

41813

595

GEORGE P. FARRACE &
CHERYL M. FARRACE

TO DEED

JOHN A. DILLINGER, SR. &
LINDA C. DILLINGER

THIS DEED made and entered into this 23rd day of June, 1986, by and between George P. Farrace and Cheryl M. Farrace, husband and wife, each in their own right as spouse of the other, grantors and parties of the first part, and John A. Dillinger, Sr. and Linda C. Dillinger, husband and wife, as

joint tenants with rights of survivorship, grantees and parties of the second part.

WITNESSETH: That for and in consideration of the sum of Twenty-Five (\$25,00) Dollars, cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said parties of the first part do hereby grant and convey with covenants of general warranty and to be free and clear of all liens and encumbrances unto John A. Dillinger, Sr. and Linda C. Dillinger, husband and wife, as joint tenants with rights of survivorship, all those two certain tracts or parcels of real estate situate in Sherman District of Hampshire County, West Virginia, described as follows:

FIRST TRACT:

All that certain tract or parcel of real estate situate in Sherman District of Hampshire County, West Virginia, containing 5.568 acres, more or less, which parcel of real estate is shown on the attached plat as surveyed by Frank A. Whitacre, Licensed Land Surveyor, as "Tract A" and is more fully described according to metes and bounds as follows:

"Beginning at a pipe in the boundary line of West Virginia Secondary Route 11, known as the Hanging Rock-Rio Road, witnessed by a 4" chestnut oak east of the shale pile and being the southwest corner of the original tract, thence N. 63 04 30 W. 476.48' to a steel pipe witnessed by a 3" pine and a 6" pine, thence N. 56 47 09 E. 540.75' to an iron pipe in the original line, thence cut across and into the 12 acre tract, S. 60 07 57 E. 584.48' to a pipe in the boundary line to public road Route 11, thence S. 68 52 00 W. 440.37' to an iron pipe, S. 63 19 06 W. 138.40' to the beginning, containing 5.568 acres, more or less."

LESS, HOWEVER, all that certain tract or parcel of real estate which was conveyed unto Roy Wayne Rohrbaugh and Jacquelyn Ann Rohrbaugh, husband and wife, by Deed of Ansel E. Peer and Alice A. Peer, husband and wife, by Deed dated the 25th day of April, 1979, which Deed is duly recorded in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Deed Book No. 236 at page 558, which parcel of real estate is more fully described according to metes and bounds as follows:

"BEGINNING at a T-Bar (found) corner to Tracts 52 and 53 of the Delray Heights Subdivision in a line of the land of Ansel E. Peer, thence with a new line of division through the land of said Peer, S. 19 29 14 W. 236.14' to a 5/8" rebar (set) in a line of the land of Delray Christian Church, thence with the land of said Church, N. 63 04 30 W. 165.00' to an iron pipe corner to Tracts 51 and 52 of Delray Heights Subdivision, thence with Tract 52, N. 56 47 09 E. 270.00' to the beginning, containing 0.443 acres, as surveyed by New Enterprise Land Surveying and as shown on the attached plat."

"The above parcel of real estate has now been resold unto Gloria V. Hopkins by Deed of Roy Wayne Rohrbaugh and Jacquelyn Ann Rohrbaugh, husband and wife, by Deed dated the 16th day of July, 1982, of record in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Deed Book No. 236 at page 558.

The real estate herein conveyed is all of the same real estate which was conveyed unto George P. Farrace and Cheryl M. Farrace, husband and wife, by Deed of Ansel E. Peer and Alice A. Peer, husband and wife, by Deed dated the 19th day of June, 1985, of record in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Deed Book No. 247 at page 767.

There is also conveyed that certain twenty (20) foot right of way which is described in the deed of Howard L. Lee and Violet L. Lee, husband and wife, to Ansel E. Peer and Alice A. Peer, husband and wife, dated the 3rd day of December, 1974, of record in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Deed Book No. 209 at page 600 as follows:

"There is also granted as means of ingress and egress to the tract herein conveyed a right of way 20 feet wide across grantors remaining 12 acre tract, leading from the first corner thereof marked by a cedar tree across Tract C of 3.216 acres and Tract B of 3.216 acres to the Tract herein conveyed, with right of way is upon the site of the existing road, which is now built, it being understood that said right of way may be used by all owners of the original 12 acre tract but that until Howard L. Lee and Violet L. Lee, husband and wife, either sell or build upon Tract C that the roadway will be maintained in a passable condition by the owners of the real estate herein conveyed and in the event that Tract B is sold to the grantors daughter and son-in-law, they must also maintain their proportionate share of said roadway until the remaining tract is used for residential purposes, and Howard L. Lee and wife shall not be required to maintain their share of the road until they build on Tract C".

Being the same right of way conveyed unto Howard L. Lee and Violet L. Lee, husband and wife, by Deed of Right of Way of Robert H. Lee and Cora M. Lee, husband and wife, by Deed of Right of Way dated the 3rd day of December, 1974, of record in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Deed Book No. 209 at page 576.

There is also conveyed with this property all minerals, mineral rights, roads, rights of way, easements and appurtenances thereunto belonging.

