

61019

Mailed: 5-13-03  
Samuel N. Perry  
13610 Windsor Rd.  
Windsor, Va. 23487

**DEED**

THIS DEED, dated this 15<sup>th</sup> day of April 2003, by and between JAMES F. FITZPATRICK and SANDRA FITZPATRICK, husband and wife, GRANTORS, and SAMUEL N. PERRY, GRANTEE.

WITNESSETH: That for and in consideration of the sum of TEN and 00/100 DOLLARS (\$10.00), cash in hand paid by the GRANTEE, and for other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said GRANTORS do hereby grant and convey unto said GRANTEE, in fee simple, with covenants of general warranty, all that certain tract of land lying in Mill Creek District, Hampshire County, West Virginia, on the north side of County Route 8/3, containing 79.402 acres, more or less, and being more particularly shown and described on that certain Plat of Survey and Description of Survey as prepared Gary A. Hedrick, Professional Surveyor, dated March 28, 2003, both being attached hereto and made a part hereof for all proper and pertinent reasons, specifically a more particular metes and bounds description.

AND BEING a part of the same real estate as was conveyed to James F. Fitzpatrick and Sandra Fitzpatrick, his wife, under deed from Mary E. Taylor, et al, dated June 26, 1972, of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Deed Book No. 197, at page 131.

This conveyance is made subject to the following covenants and restrictions and said covenants and restrictions are hereby deemed to run with the land:

1. No commercial logging may occur on the property for ten (10) years from the date of execution of this deed and no commercial logging can occur on the portion of the slope facing the "Mother" Farmhouse at all.
2. No manufactured homes are allowed on the property, but pre-fab (modular) or stick-built homes on foundations are permissible.
3. The property can be divided once making two (2) parcels. All restrictions will apply to both parcels.
4. Only one residence will be allowed on the property (or one residence per parcel if divided).
5. No residence can be built in a location that allows the residence to be seen from the "Mother" farmhouse.

This conveyance is made expressly subject to any reservations, easements, conditions, restrictions and rights of way contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property, hereby conveyed, which have not expired by a limitation of time contained therein or have otherwise become ineffective including any matters shown on any and all plats and surveys.



Real estate taxes shall be prorated between the parties as of the date of closing, and Grantee shall be solely responsible for the 2003 real estate taxes, even though same may be assessed in the name of the Grantor.

TO HAVE AND TO HOLD the aforesaid real estate, unto the said SAMUEL N. PERRY, in fee simple, forever.

DECLARATION OF CONSIDERATION OR VALUE

Under the penalties of fine and imprisonment as provided by law, the undersigned GRANTORS hereby declare that the total consideration for the property transferred by the document to which this declaration is appended is \$119,100.00.

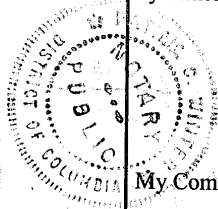
WITNESS the following signatures and seals:

  
JAMES F. FITZPATRICK  
  
SANDRA FITZPATRICK

STATE OF District of Columbia,

COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this 16 day of April, 2003, by James F. Fitzpatrick and Sandra Fitzpatrick, husband and wife.



