

After recording return to:
Law Offices of Hoy Shingleton, LC
115 Aikens Center Suite 24
Martinsburg, WV 25404

**DEED**

THIS DEED, made and entered into this 9th day of December, 2008, by and between **MELBOURNE PROPERTIES, INC.**, a West Virginia corporation, Grantor and party of the first part, and **MARK D. KUNKEL**, Grantee and party of the second part.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt of which is also hereby acknowledged, the said party of the first part does hereby bargain, sell, grant and convey unto the party of the second part, with Covenants of General Warranty in fee simple, together with all rights, improvements, privileges, rights-of-way and appurtenances thereunto belonging, the following described lot, tract, or parcel of real estate, situate, lying and being in South Fork District, Hardy County, West Virginia, being more particularly described as follows, to-wit:

Lot 75, Potomac Valley Overlook Subdivision, Phase 8, containing 12.26 acres. A plat of Potomac Valley Subdivision, Phase 8, prepared by Freelance Technical Associates, Inc, dated November 8, 2007, of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Map Book 8, page 36, to which plat reference is made for a more particular description of the parcel of real estate described herein.

AND BEING a portion of that parcel of real estate as was conveyed from Thomas Passios, Trustee, to Melbourne Properties, Inc., a West Virginia corporation, by Deed dated December 17, 2004, of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book 283, page 295.

The Grantor does further grant and convey unto the Grantee, in common with all other lot owners of Potomac Valley Overlook Subdivision, the right to use the Commons Area of 4.79 acres as identified on the plat of Lots 1 through 12, recorded in the Office of the Clerk of the County Commission of Pendleton County, in Map Book 6, page 144.

The coal, oil, gas and minerals on and under the real estate herein conveyed were reserved in a prior deed and shall not be conveyed. See Deed Book 89, page 522.

The Grantor reserves a right-of-way over Grace Mountain Lane and Clear Mountain Lane to other parcels of real estate now owned by the Grantor or to be acquired by the Grantor.

The real estate herein conveyed is subject to the Declaration of Protective Covenants for Potomac Valley Overlook Subdivision, said Declaration of record in the aforesaid County Clerk's Office in Deed Book 291, page 605.

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

The Hardy County Subdivision Ordinance does not apply to this conveyance because said conveyance will not result in the formation of a new tract of land not previously on record.

DECLARATION OF CONSIDERATION OR VALUE

As provided by law, the undersigned hereby declares that the total consideration paid for the real estate transferred by the document to which this declaration is appended is: \$49,900.00.

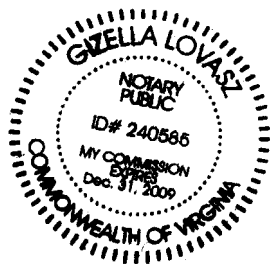
WITNESS the following signature and seal:

MELBOURNE PROPERTIES, INC.

By: John E. Folds
JOHN E. FOLDS
Its: President

STATE OF VIRGINIA
COUNTY OF FAIRFAX, TO-WIT:

The foregoing instrument was acknowledged before me this 9th day of December, 2008,
by John E. Folds, President of Melbourne Properties, Inc., on behalf of the corporation.



Gizella Lovasz
Notary Public
My Commission Expires: 12.31.09

This instrument was prepared by: Law Offices of Hoy Shingleton, L. C., 115 Aikens Center, Suite 24, Martinsburg, West Virginia 25404 304-262-4773

A handwritten signature of Gregory L. Ely.