

Mailed: Willard Malcolm 424-79
Box 90
Romney, W. Va

30016

236//
377

79-81

DR. ESTEBAN G. FRIERA and
ERNESTINE FRIERA, his wife

TO: DEED

WILLARD E. MALCOLM and
LINDA J. MALCOLM, his wife

THIS DEED, made the 19th day of
March, 1979, by and between DR.
ESTEBAN G. FRIERA and ERNESTINE
FRIERA, his wife, grantors,
parties of the first part, and
WILLIARD E. MALCOLM and LINDA

J. MALCOLM, his wife, grantees, 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 valuable consider-
ations, the receipt of all of which is hereby acknowledged, the
said grantors, DR. ESTEBAN G. FRIERA and ERNESTINE FRIERA, his
wife, do hereby grant and convey with COVENANTS OF GENERAL WAR-
RANTY, COVENANTS AGAINST ENCUMBERANCES, and COVENANTS OF SEISEN
unto the said grantees, WILLARD E. MALCOLM and LINDA J. MALCOLM,
his wife, as joint tenants with right os survivorship, all that
certain tract or parcel of real estate situate on Jersey Mountain,
in Romney District, Hampshire County, West Virginia, and more
particularly bounded and described by a survey made by G. D.
Heavener, County Surveyor, as follows:

"Beginning at a post and an iron pin in the original
line and corner of 5 acre tract of E. L. Grapes (also
the beginning corner of 10 acre of which this is a
part of; thence with line of 10 acre tract S. 42 20 E.
427.5 feet to an iron pin in fence line; thence leav-
ing original line S. 59 00 W., 317 feet to an iron
pin; thence N. 42 10 W., 362.5 feet to an iron pin
in original line; thence with original line N. 49 00
E., 322.8 feet to the beginning, containing 2.86 acres."

The real estate hereby conveyed is the same real estate which
was conveyed unto the grantors herein by deed of Marion L. Pugh
and Irma Jeanne Pugh, his wife, said deed being dated August 3,
1971 and of record in the Office of the Clerk of the County Court
of Hampshire County, West Virginia, in Deed Book No. 192 at page
524. There is attached to said Deed a plat of the real estate
hereby conveyed, said plat being incorporated herein and made a
part hereof for all pertinent reasons and for a more complete
description of said real estate.

The real estate hereby conveyed is subject to certain reservations, the reservations are set forth in that Deed of record in the aforesaid Clerk's Office in Deed Book No. 192 at page 524, the reservations as contained in said Deed are as follows:

1. The parties of the first part herein, their heirs and assigns, reserve the right to use the water from a pond situate in and upon the real estate above conveyed for agricultural and other purposes, together with the right to go in and upon the real estate for the purpose of repairing pipes, lines and other fixtures relative to the use of said water.
2. The parties of the first part herein, their heirs and assigns further reserve the right of way or roadway fifteen feet in width situate in and upon the real estate above described, said roadway lying along the Southeast boundary of the above real estate and is shown on the attached plat, same to be used for going to and from other real estate owned by the grantors herein and lying contiguous and adjacent to the real estate above conveyed.
3. The parties of the first part further reserve the right to maintain a water pump and attachments at the pond site so that they might make proper use of the water thereby; and it is further understood and agreed among the parties hereto that the said pond shall never be drained or the water level lowered by the parties of the second part herein, their heirs and assigns without the written consent of the parties of the first part herein, their heirs and assigns.

For the consideration aforesaid, there is further granted and conveyed by the grantors herein to the grantees herein the perpetual right to the use of that certain right of way or roadway fifteen (15) feet in width leading from the real estate hereby conveyed to the public highway, same being shown on the plat attached to that Deed of record in the aforesaid Clerk's Office in Deed Book No. 192 at page 524, and said right of way to be used in conjunction with the grantors in said deed, and heirs and assigns.

It is the purpose and the intention of this deed, and it is hereby accepted by the grantees, that this real estate is conveyed unto them with rights of survivorship, that is, if the said Willard E. Malcolm should die before his wife, Linda J. Malcolm, then the entire estate in fee simple in and to the said property shall

be and become the sole property of the said Linda J. Malcolm, and that if the said Linda J. Malcolm should die before her husband, Willard E. Malcolm, then the entire estate in fee simple in and to the said property shall be and become the sole property of the said Willard E. Malcolm:

TO HAVE AND TO HOLD the real estate herein conveyed, together with all rights, rights of way, roads, easements and appurtenances thereunto belonging or in anywise appertaining unto the said Willard E. Malcolm and Linda J. Malcolm, his wife, their heirs and assigns, in fee simple, forever.

