

11-9-09  
CHARLES W SMITH  
126 ARMSTRONG STREET  
KEYSER, WV 26726-3503

LAUREN ELLIFRITZ  
MINERAL County 09:57:28 AM  
Instrument No 89534  
Date Recorded 11/04/2009  
Document Type DE  
Book-Page 341-123  
Recording Fee \$11.00  
Transfer Tax \$968.00  
HB4331 Tax \$484.00  
Additional \$25.00

**THIS DEED**, Made this the 20<sup>th</sup> day of October, 2009, by and between **ANTHONY J. DUDOSKY and NANCY L. DUDOSKY**, his wife, grantors and parties of the first part, and **RONALD E. FERTIG and KAREN L. FERTIG**, his wife, grantees and parties of the second part, whose mailing address is HC 84, Box 49, Burlington, WV, 26710.

**WITNESSETH:** That for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, cash in hand paid, and for other good and valuable considerations deemed sufficient in law, the receipt of all of which is hereby acknowledged, the said grantor and party of the first part does hereby grant, bargain, sell and convey, with covenants of general warranty, unto the said Ronald E. Fertig and Karen L. Fertig, his wife, as joint tenants with the right of survivorship, and not as tenants in common, the following described real estate, to-wit:

*Charles W. Smith*  
"All that certain tract or parcel of real estate containing approximately 33.0993 acres, more or less, located and situated both in Grant County and Mineral County, West Virginia, the large portion thereof lying in Welton District, Mineral County, West Virginia, the large portion thereof lying in Welton District, Mineral County, West Virginia, being more particularly described as follows:

**BEGINNING** with a stake in Rotruck's line and following a barbwire fence South 72 degrees, 20 minutes, 45 seconds East passing Gary Rotruck's corner at a locust tree, at 1194.21 feet and continuing in all 1294.21 feet to a set rebar. Thence continuing with Gary Rotruck's line South 62 degrees, 36 minutes, 00 seconds East 183.95 to a found rebar on the Eastern side of County Route 11, Thence with the Eastern boundary of said road and O'Neill's lines by the following courses South 18 degrees, 32 minutes, 43 seconds West 300.74 feet. Thence South 26 degrees, 19 minutes 43 seconds West 115.22 feet. Thence South 26 degrees, 19 minutes, 43 seconds West 147.63 feet to a found rebar, a corner of O'Neill. Thence leaving said road and with O'Neill's line crossing Patterson Creek South 56 degrees, 40 minutes, 30 seconds East 389.13 feet to a found rebar in a line of Wilson. Thence with Wilson's line South 37 degrees, 28 minutes, 52 seconds West 637.12 feet to a found double walnut stump in a line of Mary Stewart. Thence with

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Stewart's line, crossing Patterson Creek and West Virginia County Route 11, following a wire fence and continuing with Kendall Stewart's line North 54 degrees, 47 minutes, 59 seconds West 1870.21 feet to a set rebar. Thence North 37 degrees, 25 minutes, 00 seconds East 725.26 feet to the BEGINNING, containing the remaining 39.5583 acres, in Mineral and Grant Counties of West Virginia, bounded by the lands currently or formerly owned by Oliver and Gary Rotruck on the North, then lands of Richard O'Neil and Robert Wilson on the East and Mary Stewart on the South and those of a 44 acres tract of Joseph Pollock on the West."

The real estate above described and hereby conveyed is the same real estate which was conveyed unto Anthony J. Dudosky and Nancy L. Dudosky, his wife, from Julian A. Wilson and Frances H. Wilson, his wife, by deed bearing date on the 11<sup>th</sup> day of December, 1996, and of record in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Deed Book 286, Page 663.

"There is EXCEPTED and RESERVED from the above described real estate the following off-conveyance:

A 6.459 acre tract, situate on the North side of the Grant County line, in Welton District, Mineral County, which was conveyed to Richard A. O'Neil and Marie B. O'Neil, his wife, by deed dated March 6, 1989, from Julian A. Wilson and Frances H. Wilson, his wife, which deed is recorded in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Deed Book 254, at page 844."

