

**West Virginia**  
**VOLUNTARY LAND PROPERTY DISCLOSURE STATEMENT**

(This is not a warranty of the property condition.)

**Seller** Aspen West LLC

**Property Address** Tavern Rd Martinsburg, WV 25401

**Legal Description** \_\_\_\_\_

**NOTICE TO PURCHASER:** *The information provided is the representation of the Sellers to the best of their knowledge as of the date noted.*

**SELLER:** How long have you owned the property? 8 years

**Property Systems:**

Please indicate to the best of your knowledge with respect to the following:

1. Sewage System:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Public                       | <input type="checkbox"/> Needs hookup          |
| <input type="checkbox"/> Community                               | <input type="checkbox"/> Needs hookup          |
| <input type="checkbox"/> Septic                                  | <input type="checkbox"/> Needs to be installed |
| <input type="checkbox"/> Septic System approved for _____ (#) BR | <input type="checkbox"/> Perc                  |

Is the septic system functioning properly?     Yes     No     Unknown     N/A  
When was the system last pumped?    Date: \_\_\_\_\_     Unknown

Comments: \_\_\_\_\_

2. Water System:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Public | <input type="checkbox"/> Needs hookup        |
| <input type="checkbox"/> Community         | <input type="checkbox"/> Needs hookup        |
| <input type="checkbox"/> Well              | <input type="checkbox"/> Needs to be drilled |

Comments: \_\_\_\_\_

3. Exterior Drainage: Does water stand on the property for more than 24 hours after heavy rain?

- |                            |                              |  |                                  |                              |
|----------------------------|------------------------------|--|----------------------------------|------------------------------|
|                            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Unknown | <input type="checkbox"/> N/A |
| Any treatments or repairs? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Unknown |                              |
| Any warranties?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Unknown |                              |

Comments: \_\_\_\_\_

Initials Seller: NBS / \_\_\_\_\_ Purchaser: \_\_\_\_\_ / \_\_\_\_\_

4. Are there any hazardous or regulated materials (including, but not limited to, licensed landfills, asbestos, methamphetamine lab, radon gas, lead-based paint, underground storage tanks, any mining operations or other past contamination) on the property?

Yes  No  Unknown  N/A

If yes, please specify

Are you aware of any environmental concerns such as oil sheens in wet areas or discoloration of soil?

Yes  No  Unknown  N/A

If yes, please describe

5. Are there any zoning violations, nonconforming uses, violation of building restrictions or setback requirements or any recorded or unrecorded easements, right of way, except for utilities, on or affecting the property?

Yes  No  Unknown  N/A

If yes, please specify

6. If you or a contractor has made improvements to the property, were the required permits pulled from the county or local permitting office?

Yes  No  Unknown  N/A

Comments:

7. Is the property located in a flood zone, farmland/conservation area, wetland area and/or historic district designated by locality?

Yes  No  Unknown  N/A

Comments:

8. Is the property subject to any restrictions imposed by a Homeowners Association, community association or any deed restrictions?

Yes  No  Unknown  N/A

Comments:

9. Any common area (co-owned in undivided interest with others), that you share, such as a pool, water access, water frontage, tennis courts, etc.?

Yes  No  Unknown  N/A

Comments:

10. Please provide the following?

- Plat of the property  Yes  No
- Copy of the Deed  Yes  No
- Copy of septic permits  Yes  No  N/A
- Covenants and Restrictions  Yes  No  N/A

Comments:

11. Are there any other material defects, including latent defects, affecting the physical condition of the property?

Yes  No  Unknown  N/A

Comments:

Initials Seller: NBS/ Purchaser: /

Ned B. Shaubalter  
Seller

8-3-23  
Date

\_\_\_\_\_  
Seller

\_\_\_\_\_  
Date

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Date

**DISCLAIMER**

**NOTICE TO SELLER:** Sign this statement only if you elect to sell the property without representations and warranties as to its condition, except as otherwise provided in the contract of sale and in the listing of latent defects set forth below; otherwise, complete and sign the VOLUNTARY LAND PROPERTY DISCLOSURE STATEMENT.

Except for the latent defects listed below, the undersigned Seller of the real property makes no representations or warranties as to the condition of the real property or any improvements thereon, and the purchaser will be receiving the real property "as is" with all defects, including latent defects, which may exist.