SECOND TRACT:

All that certain tract or parcel of real estate known and designated as Tract No. Fifty-Three (53) of Delray Heights Subdivision, situate in Sherman District of Hampshire County, West Virginia, containing 5.5066 acres, more or less, and which parcel of real estate is more fully described on a plat of Delray Heights Subdivision as prepared by Stultz & Associates, Inc., of record in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Map Book No. 2 at page 130, which plat by reference is expressly made a part hereof for a fuller and more complete description of said real estate by metes and bounds.

Being all of the same real estate which was conveyed unto George P. Farrace and Cheryl M. Farrace, husband and wife, by Deed of Ansel E. Peer and Alice A. Peer, husband and wife, by Deed dated the 19th day of June, 1985, of

record in the Clerk's Office of the County Commission of Hampshire County, West Virginia in Deed Book No. 277 at page 772.

There is conveyed with this property a right of way as shown on the plat of Delray Heights Subdivision, which right of way is fifty (50) feet wide, with twenty-five (25) feet thereof being within the bounds of the tract herein conveyed, and there is also reserved said right of way as an open road across part of the tract herein conveyed for the use and benefit of the grantees and grantors, their successors or assigns, or other tract owners who have the right to use the same; it being understood that the present roadway is located within the bounds of the fifty (50) foot right of way as shown on the said plat.

The taxes upon said real estate for the calendar year 1986 shall be pro-rated as of date of settlement.

This conveyance is made subject to the following restrictions:

1. The grantors reserve unto themselves, their successors or assigns, the right to erect and maintain telephone and electric light poles, conduits, equipment, sewer, gas and water lines or to grant easements or rights of way therefore, with the right of ingress and egress, for the purpose of erection or maintenance on, over or under a strip of land fifteen (15) feet wide at any point along the side, rear or front lines of any said lots, or within (40) feet from the center of any road right of way. Such a right of way for utility lines may also be utilized by the said grantees in the use of their lot.
2. Lots shall be used for residential purposes only and no dwelling shall be less than 560 square feet; if mobile home is used, it shall be made permanent with sides skirted.
3. If garage or storage shed is built, it shall conform in general appearance to the dwelling.
4. No buildings or dwelling shall be constructed within fifty (50) feet from side of lot or road.
5. Garbage and trash containers must be covered at all times, and premises shall be maintained in a neat and orderly manner.
6. No timber shall be cut upon the parcel until the tract is fully paid for except for sufficient room to erect a dwelling.
7. No trucks, buses, old cars or unsightly vehicles of any type or description may be left or abandoned on said tracts.

It is the purpose and intention of this deed, and it is hereby accepted by the grantees herein, that this property is conveyed unto them with

rights of survivorship, that is, if the said John A. Dillinger, Sr. should die before his wife, Linda C. Dillinger, then the entire estate in fee simple shall be and become the sole property of the said Linda C. Dillinger, and if the said Linda C. Dillinger should die before her husband, John A. Dillinger, Sr. then the entire estate in fee simple shall be and become the sole property of the said John A. Dillinger, Sr.

TO HAVE AND TO HOLD the real estate herein conveyed together with all roads, rights of way, minerals, mineral rights, easements and appurtenances thereunto belonging, unto John A. Dillinger, Sr. and Linda C. Dillinger, husband and wife, as joint tenants with rights of survivorship, in fee simple.

WITNESS the following signatures and seals:

George P. Farrace (SEAL)
GEORGE P. FARRACE
Cheryl M. Farrace (SEAL)
CHERYL M. FARRACE

STATE OF VIRGINIA,
COUNTY OF Hampshire, TO WIT:

I, Linda J. Daugherty, a Notary Public within and for the county and state aforesaid, do hereby certify that George P. Farrace and Cheryl M. Farrace, husband and wife, whose names are signed to the foregoing and annexed writing bearing date of the 23rd day of June, 1986, have each this day acknowledged the same before me in my said county.

Given under my hand this 25th day of August, 1986.

My Commission expires June 16, 1991.

Linda J. Daugherty
NOTARY PUBLIC

(NOTARIAL SEAL)



ALPH W. HAINES
ATTORNEY AT LAW
ROMNEY, W. VA

20787

600

DECLARATION OF CONSIDERATION OF VALUE

Under the penalties of fine and imprisonment as provided by law,
the undersigned (grantor-s) (grantee-s) do hereby declare the true and actual
value of the property transferred by this document to which this declaration is
appended to be to the best of my knowledge and belief. \$ 78,000.00.

Given under my hand this 25th day of August, 1986.



Thomas L. Williams, Jr.
The Bank of Romney
Loan Administration Officer

The above deed was prepared without
title examination or report by:
Ralph W. Haines, Attorney
Romney, WV 26757

STATE OF WEST VIRGINIA, County of Hampshire, to-wit:

Be it remembered that on the 26th day of August, 1986, at 3:44 P
this Deed was presented in the Clerk's Office of the County Commission of said County
and with the certificate thereof annexed, admitted to record.

Attest Nancy C. Feller Clerk
County Commission, Hampshire County, W. Va.

CASTO & HARRIS INC., SPENCER, W. VA. RE-ORDER NO. 87351

ALPH W. HAINES
ATTORNEY AT LAW
ROMNEY, W. VA.
26757