

GENERAL WARRANTY DEED

THIS DEED, made this 14<sup>th</sup> day of July, 2013, by and between JERRY GLENN STERN and DONNA KAY KIRBY, parties of the first part, and STERN FAMILY FARM, LLC, a West Virginia limited liability company, party of the second part.

**WITNESSETH:** That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and convey, with covenant of **GENERAL WARRANTY**, unto the said party of the second part the following described property:

**FIRST PARCEL:** That certain tract of land situate in Liberty District, Marshall County, West Virginia, bounded and described as follows, to-wit:

Beginning at a Sycamore on the banks of Fish Creek, corner to lands of Bowers and Boerner and Joshua Yoho; thence by lands of said Yoho S. 35° W. 5 poles to a stone; thence S. 26° 45' W. 28 poles to a stone; thence S. 40° W. 30.66 poles to a stone; thence S. 22° 45' E. 33 poles to a sugar; thence S. 53° 30' W. 46.32 poles to a stake in place of poplar, corner to lands of Joshua Yoho and Yeater heirs; thence by lands of said Yeater heirs and Elmer Mason N. 30° W. 120 poles to a stake on the creek bank, corner to lands of said Elmer Mason and Bowers and Boerner near Valley (Waller) Run; thence up Fish Creek by lands of said Bowers and Boerner S. 89° 30' E. 17.40 poles to a point in creek; thence S. 77° 30' E. 34 poles to a point in the creek; thence N. 78° 25' E. 70.44 poles to the place of beginning, containing Thirty-Nine and five hundred and four one-thousandths (39.504) acres, as per survey of J. J. Sammons, in the year 1906.

There is excepted and reserved, however, from the operation of this deed all the coal that has heretofore been sold and conveyed and reference is hereby made to the coal deed as of record in said Clerk's office in Deed Book 120, page 221.

There is, however, further excepted and reserved from this conveyance and the same is not intended to be conveyed one-half (1/2) of all the oil and gas and other minerals within and underlying said tract of land, together with the right to lease and release the same for oil and gas and all other mineral development and to receive all rentals arising therefrom as previously excepted and reserved.

SECOND PARCEL: That certain tract of land situate in Liberty District, Marshall County, West Virginia, bounded and described as follows, to-wit:

Twelve (12) feet, more or less, as right of way, beginning at the corner of Yeaters Heirs, following line fence across Valley Run; thence joining the Sullivan right of way to the Main Road, known as the Fish Creek Road.

THIRD PARCEL: That certain tract of land situate in Meade District, Marshall County, West Virginia, bounded and described as follows, to-wit:

Beginning at a point on the bank of Valley Run, said point being located where the lands of Glenn Stern and Mason intersect, thence with the meanderings of said run, in a southwesterly direction, a distance of 263 feet to a point, corner to the lands of Mason and Spencer Stern; thence in a northerly direction, with the land of Spencer Stern, a distance of 485 feet to a point corner to the land of Glenn Stern and Spencer Stern; thence in a southwesterly direction, with the land of Glenn Stern, a distance of 357 feet to the place of beginning, containing one-half (1/2) acre, more or less, and being a part of Mason Island.

There is excepted and reserved, however, from the operation of this deed all the oil and gas within and underlying said Third Parcel, and is also made subject to all exceptions, reservations, covenants and conditions referred to or contained in the aforementioned deed and all prior deeds of record.

The above three (3) parcels being the same property conveyed to Jerry Glenn Stern and Donna Kay Kirby from Doris I. Stern, widow, by deed dated November 14, 2003, and recorded in said Clerk's office in Deed Book 636, at page 29.

