

Deed Only, No Title Examination

Tax Acct.#: 04-005414

THIS DEED, made as of the 30th day of March 20010, by and between AVIRETT DEVELOPMENT COMPANY, LLC, a Maryland limited liability company, party of the first part, and L. C. Nixon Development Company, LLC, a Maryland limited liability company, party of the second part, witnesseth:

THAT for and in consideration of the sum of Three Hundred Ninety-Eight Thousand Dollars (\$398,000.00) the receipt of which is hereby acknowledged, the party of the first part do hereby give, grant, bargain and sell, release, convey and confirm unto the party of the second part, its heirs and assigns, that parcel of real estate lying and being in Allegany County, Maryland, and more particularly described as follows:

ALL of the lands found as part of lands included in a deed to Avirett Development Company, LLC found in Liber 699, Folio 792 among the Land Records of Allegany County, Maryland, designated as Lot 4 on the subdivision plat prepared by Coughenour Surveying

BEGINNING for the same at a 5/8 inch iron bar with cap set at the Southwesterly most corner of lease lines for lands located at 1350 Industrial Boulevard, Cumberland, Maryland found in said Liber 699, Folio 792 said bar set along the Northerly right-of-way limits of Industrial Boulevard (120'); thence binding with the said right-of-way limits of Industrial Boulevard

- 1) North 65 degrees 31 minutes 51 seconds West 256.92 feet to a 5/8 inch iron bar with cap set at the Southeasterly most corner of lease lines for lands located at 1330 Industrial Boulevard found in Liber 699, Folio 792; thence leaving the said Northerly right-of-way limits of Industrial Boulevard and binding with the Easterly limits of said lease line of 1330 Industrial Boulevard

	IMP FD SURVEY \$	28.00
2) North 24 degrees 28 minutes 09 seconds East 210.68 feet to a 5/8 inch iron bar with cap set along the Southerly limits of a 30 foot Sanitary right-of-way dedicated to the City of Cumberland as Parcel Two at the Northeasterly most corner of said lines of 1330 Industrial Boulevard; thence leaving said 1330 lease lines and binding with the said Southerly limits of a 30 foot Sanitary right-of-way the next two bearings and distances	RECORDING FEE	28.00
	RECORDATION FEE	2,587.00
	TAX COUNTY	1,930.00
	TAX STATE	1,590.00
	TOTAL	6,607.00

	Rec'd ALB#	Rec'd # 87334
3) South 65 degrees 06 minutes 53 seconds East 98.40 feet to a 5/8 inch iron bar with cap set; thence	BLK # 26	BLK # 26

- 4) South 66 degrees 10 minutes 18 seconds East 158.54 feet to a 5/8 inch iron bar with cap set at the Northwesterly corner of said lease lines for lands located at 1350 Industrial Boulevard; thence leaving the said Southerly limits of a 30 foot Sanitary right-of-way and binding with the Westerly limits of said lease line of 1350 Industrial Boulevard

- 5) South 24 degrees 28 minutes 09 seconds West 211.74 feet to the point of beginning

Containing 54,119.98 square feet or 1.24 acres as surveyed by Coughenour Surveying January, 2010.

TOGETHER WITH the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

SUBJECT, HOWEVER, to any use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the Property. Subject, further, to the following

restrictions, which shall be perpetual, shall run with the land, and shall be enforceable by injunction by the Seller, as well as the Seller's successors in interest to the properties adjoining the conveyed property on its easterly and westerly sides:

- a. All trash, ashes, rubbish, refuse and other waste outside of any building constructed on the Property shall be kept within one or more closed dumpsters.
- b. Grass, weeds and vegetation on the Property shall be kept mowed at regular intervals to maintain the property in a neat and attractive manner.
- c. No business shall be operated at the Property that features nude dancing or other sexual or sexually-oriented activity.
- d. No business shall be operated at the Property that uses more than ten percent of sales floor space for the display, sale or rental of materials that are intended to provide sexual stimulation or gratification, and characterized by their emphasis on nudity and sexual activity.
- e. No business shall be operated at the Property that does not permit persons under a particular age to enter the premises during regular business hours.

TO HAVE and to hold the above-described property unto the party of the second part, its successors and assigns, forever in fee simple.

