
Commercial Land Valuation 2017 McKissock Education
Understanding the New Role of the Appraisal in Commercial Banking - Appraisal Institute

EMPLOYMENT

May 2006 Present	Owner, Landmark Appraisal Company, LLC
1998-May 2006	Staff Appraiser, David Long Appraisal Company, Ithaca, NY
1979-1998	Vice-President, Allied Van Lines of Ithaca, Ithaca, NY
1974-1977	Linde Home Health Care, Vestal, NY

EXPERIENCE

Preparation of appraisals for lending institutions, corporations, attorneys and individuals. Negotiated commercial leases as a lessor and lessee and engaged in commercial property purchases and sales since 1985.

PROPERTY TYPES APPRAISED

Apartment Buildings	Residential Properties	Vacant Land
Manufacturing/Industrial	Mobile Home Parks	Retail Stores
Office Buildings	Shopping Plazas	Vineyards/Wineries
Indoor Recreational Facilities	Outdoor Recreational Facilities	Auto Dealerships
Funeral Homes	Self-Storage Facilities	Apartment Complexes

CLIENTS I have prepared commercial appraisals for the following clients:

Tompkins Trust Company
CFCU Community Credit Union
Chemung Canal Trust Company
Alternatives Federal Credit Union
M&T Bank
Community Bank
First National Bank of Groton
First Niagara Bank
Cornell University Real Estate
Elmira Savings & Loan
Elmira Savings Bank
Tioga State Bank
Generations Bank
Bank of Bangkok
Lyons National Bank
State of New York
City of Ithaca
Town of Ithaca
Territory Mortgage
Citizen's Financial Group Inc.
Community Bank
USNY Bank
Bank of the Finger Lakes
Various attorneys, institutions, organizations, and private individuals

COMPETENCY

I have been appraising various types of Real Estate since 1998, including residential, commercial, vacant land and special use properties. During the past twenty years I have completed over 2,500 appraisal reports of various types of properties using both form and narrative formats. I am currently a NYS General Certified Real Estate Appraiser.

New York State License

UNIQUE ID NUMBER 46000041804	<i>State of New York</i> <i>Department of State</i> DIVISION OF LICENSING SERVICES	FOR OFFICE USE ONLY Control No. 97743
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.		EFFECTIVE DATE MO. DAY YR. 02 03 17
BURRUSS CLARENCE C C/O LANDMARK APPRAISAL CO LL 278 BILL GEORGE RD LANSING, NY 14882		EXPIRATION DATE MO. DAY YR. 02 02 19
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R. E. GENERAL APPRAISER		
In Witness Whereof, The Department of State has caused its official seal to be hereunto affixed.		
ROSSANA ROSADO SECRETARY OF STATE		
DOS-1098 (Rev. 3/01)		

Exhibit E

David Long Appraisal Company
309 N. Tioga St., Suite 204
Ithaca, NY 14850
607-272-4040

INVOICE	10/19/2018 DATE	63101 FILE NUMBER	CASE NUMBER
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Client: GREEN SPRINGS NATURAL CEMETERY
P.O. BOX 415
NEWFIELD, NY
14867

Item	Total
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APPRAISAL FEE FOR SERVICES RENDERED	\$	350.00
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Intended User: GREEN SPRINGS NATURAL CEMETERY
247 IRISH HILL ROAD
NEWFIELD, NY 14867
POR OF DEED REFERENCE #: 2014/15691

Total:	\$	350.00
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Thank you

**APPRAISAL OF
THE PROPERTY LOCATED AT**

247 IRISH HILL ROAD
NEWFIELD, NY 14867

as of

10/11/2018

for

GREEN SPRINGS NATURAL CEMETERY
P.O. BOX 415
NEWFIELD, NY
14867

by

David Long Appraisal Company
309 N. Tioga St., Suite 204
Ithaca, NY 14850

David Long Appraisal Company
309 N. Tioga St., Suite 204
Ithaca, NY 14850
607-272-4040

October 19, 2018

GREEN SPRINGS NATURAL CEMETERY
P.O. BOX 415
NEWFIELD, NY
14867

Property - 247 IRISH HILL ROAD
NEWFIELD, NY 14867
Client - GREEN SPRINGS NATURAL CEMETERY
File No. - 63101
Case No. -

Dear :

In accordance with your request, I have prepared an appraisal of the real property located at 247 IRISH HILL ROAD, NEWFIELD, NY.

The purpose of the appraisal is to provide an opinion of the market value of the property described in the body of this report.

Enclosed, please find the report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of 10/11/2018 is :

\$27,000

The opinion of value expressed in this report is contingent upon the Limiting Conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

David Long Appraisal Company



Gary A. Buoci, Certified Appraiser
NY Certification #45000004783

IDENTIFICATION

Owner GREEN SPRINGS NATURAL CEMETERY ASSOC. Census Tract 18 Map Reference POR OF 32.-1-3.1
 Property Address 247 IRISH HILL ROAD
 City NEWFIELD County TOMPKINS State NY Zip Code 14867
 Legal Description POR OF DEED REFERENCE #: 2014/15691
 Sale Price \$N/A Date of Sale N/A Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$TBD (yr.)
 Client GREEN SPRINGS NATURAL CEMETERY Address P.O. BOX 415, NEWFIELD, NY, 14867
 Occupant VACANT Appraiser Gary A. Bucci, Certified Appraiser Comments to Appraiser FAIR MARKET VALUE
 Intended User: GREEN SPRINGS NATURAL CEMETERY Intended Use: FAIR MARKET VALUE TO SELL

NEIGHBORHOOD

Location	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	Employment Stability	<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Avg.	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor	
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Steady	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Present Land Use	<u>60</u> % 1 Family	<u>5</u> % 2-4 Fam	% Apts.	% Condo	% Commercial	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
100	% Industrial	<u>35</u> % Vacant				Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)				Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant			% Vacant	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range	<u>\$ 35</u> to <u>\$ 380</u>				Predominant Value <u>\$ 155</u>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Single Family Age	<u>NEW</u> yrs. to <u>100</u> yrs.				Predominant Age <u>60</u> yrs.				

