

(Fee Book #1451) (\$115.50 State & County Property Transfer stamps
\$38.50 Surcharge \$154.00 Total)

84 1/2

DEED

THIS DEED, made and entered into this 10 day of November, 1992, by and between IMPERIAL PROPERTIES, INC., a West Virginia corporation, Grantor and party of the first part, and JAMES L. DIAMOND and DALLIE V. DIAMOND, Grantees and parties of the second part, 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 James L. Diamond and Dallie V. Diamond, as joint tenants with Rights of Survivorship, at the death of either of the parties of the second part, to the survivor of the two 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 Cacapon District, Morgan County, West Virginia, being more particularly described as follows, to-wit:



Tract 1, Sideling Heights, containing 35.21 acres, more or less. A plat of Sideling Heights, as prepared by Vanscoy Engineering and Surveying, is of record in the Office of the Clerk of the County Commission of Morgan County, West Virginia in Map Book 6, page 141. A description of Tract 1 is attached hereto as Exhibit A.



THIS CONVEYANCE is made together with the use of all roads shown on the plat of Sideling Heights for access to the real estate herein conveyed, and with an easement over the existing road on the residue of the lands of the Grantor to State Route 9/24 for all pertinent purposes.



AND BEING a portion of those same parcels of real estate which were conveyed from John E. Folds, unmarried, et al., to Imperial Properties, Inc., by deed dated October 31, 1992, of record in the Office of the Clerk of the County Commission of Morgan County, West Virginia, in Deed Book _____, page _____.

The real estate herein conveyed is subject to an easement in favor of all tracts within Sideling Heights to the use of all roads shown on the plat of Sideling Heights as they pass through the real estate herein conveyed.

This conveyance is subject to all utility easements of record or in existence.

This conveyance is subject to that non-exclusive easement shown on the Plat of Sideling Heights, beginning at the end of State Route 9/24, passing through Tract 1 of Sideling Heights and thence with the common property line of Tract 2 and the lands of Judy (of record in Deed Book 58, page 148).

This conveyance is subject further to the following covenants

Delivered 11/20/92
Stephen Mathias

and restrictions:

1. No buildings or structures of any kind shall be erected within 100 feet of any property line of the Tract herein conveyed.
2. Each owner of a Tract within Sideling Heights shall pay an assessment for the reasonable construction use, maintenance and expansion of the roads. All assessments, including any prorata share of said assessments, shall be collected by and paid beginning the calendar year of January 1, 1993 through December 31, 1993. The assessment for the year beginning January 1, 1993 shall be One Hundred Dollars (\$100.00) per Tract. In no event shall the annual average common expense liability of any Tract, exclusive of optional user fees and any insurance premiums, exceed the sum of One Hundred Dollars (\$100.00), as adjusted, pursuant to the provisions of West Virginia Code Section 36B-1-114. All assessments shall be due and owing on the first day of January of each year and if unpaid shall be a lien upon the property against which each such assessment is made. Imperial Properties, Inc., and its assigns, shall have the right to sue for and collect any assessment, together with interest, properly assessed under this covenant.
3. These covenants and restrictions shall run with the land.

DECLARATION OF CONSIDERATION OR VALUE

As provided by law, the undersigned hereby declares that the total consideration paid for the real estate transferred by the document to which this declaration is appended is \$35,000.00

WITNESS the following signatures and seals:

Imperial Properties, Inc., a West Virginia corporation

By: J. E. Folds
Its: President

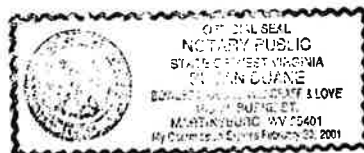
STATE OF WEST VIRGINIA
COUNTY OF Berkeley, TO-WIT:

The foregoing instrument was acknowledged before me this 10 day of November, 1992, by John E. Folds, President of Imperial Properties, Inc., a West Virginia corporation, in behalf of the corporation.

[Signature]
Notary Public

My Commission expires: February 20, 2001

This instrument was prepared by:
Hoy G. Shingleton, Jr.
Bowles Rice McDavid Graff & Love
PO Drawer 1419
Martinsburg, West Virginia 25401
(304) 263-0836



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DESCRIPTION OF SURVEY
FOR TRACT 1
SIDELING HEIGHTS

Being a part of that 580.08 acre Imperial Orchard Tract of land conveyed to John E. Folds, et.al. by Wellington Goddin, Trustee by deed dated the 13th day of August, 1992 and recorded in Deed Book 163, Page 381. Said land located in Cacapon District, Morgan County, West Virginia, and being more fully described by metes and bounds as follows:

BEGINNING at a steel pin set in line of 580.08 tract, and line of Kenneth Judy, Deed Book 58, Page 148; thence, with line thru tract of which this is a part and a line of Imperial Orchards Subdivision,

N 36 deg. 47'33" E, 1594.48' to a steel pin set, corner of Tract 4 of this subdivision; thence, with Tract 4,

S 69 deg. 05'31" E, 741.03' to a point in center of a 40' right of way, corner of Tracts 5 and 3; thence, with center of 40' right of way and Tract 3,

S 09 deg. 22'43" W, 104.14' to a point in center of right of way; thence,

S 04 deg. 12'03" W, 397.23' to a point in center of right of way; thence,

S 30 deg. 22'24" W, 177.04' to a point in center of right of way, corner of Tracts 3 and 2; thence, with Tract 2, and continuing with center of 40' right of way,

S 54 deg. 45'38" W, 94.06' to a point in center of right of way; thence,

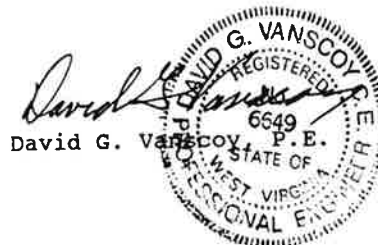
S 78 deg. 44'52" W, 277.03' to a point in center of right of way, another corner of Tract 2; thence, leaving 40' right of way and with Tract 2,

S 38 deg. 05'41" W, 557.16' to a dead Black Oak, an original corner and a corner of aforementioned Kenneth Judy; thence, with Kenneth Judy and original lines of tract,

S 35 deg. 20'28" W, 625.00" to a steel pin found; thence,

N 33 deg. 44'11" W, 683.04' to a 24" Oak tree an original corner; thence,

N 31 deg. 32' 29" W, 150.00' to the BEGINNING and containing 35.21 acres, more or less, as more fully shown as Tract 1 on Plat of Subdivision of Sideling Heights as prepared by Vanscoy Engineering and Surveying, David G. Vanscoy, P.E. No. 6649. Said plat to be recorded in County Clerks Office in Morgan County.



Note:

A 40' right of way (20' either side of center line) of existing roads that are shown on said plat are reserved for the use of the other tract owners of this subdivision and for anyone else having said right in the chain of title.

SIDE1

STATE OF WEST VA. }
COUNTY OF MORGAN } SS

Nov. 12, 19 92 This Deed of Bargain and sale
Dated Nov. 10, 19 92 from Imperial Properties,
Inc. to James L. Diamond et ux
for Real Estate was produced in this office and admitted
to record at 11:33 AM
Test
COUNTY COMMISSIONER OF MORGAN CO., W. VA. Clerk