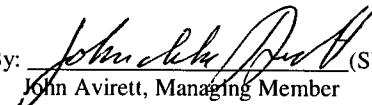
THE party of the first part does hereby warrant, specially, the property conveyed and covenants that it will execute such further deeds and assurances as may be requisite.

WITNESS the signature and seal of the party of the first part as of the day and year set forth above.

WITNESS:

AVIRETT DEVELOPMENT COMPANY, LLC

By:

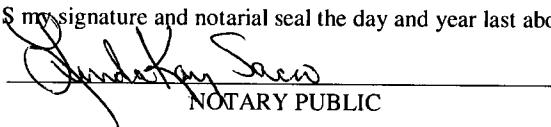
 (SEAL)

John Avirett, Managing Member

STATE OF MARYLAND,
Allegany CITY/COUNTY, to-wit:

I HEREBY CERTIFY that on this 31 day of March, 20010, before me, the undersigned, a notary public in and for the state and county aforesaid, personally appeared John Avirett, known to me (or satisfactorily proved) to be the person whose name is subscribed to the foregoing deed on behalf of Avirett Development Company, LLC, and he acknowledged that he is the managing member of Avirett Development Company, LLC and that, as such, he was authorized to, and did, execute the same as the act and deed of said limited liability company for the purposes set forth therein; and he further acknowledged that the actual consideration for the conveyance is \$398,000.00; and further made oath under the penalties of perjury, that this transaction is not subject to the provisions of Maryland Annotated Code, Tax-General, S/S 10-912 because the transferor is a resident entity of the State of Maryland.

WITNESS my signature and notarial seal the day and year last above written.


 NOTARY PUBLIC

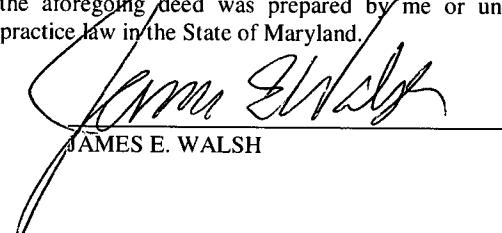
My Commission Expires:

24/2013



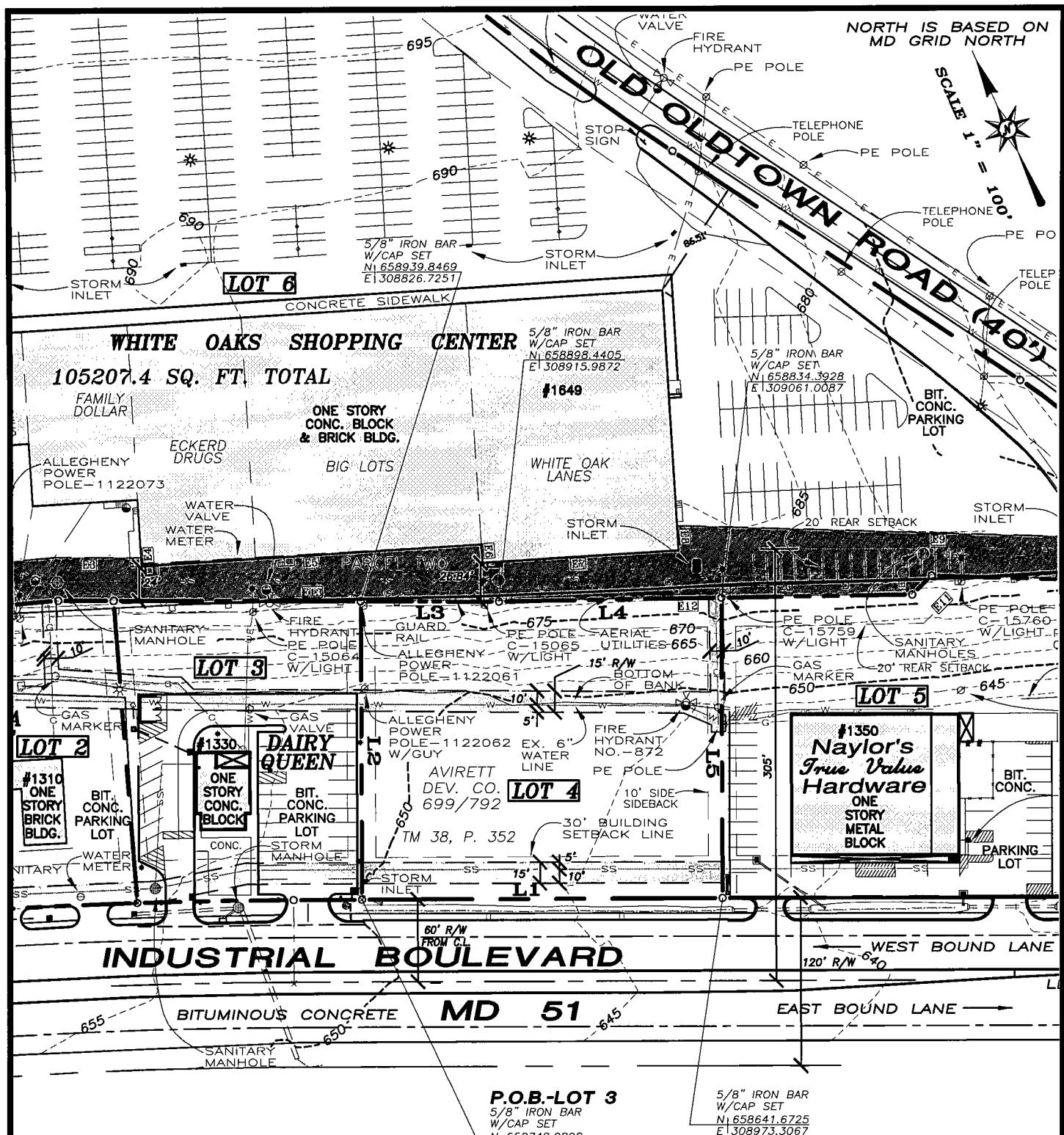
CERTIFICATE OF PREPARATION

I HEREBY CERTIFY that the foregoing deed was prepared by me or under my supervision and that I am admitted to practice law in the State of Maryland.


 JAMES E. WALSH

This is to certify that, according to the records of the
 Allegany County Tax & Utility Office, there are no taxes
 due on the property account numbers(s) provided on
 the intake sheet recorded with this deed
 Account(s) # 04005414

Heather Mart 3/30/10
 Allegany County Tax office Date

**SURVEYOR'S CERTIFICATION**

I hereby certify that in JANUARY, 2010 I made a survey of the tract shown hereon and that this plat is made in accordance with the field notes and computations of said survey. I further certify this plat to be complete and accurate.

Michael R. Coughenour
Property Line Surveyor
MD REG. NO. 443

NOTE: THIS PROPERTY IS LOCATED OUT OF THE 100 YEAR FLOOD BOUNDARY AS INDICATED BY THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY - PANEL NO. 240003 0005C, DATED ON SEPTEMBER 1, 1983 (FLOOD ZONE C.)

LOT 4		
54,119.98 SQ. FT. ± 1.24 ACRES ±		
LINE	BEARING	DISTANCE
L1	N 65°31'51" W	256.92'
L2	N 24°28'09" E	210.68'
L3	S 65°06'53" E	98.40'
L4	S 66°10'18" E	158.54'
L5	S 24°28'09" W	211.74'

PLAN OF SURVEY
PREPARED FOR: LEROY NIXON

INDUSTRIAL BOULEVARD — ELECTION DISTRICT NO. 04
CUMBERLAND — ALLEGANY COUNTY — MARYLAND

COUGHENOUR SURVEYING
115 S. CENTRE ST, SUITE III • CUMBERLAND, MD • 301-777-7222

2100001-2291 — 27 JANUARY 2010
2291.CRD — SCALE: 1" = 100' — D.L.C.

State of Maryland Land Instrument Intake Sheet

 Baltimore City County: ALLEGANY

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments		(<input checked="" type="checkbox"/> Check Box if addendum Intake Form is Attached.)						
1 Deed 2 Deed of Trust		Mortgage Lease	3 Other	Assign	Other _____			
2 Conveyance Type Check Box		Improved Sale Arms-Length /1/	Unimproved Sale Arms-Length /2/	Multiple Accounts Arms-Length /3/	Not an Arms-Length Sale /9/			
3 Tax Exemptions (if applicable) Cite or Explain Authority		Recordation State Transfer County Transfer						
4 Consideration and Tax Calculations		Consideration Amount			Finance Office Use Only Transfer and Recordation Tax Consideration			
		Purchase Price/Consideration		\$ 398,000.00	Transfer Tax Consideration			
		Any New Mortgage		\$ 400,000.00	X () % = \$			
		Balance of Existing Mortgage		\$	Less Exemption Amount - \$			
		Other:		\$	Total Transfer Tax = \$			
		Other:		\$	Recordation Tax Consideration \$			
		Full Cash Value:		\$	X () per \$500 = \$			
5 Fees		Amount of Fees			Doc. 1	Doc. 2	Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:	
		Recording Charge		\$ 20.00	\$ 75.00			
		Surcharge		\$ 20.00	\$ 20.00			
		State Recordation Tax		\$ 2,587.00	\$ 13.00			
		State Transfer Tax		\$ 1,990.00	\$			
		County Transfer Tax		\$ 1,990.00	\$			
		Other		\$	\$			
6 Description of Property		District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		04	005414	699/792	38	352	(5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
				4				1.24 acres
		Location/Address of Property Being Conveyed (2)						
		W. Industrial Boulevard Cumberland, MD 21502						
		Other Property Identifiers (if applicable)					Water Meter Account No.	
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/>	Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/>	Amount:				
		Partial Conveyance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Description/Amt. of SqFt/Acreage Transferred: 1.24 acres					
		If Partial Conveyance, List Improvements Conveyed:						
7 Transferred From		Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)			
		Avirett Development, Company, LLC			L. C. Nixon Development Company, LLC			
8 Transferred To		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
		L. C. Nixon Development Company, LLC			Branch Banking & Trust Company			
		New Owner's (Grantee) Mailing Address						
		1212 Industrial Boulevard, Cumberland, MD 21502						
9 Other Names to Be Indexed		Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)			
10 Contact/Mail Information		Instrument Submitted By or Contact Person					<input checked="" type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Return Address Provided	
		Name: Jayci Shaw Duncan, Esquire						
		Firm Skidmore Alderson & Duncan						
		Address: 100 S. Liberty Street						
		Cumberland, MD 21502					Phone: (301) 724-3424	
11		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
Assessment Information		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will the property being conveyed be the grantee's principal residence?				
		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does transfer include personal property? If yes, identify: _____				
		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).				
Assessment Use Only – Do Not Write Below This Line								
Terminal Verification		Agricultural Verification		Whole	Part	Tran. Process Verification		
Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:		
Year	20	20		Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot		
Buildings			Use	Parcel	Section	Occ. Cd.		
Total			Town Cd.	Ex. St.	Ex. Cd.			
REMARKS:								

Space Reserved for County Validation

Addendum
State of Maryland Land Instrument Intake Sheet
Baltimore City County: ALLEGANY

*The addendum form should be used when one transaction involves more than two instruments.
 Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.*

(Type or Print in Black Ink Only—All Copies Must Be Legible)

5	(Continued) Fees	Amount of Fees	Doc. 3	Doc. 4	Doc. 5	Doc. 6
		Recording Charge	\$ 20.00	\$	\$	\$
		Surcharge	\$ 20.00	\$	\$	\$
		State Recordation Tax	\$	\$	\$	\$
		State Transfer Tax	\$	\$	\$	\$
		County Transfer Tax	\$	\$	\$	\$
		Other	\$	\$	\$	\$
		Other	\$	\$	\$	\$
7	(Continued) Transferred From	Doc. 3 – Grantor(s) Names(s)			Doc. 4 – Grantor(s) Names(s)	
		L. C. Nixon Development Company, LLC				
8	(Continued) Transferred To	Doc. 3 – Grantee(s) Names(s)			Doc. 4 – Grantee(s) Names(s)	
		Branch Banking & Trust Company				
9	(Continued) Other Names to be Indexed	Doc. 3 – Additional Names to be Indexed (Optional)			Doc. 4 – Additional Names to be Indexed (Optional)	
	Special Instructions	Special Recording Instructions (if any)				