

2/1/08

DEED

THIS DEED, made and entered into this 9th day of January, 2008, by and between **MELBOURNE PROPERTIES, INC.**, a West Virginia corporation, Grantor and party of the first part, and **MICHAEL T. FERGUSON** and **LISA A. FERGUSON**, husband and wife, Grantees and parties of the second part, as joint tenants with rights of survivorship as hereinafter set forth.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt of which is also hereby acknowledged, the said party of the first part does hereby bargain, sell, grant and convey unto the parties of the second part, as joint tenants with rights of survivorship, to the survivor of the two of them at the death of either of them, with Covenants of General Warranty in fee simple, together with all rights, improvements, privileges, rights-of-way and appurtenances thereunto belonging, the following described lot, tract, or parcel of real estate, situate, lying and being in New Creek District, Mineral County, West Virginia, being more particularly described as follows, to-wit:

Lot 45, New Creek Highlands Subdivision, Section 3, containing 14.71 acres. A revised plat of New Creek Highlands Subdivision, Section 3, prepared by Rummel, Klepper & Kahl, LLP, dated September 13, 2007, of record in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Plat Book 7, page 277, to which plat reference is made for a more particular description of the parcel of real estate described herein.

Together with a right-of-way over an existing road known as Yost Road to West Virginia County Route 6. Also see that certain non-exclusive right-of-way conveyed to Melbourne Properties, Inc. by Charles Curtis Ellifritz, et al, of record in the aforesaid County Clerk's Office.

AND BEING a portion of that same parcel of real estate as was conveyed from Allegheny Wood Products, Inc. to Melbourne Properties, Inc. by deed dated August 17, 2005, of record in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Deed Book 322, page 140.

The real estate herein conveyed is subject to the Declaration of Protective Covenants for New Creek Highlands Subdivision, said Declaration of record in the aforesaid County Clerk's Office in Deed Book 324, page 667.

Subject to the Plat Notes as shown on the Plat of New Creek Highlands Subdivision, Section 3, of record in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Plat Book 7, page 277.

Subject to Permanent Easement for 10,000 square foot septic absorption field on Lot 45 for use of Lot 44.

This conveyance is subject to all easements and rights-of way of record or in existence.