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 Fee Amt: \$18,781.00 Page 1 of 6
 Excise Tax: \$18,744.00
 Stamp# 266
 Nicholas County Clerk
 Wanda Hendrickson County Clerk
 BK **462** PG **26-31**

DEED

THIS DEED, Made this the 11th day of June, 2010, by and between CARL NORMAN GRAYBEAL and ROSA M. GRAYBEAL, being the same person as Rosa Graybeal, husband and wife, Grantors, parties of the first part, and WEST VIRGINIA LAND MANAGEMENT, LTD, an Ohio limited company, Grantee, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, first parties hereby grant, bargain, sell and convey, with covenants of General Warranty of Title, unto second party, all of their right, title and interest in and to all those certain tracts or parcels of real estate, together with the improvements thereon, situate in Summersville District, Nicholas County, West Virginia, which property is more particularly bounded and described as follows:

TRACT I: Situate on the waters of Bryant Creek in Summersville District, Nicholas County, West Virginia, more particularly bounded and described as follows, to-wit:

BEGINNING at the mouth of Dilly Branch or Bryant Run corner to the 40 acre tract conveyed to the said Austin Bryant by A. J. Horan and S. S. Pettigrew and their wives by their deed bearing date July 16, 1909, of record in the Office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book No. 49 at page 285; thence with eight (8) lines of said 40 acre parcel running up said Bryant Run S. 58° E. 16 feet; thence N. 87° 30' E. 86 feet; thence S 85° 45' E. 346 feet; thence N. 52° 30' E. 263 feet; thence N 73° 30' E 133 feet; thence N 60° E 194 feet; thence N 68° 45' E 237 feet; thence N. 49° E. 449 feet to a stake on the Dilly Branch or Bryant Run; thence leaving said Bryant Run and with three (3) lines of a 1/4 acre parcel of land conveyed unto the said Austin Bryant by J. B. Duffy, single, by his deed bearing date March 1, 1921, also of record in aforesaid County Clerk's office in Deed Book No. 69 at page 91, S. 45' E 160 feet to an iron pipe; thence S. 78° E 140.25 feet to a set stone; thence S. 44° 30' E 651.75 feet to a set stone in the Hangar line; thence with several lines of a tract of land described as containing 128.31 acres conveyed to the said Melvina Jane Bryant, wife of the said Austin Bryant, and to one Alice Tyree by Harvey Groves and wife by their deed bearing date January 3, 1908, also of record in the aforesaid County Clerk's office in Deed Book No. 47 at page 154; the said Alice Tyree, her husband joining therein, having conveyed her one-half (1/2) undivided interest in said tract of land to the said Austin Bryant by her deed bearing date January 5, 1911, also of record in aforesaid Clerk's Office in Deed Book No. 51 at Page 547; thence from said set stone in the Hanger line N. 59° 39' E. 1800 feet to a chestnut oak stump on a point; thence N. 81° 12' E 2669 feet to an iron pipe at a poplar stump; thence N 33° 50' W 546.2 feet to a set stump where a chestnut once stood; thence running through said 128.31 acre tract of land S. 84° 30' W 1237.5 feet to a white walnut; thence N. 77° 30' W. 458.7 feet to a stake; thence 86° 30' W. 356.4 feet to a black walnut; thence N 63° W. 504.9 feet to a stake; thence N. 73° 45' W. 227.7 feet to a set stone; thence S. 72° 15' W. 103.5 feet to a set stone in

