

to the aforesaid deed and other documents therein referred and same are incorporated herein, by reference, for all proper and pertinent reasons.

The real estate herein conveyed is also subject to any rights or easements which may affect same and are of record in the aforesaid Clerk's Office, and it is expressly understood that the Grantees take title subject to the "RESERVATIONS, RESTRICTIVE COVENANTS AND CONDITIONS RELATING TO FAIRVIEW SUBDIVISION, SECTION I, WELTON DISTRICT, MINERAL COUNTY, WEST VIRGINIA", dated August 26, 1981, and of record in the aforesaid Clerk's Office in Deed Book No. 226, at page 436. These protective covenants and restrictive conditions shall be deemed to be covenants running with the land, and binding upon the Grantees, their heirs and assigns and same are now incorporated herein by reference for any and all pertinent purposes, and shall be considered as if they are textually set forth within the body of this deed.

As a privilege appurtenant to the above described and conveyed real estate, there is further hereby conveyed unto the Grantees and Parties of the Second Part, the right to use, in common with others having such right, the roads in Section II, Fairview Subdivision, as a means of ingress to and egress from the real estate herein conveyed.

All of the minerals within and underlying the above described real estate are excepted and reserved from this conveyance, but will be conveyed to the Grantees if hereafter acquired by the Grantors.

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 John L. Hayes should die before his wife, Marion Hayes, then the entire estate in fee simple in and to said property shall be and become the sole property of the said Marion Hayes, and that if the said Marion Hayes should die before her husband, John L. Hayes, then the entire estate in fee simple in and to said property shall be and become the sole property of the said John L. Hayes.

Although the real estate taxes may be prorated between the parties as of the day of closing, the Grantees agree to assume and be solely responsible for the real estate taxes on the subject real estate beginning with the calendar year 2004 although same may still be assessed in the names of the Grantors.

TO HAVE AND TO HOLD the real estate herein conveyed, together with all rights, ways, easements and appurtenances thereunto belonging or in anywise appertaining unto the said JOHN L. HAYES and MARION HAYES, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, in fee simple.