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, noise) THE SUBJECT IS LOCATED ON A QUIET ROAD IN THE TOWN OF NEWFIELD. THE NEIGHBORHOOD CONSISTS MOSTLY OF SINGLE FAMILY RESIDENTIAL PROPERTIES OF VARIOUS STYLES AND AGES, SOME MANUFACTURED HOUSES AND SURROUNDED BY VACANT AGRICULTURAL LAND. LOCATED IN THE NEWFIELD SCHOOL DISTRICT. TYPICAL DISTANCE TO SUPPORT SERVICES AND EMPLOYMENT CENTERS.

SITE

Dimensions IRREGULAR = 5.1 ACRES Corner Lot
 Zoning Classification NONE Present improvements do do not conform to zoning regulations
 Highest and best use: Present use Other (specify) _____
 Elec. Public Other (Describe) _____
 Gas OIL
 Water WELL
 San. Sewer SEPTIC
 Underground Elect. & Tel.
 OFF SITE IMPROVEMENTS
 Street Access: Public Private
 Surface ASPHALT/STONE
 Maintenance: Public Private
 Storm Sewer Curb/Gutter
 Sidewalk Street Lights
 Topo OPEN
 Size 5.1 ACRES
 Shape IRREGULAR
 View AVERAGE
 Drainage APPEARS ADEQUATE
 Is the property located in a HUD Identified Special Flood Hazard Area? No Yes
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) THE SUBJECT SITE IS A 5.1 ACRE PORTION OF TAX MAP #32.-1-3.1 LOCATED ON THE SOUTHERN SIDE OF IRISH HILL ROAD. THE APPRAISER WAS PROVIDED WITH A SURVEY MAP (SEE ATTACHED).

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

For the Market Data Analysis See grid below. See narrative attachment.

ITEM	Subject Property	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	<u>247 IRISH HILL ROAD NEWFIELD, NY 14867</u>	<u>4 LAMPILA ROAD NEWFIELD, NY 14867</u>		<u>LAMPILA ROAD NEWFIELD, NY 14867</u>		<u>110 BLAKESLEE HILL ROAD "B" NEWFIELD, NY 14867</u>	
Proximity to Subj.		<u>4.05 miles E</u>		<u>3.74 miles E</u>		<u>7.63 miles NE</u>	
Sales Price	<u>\$ N/A</u>	<u>\$ 23,000</u>		<u>\$ 44,000</u>		<u>\$ 11,100</u>	
Price		<u>\$ 3,674</u>		<u>\$ 3,710</u>		<u>\$ 2,467</u>	
Data Source	<u>INSPECTION</u>	<u>IBORMLS#309440;DOM 343</u>		<u>IBORMLS#311178;DOM 181</u>		<u>IBORMLS#311939;DOM 11</u>	
Date of Sale and Time Adjustment	DESCRIPTION <u>N/A</u>	DESCRIPTION <u>05/02/2018</u>	+ (-) \$ Adjustment	DESCRIPTION <u>04/27/2018</u>	+ (-) \$ Adjustment	DESCRIPTION <u>05/29/2018</u>	+ (-) \$ Adjustment
Location	<u>RURAL</u>	<u>RURAL</u>		<u>RURAL</u>		<u>RURAL</u>	
Site/View	<u>GOOD/DISTANT</u>	<u>GOOD/DISTANT</u>		<u>GOOD/DISTANT</u>		<u>GOOD/DISTANT</u>	
Site Area	<u>5.1 ACRES</u>	<u>6.26 ACRES</u>	<u>-3,600</u>	<u>11.86 ACRES</u>	<u>-21,000</u>	<u>4.50 ACRES</u>	<u>+1,400</u>
	<u>OPEN/SCRUB</u>	<u>OPEN/WOODS</u>		<u>OPEN/WOODS</u>		<u>OPEN/WOODS</u>	
	<u>CERTIFICATION COST</u>	<u>NONE</u>		<u>NONE</u>		<u>NONE</u>	
			<u>+7,500</u>		<u>+7,500</u>		<u>+7,500</u>
Sales or Financing Concessions							
Net Adj. (Total)		<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus	<u>\$ 3,900</u>	<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus	<u>\$ -13,500</u>	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus	<u>\$ 8,900</u>
Indicated Value of Subject		<u>Gross 48.3%</u>		<u>Gross 64.8%</u>		<u>Gross 80.2%</u>	
		<u>Net 17.0%</u>		<u>Net -30.7%</u>		<u>Net 80.2%</u>	
		<u>\$ 26,900</u>		<u>\$ 30,500</u>		<u>\$ 20,000</u>	

RECONCILIATION

Comments on Market Data: ALL SALES ARE SALES OF SIMILAR LOTS AND WOULD BE GIVEN EQUAL CONSIDERATION BY A TYPICAL BUYER.

Comments and Conditions of Appraisal: ALL SALES, LIKE THE SUBJECT ARE LOCATED IN THE TOWN OF NEWFIELD AND SERVICED BY THE NEWFIELD CENTRAL SCHOOL DISTRICT. A \$3,100 ADJUSTMENT/ACRE WAS USED IN THIS ANALYSIS. A CERTIFICATION COST OF \$7,500 WAS USED TO REFLECT THE PERMITS AND LEGAL START UP COSTS INCURRED BY THE BUYER FOR LANDS TO BE CERTIFIED AS A CEMETARY BY NY STATE.