R/ James C. Blankenship, III
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line of a tract of land containing about 60 acres more or less inherited by the said Austin Bryant from his father, John G. Bryant; thence with several lines of said last mentioned tract N 41° 30' E. 775.5 feet to a locust; thence N. 20° 15' E 342.4 feet to a chestnut; thence N. 83° 45' W. 673.2 feet to a jack oak; thence N. 78° W. 653.4 feet to a gum; thence S 71° W. 647.6 feet to a chestnut; thence N. 65° 15' W. 495 feet to a poplar on the ridge; thence S. 32° 50' W. 358.2 feet to a stake on a high point; thence S. 66° 45' W. 151 feet to a basswood; thence S. 49° 55' W. 228.2 feet to a hickory and chestnut oak (chestnut oak gone) being a corner of the aforesaid 128.31 acre tract; thence with several lines of said last mentioned tract S 57° W. 64 feet to a locust; thence S. 29° W. 77.9 feet to a stake; thence S. 44° 45' W. 187.75 feet to a chestnut; thence S. 29° W. 256.75 feet to a locust; thence S. 48° 07' W. 334.75 feet to a hickory at the corner of the aforesaid 40 acre tract; thence with several lines of said 40 acre tract S. 38° 50' W. 171.5 feet to a set stone; thence S. 29° W. 172.5 feet; thence S. 23° 30' W. 157.5 feet to a stake at the end of the point; thence S. 36° 30' W. 109 feet to a stake; thence S. 29° W. 89 feet to 4 hickories and a locust; thence S. 3° E. 1270 feet to the place of beginning, containing 238.65 acres, more or less.

And being the same real estate which was conveyed unto Carl Norman Graybeal, by Deed of Carl Norman Graybeal, III, single, dated April 27, 1998, and of record in the Office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 384 at Page 686. By Deed dated July 21, 2004, and of record in the aforesaid Clerk's Office in Deed Book 421 at Page 644, a portion of the foregoing tract containing 174.15 acres was conveyed unto West Virginia Tire Disposal, Inc. and was further conveyed unto West Virginia Tire Disposal, Inc., by a consolidation deed dated July 21, 2004, of record in said Clerk's Office in Deed Book 421 at Page 667; said portion containing 174.15 acres was subsequently conveyed unto Carl Norman Graybeal and Rosa M. Graybeal, husband and wife, by Deed dated September 14, 2005, and of record in the aforesaid Clerk's Office in Deed Book 422 at Page 583.

There is excepted and reserved from the above a tract or parcel of land containing 2.03 acres, conveyed unto Daniel R. Darnell and Bethany Grace Darnell, by Deed of Carl Norman Graybeal and Rosa M. Graybeal, husband and wife, dated June 12, 2000 and of record in the aforesaid Clerk's Office in Deed Book 397 at Page 627. Subsequently, Daniel R. Darnell and Bethany Grace Darnell, husband and wife, conveyed the 2.03 acres to Rosa Graybeal by Deed dated March 1, 2002, and of record in the Office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 407 at Page 614.

There was excepted and reserved from the aforescribed tract a .75 acre parcel in which a life estate was conveyed to Anthony Shields and Susan Shields, by Deed dated the 26th day of October, 1998, and of record in the Office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 389 at Page 8. The right of Anthony Shields and Susan Shields, husband and wife, to live on a part of Tract II, containing 0.75 acres, until July 27, 2011, as set out in the foregoing Deed was terminated by Deed dated January 27, 2010, of record in Deed Book 459 at page 326.

TRACT II: Situate on the waters of Peters Creek in Summersville District, Nicholas County, West Virginia, being a part of the Bryant and Eberly farm, more particularly bounded and described as follows, to-wit:

BEGINNING at a set stone, corner to Austin Bryant and John Eberly farm, N. 72-1/4 E. 6 poles 22 links to a stone; thence S. 73-3/4 E. 13-4/5 poles to a stake; thence S. 63 E. 30-3/5 poles to a small black walnut; thence N. 86-1/2 E. 21-3/5 poles to a stake; thence S. 77-1/2 E. 27-4/5 poles to a small white walnut; thence N. 84-1/4 E. 75 poles to a chestnut in the Porter line on top of the hill between Muddlety and Peters Creek; thence with Porter's line on top of hill as it meanders, N. 43-1/2 W. 55 poles to a set stone; thence N.