WITNESS the following signatures and seals:



Dr. Esteban G. Frieria

Dr. Esteban G. Frieria

(SEAL)

Ernestine Frieria

Ernestine Frieria

(SEAL)

STATE OF WEST VIRGINIA
COUNTY OF HAMPSHIRE, TO WIT:

I, *Rebecca W. Polard* a Notary Public in and for the county and state aforesaid, do hereby certify that Dr. Esteban G. Frieria and Ernestine Frieria, his wife, whose names are signed to the foregoing deed bearing date the 19th day of March, 1979, have this day acknowledged the same before me in my said county and state.

Given under my hand this 16th day of April, 1979.

My commission expires: April 20, 1987.

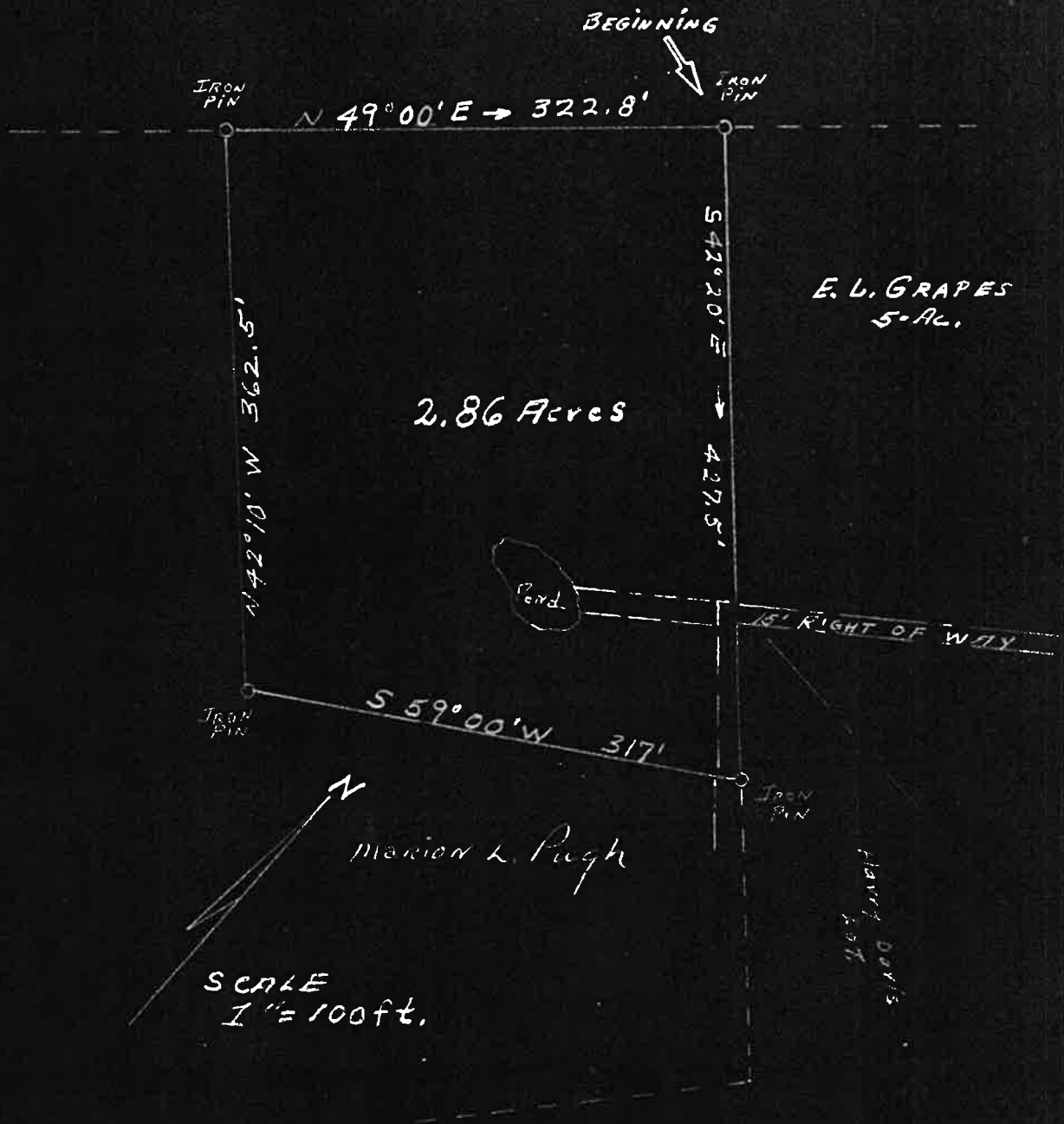


Rebecca W. Polard
NOTARY PUBLIC

DECLARATION OF CONSIDERATION OF VALUE

Under the penalties as provided by law, the undersigned do hereby declare that the total consideration paid for the property transferred by the document to which this declaration is appended

527



G. D. HENNING
County Surveyor

STATE OF WEST VIRGINIA, County of Hampshire, to-wit:

Be it remembered that on the 26th day of August, 1971, at 11:40, 12 M., this Deed & Plat was presented in the Clerk's Office of the County Court of said County and with the certificate thereto annexed, admitted to record.

Attest Nancy C. Feller Clerk
County Court, Hampshire County, W. Va.

Mailed Willard Malcolm
Box 199 E
Romney, W Va

5-21-80

31547

649

MARION L. PUGH And
IRMA JEAN PUGH, His Wife
Jeanne

THIS DEED, made this 12th day of

May, 1980, by and between Marion L.
Jeanne
Pugh and Irma Jean Pugh, his wife,

TO: DEED

Grantors, parties of the first part,
and Willard E. Malcolm and Linda J.

WILLARD E. MALCOLM And
LINDA J. MALCOLM, His Wife

Malcolm, his wife, Grantees, parties of
the second part,

WITNESSETH: That for and in consideration of the sum of Four Thousand Five Hundred Dollars (\$4,500.00), cash in hand paid, receipt whereof being hereby acknowledged, the said parties of the first part do, by these presents, grant and convey unto the said parties of the second part, with covenants of General Warranty of Title, and as joint tenants with full rights of survivorship as hereinafter enumerated, all that certain lot or parcel of real estate, together with any and all improvements thereon, situate on Jersey Mountain, in Romney District, Hampshire County, West Virginia, and more particularly bounded and described as follows:

