

734

West Virginia Corporation, dated the 13th day of July, 1983 and of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia in Deed Book No. 265 at Page 473. This deed and the deeds and other documents referred to therein are hereby incorporated herein, by reference, for all proper and pertinent reasons.

RIGHTS OF WAY

For the consideration aforesaid, the grantor does hereby grant unto the grantees, their heirs and assigns, the perpetual right to use a certain 50 foot right of way as shown on the attached plat and does further grant unto the grantees, their heirs and assigns, the right to use that certain 20 foot right of way leading in a northwesterly direction from the aforementioned 50 foot right of way following the power line BUT THE GRANTEES' RIGHT TO THE USE OF THIS 20 FOOT RIGHT OF WAY SHALL EXTEND ONLY TO THE GATE WHICH IS APPROXIMATELY 406.42' NORTHWEST OF THE AFOREMENTIONED 50 FOOT RIGHT OF WAY BUT THE GRANTEES WILL HAVE NO RIGHTS WHATSOEVER TO THE USE OF THE AFOREMENTIONED 20 FOOT RIGHT OF WAY PAST THE AFOREMENTIONED GATE IN A NORTHEASTERLY DIRECTION ALONG THE EDGE OF THE REAL ESTATE HEREIN CONVEYED. The grantors does, however, HEREBY EXPRESSLY RESERVE unto itself, its successors and assigns, and to other parties having previously been granted the right to use said rights of way, the perpetual right to use both the 50 foot and 20 foot wide rights of way for a means of ingress and egress to adjoining tracts and for other lawful purposes.

PROTECTIVE COVENANTS

The real estate herein conveyed is subject to certain protective covenants, which covenants run with the land, a copy of which are attached hereto and hereby incorporated herein, by reference, and expressly made a part hereof. Said real estate is further subject to the restriction that the same shall not be subdivided into any tracts smaller than 10.783 acres, more or less, and in the event the real estate herein conveyed is so subdivided, the protective covenants of Section I of Mountain Heritage Estates shall be applicable to the lots so subdivided. The aforementioned protective covenants of Section I of Mountain Heritage Estates are of record in the aforesaid Clerk's Office and are incorporated herein, by reference, for all proper and pertinent reasons.

For the consideration aforesaid, the grantor does hereby grant, bargain, sell and set over unto the grantees all of the grantor's right, title and interest in and to any and all minerals, mineral rights, and oil and gas leases in regard to the real estate herein conveyed insofar and insofar only as same pertain to the subject real estate. This conveyance shall include, but shall not be limited to, the following oil and gas leases:

1. That certain oil and gas lease dated the 10th day of April, 1985 and of record in the aforesaid Clerk's Office in Deed Book No. 277 at Page 385 wherein Century 21 Mountain Heritage Realty Company leased certain real estate, of which the subject real estate is a part, to the Hampshire Gas Company.

2. That certain oil and gas lease dated the 1st day of June, 1969 and of record in the aforesaid Clerk's Office in Deed Book No. 182 at Page 325 wherein Lee H. Shanholtz, et ux, prior owners in the chain of title, leased certain real estate, of which the subject real estate is a part, to the Hampshire Gas Company. This lease was converted to storage by the Hampshire Gas Company by document recorded in the aforesaid Clerk's Office in Deed Book No. 193 at Page 614.

RIGHTS OF SURVIVORSHIP

It is the purpose and the intention of this deed to convey a one-half (1/2) undivided interest in and to the subject real estate unto DONNIE HARRIS and KAREN HARRIS, husband and wife, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, which is to say that should either the said DONNIE HARRIS or the said KAREN HARRIS predecease the other, then the title to the one-half (1/2) interest in and to the above described real estate shall vest solely in the survivor of them. It is further the intention of this deed to convey a one-half (1/2) undivided interest in and to the above described real estate unto RONALD WENGERT and DONNA WENGERT, husband and wife, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, which is to say that should either the said RONALD WENGERT or the said DONNA WENGERT predecease the other, then the title to the one-half (1/2)