The Seller has actual knowledge of the following latent defects:

\_\_\_\_\_  
Seller

\_\_\_\_\_  
Date

\_\_\_\_\_  
Seller

\_\_\_\_\_  
Date

The purchaser acknowledges receipt of this Disclosure/Disclaimer Document.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Date

# NOTICE OF AGENCY RELATIONSHIP

When working with a real estate agent in buying or selling real estate West Virginia Law requires that you be informed of whom the agent is representing in the transaction.

The agent may represent the seller, the buyer, or both. The party represented by the agent is known as the agent's principal and as such, the agent owes the principal the duty of utmost care, integrity, honesty and loyalty.

Regardless of whom they represent, the agent has the following duties to both the buyer and the seller in any transaction:

- \* Diligent exercise of reasonable skill and care in the performance of the agent's duties.
- \* A duty of honest and fair dealing and good faith.
- \* Must offer all property without regard to race, color, religion, sex, ancestry, physical or mental handicap, national origin or familial status.
- \* Must promptly present all written offers to the owner.
- \* Provide a true legible copy of every contract to each person signing the contract.

The agent is not obligated to reveal to either party any confidential information obtained from the other party which does not involve the affirmative duties set forth above.

Should you desire to have a real estate agent represent you as your agent, you should enter into a written contract that clearly establishes the obligations of both parties. If you have any questions about the roles and responsibilities of a real estate agent, they can provide information upon your request.

In compliance with the West Virginia Real Estate License Act, all parties are hereby notified that:  
(printed name of agent) Cathy DiPasquale, Butch Cazin Toni Carone, affiliated with  
(firm name) Long & Foster REALTORS, is acting as agent of:

- The Seller, as listing agent or subagent.       The Buyer, as the buyer's agent.  
 Both the Seller and Buyer, with the full knowledge and consent of both parties.

## CERTIFICATION

By signing below, the parties certify that they have read and understand the information contained in this disclosure and have been provided with signed copies prior to signing any contract.

|                                |                       |                |               |
|--------------------------------|-----------------------|----------------|---------------|
| <u>Ned B. Shauho</u><br>Seller | <u>8-3-23</u><br>Date | _____<br>Buyer | _____<br>Date |
| _____<br>Seller                | _____<br>Date         | _____<br>Buyer | _____<br>Date |
| _____<br>Seller                | _____<br>Date         | _____<br>Buyer | _____<br>Date |

I hereby certify that I have provided the above named individuals with a copy of this form prior to signing any contract.

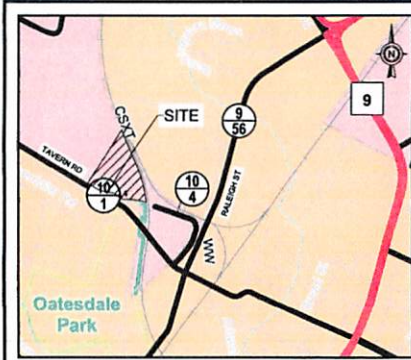
Agent's Signature [Signature]

Date \_\_\_\_\_

WV Real Estate Commission  
300 Capitol Street, Suite 400  
Charleston, WV 25301  
304.558.3555  
<https://rec.wv.gov>

This form has been promulgated by the WVREC for required use by all West Virginia real estate licensees.

