

AND BEING a portion of that same parcel of real estate as was conveyed from Allegheny Wood Products, Inc. to Melbourne Properties, Inc. by deed dated August 17, 2005, of record in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Deed Book 322, page 140.

The real estate herein conveyed is subject to the Declaration of Protective Covenants for New Creek Highlands Subdivision, said Declaration of record in the aforesaid County Clerk's Office in Deed Book 324, page 667.

A portion of Lot 58 lies within a flood plain. See Plat Note 7 of the Plat of New Creek Highlands, Section 3, of record in the aforesaid County Clerk's Office in Plat Book 7, page 270. Construction of improvements within the flood plain areas is prohibited unless in compliance with all applicable statutes and regulations.

Lot 58 herein conveyed is subject to the rights of adjoining property owners, if any, to use an existing road known as the "Jerusalem Road" passing along or near the northwestern boundary line of Lot 58.

This conveyance is Subject to the Plat Notes as shown on the Plat of New Creek Highlands Subdivision, Section 3, of record in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Plat Book 7, page 270.

This conveyance is subject to all easements and rights-of way of record or in existence.