The deed to the said grantors herein, Anthony Dudosky and Nancy Dudosky, his wife, recorded in Deed Book 286, Page 663, was made subject to a 30 foot right of way, which 30' right of way was released and forever relinquished unto the said grantors from Stephen J. Keplinger and Theresa S. Keplinger, his wife, by deed of release dated the 20<sup>th</sup> day of November, 1996, and recorded in the aforesaid County Commission's Office in Deed Book 286, Page 667; which 30' right of way is now being conveyed unto the grantees herein and is more particularly described by

metes and bounds as follows, to-wit:

"BEGINNING at a point in a line of Joseph Pollock's 44.1433 acre tract (deed not yet recorded) and in a line of Frances & Julian Wilson's land (Deed Book 206/209), said point being North 34 degrees, 14 minutes, 51 seconds East 13.07 feet from a white oak in Kendall Stewart's line (Deed Book 85/224 & 74/179). Thence leaving with Pollack's line and thence with the center of a 30 foot right of way through Wilson's land by the following courses South 54 degrees, 47 minutes, 59 seconds East 963.24 feet. Thence North 64 degrees, 36 minutes, 30 seconds East 126.47 feet. Thence North 42 degrees, 05 minutes, 57 seconds East 213.36 feet. Thence North 56 degrees, 59 minutes 57 seconds East 151.90 feet. Thence North 65 degrees, 19 minutes, 24 seconds East 250.99 feet. Thence South 34 degrees 32 minutes, 15 seconds East 188.48 feet. Thence North 59 degrees, 45 minutes, 06 seconds East 195.48 feet to a point in the center of Hampshire County Route 11 (Patterson Creek Road), said point being South 23 degrees, 04 minutes, 57 seconds West 375.81 feet from a found rebar, an original corner of Wilson. This 30 foot right of way was surveyed on the ground by Stultz & Associates, Inc., Romney, West Virginia, Charles W. W. Stultz, Licensed Land Surveyor on October 8, 1979."

This deed is made subject to any and all prior easements and rights of way, if any, in the chain of title.

The grantors hereby declare that the total consideration paid for the property conveyed by this document is \$220,000.00.

The grantors hereby declare under penalties of law that the grantors are exempt from nonresident withholding in regard to transfers because the undersigned grantors are residents of the State of West Virginia as defined by West Virginia Code 11-21-71b and the rules and regulations related thereto.

TO HAVE AND TO HOLD the above described real estate, together with the improvements thereon, and the rights, ways, privileges and appurtenances thereunto belonging, or

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in anywise appertaining, unto the said Ronald E. Fertig and Karen L. Fertig, his wife, as joint tenants with the right of survivorship, and not as tenants in common, as aforesaid, his, or her, heirs and assigns in fee simple forever.

WITNESS the following signatures and seals:

Anthony J. Dudosky (SEAL)  
ANTHONY J. DUDOSKY

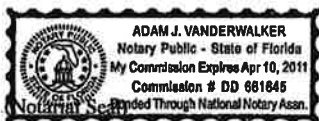
Nancy L. Dudosky (SEAL)  
NANCY L. DUDOSKY

STATE OF FLORIDA,

COUNTY OF Pinellas, to-wit:

The foregoing deed dated the 20<sup>th</sup> day of October, 2009, was acknowledged before me this 21<sup>st</sup> day of October, 2009, by Anthony J. Dudosky and Nancy L. Dudosky, his wife.

My commission expires: 4/10/11



Adam J. Vanderwalker  
Notary Public

Prepared by Charles W. Smith, Legal Corporation, Keyser, West Virginia

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ATTORNEY AT LAW  
KEYSER, W. VA.

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State of West Virginia, Mineral County, to-wit:  
Be it remembered that on this 4  
day of November, 2009, the  
foregoing Deed was  
presented in the Office of the Clerk of County  
Commission and admitted to record.  
Lauren T. P. Ellifritz 50  
Clerk of County Commission