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- 123347 -

THIS DEED, Made this 7<sup>th</sup> day of August, 2007, by and between HERZ, HERZ & REICHLER, INC., a West Virginia corporation, Grantor and party of the first part, and MATTHEW FLETCHER and HEATHER FLETCHER, husband and wife, Grantees and parties of the second part.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the party of the first part does bargain and sell, grant and convey unto the party of the second part, with covenants of General Warranty of title, and with rights of survivorship as hereinafter set forth, that certain lot or parcel of real estate situate in Canaan Valley, Dry Fork District, Tucker County, West Virginia, more particularly described as follows:

Unit No. 41 of Winterset, a planned community, containing 15,160 square feet, more or less, as more particularly described in the "Sixth Amendment to Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," executed by Grantor as Declarant on the 8th day of October, 1996, and recorded on the 10th day of October, 1996, in the Office of the Clerk of the County Commission of Tucker County, West Virginia, in Deed Book 153 at page 566, together with the use of all streets and roadways within Winterset for ingress, egress and regress to and from the real estate herein conveyed.

Being part of the same real estate conveyed to Herz, Herz & Reichle, Inc., by Frederick A. Reichle, single, by deed dated the 9<sup>th</sup> day of November, 1991, and recorded in the Office

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of the Clerk of the County Commission of Tucker County, West Virginia, in Deed Book 137 at page 12.

Said lot is shown on that certain Plat of Survey prepared by William D. Swecker, Registered Professional Engineer, West Virginia License No. 59853, of Swecker Engineering & Surveying of Elkins, West Virginia, and recorded in the aforesaid Clerk's Office in Plat Cabinet 2 at Slide 237, to which plat reference is made for a more particular description of the real estate being conveyed herein.

This conveyance is specifically made subject to the provisions of the following:

1. "Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," executed by Grantor as Declarant on the 22nd day of November, 1991, and recorded on the 22nd day of November, 1991, in the Office of the Clerk of the County Commission of Tucker County, West Virginia, in Deed Book 137 at page 137, together with all exhibits thereto.
2. "First Amendment To Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," dated the 30th day of September,

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1992, and recorded on the 9th day of November, 1992, in aforesaid Clerk's Office in Deed Book 140 at page 289, together with all exhibits thereto.

3. "Second Amendment To Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," dated the 30th day of September, 1992, and recorded on the 9th day of November, 1992, in aforesaid Clerk's Office in Deed Book 140 at page 309, together with all exhibits thereto.

4. "Third Amendment To Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," dated the 16th day of February, 1994, recorded on the 28th day of February, 1994, in aforesaid Clerk's Office in Deed Book 144 at page 277, together with all exhibits thereto.

5. "Fourth Amendment To Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," dated the 6th day of October,

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1994, recorded on the 11th day of October, 1994, in aforesaid Clerk's Office in Deed Book 146 at page 389, together with all exhibits thereto.

6. "Fifth Amendment To Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," dated the 9th day of June, 1995, recorded on the 23rd day of August, 1995, in aforesaid Clerk's Office in Deed Book 149 at page 428, together with all exhibits thereto.

7. "Sixth Amendment To Declaration Establishing A Plan For A Planned Community Within And Upon That Certain Parcel of Real Estate Containing 9.504 Acres, More or Less, Together With Certain Improvements Thereon And Appurtenances Thereunto Belonging, Situate In Canaan Valley, Dry Fork District, Tucker County, West Virginia, Pursuant To Chapter 36B of The Code of West Virginia of 1931, As Amended To Be Known As Winterset," dated the 8th day of October, 1996, recorded on the 10th day of October, 1996, in aforesaid Clerk's Office in Deed Book 153 at page 566, together with all exhibits thereto.

For the same consideration aforesaid Grantor further grants and conveys unto Grantees a non-exclusive right of way or easement over that certain roadway forty feet (40') in width from Timberline Road to Winterset designated as Herz Mountain Drive Access Road, as shown on that certain plat prepared by aforesaid William D. Swecker which is attached to aforesaid Declaration as

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Exhibit 2 and recorded in said Clerk's Office, to which reference is made for a more particular description of the right of way or easement herein conveyed.

This conveyance is expressly made and accepted subject to the provisions of the aforesaid Declaration and the aforesaid Amendments thereto together with all exhibits thereto, to the Bylaws of the Winterset Property Owners Association attached to the aforesaid Declaration as Exhibit 3, and to all plats of record.