45-1/2 W. 8-4/5 poles, N. 16-1/2 W. 6-1/2 poles; thence N. 28-3/4 W. 12-4/5 poles; thence N. 25 W. 20 poles; thence N. 22-1/4 E. 28 poles to a red-oak; thence crossing the head of a hollow, N. 49-1/2 W. 97 poles to two chestnut-oaks and two hickories on top of the hill; thence leaving Porter's line and with T. B. Horan's line on top of hill as it meanders, S. 66 W. 48 poles; thence S. 50-1/2 W. 39 poles; thence S. 81-1/2 W. 30 poles; thence S. 49-1/2 W. 44 poles; thence S. 56-1/2 W. 14 poles; thence S. 41 W. 6 poles, poplar and chestnut marked as pointers; thence leaving Horan's line and top of hill, S. 65-1/2 E. 30 poles to a stake, two chestnut-oaks and two saplings marked as pointers; thence N. 71 E. 39-1/4 poles to a gum; thence S. 78 E. 39-3/5 poles to a blackjack; thence S. 83-3/4 E. 40-4/5 poles to a chestnut; thence S. 20-1/4 W. 20-3/4 poles to a locust; thence S. 41-1/2 W. 47 poles to the beginning, containing one hundred thirty-six and 74/100 acres, (136.74 acres).

And being the same real estate which was conveyed unto West Virginia Tire Disposal, Inc., a West Virginia corporation, by Deed of Flynn Coal & Lumber Limited Partnership, a West Virginia limited partnership, dated September 18, 1996, and of record in the Office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 375 at Page 304. By a consolidation deed dated July 21, 2004, of record in the aforesaid Clerk's Office in Deed Book 421 at Page 667, the aforescribed tract was conveyed as a portion of a tract containing 328.50 acres unto West Virginia Tire Disposal, Inc. By Deed dated September 7, 2004, and of record in the aforesaid Clerk's Office in Deed Book 422 at Page 583, West Virginia Disposal Tire, Inc. conveyed said tract containing 136.74 acres as a part of a 328.50 acre tract unto Carl Norman Graybeal and Rosa M. Graybeal.

TRACT III: Situate on the waters of Dillely Branch and Peters Creek in Summersville District, Nicholas County, West Virginia, currently assessed upon the 2005 land books as 179 acres, more particularly bounded and described as follows, to-wit:

BEGINNING at a set rock where a cast post is called for in the Vanbibber deed, in the Hanger line, said stone being agreed point by all the parties interested as the true beginning corner; thence running across the Dillely Branch and up the hill with the Harvey Groves line N 60 E 1836 feet to a large chestnut oak stump on top of a point ridge, original corner, a stone now set at said stump; thence N 81-3/4 E 2675 feet to a poplar at the top of the main ridge between Peters Creek and Muddlety Creek at the edge of a small flat, corner to R. M. Bryant; thence S 16-1/4 W 170 feet with the land of R. M. Bryant to a fallen locust on top of the ridge, chestnut pointer, corner to the Michael Duffy tract; and with the same along the ridge S 33 W 400 feet to a poplar on top of the ridge, original corner; thence S 45 W 215 feet to a hickory on top of the ridge, original corner; thence S 6 W 142 feet to a dead chestnut oak, original corner marked plainly, pointers also marked; thence S 18 E 118 feet to a chestnut oak on the mountain, original corner; thence S 11 E 568 feet to a chestnut stump and sprouts on top of the ridge, original corner; thence S 27 W 288 feet to a bunch of hickory sprouts on top of the ridge where two hickories are called for; thence S 33 W 319 feet to a stake 8 feet to the left of a hickory pointer; thence S 15 W 115 feet to a stake 6 feet to the left of a hickory pointer on top of the ridge; thence S 35 W 215 feet to a chestnut oak stump on top of the ridge where a chestnut oak is called for, stump being 13 feet to the left of a large chestnut oak pointer; thence S 18-3/4 E 309 feet to a stake, hickory pointer marked; thence S 13 E 15-2/5 poles to a stake on the McAusland line at point where "grassy place" is called for in Vanbibber deed; thence with the McAusland line S 47-1/2 W 1485 feet to the point where said McAusland line intersects the Hanger line, poplar called for, now down, poplar, chestnut oak and locust

pointers marked; thence leaving the McAusland line and with the Hanger line N 45-1/4 W 3580-1/2 feet to the beginning, containing 202-1/4 acres. Said land is sold and conveyed by the acre and not by the boundary.