Beginning at an iron pin the southeast corner of the 2.86 acre tract, (Malcolm tract), thence with the line of said 2.86 acre tract N. 42 10 W., 362.5 feet to an iron pin in original line and the southwest corner of Malcolm tract; thence with original line of 10 acre tract of which this is a part of, bearing S. 49 W., 310 feet to a post set in original line; thence leaving said original line S. 42 10 E., 326.5 feet to a set post; thence N. 50 E., 270 feet to a set post; thence S. 42 10 E., 22 feet to a set post; thence N. 59 E., 40 feet to the beginning, containing 2.350 acres.

And being a part of the same real estate that was conveyed unto the grantors herein by deed of Ward E. Potter, Jr. Et Ux, same being of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Deed Book No. 171 at page 500.

This conveyance is made unto the grantees as joint tenants with full rights of survivorship, which is to say, if Willard E. Malcolm should predecease his wife, Linda J. Malcolm, then the entire fee simple title in and to said real estate shall vest solely in Linda J. Malcolm; and if Linda J. Malcolm should predecease her husband, Willard E. Malcolm, then the entire fee simple title in and to said real estate shall vest solely in Willard E. Malcolm.

650

TO HAVE AND TO HOLD the aforesaid real estate unto the said grantees, together with all rights, ways, buildings, houses, improvements, easements, timbers, waters, minerals and mineral rights, and all other appurtenances thereunto belonging in fee simple forever.

WITNESS the following signatures and seals:



Marion L. Pugh (SEAL)
Marion L. Pugh

Irma Jeanne Pugh (SEAL)
Irma Jeanne Pugh
Jeanne

STATE OF WEST VIRGINIA

COUNTY OF HAMPSHIRE, TO WIT:

I, William H. Ansel, Jr., a Notary Public in and for the state of West Virginia and county aforesaid, do hereby certify that Marion L. Pugh and Irma Jean Pugh, his wife, whose names are signed and affixed to the foregoing deed dated the 12th day of May, 1980, have each this day acknowledged the same before me in said county and state.

Given under my hand and seal this 12 day of May, 1980.

William H. Ansel, Jr.
Notary Public

My commission expires April 18, 1987.

**** CERTIFICATE OF VALUE ****

I hereby certify that the actual consideration paid for the real estate conveyed by the above instrument is \$4,500.00.

Marion L. Pugh
Grantor

This instrument was prepared by William H. Ansel, Jr., Attorney at Law, Romney, West Virginia.

STATE OF WEST VIRGINIA, County of Hampshire, to-wit:

Be it remembered that on the 13th day of May, 1980, at 11:49 A. M., this Deed was presented in the Clerk's Office of the County Commission of said County and with the certificate thereto annexed, admitted to record.

Attest Nancy C. Zeller Clerk
County Commission, Hampshire County, W. Va.

~~Willard E. Malcolm~~

Rt 1
Romney, WV

6-8-83

83-84

36376

689

FORD W. LOY AND
NANCY A. LOY,
his wife

TO: DEED

WILLARD E. MALCOLM
AND
LINDA MALCOLM,
his wife

THIS DEED, Made and entered
into this 17th day of May, 1983,
by and between Ford W. Loy and
Nancy A. Loy, his wife,
Grantors, and Parties of the
First Part, and Willard E.
Malcolm and Linda Malcolm, as
joint tenants with rights of
survivorship, 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 deemed valid in law, the said Parties of
the First Part grant and convey with COVENANTS OF GENERAL WARRANTY
unto the said Parties of the Second Part as joint tenants with
rights of survivorship all that certain tract or parcel of real
estate containing 31,605 square feet, more or less, situate on
Jersey Mountain, Romney District, Hampshire County, West Virginia
more particularly described as follows:

"Beginning at an iron pin which is a common corner with
E.L. Grapes and Willard E. Malcolm, in the old fence line with
Loys, thence in a straight line from Malcolm's and Grapes'
common line crossing the old road bed in a north westerly
direction 49' to an iron pin set across the fence line, thence
in a south westerly direction 645' to an iron pin set on the
Loy side of the existing fence said lines running parallel to
Malcolm's existing line, thence in a south easterly direction
49' to an iron pin in the Marion Pugh fence line, then in a
north easterly direction 645' to the beginning, containing
31,605 square feet."

And being a portion of the same real estate conveyed
unto the Grantors herein by Deed of John C. Loy and Sue Taylor Loy
his wife, dated the 19th day of July, 1971, and of record in the
Office of the Clerk of the County Commission of Hampshire County,
West Virginia, in Deed Book No. 192, at Page 184.

And by Deed of Judy Ann Loy, Guardian, dated the 27th
day of October, 1975, which Deed is also of record in the afore-

690

said Clerk's Office in Deed Book No. 14, at Page 17, and which Deeds referred to therein are to provide a more complete description and title to said real estate as being the same claimed and owned by John C. Loy and his predecessors in the chain of title.

TO HAVE AND TO HOLD the aforesaid real estate unto the said Grantees, Willard E. Malcolm and Linda Malcolm, his wife, as joint tenants with rights of survivorship, together with all rights, ways, buildings, houses, improvements, fruit trees, easements, timbers, waters, minerals and mineral rights and all other appurtenances thereunto belonging, in fee simple, forever.

WITNESS the following signatures and seals:



Ford W. Loy (SEAL)
FORD W. LOY

Nancy A. Loy (SEAL)
NANCY A. LOY

STATE OF WEST VIRGINIA,
COUNTY OF HAMPSHIRE, TO WIT:

I, V. KAYE STRAWN, a Notary Public in and for the aforesaid County and State, do hereby certify that FORD W. LOY AND NANCY A. LOY, his wife, whose names are signed to the foregoing instrument, bearing date of the 17th day of May, 1983, have each this day acknowledged same before me in my said County and State.

Given under my hand this 19th day of May, 1983.

My commission expires: May 26, 1991

V. Kaye Strawn
NOTARY PUBLIC

DECLARATION OF CONSIDERATION

I hereby certify under penalties as prescribed by law