Final Reconciliation: THE SALES COMPARISON APPROACH IS CONSIDERED THE MOST RELIABLE INDICATOR OF VALUE. THE OPINION OF VALUE CENTERS AROUND THE MEDIAN OF THE ADJUSTED SALE PRICES.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF October 11, 2018 to be \$27,000

ADDITIONAL COMPARABLES

Intended User **GREEN SPRINGS NATURAL CEMETERY**
 Property Address **247 IRISH HILL ROAD**
 City **NEWFIELD** County **TOMPKINS** State **NY** Zip Code **14867**
 Client **GREEN SPRINGS NATURAL CEMETERY**

MARKET DATA ANALYSIS	ITEM	Subject Property	COMPARABLE NO. 4		COMPARABLE NO. 5		COMPARABLE NO. 6	
	Address	247 IRISH HILL ROAD NEWFIELD, NY 14867	BARNES HILL ROAD NEWFIELD, NY 14867					
	Proximity to Subj.		2.73 miles E					
	Sales Price	\$ N/A		\$ 13,000		\$		\$
	Price	\$		\$ 4530		\$		\$
	Data Source	INSPECTION	ASSESSOR					
	Date of Sale and Time Adjustment	DESCRIPTION N/A	DESCRIPTION 12/13/2017	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustment
	Location	RURAL	RURAL					
	Site/View	GOOD/DISTANT	GOOD/DISTANT					
	Site Area	5.1 ACRES	2.87 ACRES	+7,000				
	OPEN/SCRUB	WOODED						
	CERTIFICATION COST	NONE						
Sales or Financing Concessions								
Net Adj. (Total)		<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus	\$ 14,500	<input type="checkbox"/> Plus <input type="checkbox"/> Minus	\$	<input type="checkbox"/> Plus <input type="checkbox"/> Minus	\$	
Indicated Value of Subject		Gross 111.5% Net 111.5% \$ 27,500			\$		\$	

Comments on Market Data Analysis

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature 
 Name Gary A. Bucci, Certified Appraiser
 Company Name David Long Appraisal Company
 Company Address 309 N. Tioga St., Suite 204
Ithaca, NY 14850
 Telephone Number 607-272-4040
 Email Address longapp@longappraisal.com
 Date of Signature and Report 10/19/2018
 Effective Date of Appraisal 10/11/2018
 State Certification # 45000004783
 or State License # _____
 or Other _____ State # _____
 State NY
 Expiration Date of Certification or License 12/23/2019

ADDRESS OF PROPERTY APPRAISED
247 IRISH HILL ROAD
NEWFIELD, NY 14867
 APPRAISED VALUE OF SUBJECT PROPERTY \$ 27,000
 CLIENT
 Name _____
 Company Name GREEN SPRINGS NATURAL CEMETERY
 Company Address P.O. BOX 415
NEWFIELD, NY 14867
 Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

SUBJECT PROPERTY

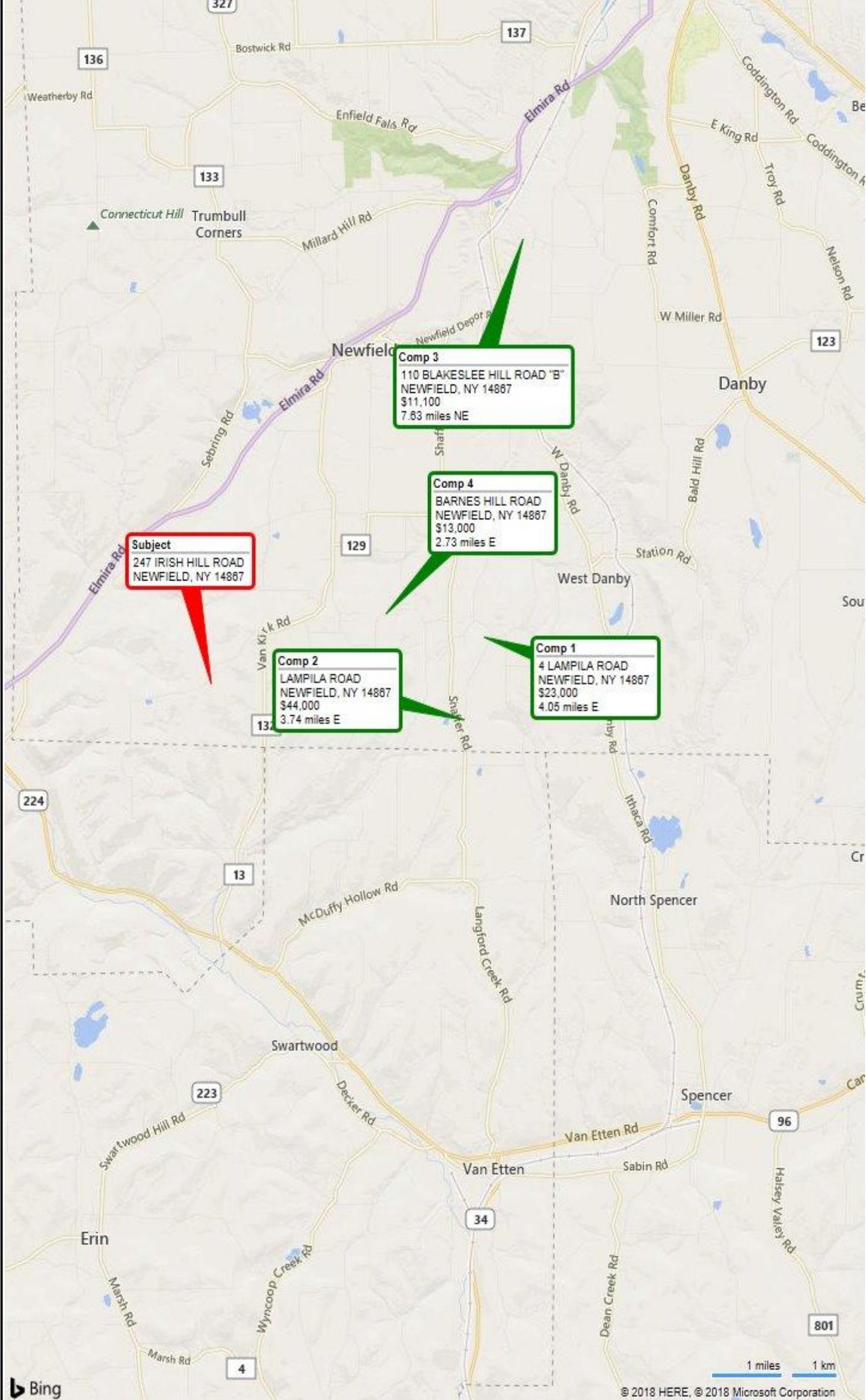
- Did not inspect subject property
- Did inspect exterior of subject property from street
 Date of Inspection _____
- Did inspect interior and exterior of subject property
 Date of Inspection _____

