

This Indenture,

MADE THE 31st day of May in the year of our Lord two thousand five (2005).

***BETWEEN** CALVIN M. WILL, a/k/a CALVIN MORRIS WILL, and MARY ELIZABETH WILL, a/k/a MARY KNEPPER WILL, husband and wife, of Brothersvalley Township, Somerset County, Pennsylvania, GRANTORS, Parties of the First Part,*

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DANIEL J. WILL and JOHN C. WILL of Brothersvalley Township, Somerset County, Pennsylvania, to hold as Tenants in Common, GRANTEES, Parties of the Second Part.

***WITNESSETH**, that the said parties of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLAR (\$1.00), lawful money of the United States of America unto them well and truly paid by the said parties of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the second part, their heirs and assigns, ALL the following described real estate:*

***TRACT A:** ALL that certain tract or parcel of land situate in Somerset Township, Somerset County, Pennsylvania, described as follows:*

***BEGINNING** at stones, corner of land now or formerly of Josiah Fritz South 75 degrees East 126 perches to post; South 13-1/2 degrees West 23.1 perches to post; South 70 degrees West 150 perches to post; North 41 degrees West 64 perches to post; North 40-1/2 degrees East 28.4 perches to post; North 54 degrees East 62.6 perches to place of beginning. CONTAINING 74 acres and 70 perches, strict measure.*

***EXCEPTING and RESERVING** from this conveyance, coal and all other minerals heretofore conveyed, excepted or reserved by predecessors in title hereto.*

***BEING** the same tract of land described as Tract No. 2 in deed of Calvin M. Will, a/k/a Calvin Morris Will, and Mary Elizabeth Will, a/k/a Mary Knepper Will, his wife, to Calvin M. Will and Mary Elizabeth Will, husband and wife, dated March 25, 1988, and recorded March 25, 1988, in Somerset County Record Book Volume 1020, Page 1094.*

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TRACT B: ALL the following described real estate situate in Brothersvalley Township, Somerset County, Pennsylvania, to wit:

PARCEL NO. 1: BEGINNING at a post in the public road, "known as the Beulah Road"; thence by Parcel No. 2, South 36-1/2° East 107.8 perches to a post on line of land formerly Samuel Philson; thence by said land now or formerly Philson, North 78° East 25.5 perches to a red oak; thence by land now or formerly of Jay Walker, formerly Resley Stevannus, North 42° East 79 perches to post; thence by land now or formerly of E. M. Knepper and Dalphone Landis, formerly Jacob Kuhns, North 57° West 128.9 perches to near by a cherry; thence by the public road known as the Beulah road and land now or formerly of E. M. Knepper, formerly John S. Meyers, South 37° West 60.4 perches to the place of beginning, CONTAINING 61 acres and 30 perches strict measure more or less.

PARCEL NO. 2: BEGINNING at a post on the public road "known as the Beulah Road" at Parcel No. 1; thence by said road and land of now or formerly E. M. Knepper, South 37° West 32.6 perches to a post; thence by same and land now or formerly of E. S. Kimmel, formerly John Brollier, South 45° East 90.7 perches to a post to land of formerly Samuel Philson; thence by the same, North 78° East 20.4 perches to post; thence by Parcel No. 1, North 36-1/2° West 107.8 perches to the place of beginning, CONTAINING 15 acres and 26 perches strict measure.

PARCEL NO. 3: ALL that certain tract of land situate in Brothersvalley Township aforesaid, on the East side of Beulah Road, known as Legislative Route 55046, bounded and described as follows: BEGINNING at an iron spike in the center of Legislative Route 55046, known as the Beulah Road leading from Berlin to Route 31 at corner of land hereby conveyed and other land now or formerly of Nellie Keefer; thence along the center line of said Beulah Road, North 37° 03' East 665.00 feet to an iron spike in center of road aforesaid; thence along line of land now or formerly of Calvin Will, South 56° 55' East 1,232.7 feet to a fence post corner; thence along existing wire fence, South 36° 35' West 660.00 feet to a fence post corner, at line of land now or formerly of Nellie Keefer; thence along line of land now or formerly of Nellie Keefer, North 57° 07' West 1,329.3 feet to an iron pin in the center of Beulah Road aforesaid, place of beginning, CONTAINING 20.1 acres in accordance with survey of Elmer Rhoades, Jr., R.S., dated July 1968.