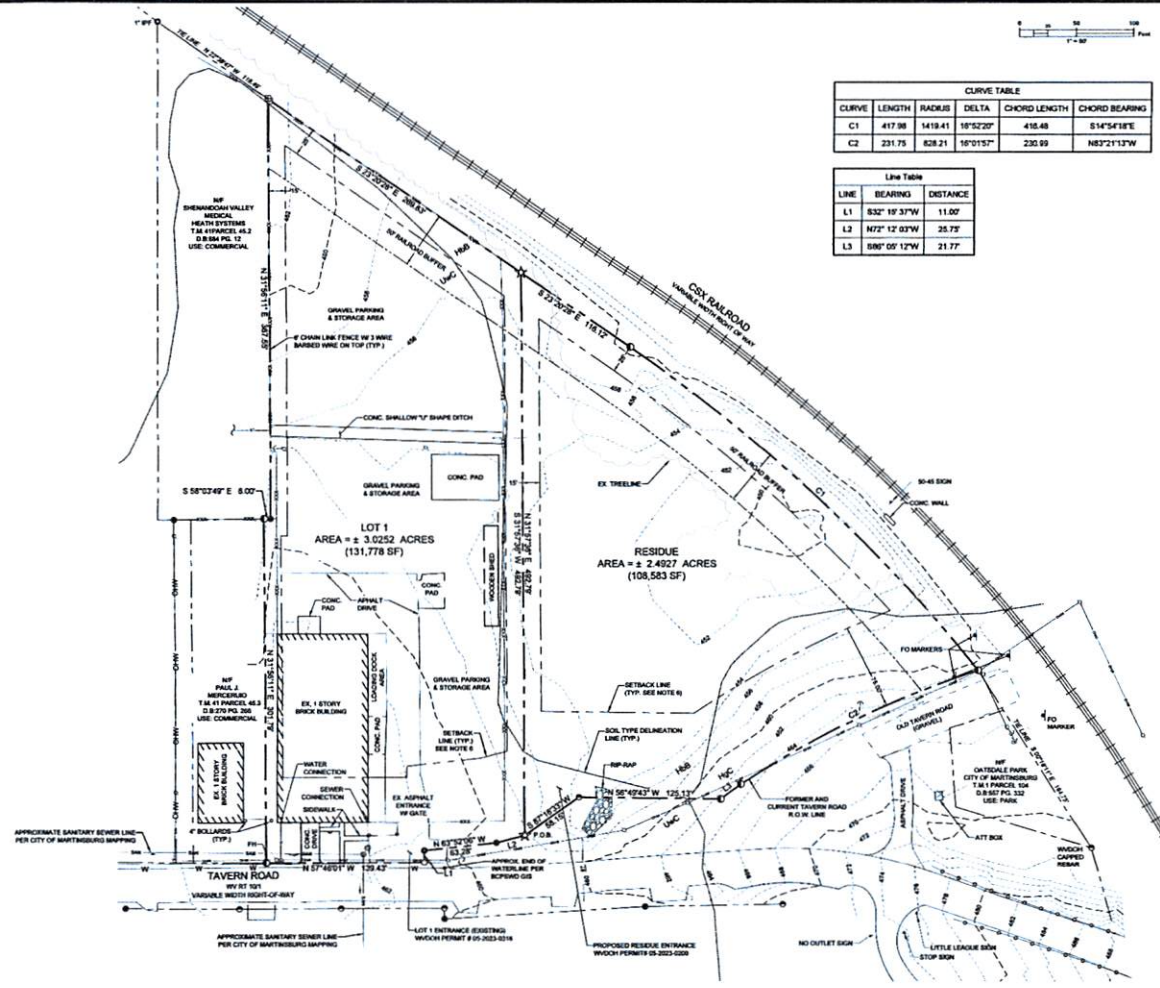




**LEGEND**

|                                     |                             |
|-------------------------------------|-----------------------------|
| T.M. TAX MAP NUMBER                 | ○ SANITARY SEWER MANHOLE    |
| P.M. PARCEL NUMBER                  | ○ WATER VALVE               |
| S.B. DEED BOOK                      | ○ WATER METER               |
| P.G. PAGE NUMBER                    | ○ FIRE HYDRANT              |
| W.P. NOW OR FORMERLY                | ○ SANITARY CLEAN-OUT        |
| T.O. UNDERGROUND FIBER OPTIC CABLE  | ○ SKIN                      |
| ○ S.F. SANITARY WITH CAP FOUND      | ○ PROPERTY LINE             |
| ○ S.F. OF REAR WITH CHIMNEY CAP SET | ○ ADJACENT LINE             |
| ☆ CONCRETE MONUMENT SET             | ○ BUILDING OUTLINE          |
| ○ NAIL MAG FOUND                    | ○ EDGE OF GRAVEL            |
| ○ REBAR FOUND                       | ○ E CONTOUR INTERNAL        |
| ○ IRON PIPE FOUND                   | ○ T CONTOUR INTERNAL        |
| ○ POINT                             | ○ STORM SEWER LINE          |
| ○ UTILITY POLE                      | ○ OVER HEAD WIRE            |
| ○ METAL FENCE POST                  | ○ UNDERGROUND ELECTRIC LINE |
| ○ CRY POLYMER FENCE                 | ○ GUARD RAIL                |
| ○ LIGHT POLE                        | ○ CHAIN LINK FENCE          |