  
NOTARY PUBLIC

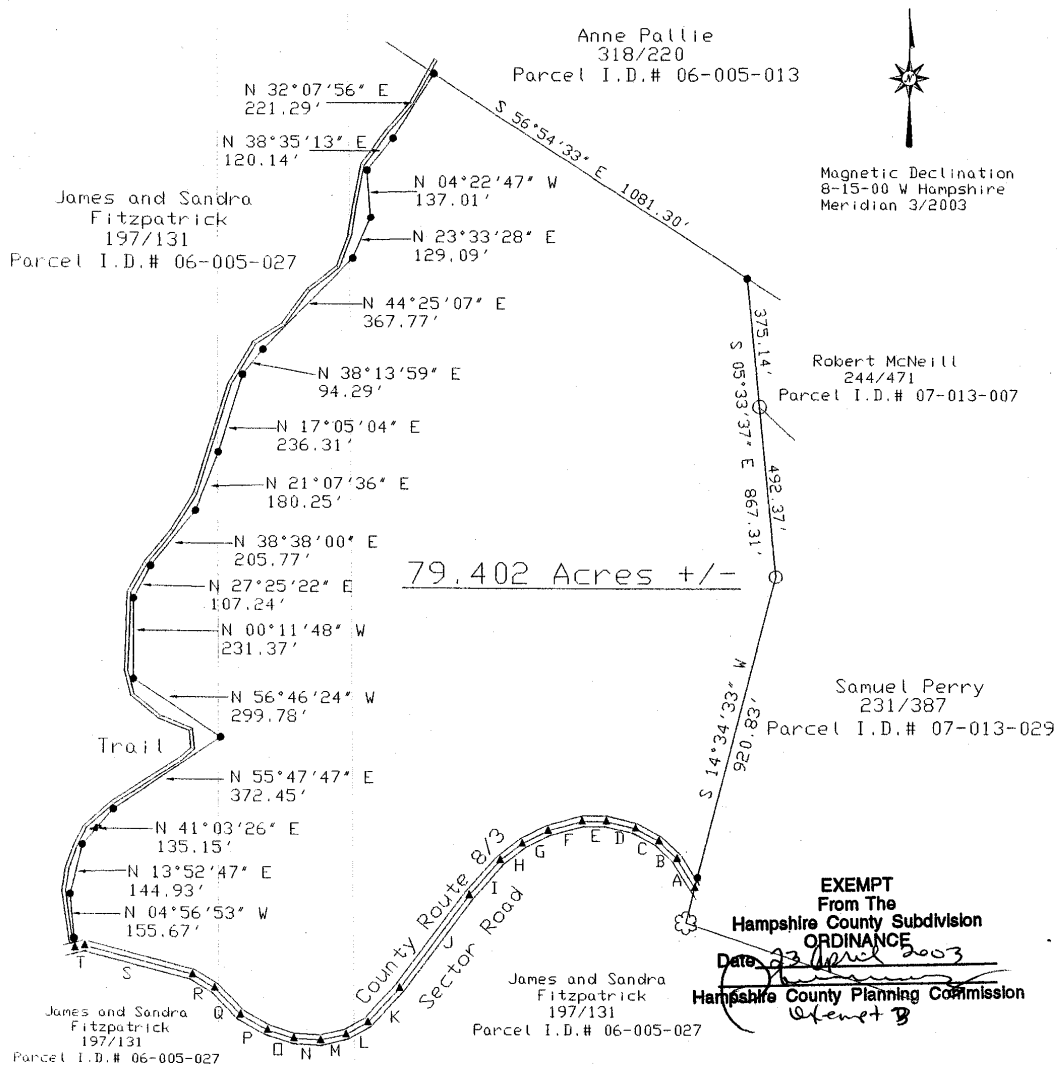
My Commission Expires:

**FATIMA C. WINTER**  
Notary Public District of Columbia  
My Commission Expires April 14, 2007  
*This instrument was prepared by Donald P. Cookman of RILEY & COOKMAN, PLLC, Attorneys At Law, 78 E. Main Street, P.O. Box 1723, Romney, West Virginia 26757.*

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Mill Creek District - Hampshire County  
West Virginia

Reference: Deed Book 197 Page 131  
TM-5 Parcel 27



EXEMPT  
From The  
Hampshire County Subdivision  
ORDINANCE  
Date 23 April 2003  
[Signature]  
Hampshire County Planning Commission  
Clement B

		Road Cuts			
A	N 31°47'11" W	96.88'	L	S 42°33'18" W	134.41'
B	N 46°19'57" W	72.44'	K	S 60°32'21" W	72.36'
C	N 61°24'30" W	76.55'	M	S 76°49'07" W	75.23'
D	N 76°42'23" W	87.11'	N	86°16'36" W	76.98'
E	N 89°54'54" W	70.14'	Q	N 72°13'13" W	79.11'
F	S 74°38'02" W	101.88'	P	N 60°51'34" W	89.02'
G	S 63°48'11" W	83.76'	Q	N 63°46'33" W	107.13'
H	S 52°32'57" W	80.32'	R	N 59°20'34" W	78.61'
I	S 41°55'50" W	133.34'	S	N 75°39'44" W	320.29'
J	S 37°02'06" W	334.22'	T	S 76°51'31" W	28.55'

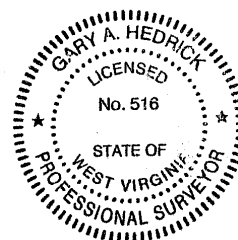


Geodetic  
Positioning  
Services  
Surveying-G.P.S., -G.I.S.  
P.O. Box 537  
Springfield, WV 26763  
304/822-4165