EXCEPTING and RESERVING from Parcel No. 3 above described all coal, minerals and mining rights heretofore excepted or reserved by predecessors in title hereto.

ALSO EXCEPTING and RESERVING from the above described three parcels of land referred to above collectively as TRACT B, the following conveyances:

- (1) A 2.00 acre parcel of land conveyed by the Grantors herein as Calvin M. Will and Mary Elizabeth Will, husband and wife, to Larry R. Schrock and Dorothy Ann Schrock, husband and wife, by deed dated November 13, 1986, and recorded in Somerset County Record Book Volume 982, Page 76;
- (2) A 1.25 acre parcel of land conveyed by the Grantors herein as Calvin M. Will and Mary Elizabeth Will, husband and wife, to Daniel J. Will and Kathleen M. Will, by deed dated July 9, 1984, and recorded in Somerset County Deed Book Volume 919, Page 967; and

- (3) A 4.120 acre parcel of land conveyed by the Grantors herein as Calvin M. Will and Mary Elizabeth Will, husband and wife, to Schrock, Inc., by deed dated April 12, 1981, and recorded in Somerset County Deed Book Volume 874, Page 441.

BEING the same tract of land described as Tract No. 4 in deed of Calvin M. Will, a/k/a Calvin Morris Will, and Mary Elizabeth Will, a/k/a Mary Knepper Will, his wife, to Calvin M. Will and Mary Elizabeth Will, husband and wife, dated March 25, 1988, and recorded March 25, 1988, in Somerset County Record Book Volume 1020, Page 1094.

TRACT C: ALL that certain tract of land situate in Brothersvalley Township, Somerset County, Pennsylvania, described by courses and distances as follows:

BEGINNING at a post in the Shanksville and Berlin road, known as the Beulah road, at the extreme North end of the tract; thence by the land formerly of Jacob J. Glessner, now or formerly of William Sykes Glessner, South fifty-four and three fourth degrees ($54\frac{3}{4}$) East, two thousand two hundred seven and seven-tenth feet (2207.7) to post; thence by the land formerly of Samuel Brubaker's heirs, now or formerly of Jay P. Walker, South forty-five degrees (45) West, one thousand and six and five-tenth feet (1006.5) to post; thence by land formerly of Joseph E. Mason, now or formerly of J. M. Cable, North fifty-four degrees (54) West, seven hundred ninety-two feet (792) to post; thence by land formerly of William Kossel, now or formerly of Dalphon Landis, North forty degrees (40) East, six hundred sixty feet (660) to post; thence North fifty-four and one fourth degrees ($54\frac{1}{4}$) degrees West, one thousand three hundred and twenty-three and three-tenth feet (1323.3) to post in road; thence by the road North forty degrees (40) East, three hundred twenty-five and five one-hundredth feet (325.05) to post, the place of beginning; **CONTAINING** twenty-eight and nine hundred seventy-eight one thousandth (28.978) acres, strict measure.

EXCEPTING and RESERVING from the described tract referred to as TRACT C in this conveyance all the coal and mining and other rights conveyed by John Koontz, also called Kuhn, and wife, by deed dated November 21, 1901, and recorded at Somerset, Penna., in Deed Book Vol. 117, Page 304.

BEING the same premises conveyed to Calvin Morris Will and Mary Knepper Will, husband and wife, by deed of Alvaro B. Cober and Nellie Grace Koontz Cober, his wife, and Mary S. Koontz, widow, and Nellie Grace Koontz (now Cober), daughter, heirs, devisees and legatees of William Koontz, deceased, dated September 7, 1945, and recorded October 23, 1945, in Somerset County Deed Book Volume 346, Page 239.

UNDER and SUBJECT to all adverse conveyances, encroachments, exceptions, reservations, conditions, restrictions, easements, rights-of-way and encumbrances of record and/or which are apparent on the ground.