- NOTES**
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS OR EXCEPTIONS NOT SHOWN HEREON.
  - THE EXISTING SITE IS BEING USED AS A COMMERCIAL PROPERTY CURRENTLY LEASED. IN PART, TO FRONTIER COMMUNICATIONS. THE OWNER INTENDS TO CREATE A SEPARATE LOT FOR THE PORTION BEING LEASED.
  - IF THE RESIDUE PARCEL IS DEVELOPED IN THE FUTURE FOR COMMERCIAL PURPOSES, A SITE PLAN WILL BE REQUIRED AND BE SUBJECT TO REGULATIONS CURRENT AT THE TIME OF SUBMITTAL.
  - THESE PARCELS ARE LOCATED ON FEMA MAP NUMBER 5402000102E, EFFECTIVE DATE 7/7/2009, AND ARE DESIGNATED TO BE WITHIN FLOOD ZONE "X", AN AREA TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
  - THERE ARE NO WETLAND ON THESE PARCEL PER THE NATIONAL WETLANDS INVENTORY.
  - BUILDING SETBACKS ARE AS FOLLOWS AND ARE SHOWN HEREON:  
NON-RESIDENTIAL - FRONT = 75' SIDE = 15' REAR = 25'
  - SOILS SURVEY: HMB - HAGERSTOWN BILT 3 TO 8 PERCENT SLOPES.  
DEPTH TO SEASONAL HIGH WATER TABLE MORE THAN 8 FEET  
HGD - HAGERSTOWN OROCHONOCK OUTCROP COMPLEX - 3 TO 15 PERCENT SLOPES.  
DEPTH TO SEASONAL HIGH WATER TABLE MORE THAN 8 FEET  
LWC - URBAN LAND HAGERSTOWN COMPLEX 0 TO 15 PERCENT SLOPES.  
DEPTH TO SEASONAL HIGH WATER TABLE MORE THAN 8 FEET.
  - LOT 1 IS SERVICED BY PUBLIC WATER AND SEWER. WATER IS PROVIDED BY BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT. SEWER IS PROVIDED BY THE CITY OF MARTINSBURG SEWERING.
  - LOT AREA SUMMARY**  
ORIGINAL PARCEL = 4.65179 ACRES  
LOT 1 = 3.0252 ACRES  
RESIDUE = 1.62657 ACRES
  - NEW DIVISION LINE DOES NOT CREATE ANY SETBACK VIOLATIONS. LOT 1 HAS AN EXISTING BUILDINGS THAT PREDATES THE CURRENT SETBACK REQUIREMENTS OF BERKELEY COUNTY. CURRENT SETBACKS FOR LOT 1 AND RESIDUE ARE SHOWN HEREON.
  - THERE IS NO PROPOSED DEVELOPMENT OR CHANGES TO THE USE AT THIS TIME.
  - ANY IMPROVEMENTS, DEVELOPMENT, OR CHANGE OF USE (BUILDINGS OR OTHER SITE IMPROVEMENTS) TO LOT #1 WILL REQUIRE COMPLIANCE WITH THE 2023 BERKELEY COUNTY SWM ORDINANCE FOR QUALITY AND QUANTITY AS WELL AS MAJOR PLAN SUBMISSION TO BERKELEY COUNTY.
  - IMPERVIOUS CALCULATIONS (EXISTING)**  
LOT 1 = 115,811 SF (88%)  
RESIDUE = 1 SF (0%)  
TOTAL OF ORIGINAL PARCEL = 115,811 SF (48%)
  - THE SOIL SURVEY OF BERKELEY COUNTY, WEST VIRGINIA INDICATES A SEASONAL HIGH WATER TABLE FOR EACH OF THE SOILS LISTED IN NOTE # 7 AS BEING MORE THAN 8 FEET. THEREFORE THE NO BASEMENT RECOMMENDATION WHEN THE DEPTH TO SEASONAL HIGH WATER TABLE IS LESS THAN 5 FEET DOES NOT APPLY.