COMPARABLE SALES

- Did not inspect exterior of comparable sales from street
- Did inspect exterior of comparable sales from street
 Date of Inspection _____

Location Map

Intended User	GREEN SPRINGS NATURAL CEMETERY		
Property Address	247 IRISH HILL ROAD		
City	NEWFIELD	County	TOMPKINS
		State	NY
		Zip Code	14867
Client	GREEN SPRINGS NATURAL CEMETERY		



PHOTOGRAPH ADDENDUM

Intended User GREEN SPRINGS NATURAL CEMETERY

Property Address 247 IRISH HILL ROAD

City NEWFIELD County TOMPKINS State NY Zip Code 14867

Client GREEN SPRINGS NATURAL CEMETERY



Street Scene



Site



Street Scene

USPAP Compliance Addendum

File No. 63101

Borrower/Client GREEN SPRINGS NATURAL CEMETERY			
Property Address 247 IRISH HILL ROAD			
City NEWFIELD	County TOMPKINS	State NY	Zip Code 14867
Lender/Client GREEN SPRINGS NATURAL CEMETERY			

APPRAISAL AND REPORT IDENTIFICATION

This Appraisal Report is one of the following types:

- Appraisal Report** This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).
- Restricted Appraisal Report** This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

ADDITIONAL CERTIFICATIONS

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- This appraisal report was prepared in accordance with the requirements of Title XI of FIRREA and any implementing regulations.

PRIOR SERVICES

- I have **NOT** performed services, as an appraiser or in any other capacity, regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.
- I **HAVE** performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

PROPERTY INSPECTION

- I have **NOT** made a personal inspection of the property that is the subject of this report.
- I **HAVE** made a personal inspection of the property that is the subject of this report.

APPRAISAL ASSISTANCE

Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.

APPRAISER ASSISTANT ANDREA L TURCSIK LICENSE #48000051912 PROVIDED SIGNIFICANT ASSISTANCE ON ASPECTS OF THIS APPRAISAL INCLUDING RESEARCH, ANALYSIS AND DEVELOPMENT.

ADDITIONAL COMMENTS

Additional USPAP related issues requiring disclosure and/or any state mandated requirements: _____

MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY

- A reasonable marketing time for the subject property is 90-180 day(s) utilizing market conditions pertinent to the appraisal assignment.
- A reasonable exposure time for the subject property is 90-180 day(s).

APPRAISER	SUPERVISORY APPRAISER (ONLY IF REQUIRED)
-----------	--

Signature 
 Name Gary A. Bucco, Certified Appraiser
 Date of Signature 10/19/2018
 State Certification # 45000004783
 or State License # _____
 State NY
 Expiration Date of Certification or License 12/23/2019
 Effective Date of Appraisal 10/11/2018

Signature _____
 Name _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____
 Supervisory Appraiser Inspection of Subject Property:
 Did Not Exterior-only from Street Interior and Exterior



Intended User GREEN SPRINGS NATURAL CEMETERY

Property Address 247 IRISH HILL ROAD

City NEWFIELD County TOMPKINS State NY Zip Code 14867

Client GREEN SPRINGS NATURAL CEMETERY

THE INTENDED USER OF THIS APPRAISAL REPORT IS GREEN SPRINGS NATURAL CEMETERY. THE INTENDED USE IS TO EVALUATE THE PROPERTY THAT IS THE SUBJECT OF THIS APPRAISAL TO DETERMINE FAIR MARKET VALUE TO SELL, SUBJECT TO THE STATED SCOPE OF WORK, PURPOSE OF THE APPRAISAL, REPORTING REQUIREMENTS OF THIS APPRAISAL REPORT FORM, AND DEFINITION OF MARKET VALUE. NO ADDITIONAL INTENDED USERS ARE IDENTIFIED BY THE APPRAISER.

Exhibit F

Greensprings Natural Cemetery Association

Resolution to Sell Land and Enter into an Agreement with Greensprings Animal Companion Cemetery

Whereas Greensprings Natural Cemetery Association believes that the establishment of a pet cemetery adjacent to its human cemetery will be mutually beneficial and

Whereas Greensprings Natural Cemetery Association owns 130 acres of land and the sale of five acres will not negatively affect its future for human burials and

Whereas the five acres to be sold are not suitable for human burials due to the presence of a large storage barn and county emergency communication tower and shallow depth to bedrock which would make human burials difficult if not impossible and

Whereas Greensprings Animal Companion Cemetery has agreed to pay the higher of two appraisals (\$27,000) for the land and

Whereas rather than duplicate maintenance, storage, and equipment use, Greensprings Animal Companion Cemetery will contract with Greensprings Natural Cemetery Association to carry out those functions and

Whereas Greensprings Animal Companion Cemetery has agreed to restrictive covenants and rules and regulations similar to those of Greensprings Natural Cemetery Association in order to provide consistency on the two properties

Be It Resolved that the Greensprings Natural Cemetery Association Board of Trustees hereby approves the sale of plus or minus five acres of land to Greensprings Animal Companion Cemetery and

Further Resolved that the Board of Trustees approves the Land Purchase and Maintenance Agreement along with the Greensprings Animal Companion Cemetery Restrictive Covenants and Greensprings Animal Companion Cemetery Rules and Regulations.

