

Mailed: 1-22-07

PDS LLC
HC 61 Box B-1
Capon Bridge, W.V. 26711

70151

BOOK 461 PAGE 447

RICHARD W. SMITH, JR.

THIS DEED of CORRECTION, Made this

18 day of December, 2006, by and

TO: DEED OF CORRECTION

between Richard W. Smith, Jr., grantor,

party of the first part, and PDS, LLC,

PDS, LLC, A VIRGINIA LIMITED
LIABILITY COMPANY

a Virginia Limited Liability Company,

grantee, party of the second part,

WHEREAS, by deed dated November 30, 2005, and of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Deed Book 450, at Page 595, the grantor herein did grant and convey the hereinafter described realty unto PDS, LLC, and identified same as a West Virginia Limited Liability Company, which is in error as PDS, LLC, is actually a Virginia Limited Liability Company, which is registered and authorized to transact business in the State of West Virginia under the name of PDS Rental Property, LLC; and,

WHEREAS, it is now the purpose and intention of this deed for the grantor herein to properly transfer and convey the hereinafter described real estate unto the grantee herein under its correct name of PDS, LLC, a Virginia Limited Liability Company; and,

NOW, THEREFORE, THIS DEED OF CORRECTION, TO WIT;

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, receipt whereof being hereby acknowledged, and other good and valuable consideration deemed valid at law, the said party of the first part does, by these presents, bargain, sell, grant, and convey unto the said party of the second part with Covenants of General Warranty of Title, and to be free of all liens and encumbrances, all that certain lot or parcel of land, together with all buildings and improvements thereon and appurtenances thereunto belonging, located in the Town of Capon Bridge, Hampshire County, West Virginia, situate in Capon District, **containing 0.83 of an acre, more or less, or 36,155 square feet, more or less**, as described on Exhibit A, attached hereto and made a part hereof.

And being the same real estate conveyed unto Richard W. Smith, Jr., by deed of Golden Arch Limited Partnership, a Delaware Limited Partnership, by deed dated November 14, 2000, and which said deed is of record in the Office of the Clerk of the County Commission of Hampshire

County, West Virginia, in Deed Book No. 402, at page 730.

The above described premises shall not be used for restaurant purposes for a period of twenty (20) years from the date of November 14, 2000. The term "restaurant" as used in this clause shall apply to any type of national chain food service establishment, including Arby's Burger Chef, Burger King, Carl's Jr., Carrow's, Fuddrucker's, Hardee's, In and Out Burgers, Jack-in-the-Box, Kentucky Fried Chicken (KFC), Little Caesar's, Pizza Hut, Rally's, Roy Rogers, Taco Bell, Wendy's, and White Castle. This restriction shall not apply to the following: Baskin Robbins, Big Boy, Blimpies, Bresslers, Brown's Chicken, Del Taco, Denny's, Domino's, El Pollo Loco, Haagen Das, Mr. Submarine, Mrs. Fields, Nathan's, Numero Uno, Papa Ginos, Perkin's, Ponderosa, Popeye's Chicken, Rax, Round Table, Shakeys, Shoney's, Sizzler, Subway Sandwiches and TCBY Yogurt. This restriction shall be a covenant running with the land and be binding upon the grantee, his heirs, administrators, successors, and assigns.

TO HAVE AND TO HOLD the aforesaid real estate unto the said grantee, together with any and all rights, ways, buildings, houses, improvements, easements, timbers, waters, minerals, and mineral rights, and all other appurtenances thereunto belonging, in fee simple forever.

I hereby certify, under penalties as prescribed by law, that the actual consideration paid for the real estate conveyed by the foregoing and attached deed is \$10.00, as this is a deed of correction with no further consideration being necessary nor changing hands.

WITNESS the following signature and seal:

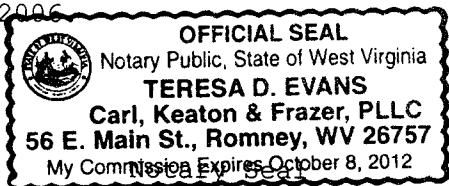
Richard W. Smith, Jr. (SEAL)
Richard W. Smith, Jr.