**CURVE TABLE**

| CURVE | LENGTH | RADIUS  | DELTA     | CHORD LENGTH | CHORD BEARING |
|-------|--------|---------|-----------|--------------|---------------|
| C1    | 417.98 | 1419.41 | 18°52'20" | 416.48       | S14°54'18"E   |
| C2    | 231.75 | 828.21  | 16°01'57" | 230.99       | N83°21'13"W   |

**LINE TABLE**

| LINE | BEARING        | DISTANCE |
|------|----------------|----------|
| L1   | S32° 19' 31" W | 11.00'   |
| L2   | N72° 12' 03" W | 35.73'   |
| L3   | S80° 05' 12" W | 21.77'   |

**Alpha**  
ARCHITECTS  
ALPHA ASSOCIATES, INC.  
335 W. KING STREET  
MARTINSBURG, WV 25401  
PHONE: 304-264-0251  
TOLL FREE: 877-264-0251  
WWW.ALPHA1ST.COM

**PRELIMINARY / FINAL PLAT OF SUBDIVISION**  
FOR  
**ASPEN WEST L.L.C.**  
HEADQUARTERS DISTRICT  
T.M. #117-04-01-108-010-001  
BERKELEY COUNTY, WEST VIRGINIA

APPROVED BY  
ADDRESS: 505 ASPEN WAY  
MARTINSBURG, WV 25403  
PHONE: 304-264-0254  
ATTN: MR. BARNACKER

**REVISIONS**

| NO. | ITEM                                | DATE     |
|-----|-------------------------------------|----------|
| 1   | PER PLANNING AND ENGINEERING REVIEW | 8/15/23  |
| 2   | PER PLANNING REVIEW                 | 8/15/23  |
| 3   | PER PLANNING REVIEW                 | 10/20/23 |
| 4   | PER PLANNING REVIEW                 | 10/20/23 |

PROJ. NO.: 2210127-00  
DATE: 09/20/23  
SHEET NO.:

**1 OF 1**

LAMA ID 2306-12

**PRELIMINARY / FINAL PLAT OF SUBDIVISION**

BERKELEY COUNTY, WEST VIRGINIA  
BY: *Richard W. Hulen*  
PLANNING COMMISSION 07/17/2023  
DATE

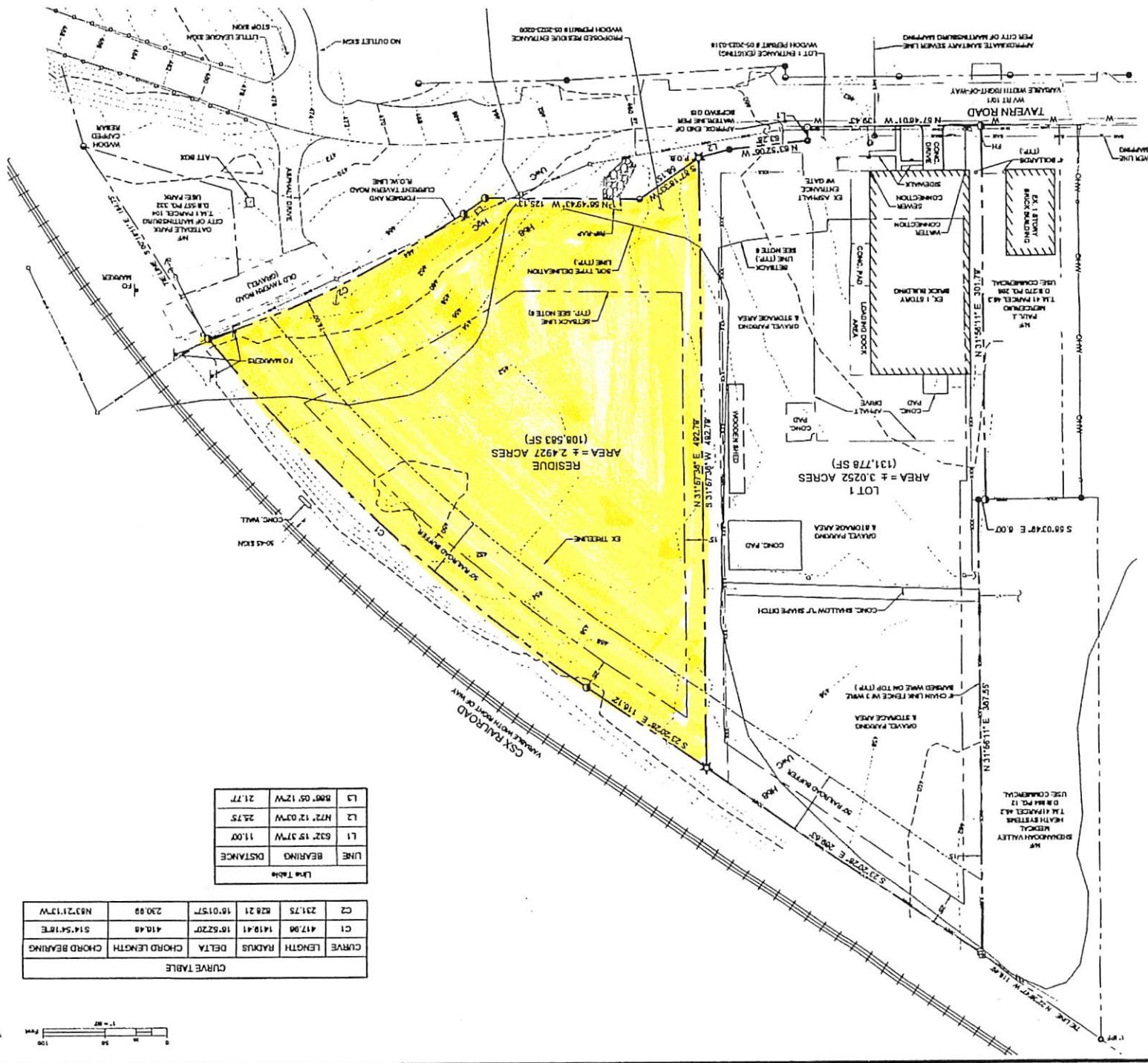
ACCEPTANCE STATEMENT  
THE OWNER, BY SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.  
BY: *Richard W. Hulen* DATE: 7-17-23  
DATE  
BY: *Neil B. Shultz* DATE: 7-17-23  
DATE