Vote in Favor:

Vote Opposed:

Result:

June, 2020

Land Purchase and Maintenance Agreement

Between

Greensprings Animal Companion Cemetery

And

Greensprings Natural Cemetery Association

The parties agree that the following are legally binding.

Greensprings Animal Companion Cemetery shall:

1. Pay \$27,000 for the five-acre plot of land
2. Contribute 20% of the purchase price of each site sold to Greensprings Natural Cemetery Association for maintenance, storage, and equipment replacement
3. Dedicate 5% of the purchase price of each site sold to the Greensprings Animal Companion Cemetery permanent maintenance fund
4. Provide burial coordination for pet cemetery customers
5. Make a good faith effort to coordinate burials, equipment use and major policy changes with Greensprings Natural Cemetery to avoid confusion and conflict.

Greensprings Natural Cemetery Association shall:

1. Sell to Greensprings Animal Companion Cemetery five acres of land for the amount of \$27,000.
2. Provide maintenance, storage, and equipment needs for Greensprings Animal Companion Cemetery.

This agreement shall become binding upon the closing of the property purchase from Greensprings Natural Cemetery Association to Greensprings Animal Companion Cemetery.

This agreement may be amended only upon majority vote of the sitting members of both boards of trustees.

June, 2020

Exhibit G

From: [Polishook, Lewis \(DOS\)](#)
To: [Stanton, Brendon \(DOS\)](#); [Seelman, Michael \(DOS\)](#)
Subject: FW: Questions regarding pet cemetery
Date: Thursday, June 04, 2020 9:55:30 AM

From: Herbert John Engman <herbengman@cornell.edu>
Sent: Thursday, June 4, 2020 8:18 AM
To: Milillo, Antonio (DOS) <Antonio.Milillo@dos.ny.gov>; kenz@zeserson.com;
jcjames418@gmail.com
Cc: Polishook, Lewis (DOS) <Lewis.Polishook@dos.ny.gov>; Young, Alicia (DOS)
<Alicia.Young@dos.ny.gov>
Subject: Re: Questions regarding pet cemetery

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Dear Mr. Milillo:

We were astonished to receive your questions concerning the proposed sale of 5 acres of Greensprings Natural Cemetery land to a new pet cemetery corporation. Almost all the questions have been answered previously. It appears you simply don't want to accept the answers. Despite your contention, this really is a simple transfer of land. Rather than focus on facts, you have invented a strange conspiracy theory that the two entities are scheming ... to do what exactly? Both are tiny non-profits that are simply trying to provide needed services to the public. Greensprings was the first natural cemetery in NYS and among the first few in the nation. We proposed to help the independent pet cemetery establish the first natural pet cemetery in NYS and perhaps the nation. To accomplish that we have been totally up front concerning close cooperation between the two entities. Especially since the two cemeteries would be contiguous, we have believed that Greensprings can use its 15 years of experience to create the same standards of natural burial for pets. Part of the strategy is to share two trustees, who do not constitute a majority of either body. After a couple of years of acclimation, the plan has been for the pet cemetery board to replace those two shared people with new members. There is nothing illegal or inappropriate with this approach.

You make the frankly bizarre assumption that the volunteers who would run the pet cemetery are actually staff paid by Greensprings. You do not seem to understand how rural cemeteries operate. Most have no employees except for maintenance like mowing. Because of its unique approach of natural burial Greensprings has hired burial coordinators who work a total of about 20 hours per week and who have not been and would not be involved with the pet cemetery. The pet cemetery had already identified volunteers for all the tasks you outline.

You asked about Todd Livingston, an attorney who sits on the Greensprings Board and who recused himself from the vote to proceed with the sale of 5 acres of land. He recused himself out of an abundance of caution: one of the other lawyers in his firm had helped the pet cemetery put together its incorporation papers. You assume that attorneys on both sides negotiated agreements. There was no need at that point to have paid lawyers involved. Members of both boards were perfectly able to agree on principle what the arrangements would be. It would be necessary to incur legal expenses only when the sale closing was close at hand and for that we needed the approval of the Cemetery Board for the sale. As I have pointed out to Division staff, Greensprings has a talented board of trustees: business manager of the local school district and member of the town board; member of the county legislature;

chair of a village planning board; former chair of a town planning board and retired business owner; a data specialist at Cornell University; a retired counselor at prisons; even an attorney! Finally, I was town supervisor of the Town of Ithaca when we were forced to take over the Inlet Valley Cemetery. We almost had to take over Lakeview when it was hit by fraud. I was able to help the cemetery keep afloat while we recruited a new board, re-established confidence in the fiscal management of the cemetery, consolidated the cemetery records, and even provided some equipment. Lakeview is now operating independently again and is successful. Many of the Greensprings board members have negotiated far more complicated matters than the sale of 5 acres of land. All this to say we know something about operating a cemetery and do not need constant hand-holding by attorneys.

The reason the appraisals might be considered out of date is because the State has taken so long to consider the request to sell the land (the first request was sent July 18, 2016). I provided the complete appraisal reports to the Division staff when requested. When I approached one firm for the first appraisal, I was sent to another which specialized in the income approach method. After considering the matter the company decided that the income approach would not work in part because our timeline was so long. Since there is bedrock close to the surface in that area Greensprings might not ever be able to use the land for human burials, which traditionally have been deeper than pet burials. That means it could be 500 years before that parcel was used, if ever. The Division then required a second appraisal, which was within about \$1,000 of the first, both using sales comparison approach. We assumed the trained income approach appraiser would know more than anyone else the appropriateness of the method used. You assume there is some other buyer out there who would pay big bucks for the 5 acres. What - a car repair shop? A dirt bike race track? These are the type of businesses that pop up in rural areas. What exactly did you have in mind?