Legend

- G.P.S. #5 Rebar and Cap (Set)
- ▲ Calculated Corner in C/L County Route 8/3
- Ed Mayhew #5 Rebar and Cap (Found)

Date Completed: 3/28/2003



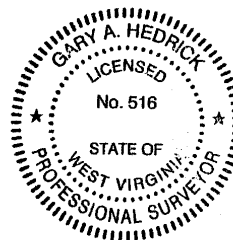
Gary A. Fredrick

Gary A. Hedrick  
W.V.L.L.S. #516

N 13 52 47 E 144.93' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 41 03 26 E 135.15' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 55 47 47 E 372.45' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 56 46 24 W 299.78' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 00 11 48 W 231.37' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 27 25 22 E 107.24' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 38 38 00 E 205.77' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 21 07 36 E 180.25' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 17 05 04 E 236.31' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 38 13 59 E 94.29' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 44 25 07 E 367.77' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 23 33 28 E 129.09' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 04 22 47 W 137.01' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 38 35 13 E 120.14' to a G.P.S. #5 Rebar and Cap (Set); thence,  
 N 32 07 56 E 221.29' to a G.P.S. #5 Rebar and Cap (Set) in the original  
 line and on the Southeast side of a trail; thence with the original line,  
 S 56 54 33 E 1081.30' to a G.P.S. #5 Rebar and Cap (Set); thence with  
 the original line,  
 S 05 33 37 E 867.31' to the Beginning and containing 79.402 acres plus or  
 minus as surveyed by Geodetic Positioning Services on 3/28/2003 also see  
 attached Plat of Survey.

And being a part of the same tract of land conveyed to James and Sandra  
 Fitzpatrick from Mary E. Taylor, Kathryn T. Taylor, Edith P. Taylor, Roberta  
 M. Taylor, Ann T. and Francis O'Brien and Katherine T. and David Dannert  
 and of record in the Office of the Clerk of the County Court of Hampshire  
 County, in Deed Book 197 at Page 131.

*Gary A. Hedrick*



HAMPSHIRE COUNTY COMM.  
 DEED Clerk 03  
 Date/Time: 05/02/2003 15:17  
 Inst #: 50086  
 Book/Page: 422- / 804-  
 Recd/Tax: 536.80 525.80

**Geodetic Positioning Services**  
P.O. Box 537 - Springfield, WV 26763 - 304/822-4165

**Description of Survey  
for  
James and Sandra Fitzpatrick**

All that certain tract of land lying in Mill Creek District, Hampshire County, West Virginia on the north side of County Route 8/3 also known as Sector Road and more particularly described as follows:

Beginning at a Ed Mayhew #5 Rebar and Cap (Found) a Corner to Samuel Perry 231/387; thence,

S 14 34 33 W 920.83' to a Calculated Corner in the C/L of County Route 8/3 also known as Sector Road; thence with the C/L of said Road for several calls,

N 31 47 11 W 96.88'; thence,

N 46 19 57 W 72.44'; thence,

N 61 24 30 W 76.55'; thence,

N 76 42 23 W 87.11'; thence,

N 89 54 54 W 70.14'; thence,

S 74 38 02 W 101.88'; thence,

S 63 48 11 W 83.76'; thence,

S 52 32 57 W 80.32'; thence,

S 41 55 50 W 133.34'; thence,

S 37 02 06 W 334.22'; thence,

S 42 33 18 W 134.41'; thence,

S 60 32 21 W 72.36'; thence,

S 76 49 07 W 75.23'; thence,

N 86 16 36 W 76.98'; thence,

N 72 13 13 W 79.11'; thence,

N 60 51 34 W 89.02'; thence,

N 43 46 33 W 107.13'; thence,

N 59 20 34 W 78.61'; thence,

N 75 39 44 W 320.29'; thence,

S 76 51 31 W 28.55'; thence leaving said road and with a new division line,

N 04 56 53 W 155.67' passing a G.P.S. Reference #5 Rebar and Cap (Set) on line to a G.P.S. #5 Rebar and Cap (Set); thence,

HAMPSHIRE COUNTY COM.  
DEED Clerk 03  
Date/Time: 05/02/2003 15:17  
Inst #: 50086  
Book/Page: 422- / 84-  
Rec'd/Tax: 536.80 525.80

STATE OF WEST VIRGINIA, Hampshire County Commission Clerk's Office 5/2/03 3:17 p.m.

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.