FOURTH PARCEL: Beginning at two Lynns corner to Lina Rush and Pearl Richmond; with the line of Pearl Richmond and Nick Baker North 19° West 338 feet to a stake corner to J. Kane and with his lines North 42° 30' East 181.5 feet to White Oak Stump; North 59° East 406 feet to stone; North 35° East 272.5 feet to White Oak; North 72° 15' East 739 feet to Elm on West bank of run; North 1° West 289 feet to Ash on East bank of run; North 3° 15' East 440 feet to White walnut on east bank of run corner to Charles Hackle lands; with lines of same North 7° 45' East 867 feet to stake; South 79° 15' East 264 feet to a stake; North 16° 15' East 660 feet to stone; South 80° 45' East 360 feet to stone; thence with line of said Hackle and Lamont Buzzard South 30° East 2780 feet to a Sugar; South 10° East 75 feet to a Sugar below the road; South 34° West 223 feet to a gate post corner to Joseph Jackson; thence with his lines North 51° 12' West 239 feet to a stone; South 76° West 396 feet to a stone; South 5° West 1211 feet; South 86° East 905 feet to a White Oak, corner to Clarence Yoho; with his lines South 30° East 268 feet to stone and pointers; South 73° West 483 feet to point in road; thence with road South 30° 15' West 918 feet to point in road; South 45° West 198 feet to point in road; South 20° West 383 feet to stone; South 40° 30'

West 578 feet to stone at road and corner to Lina Rush; thence with her line South 85° West 594 feet to stone; thence South 78° 30' West 512 feet to the place of beginning, containing 289.12 acres.

Excepting from the above parcel a parcel containing 1.303 acres situate on Valley Run at the forks of the County Road, conveyed to Lamont Buzzard by deed recorded in the office of said clerk in Deed Book 234, at page 305, more particularly bounded and described as follows: Beginning at a point in Valley Run; South with same 80° 59' East 145.5 feet; North 56° East 289.5 feet to stake on bank of run; North 40° 38' West 111.5 feet to point in road; North 61° 17' East 142.85 feet to fence post; North 26° 33' West 41.3 feet to stake; South 69° 37' West 317.4 feet to stake; South 24° 45' East 162.45 feet to stake at County Road; South 80° 15' West 192.8 feet to stake; South 4° 54' East 37.8 feet to place of beginning.

**FIFTH PARCEL:** Beginning at a Sugar below the road, corner to First Parcel; thence with a line of same South 34° West 199 feet to a point in Greenfield Ridge road; corner to Joseph Jackson; thence with said road South 35° 03' East 330 feet to a point in road corner to Lamont Buzzard; and with his line South 78° 30' East 450 feet to stake; South 69° East 151.6 feet to stake; South 50° 15' East 123 feet to stake; South 13° 30' East 202 feet to stake; South 35° 10' East 267 feet to stake; North 80° East 602 feet to stake; North 31° East 343 feet; North 87° 40' West 432 feet to stake; North 5° 58' West 461 feet; North 22° 25' West 488 feet to point in road; North 73° 21' West 156 feet to point in road; South 59° 57' West 525 feet to point in road; South 80° 25' West 429 feet to the place of beginning, containing 23.27 acres.

There is excepted and reserved from this grant all the coal within and underlying said tracts of land together with the mining rights and privileges appurtenant thereto as set forth in deeds to Josiah V. Thompson by deed dated May 19, 1906, and October 8, 1906, respectively, recorded in Deed Books 116 and 120 at pages 458 and 147, respectively.

There is also excepted and reserved all the oil and gas within and underlying said tract of land together with the mining and operating rights and privileges as set forth in deed from Christopher E. Yeater to D. E. Richmond, dated March 16<sup>th</sup>, 1946, and recorded in the office of the Clerk in Deed Book 237, page 45.

This conveyance is made subject to the following easements: for gas line to Mountain State Gas Company by deeds dated September 21, 1898 and November 11, 1898, and recorded in Deed Book 60, at pages 49 and 109, respectively; for pipe line granted South Penn Oil Company by deed dated January 9<sup>th</sup>, 1905, and recorded in Deed Book 107, at page 68; and right-of-way for pipe line granted Valvoline Oil Company by deed dated April 3<sup>rd</sup>, 1929, and recorded in Deed Book 196, at page 298.

There is also excepted and reserved the following parcels of real estate:

1. The .604 acre parcel conveyed to William K. Stern by deed recorded in Deed Book 506, at page 316.
2. The 2.453 acre parcel conveyed to Donna K. Kirby by deed recorded in Deed Book 476, at page 406.
3. The .573 acre parcel conveyed to Martha Jean Kennedy and Michael Breen Stern by deed dated March 31, 1999 and recorded in Deed Book 606, at page 609.
4. The 2.280 acre parcel conveyed to Jerry G. Stern by deed recorded in Deed Book 424, at page 230.
5. The parcels of real estate conveyed to Paul N. Buzzard by deed recorded in Deed Book 611, at page 110.
6. The certain 5.14 acre parcel conveyed to Warren Stern and Mary Stern by deed recorded in Deed Book 432, at page 558.
7. That certain 2.279 acre parcel conveyed to Spencer Stern and Effie Stern by deed recorded in Deed Book 338, at page 464.
8. The 6.966 acre parcel conveyed to Jerry Glenn Stern in that certain deed dated November 12, 2003, and recorded in Deed Book 636, at page 21.
9. The .969 acre parcel of land conveyed by me to Jerry Glenn Stern and Donna Kay Kirby by deed dated November 12, 2003, and recorded in Deed Book 636, at page 24.