NOTICE: THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED

OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

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NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

William R. Mitchell

Daniel J. Will

 John C. Will

This 31st day of May, 2005

The above notices, however, are not intended to except or reserve any interest in the coal or mining rights in the above-described premises in the Grantors herein, nor is the inclusion of these notices intended to enlarge, restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument.

THE GRANTOR HEREBY ACKNOWLEDGES THAT THE GRANTOR HAS NOT DISPOSED OF HAZARDOUS WASTE ON THE PROPERTY ABOVE DESCRIBED, NOR, TO THE ACTUAL KNOWLEDGE OF THE GRANTOR, HAS HAZARDOUS WASTE EVER BEEN DISPOSED OF ON THE PROPERTY ABOVE DESCRIBED. THE TERMS "HAZARDOUS WASTE" AND "DISPOSED," AS USED HEREIN, SHALL HAVE, IN ADDITION TO THEIR NORMAL AND CUSTOMARY MEANINGS, THE DEFINITIONS CONTAINED IN THE "SOLID WASTE MANAGEMENT ACT," ACT 1980-97. AS USED IN THIS CLAUSE, THE WORD "GRANTOR" MEANS ALL OF THOSE PERSONS, WHETHER ONE OR MORE, WHO ARE THE GRANTORS IN THE INSTRUMENT OF CONVEYANCE IN WHICH THIS CLAUSE IS CONTAINED.

The Grantees herein are sons of the Grantors herein.

TOGETHER with all and singular, the said property, improvements, ways, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of the said parties of the first part, in law, equity or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said real estate hereditaments and premises hereby granted or mentioned, and intended so to be, with the appurtenances, unto the said parties of the second part, their heirs and assigns, to and for the only proper use and behoof of the said parties of the second part, their heirs and assigns forever.

AND the said Grantors hereby covenant and agree that they will warrant **SPECIALLY** the property hereby conveyed.

IN WITNESS WHEREOF, the said parties of the first part have to these presents set their hands and seals. Dated the day and year first above written.

Signed, Sealed and Delivered
in the Presence of

Colleen R. Mitchell

Calvin M. Will (SEAL)
Calvin M. Will, a/k/a

Colleen R. Mitchell

Calvin Morris Will (SEAL)
Calvin Morris Will

Colleen R. Mitchell

Mary Elizabeth Will (SEAL)
Mary Elizabeth Will, a/k/a

Colleen R. Mitchell

Mary Knepper Will (SEAL)
Mary Knepper Will

COMMONWEALTH OF PENNSYLVANIA

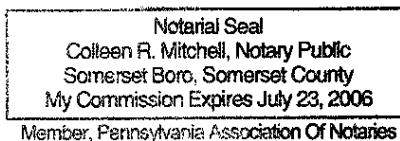
COUNTY OF

Somerset

} ss.

On this, the 31st day of May, 2005, before me, the undersigned officer, personally appeared CALVIN M. WILL, a/k/a CALVIN MORRIS WILL, and MARY ELIZABETH WILL, a/k/a MARY KNEPPER WILL, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed same for the purposes therein contained.

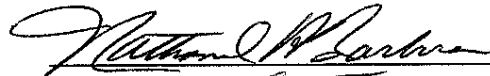
In witness whereof, I hereunto set my hand and official seal.



Colleen R. Mitchell (SEAL)
Notary Public
Title of Officer.

I do hereby certify that the precise residence and complete post office address of the within named Grantees is: Daniel J. Will, 1046 Beulah Road, Berlin, Pennsylvania 15530, and John C. Will, 180 Pike School Road, Berlin, Pennsylvania 15530.

May 31, 2005.


Attorney for Grantees

Prepared By: **HAND** ✓

Nathaniel A. Barbera, Esq.
Barbera, Clapper, Beener, Rullo & Melvin
146 West Main Street
P.O. Box 775
Somerset, Pennsylvania 15501

PATRICIA A. BRANT
RECORDER OF DEEDS
SOMERSET, PA
Pennsylvania

INSTRUMENT NUMBER
2005005865

RECORDED ON
May 31, 2005
2:13:20 PM

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES	\$18.00
ROD IMPROVEMENT FUND	\$3.00
COUNTY IMPROVEMENT FUND	\$2.00
AFFORDABLE HOUSING	\$10.00
TOTAL	\$43.50