



## Exhibit VIII.C.2.b. - Status of Land

*Submit as Exhibit VIII.C.2.b. copies of any lease, deed, option, or other documentation and provide an explanation as to the status of the land upon which the proposed Gaming Facility will be constructed. If the Applicant does not currently possess an ownership interest in the land, provide an agreement and description of its plan as to how it intends to own or acquire, within sixty (60) days after a License has been awarded, the land where the Gaming Facility is proposed to be constructed. Further, state whether the land that the Applicant purchased or intends to purchase is publicly owned.*

### A. Ownership of Fee Title to Land.

Tioga Downs Racetrack, LLC ("Tioga Downs") is the current owner of the fee title to the property known as 2384 West River Road, Nichols, Tioga County, New York (Section 158, Block 3, Lots 49.10, 51, 52, 53, 61.10 and 61.20) (the "Land"), consisting of approximately 150.74 acres. Tioga Downs acquired fee title to the Land pursuant to:

1. a Trustee's Deed dated June 21, 2004, made by Tioga Park, LLC, Chapter 11 Debtor-in Possession, by James W. Hawkins, in favor of Tioga Downs, as recorded in the Tioga County Clerk's Office (the "Clerk's Office") on October 18, 2004, Instrument Number 114157-001 (the "2004 Deed")<sup>1</sup>;
2. a Trustee's Deed dated May 31, 2005, made by Paul A. Levine, Esq., Chapter 11 Bankruptcy Trustee for Tioga Park, LLC, Chapter 11 Debtor-in Possession, in favor of Tioga Downs, as recorded in the Clerk's Office on June 9, 2005, Instrument Number 121268-001 (the "2005 Deed"); and
3. a Deed dated May 13, 2015, made by the Town of Nichols in favor of Tioga Downs, as recorded in the Clerk's Office on May 19, 2015, Instrument Number 2015-00001806 (the "2015 Deed").

Copies of the 2004 Deed, the 2005 Deed and the 2015 Deed are attached hereto.

In addition, Tioga Downs conveyed 1.25 acres of land to the Tioga County Industrial Development Agency, a public-benefit corporation organized under the laws of the State of New

<sup>1</sup> The metes and bounds description for "Parcel A" included in the 2004 Deed contains a scrivener's error regarding one call which is noted as "S 36 degrees 37' 20" E", when it should instead be "S 86 degrees 37' 20" E". The 2004 Deed does specifically state, however, that it is the same premises as was conveyed in the prior vesting deed dated May 30, 1996 and recorded in Liber 583, Page 45. The legal description in the prior vesting deed correctly references the call as "S 86 degrees 37' 20" E". As a result, a corrective deed is being sought in order to correct the typo.



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York (“TCIDA”), pursuant to a Deed dated February 26, 2015, as recorded in the Clerk’s Office on February 27, 2015, Instrument Number 2015-00000709. This land is identified as Tax Parcel Number 158.00-3-49.20. Tioga Downs leases back such property from the TCIDA pursuant to a lease agreement (the “TCIDA Lease”) dated February 26, 2015 (as evidenced by a Memorandum of Leaseback dated February 26, 2015 and recorded in the Clerk’s Office on February 27, 2015, Instrument Number 2015-0000710. The Gaming Facility, however, is not proposed to be located on this parcel.

Copies of the TCIDA Lease and Memorandum of Leaseback are attached hereto.

In addition, Tioga Downs has the exclusive right to lease a 112.07-acre golf course property known as the Tioga Country Club which is located at 151 Ro-Ki Boulevard in the Town of Nichols and Village of Nichols, Tioga County, New York (the “Golf Course Property”).

Tioga’s lease option is set forth in:

1. Lease Option Agreement dated April 14, 2014 by and between Tioga Downs and Tioga Recreation Association, Inc., a New York not-for-profit corporation (“Tioga Recreation”); and
2. Memorandum of Lease Option Agreement dated April 14, 2014 and recorded in the Clerk’s Office on April 14, 2014 as Instrument Number 2014-0000150.

The form of lease for the Golf Course Property is included as Exhibit B to the Option Agreement.

Copies of the Option Agreement (and its exhibits) and the Memorandum of Lease Option Agreement are attached hereto.



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2004 Deed

[See Attached]

Tioga Downs Works For The Southern Tier

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