The above described Fourth Parcel and Fifth Parcel being the same property conveyed to Jerry Glenn Stern and Donna Kay Kirby, as tenants in common, by deed from Doris Stern, widow, dated November 12, 2003, and recorded in the office of the Clerk of the County Commission of Marshall County, West Virginia, in Deed Book 636, at page 26.

There is further excepted and reserved from the above-described property herein conveyed a 2.924 acre parcel conveyed to Amanda Fox and Casey Fox, her husband, by deed dated June 1, 2012, and recorded in Deed Book 772, at page 634.

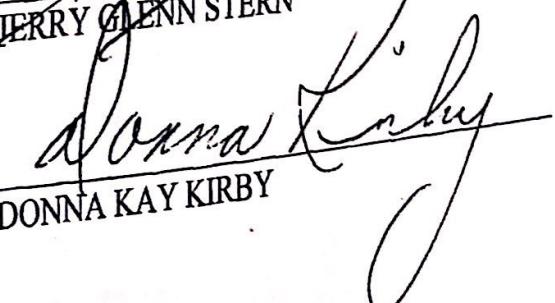
This conveyance is made subject to the exceptions, reservations, covenants, conditions, restrictions and easements, if any, granted by or acquired from the parties of the first part and their predecessors in title to said property.

There is further excepted and reserved from the parcels hereby conveyed a life estate for the benefit of the parties of the first part and their respective spouses, as joint tenants with right of survivorship, in all of the timber, including the right to receive the income from the sale of any timber, as well as all royalties that may be attributable from the production of any oil and gas from the above-described property. Upon the death of the last of the parties of the first part and their respective spouses, the timber and income related thereto and all royalties from the production of any oil and gas from the above-described property shall vest in the party of the second part, its successor and assigns.

The parties of the first part hereby declare that the value of the property hereby conveyed is Two Hundred Fifteen Thousand Dollars (\$215,000.00.00). In addition, the parties of the first part further declare that this conveyance is exempt from the withholding tax imposed under West Virginia Code §11-21-71b because they are West Virginia residents.

WITNESS the following signatures:

  
\_\_\_\_\_  
JERRY GLENN STERN

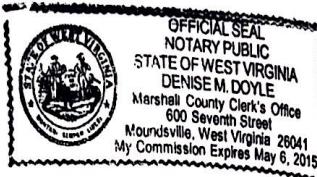
  
\_\_\_\_\_  
DONNA KAY KIRBY

STATE OF WEST VIRGINIA,

COUNTY OF OHIO, TO-WIT:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of July, 2013, by  
Jerry Glenn Stern as his free act and deed.

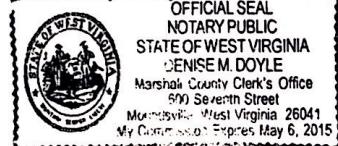
My commission expires:

5/6/2015

STATE OF WEST VIRGINIA,

COUNTY OF OHIO, TO-WIT:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of July, 2013, by  
Donna Kay Kirby as her free act and deed.



My commission expires:

5/6/2015

This instrument was prepared by DINSMORE & SHOHL LLP, Bennett Square, 2100 Market Street, Wheeling, WV 26003.

Jan Pest  
MARSHALL County 12:16:02 PM  
Instrument No 1346370  
Date Recorded 07/24/2013  
Document Type DEED  
Pages Recorded 6  
Book-Page 800-131  
Recording Fee \$12.00  
Additional \$5.00

6

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 24<sup>th</sup> day of July, 2013, was presented for and by me, admitted to record in my office upon above certificate as to the parties therein named this 24<sup>th</sup> day of July, 2013, at 12:16:02 PM.

TESTE: