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BOOK 485 PAGE 719

DONALD P. KINYON and  
SUSAN F. KINYON, his wife

TO: DEED

JAMES A. BRAZIL and  
JOANNE BRAZIL, his wife

THIS DEED, Made this 17<sup>th</sup> day of  
August, 2009, by and between, Donald P.  
Kinyon and Susan F. Kinyon his wife,  
grantors, parties of the first part, and  
James A. Brazil and Joanne Brazil, 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, 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, as joint tenants with  
full rights of survivorship as hereinafter enumerated, and with Covenants  
of General Warranty of Title, all that certain tract or parcel of real  
estate known and designated as Tract "J" of Orchard Point, containing  
23.023 acres, more or less, together with the improvements thereon, and  
all rights, rights of way, easements, waters, minerals, oil and gas, and  
appurtenances thereunto belonging, situate in Springfield District of  
Hampshire County, West Virginia. Tract "J" is more particularly  
described according to that certain Description of Survey and Plat of  
Survey as prepared by Rickie C. Davy, Licensed Land Surveyor, dated May  
15, 1995, and is of record in the aforesaid Clerk's Office in Deed Book  
No. 364, at page 348. Said Plat of Survey is by reference incorporated  
herein for all pertinent and proper reasons, including a more particular  
description of the parcel of real estate herein conveyed. Said real  
estate is depicted on the 2009 Hampshire County Land Books as a portion  
of Tax Map 13 Parcel 283.

And being a portion of the same real estate conveyed unto Donald P.  
Kinyon and Susan F. Kinyon, his wife, by deed of Steve K. Holtery and  
Michelle J. Holtery, his wife, dated June 8, 2005, and which said deed  
is of record in the Office of the Clerk of the County Commission of  
Hampshire County, West Virginia, in Deed Book No. 444, at page 769.

The real estate herein conveyed is subject to the express provisions  
that no mobile homes shall be used as a single family dwelling and there  
shall be no commercial business associated with this real estate.

This conveyance is made unto the Grantees herein as joint tenants  
with full rights of survivorship, which is to say, if James A. Brazil,  
should predecease his wife, Joanne Brazil, then the entire fee simple  
title in and to said real estate shall vest solely in Joanne Brazil; and

if Joanne Brazil, should predecease her husband, James A. Brazil, then the entire fee simple-title in and to said real estate shall vest solely in James A. Brazil.

Although the real estate taxes may be prorated between the parties as of the day of closing for the current tax year, the grantees agree to assume and be solely responsible for the real estate taxes beginning with the calendar year 2010, although same may still be assessed in the names of the grantors.

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

We hereby certify, under penalties as prescribed by law that the actual consideration paid for the real estate, conveyed by the foregoing and attached deed is \$70,000.00. The grantors further affirm that they are nonresidents of the State of West Virginia, and are therefore subject to the "withholding tax on West Virginia source income of nonresidents" pursuant to West Virginia Code § 11-21-7b.

WITNESS the following signatures and seals,

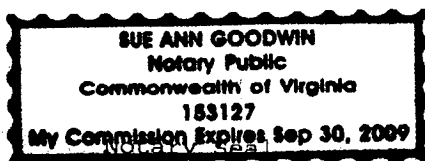
Donald P. Kinyon (SEAL)

Susan F. Kinyon (SEAL)

STATE OF Virginia  
COUNTY OF Winchester, TO WIT:  
City

I, Sue Ann Goodwin, a Notary Public, in and for the county and state aforesaid, do hereby certify that Donald P. Kinyon and Susan F. Kinyon, his wife, whose names are signed and affixed to the foregoing and attached deed, dated the 17<sup>th</sup> day of August, 2009, have each this day, acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 20<sup>th</sup> day of August, 2009.



Sue Ann Goodwin  
Notary Public

This instrument was prepared by W. Joseph Milleson, Jr., Attorney at Law, Romney, West Virginia.

CARL KEATON  
& FRAZER, PLLC  
ATTORNEYS AT LAW  
56 E. MAIN STREET  
ROMNEY, WV 26757

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mak/8-17-09

SHARON H. LINK  
Hampshire County 11:16:58 AM  
Instrument No 119302  
Date Recorded 08/26/2009  
Document Type DEED  
Book-Page 485-719  
Recording Fee \$11.00  
Transfer Tax \$308.00  
H&C Tax \$154.00  
Additional \$25.00

Sharon H. Link