STATE OF WEST VIRGINIA,
COUNTY OF HAMPSHIRE, TO WIT:

I, Teresa D. Evans, a Notary Public, in and for the county and state aforesaid, do hereby certify that Richard W. Smith, Jr., whose name is signed and affixed to the foregoing and attached deed of correction dated the 18 day of December, 2006, have this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 18 day of December,

2006



Teresa D. Evans
Notary Public

CARL, KEATON & FRAZER, PLLC
ATTORNEYS AT LAW
56 E. MAIN STREET
ROMNEY, WV 26757

This instrument was prepared by H. Charles Carl, III, Attorney at Law, 56 East Main Street, Romney, West Virginia.

732

EXHIBIT A

Being a tract of land recorded among the Land Records of Hampshire County, West Virginia in deed book 2f.2 at page 38. Below is a new description based on a survey done by KCI Technologies, Frederick, Maryland (on December 9, 1994 by magnetic meridian).

BEGINNING FOR THE SAME at a point on the south west side of U.S. Route # 50. Said point being in a blacktop driveway, 1.67 feet from the north east corner of a concrete sidewalk on the north edge of the walk line extended. Then binding with the 5th line, reversely, of the property of 1st National Bank of Romney, recorded in book 252 at page 69;

1. S 26° 09' 31" W a distance of 365.00 feet, to a point at the bottom of the large bank on the north edge of the Cacapon River. Then from the point at the bottom of the large bank and along the bottom of the bank;
2. S 65° 33' 31" W a distance of 132.17 feet to another point at the bottom of the large bank, then;
3. N 25° 24' 56" E a distance of 465.17 feet, binding on the eastern line of Capon Bridge Public Library, recorded in book 328 at page 500. Then binding on the south west side of U.S. Route # 50, and running on or near the north east side of a concrete sidewalk;
4. S 65° 06' 53" E a distance of 89.94 feet to the POINT OF BEGINNING.

Containing 0.83 acres, more or less. Being the same tract of land as in a deed dated March 28, 1983 and recorded among the Land Records of Hampshire County, West Virginia in book 262 at page 38. Also being the same tract of land as in a deed dated October 9, 1978 and recorded among the Land Records of Hampshire County, West Virginia in book 233 at page 282. Also being the same tract of land as in a deed dated September 8, 1966 and recorded among the Land Records of Hampshire County, West Virginia in book 171 at page 519.

Together with a Right-Of-Way on the south east side of the above mentioned subject lot, more particularly described as follows:

Beginning at the POINT OF BEGINNING of said tract, and binding on the above described 1st line;

1. S 26° 09' 31" W a distance of 160.00 feet to a point on the above mentioned 1st line. Said point also being in a sanitary sewer Right-Of-Way more fully explained in deed book 330 at page 599. Then leaving said line;
2. S 63° 50' 29" E a distance of 8.00 feet to a point. Then;
3. N 26° 09' 31" E a distance of 160.09 feet to a point on the U.S. Route # 50 Right-Of-Way. Then running with said Right-Of-Way;
2. N 64° 27' 29" W a distance of 8.00 feet to the POINT OF BEGINNING.

Containing 0.03 acres, plus or minus. Being the same Right-Of-Way recorded among the Land Records of Hampshire County, West Virginia in the following books and pages;

Book 77 at page 37, book 92 at page 392, book 97 at page 123, book 233 at page 283, book 252 at page 69, book 262 at page 38.

SHARON H. LINK
 HAMPSHIRE COUNTY 02-10-08 PM
 INSTRUMENT NO 92520
 RECORDED DATE 01/16/2007
 DOCUMENT TYPE DEED
 BOOK-PAGE 461-447
 REC/ADM FEE 10.00 1.00

STATE OF WEST VIRGINIA, Hampshire County Commission Clerk's Office 116107 2:10pm.

The foregoing Instrument, together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

Teste Sharon H. Link Clerk.