And being the same property conveyed to Rosa M. Graybeal, by Deed of Flynn Coal & Lumber Limited Partnership, a West Virginia limited partnership, by Deed dated December 1, 1995, and recorded in the office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 367 at page 592. A tract of 18.24 acres was conveyed out from this tract to West Virginia Tire Disposal, Inc., a West Virginia corporation, by Deed of Rosa M. Graybeal and Carl Norman Graybeal, her husband, dated July 21, 2004, and of record in the aforesaid Clerk's Office in Deed Book 421 at Page 662. This 18.24 acre tract was subsequently re-conveyed to Carl Norman Graybeal and Rosa M. Graybeal, his wife, by Deed of West Virginia Tire Disposal, Inc., a West Virginia corporation, dated September 17, 2004 and of record in the aforesaid Clerk's office in Deed Book 422 at Page 581.

This conveyance is subject to the following leases:

1. Coal Lease to Peters Creek Coal Company dated May 15, 1952, of record in said Clerk's office in Lease Book 19 at page 38.
2. Coal Lease to Terry Eagle Coal Company dated August 1, 1959, of record in said Clerk's office in Lease Book 39 at page 209.
3. Oil and Gas Lease to C. E. Beck dated February 5, 1972, of record in said Clerk's office in Lease Book 40 at page 372.

And for the consideration aforesaid, the Grantor herein does further grant and convey unto the Grantee any and all interest Grantor may have acquired in the aforesaid real estate or minerals, and all easements, right of ways, or mineral extraction rights and privileges appurtenant to the aforesaid tract, either at law or in equity, whether described herein or not, acquired by virtue of the aforesaid Deed of record in said Clerk's office or otherwise.

This conveyance is further expressly made subject to all exceptions, reservations, restrictions, limitations, conditions and servitudes heretofore imposed of record by Grantor and its predecessors in title to the same effect as if fully set forth herein and to the extent that the same are now applicable.

TRACT IV: Situate in Summersville District, Nicholas County, West Virginia, more particularly bounded and described as follows, to-wit:

A surface tract or parcel of One Hundred Eighteen and Seventy-Five One Hundredths (118.75) acres, more or less, of real estate, situate on the waters of Peter's Creek and on the head waters of Bryant's Branch of Peter's Creek, Summersville District, Nicholas County, and composed of:

- (a) A Tract of Ninety-Nine (99) acres of real estate which is a part and parcel of a large tract or parcel of real estate called 290 acres which was formerly owned by Frances Duffy. By deed dated May 6, 1885, recorded in said clerk's office in Deed Book 19, Page 3, the said Frances Duffy conveyed 91 acres of real estate to Mary Frances Ledwith and Catharine E. Johanna Ledwith and which was a part of aforesaid tract of 290 acres of land. Thereafter, the then owners of this 91 acres of land caused a survey to be made thereof and the survey showed this acreage to be 51.88 of land instead of 91 acres. The said Frances Duffy died August 11, 1885, testate, a

resident of said Nicholas County, and by his will probated in said Nicholas County on January 18, 1886, and recorded in said clerk's office in Will book 1 Page 200, he devised "100 acres of land to be taken off the upper part of my farm adjoining the land of Wash Harlo, Jas. F. Thornton and others" to M.A. Pettigrew and he also devised "the remainder of all my lands situated on the east side of Peter's Creek adjoining the lands of William Graus, Pat Corbit and others" to Michael C. Duffy, his nephew, or the aforesaid 99 acres of real estate mentioned above. By Deed dated May 4, 1886, recorded in said clerk's office in Deed Book 19 at Page 335, the said Michael C. Duffy conveyed the aforesaid tract of 99 acres of real estate to James B. Duffy, being the same real estate which had been devised to the said Michael C. Duffy by the Will of the said Frances Duffy, as aforesaid.