There is specifically reserved to Herz, Herz & Reichle, Inc., and its predecessors in title, all oil, gas and minerals in and underlying the subject tract together with the right to remove the same and receive all royalties therefrom.

This conveyance is subject to the right of all owners within Winterset, A Planned Community, their guests and invitees, to use all streets and roadways within Winterset, and is further made subject to all prior restrictions, reservations, conditions, exceptions, and utility rights of way in prior instruments of record.

Grantees, for themselves, their successors, devisees, heirs, personal representatives, lessees or assigns, covenants and agrees that by the acceptance and recordation of this Deed that they shall become a member of the Winterset Unit Owners Association and shall be subject to and comply with the provisions of the Declaration and of the Bylaws of said Association as they may both be amended from time to time, and Grantees further covenant that the acceptance of this Deed shall constitute an agreement that the provisions of the Declaration and of the Bylaws of said Association, and all amendments thereto, are accepted and ratified by Grantees and that all such provisions shall be deemed and taken to be covenants running with the land.

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This conveyance is expressly made subject to all prior reservations, restrictions, exceptions, easements, rights of way, covenants, conditions and limitations that may be found in instruments of record in the chain of title to said real estate.

At the request of the parties of the second part herein, this conveyance is made to them as joint tenants and not as tenants in common, with full right of survivorship between them, so that upon the death of either of the parties of the second, part, title to the real estate herein conveyed shall be vested in the survivor absolutely.

DECLARATION OF CONSIDERATION OR VALUE: The total consideration paid for the property conveyed by the document to which this declaration is appended is ONE HUNDRED AND THIRTY THOUSAND DOLLARS (\$130,000.00).

WITNESS the following signature:

HERZ, HERZ & REICHLER, INC.,  
a West Virginia corporation

By Thomas E. Blang

Its: Assistant Secretary

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MATTHEW FLETCHER

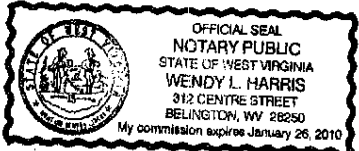
\_\_\_\_\_  
HEATHER FLETCHER

STATE OF WEST VIRGINIA,

COUNTY OF Randolph, TO-WIT:


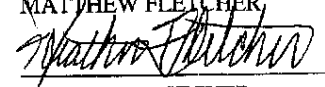
The foregoing Deed was acknowledged before me this 7<sup>th</sup> day of August, 2007,  
by Thomas F. Blarzy as Asst. Secretary of Herz, Herz & Reichle,  
Inc., a West Virginia corporation, on behalf of the corporation.

My Commission expires: 1/26/10



Wendy L. Harris  
NOTARY PUBLIC

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 \_\_\_\_\_  
 MATTHEW FLETCHER  
  
 \_\_\_\_\_  
 HEATHER FLETCHER

STATE OF ~~WEST~~ VIRGINIA,

COUNTY OF \_\_\_\_\_, TO-WIT:

The foregoing Deed was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2007,  
 by \_\_\_\_\_ as \_\_\_\_\_ of Herz, Herz & Reichle,  
 Inc., a West Virginia corporation, on behalf of the corporation.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

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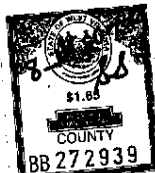
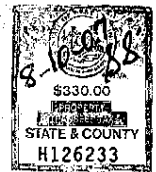
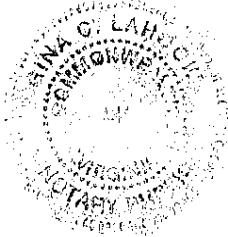
STATE OF ~~WEST~~ VIRGINIA,  
*Henrico*  
COUNTY OF ~~RANDOLPH~~, TO-WIT:

The foregoing Deed was acknowledged before me this 7 day of Aug

2007, by Matthew Fletcher and Heather Fletcher, husband and wife.

My Commission expires: Aug 31 2010

*[Signature]*  
NOTARY PUBLIC  
7006270



This Instrument was prepared by:  
THOMAS R. ROSS II  
Attorney at Law  
P.O. Box 2448  
Elkins, WV 26241

STATE OF WEST VIRGINIA,  
Tucker County Clerk's Office:

Be it remembered that on this 10<sup>th</sup> day of Aug, 07  
the foregoing deed of conveyance with the certificate thereto, to  
which is affixed the State and County Property Transfer Stamp of  
\$ 512.00, cancelled in the manner required by law, was  
this day presented in said office and admitted to record.

9:19am

Teste: *[Signature]* Clerk