I have answered these questions to set the record straight. In fact it is all moot: the pet cemetery board has decided it will no longer tolerate the procrastination and frankly strange reasoning of the State. Both corporations had thought they could do something creative and good for people, but the State seems determined to erect barriers rather trying to help. The end result is that Greensprings loses a certain \$27,000 for its permanent maintenance fund (about a 25% increase!)- which would have turned into a small fortune with 100 years or so of compounded interest - and is left with 5 acres of land for which it has little use.

Sincerely,

Herb Engman

Trustee, Greensprings Natural Cemetery Preserve

June 4, 2020

From: Milillo, Antonio (DOS) <Antonio.Milillo@dos.ny.gov>

Sent: Monday, June 1, 2020 12:43 PM

To: Herbert John Engman <herbengman@cornell.edu>; kenz@zeserson.com <kenz@zeserson.com>; [jcyjames418@gmail.com](mailto:jcjames418@gmail.com) <jcyjames418@gmail.com>

Cc: Polishook, Lewis (DOS) <Lewis.Polishook@dos.ny.gov>; Young, Alicia (DOS) <Alicia.Young@dos.ny.gov>

Subject: Re: Questions regarding pet cemetery

Mr. Engman,

Thank you for getting back to me. I do have many questions and concerns about this project and since Greensprings Cemetery is not represented by counsel, I will share them directly with you, although after you review this you may find that retaining counsel is in the best interests of Greensprings Cemetery.

Please understand that I am only counsel to the Cemetery Board. I can only raise questions and issues, the Cemetery Board ultimately will have to make decisions on the questions and issues that are raised by me and by the Division of Cemeteries. An overall concern I have is that this is being presented as a simple land sale when in fact it is so much more than that. There are a large bundle of transactions involved in this land sale, the details of which must be fully explored in order to understand whether the transaction is legal and whether, if legal, it is in the best interests of the lot owners of Greensprings Cemetery.

The first matter I want to clarify is the role of Greensprings Cemetery Board Member Todd Livingston in this transaction. The minutes you have provided Division state, "Todd abstained. He is attorney for firm putting cemetery together. He joined board after firm was retained, but to avoid the appearance of impropriety, he is abstaining." I assume from this that he is the attorney for the pet cemetery but not Greensprings Cemetery. Did Greensprings Cemetery have any attorney represent it in the negotiation of agreements with the pet cemetery? If so, who, if not, then who was the principal contact/person negotiating with the attorney for the pet cemetery?

Second is the matter of the appraisals. The smallest issue with them is they are out of date, they are two years old. A second issue is that I do not have a full copy of the appraisal provided by Landmark Appraisal Co. I only have the first two pages. Please provide the full copy to me and to Division right away. I note that the appraisal states that it is a "Restricted Appraisal", subject to "Assumptions and Limiting Conditions". The only way to know all of the restrictions, assumptions and limiting conditions is to see the full report. But the largest issue regarding the appraisals is methodology. David Long Appraisal Company used a sales comparison approach and looked at sales of vacant land. I would guess that Landmark Appraisal also used a sales comparison approach. However, the most appropriate methodology in this case may in fact be the income approach. I have to give you a little background to explain why.

In November 2018 the Cemetery Board rejected an application by a cemetery to purchase land. Among the reasons for denial was that the cemetery provided appraisals that used an income approach to value the land. The land was vacant/undeveloped and had never generated income. The appraisals used the cemetery's income history to develop the value of the land and the Board believed the value was inflated. The decision was challenged in court

and was upheld by the Judge. (The decision is dated May 14, 2020 and was received May 18th, hence this issue is very new which is why it is being raised now for the first time). Here is what the Judge stated about this appraisal issue:

Turning next to the appraisals, the burden lies on the Cemetery at the administrative review to demonstrate the purchase price is fair and reasonable based on market value. The Board is not obliged to obtain and demonstrate an alternative valuation. The Board found the three appraisals to be unconventional in that they failed to provide a specific per acre valuation based on comparisons with other sales of similar properties. Two of the appraisals valued the property based on the estimated income the property would generate if the sale were approved and the land developed and sold as cemetery lots⁵. These are vacant lots. The valuations were based on the speculative income to be produced, should the sale be completed. the zoning issues favorably resolved⁶ and the ground itself prepared for sale.

⁵The Court notes this approach was approved by other Courts of this State, but only in condemnation proceedings. The Court agrees with the Respondent that in those cases the valuations were rational in that the property was already cemetery property with a potential for generating income on the sale of cemetery lots. That is not the case here. See **Diocese of Buffalo v. State, 24 NY2d 320,326 ;(1969) , and St. Agnes Cemetery v. State,3 NY2d 37 (1957).**

It is significant that the court agreed that the income approach is appropriate when the land that is involved is cemetery land. Although I cannot say that the income approach should be used in every case in which cemetery land is bought or sold, in this case the land is being sold by one type of cemetery to another type of cemetery. That may in fact suggest using an income approach rather than a sales comparison approach. And I believe an income approach will result in a very different estimate of fair market value. Division estimates that the land proposed to be sold would generate about \$1 million in income. Greensprings Cemetery itself estimates it would generate \$600,000 in income. It appears from the 4-year analysis of Greensprings Cemetery's income/expenses that the cemetery averages a surplus of about 24% of its gross income. That could indicate a land value from between \$144,000 to \$250,000. I'm sure an appraiser would make many adjustments to these figures, but this certainly indicates that the appraised value of \$27,000 is grossly understated. Since new appraisals would appear to be in order, and since the appraisals must meet the requirements of Cemetery Law and the Cemetery Board, please have the appraisers contact me before they provide new appraisals.

Next, there is the issue of all the agreements that will be had between Greensprings Cemetery

and the pet cemetery. There seem to be many. I will need to see all agreements before this matter is presented to the Cemetery Board:

- All financial and security agreements between the entities. All I see is a vaguely written Land Purchase Contract. I don't see any device by which Greensprings Cemetery can foreclose on the land and take title back as it states it intends to do on a default. Or does Greensprings Cemetery assume the pet cemetery will voluntarily sign back title on any default?
- Copies of proposed restrictive covenants. In answer to a question posed to it, Greensprings Cemetery responded, "The sale will be contingent upon a payment agreement at closing, restrictive covenants, and a maintenance and equipment agreement."
- The agreement to share maintenance/equipment.
- An agreed financial arrangement (In answer to the question, "What is the connection between the cemetery and the buyer?", Greensprings Cemetery responded, "None at the moment. Upon sale of the land, agreements will be made concerning the natural burial standards and the financial relationships between the two non-profit corporations."
- An agreement to share staff. Although Greensprings Cemetery has indicated that it won't share "employees" with the pet cemetery, it also has stated that the pet cemetery will be operated by volunteers and won't have any employees. That seems to indicate Greensprings Cemetery staff will be the volunteers, which also implies that such staff will be paid by Greensprings Cemetery and treated as volunteers by the pet cemetery. Some sort of written agreement would seem to be required under this arrangement.

A very significant issue that needs to be addressed is whether the pet cemetery would in reality be operated as a subsidiary of Greensprings Cemetery. This is significant for many reasons, not the least of which is that there is no clear authority that a cemetery may operate a subsidiary. This issue by itself suggests Greensprings Cemetery should engage counsel. Among the factors indicating that the pet cemetery will not be operated as a fully independent, unrelated entity, but rather will be operated for the benefit of Greensprings Cemetery, are the following:

- Greensprings Cemetery and Division's accountant both report that "the pet cemetery income will be used for the benefit of Greensprings [Cemetery]."
- The pet cemetery will not have employees but will operate with "volunteers". That seems to indicate that Greensprings Cemetery staff will be those volunteers and will be paid by Greensprings Cemetery to do the work required to operate a pet cemetery, such as:
 - greet and assist customers, answer telephones and other inquiries, and staff the office;
 - engage in sales/marketing;

- assist customers with entering into agreements;
 - provide billing, bookkeeping, and other services;
 - maintain the grounds, buildings and equipment;
 - conduct burials/services; etc.
- The agreements between the entities are vague and seem to depend greatly on the good faith of the pet cemetery. Apparently there won't even be a deed executed for the land sale. Greensprings Cemetery seems to believe the pet cemetery will be compliant because Greensprings Cemetery will be in control of the pet cemetery.
 - When asked, "Will any forms, deeds, publications, brochures, contracts, agreements, solicitations or other documents and information provided to consumers in any way mention both entities?" Greensprings Cemetery answered: "There will be agreements between the two entities as indicated above, but there will be no joint forms, deeds, publications, contracts, solicitations or other documents and information will not mention both parties."
 - There is no evidence of bargaining between two unrelated entities as to terms of agreements.
 - In fact only one of the entities has an attorney, which may indicate that the one attorney has in fact been representing both entities. That itself indicates that even the attorney views them as two parts of a single entity, a single client.

If in fact the pet cemetery will be operated as a subsidiary, and assuming for the sake of argument that a cemetery may have a subsidiary, that means that Greensprings Cemetery would be engaging in the business of operating a pet cemetery through that subsidiary. As we have previously indicated to Greensprings Cemetery, Not-for-Profit Corporation Law (N-PCL) section 1510 (n) only allows a cemetery to inter pet cremated remains and only in very limited circumstances. Greensprings Cemetery may not operate a pet cemetery directly, therefore it is questionable whether it may do so indirectly through a subsidiary.

A separate issue are the requirements for related-party transactions for charities. N-PCL section 715(b) requires the following:

With respect to any related party transaction involving a charitable corporation and in which a related party has a substantial financial interest, the board of such corporation, or an authorized committee thereof, shall... [p]rior to entering into the transaction, consider alternative transactions to the extent available...and [c]ontemporaneously document in writing the basis for the board or authorized committee's approval, including its consideration of any alternative transactions.

The pet cemetery may be viewed as an entity "in which a related party has a substantial financial interest". Board members from Greensprings Cemetery are on the board of the pet

cemetery. I believe that makes this a related party transaction. That would then require Greensprings Cemetery to consider alternatives and document its decision. It is very likely not sufficient for Greensprings Cemetery to simply respond that it only wants a pet cemetery next door and only wants this pet cemetery and no other next door. Again, the relatedness of the entities seems to have colored Greensprings Cemetery's view of this transaction. It wants this pet cemetery because it knows it will be fully compliant because it shares officers and directors. If the pet cemetery were truly independent, then I cannot imagine Greensprings Cemetery would not actively seek alternatives that may provide greater financial benefit.

Mr. Engman, these are significant issues and many require skilled legal analysis. I strongly recommend that Greensprings Cemetery engage independent counsel to review these matters and discuss them with me.

Yours truly,

Tony Milillo

Antonio Milillo

Associate Attorney, Office of General Counsel

New York Department of State

One Commerce Plaza

99 Washington Avenue

Albany, NY 12231-0001

518-474-6740 | antonio.milillo@dos.ny.gov

www.dos.ny.gov

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From: Herbert John Engman <herbengman@cornell.edu>
Sent: Monday, June 1, 2020 7:42 AM
To: Milillo, Antonio (DOS) <Antonio.Milillo@dos.ny.gov>; kenz@zeserson.com <kenz@zeserson.com>; [jcyjames418@gmail.com](mailto:jcjames418@gmail.com) <jcyjames418@gmail.com>
Cc: Polishook, Lewis (DOS) <Lewis.Polishook@dos.ny.gov>; Young, Alicia (DOS) <Alicia.Young@dos.ny.gov>
Subject: Re: Questions regarding pet cemetery

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Dear Mr. Milillo:

The trustees of Greensprings Natural Cemetery Preserve are pleased that you are considering our request to sell 5 of our 130 acres to a pet cemetery non-profit corporation. Since the Division of Cemeteries has indicated we must receive the full purchase price before it can recommend the sale to the Cemetery Board, the pet cemetery is continuing to try to raise the \$27,000. It previously had raised \$15,000 to establish the required \$12,000 permanent maintenance fund and to pay for the land survey and the two appraisals required by the Division. The coronavirus situation has made additional fund-raising much more difficult since the stock market is in disarray and some people's jobs are at risk. Therefore, it may be awhile before all the requirements before us are met.

While Todd Livingston is a valued Greensprings trustee, he does not represent the corporation. We do not have an attorney, although William Goodman has done most of the legal work we have needed. That said, he is not as familiar with the pet cemetery situation as I am. I can answer most questions. I can be reached at this e-mail or at 607-342-0442. Again, the trustees of Greensprings are encouraged by the consideration of our request.

Sincerely,
Herb Engman
Trustee and Immediate Past President of Greensprings

From: Milillo, Antonio (DOS) <Antonio.Milillo@dos.ny.gov>
Sent: Wednesday, May 27, 2020 4:11 PM
To: Herbert John Engman <herbengman@cornell.edu>; kenz@zeserson.com <kenz@zeserson.com>; [jcyjames418@gmail.com](mailto:jcjames418@gmail.com) <jcyjames418@gmail.com>

Cc: Polishook, Lewis (DOS) <Lewis.Polishook@dos.ny.gov>; Young, Alicia (DOS) <Alicia.Young@dos.ny.gov>

Subject: Fw: Questions regarding pet cemetery

Mr. Engman, Mr. Zeserson, Ms. James,

I am counsel to the Division of Cemeteries and the Cemetery Board. I have reviewed the Greensprings Cemetery proposal to sell land to the pet cemetery and have many questions. Among the material are minutes of the board indicating that board member Todd Livingston is the attorney who put together this proposal. Can you confirm that he represents Greensprings Cemetery and can you provide me his contact information. If he is not the attorney then please let me know who is and provide me that person's contact information.

Thank you very much,

Tony Milillo

Antonio Milillo

Associate Attorney, Office of General Counsel

New York Department of State

One Commerce Plaza

99 Washington Avenue

Albany, NY 12231-0001

518-474-6740 | antonio.milillo@dos.ny.gov

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Begin forwarded message:

From: Herbert John Engman <herbengman@cornell.edu>

Date: February 5, 2020 at 10:52:32 AM EST
To: "Stanton, Brendon (DOS)" <Brendon.Stanton@dos.ny.gov>
Cc: Ken Zeserson <kenz@zeserson.com>, Joanne James <jcjames418@gmail.com>
Subject: Re: Questions regarding pet cemetery

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Brendon, thanks so much for following through on this. Attached is our response. Please let me know if you need anything else.
Herb

From: Stanton, Brendon (DOS) <Brendon.Stanton@dos.ny.gov>
Sent: Monday, February 3, 2020 5:31 PM
To: Herbert John Engman <herbengman@cornell.edu>
Subject: Questions regarding pet cemetery

Hi Herb,

Please see the attached questions from counsel and provide a response. This is needed by Friday in order to make the agenda for March.

Best,
Brendon

 **The U.S. Constitution requires that everyone living in the United States is counted every 10 years - we all count.**
<https://2020census.gov/en/who-to-count.html>

 **It's past April 1st, but the Census count is still going on. Please respond: online, by phone or by mail.**
<https://2020census.gov/en/ways-to-respond.html>

From: [Herbert John Engman](#)
To: [Stanton, Brendon \(DOS\)](#)
Cc: [Hickey, Andrew \(DOS\)](#); [Polishook, Lewis \(DOS\)](#)
Subject: Re: Contradicting land usability
Date: Friday, July 03, 2020 8:45:26 AM

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Hi, Brendon. As I mentioned in my previous message, there is no way to determine accurate estimates for potential human remains burials on the five acres. We would not know until we dig whether the individual site would be feasible. That is one reason why Greensprings wants to sell the land for a certain income rather than wait for hundreds of years - or never - to try to use the land.

If someone previously estimated 1.55 acres for cremains burials, sure, let's go with that. It is as good a guess as any. Because of the slopes and bedrock an acre might be viable for full-body burials. I doubt if Greensprings would ever try to use it because of the uncertainty of getting down three feet. And, as we have emphasized before, all this is moot because the big storage barn and cell tower render the five acres especially unattractive for human use. Sorry to be so imprecise, but there is really no answer to these questions.

Herb

From: Stanton, Brendon (DOS) <Brendon.Stanton@dos.ny.gov>
Sent: Thursday, July 2, 2020 10:03 AM
To: Herbert John Engman <herbengman@cornell.edu>
Cc: Hickey, Andrew (DOS) <Andrew.Hickey@dos.ny.gov>; Polishook, Lewis (DOS) <Lewis.Polishook@dos.ny.gov>
Subject: Contradicting land usability

Hi Herb,

We are trying to iron out our final reports. One hang up is on the amount of the land being sold that would be usable. There is a figure of 1.55 acres being usable for cremation burials that was based on a trustee assertion to Andrew. This is contradicted by the most recent statements. Which of these is correct? Or, more simply, could you please assert how much of the five acres you estimate to be usable for both cremation and full burials? This will be useful to have in writing as an exhibit to the report.

Thanks,
Brendon

Sent from my iPhone
[NY State 2020 Census Logo]
It's past April 1st, but the Census count is still going on.
Please respond: online, by phone or by mail.
<https://2020census.gov/en/ways-to-respond.html>