(b) A tract of Nineteen and Seventy-Five One Hundredths (19.75) acres of real estate which is more particularly bound and described as follows: BEGINNING at a black oak, (down). Corner to the Michael Duffy homeplace, of the J.D. Corbitt survey of the Lick Hollow tract, conveyed to Joseph A. Alderson by J.D. Alderson, Commissioner, and with the lines of the said Lick Hollow tract nearly west to J.D. Corbitt popular corner, and thence same course of lines of said Lick Hollow tract and J. B. Duffy (formerly Frances Duffy) land to the intersection of the land of that portion of the Lick Hollow tract conveyed by said Joseph A. Alderson to G. W. Harlo, where a chestnut is marked as a corner, thence with Harlo turning back and running along top of the mountain to the line of the said old Michael Duffy homeplace, and with the same to the beginning.

And being the same property conveyed to Rosa Graybeal, by Deed of Thompson Tire of West Virginia, L.L.C., a West Virginia limited liability company, by Deed dated March 14, 2002, and recorded in the office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 407 at page 611.

There are, however, excepted and reserved from the above-described real estate the following:

1. That certain Right of Way Agreement dated the 12th day of January, 1990, by and between Arn L. Duffy, et als, and Donny Donelson and Denise Donelson, husband and wife, and of record in the aforesaid clerk's office in Deed Book 334 at Page 39.
2. It is the intention of the parties of the first part to convey all of their interests in that certain Agreement and Lease dated the 12th day of January, 1953, by and between F. Ryan Duffy, et als, and Peters Creek Coal company, a WV corporation, and of record in the aforesaid clerk's office in Lease Book 26 at Page 405, the title to the fee of said real estate being conveyed herein insofar as the same is owned by the parties of the first part.

TRACT V: Situate in Summersville District, Nicholas County, West Virginia, more particularly bounded and described as follows, to-wit:

BEING at a corner on Bryant's Creek across West Virginia Route No. 39 from David and Alice Williamson; thence east on the line bordering West Virginia Route 39 a distance of 410 feet to a beech tree; thence N 410 feet

to an old coal bank; thence W 410 feet to the corner on Bryant's Creek; thence south along creek a distance 410 feet to the beginning, containing 4 acres, more or less.

And being the same property conveyed to Rosa M. Graybeal, by Deed of Carolyn Davis, widow, dated the 6 day of February, 2004, and recorded in the office of the Clerk of the County Commission of Nicholas County, West Virginia, in Deed Book 418 at Page 545.

This deed is made and accepted subject to all valid and continuing reservations, restrictions, conditions and covenants made and contained in all prior deeds in the chain of title of the property herein conveyed.

TO HAVE AND TO HOLD the real estate as herein above described, together with all of the improvements, rights, privileges, easements, and appurtenances thereunto belonging or in anywise appertaining, unto the Grantee and its assigns, forever.

THIS DEED PREPARED WITHOUT THE BENEFIT OF TITLE EXAM.

The parties hereto certify that the consideration for the within conveyance is \$2,840,000.00.

WITNESS the following signatures and seals:

Carl Norman Graybeal (SEAL)
Carl Norman Graybeal

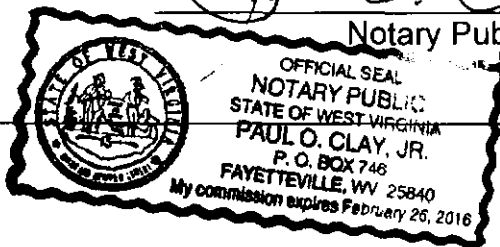
Rosa M. Graybeal (SEAL)
Rosa M. Graybeal

STATE OF WEST VIRGINIA,
COUNTY OF Fayette, SS:

The foregoing instrument was acknowledged before me on this the 14th day of June, 2010, by CARL NORMAN GRAYBEAL and ROSA M. GRAYBEAL.

[AFFIX SEAL]

My commission expires: _____



This document prepared by:
Paul O. Clay, Jr.
101 West Maple Avenue
P. O. Box 746
Fayetteville, West Virginia 25840

C:\old\2010\may\graybeal deed-residual.wpd

STATE OF WEST VIRGINIA, Nicholas
County Commission Clerk's Office
06/16/2010. The foregoing Deed together
with the certificate of its acknowledgment,
was this day presented in said office and
admitted to record.

Teste *Wanda Vandrucka* Clerk