I, RICHARD W. HULEN, A WEST VIRGINIA LICENSED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SEALED PLAT IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND/or COUNTY CODES OR PROVISIONS APPLICABLE ON THIS DATE, AND THAT ALL MONUMENTS DEPICTED HEREON WERE EITHER FOUND OR SET IN ACCORDANCE WITH STATE CODE.

Richard W. Hulen P.S. 1407  
DATE: 7/17/23

2023-08-15 10:41:10 AM C:\Users\jrh\OneDrive\Desktop\2306-12\2306-12.dwg



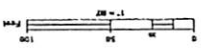


Line Table

| LINE | BEARING        | DISTANCE |
|------|----------------|----------|
| L1   | S32° 15' 37" W | 11.00'   |
| L2   | N72° 12' 03" W | 25.75'   |
| L3   | S85° 05' 12" W | 21.77'   |

Curve Table

| CURVE | LENGTH | RADIUS  | DELTA       | CHORD LENGTH | CHORD BEARING  |
|-------|--------|---------|-------------|--------------|----------------|
| C1    | 417.98 | 1419.41 | 16° 52' 20" | 410.48       | S14° 54' 18" E |
| C2    | 231.75 | 828.21  | 16° 01' 57" | 230.89       | N83° 21' 13" W |



**PRELIMINARY / FINAL PLAT OF SUBDIVISION**

FOR  
**ASPEN WEST L.L.C.**

HEDGEVILLE DISTRICT  
T.M. 41 PAR. 43 DB. 1108 P.C. 3434  
BERKELEY COUNTY, WEST VIRGINIA

DESIGNED BY: ASPEN WEST L.L.C.  
ADDRESS: 222 ASPEN WAY  
HARRISBURG, WV 25004  
PHONE: 304-264-0074  
FAX: 304-264-0074  
ATTN: KEN BARNHARTER

ARCHITECT:  
**Alpha**  
ALPHA ASSOCIATES, INC.  
535 W. KING STREET  
HARRISBURG, WV 25401  
PHONE: 304-264-0051  
TOLL FREE: 877-264-0051  
WWW.THINKALPHAFIRST.COM

COPY

THIS DEED, made this 25<sup>th</sup> day of June, 2015, by and between HEATHER DERN MYERS, TRUSTEE, party of the first part and hereinafter referred to as Grantor, and ASPEN WEST LLC, party of the second part and hereinafter referred to as Grantee.

WITNESSETH: That for and in valuable consideration, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey unto said Grantee, with special warranty of Title, in fee simple,

All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

**21.01 acres, more or less**, being a part of what is known as the John W. Stewart Aspen Hall Farm.

SAVING AND EXCEPTING THEREFROM, HOWEVER, the following Out Sales:

(a) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

That certain parcel containing **10.7441 acres, more or less**, that was conveyed by James B. Shanholtzer and Elsie E. Shanholtzer, to C. Leslie Golliday, by deed dated the 22<sup>nd</sup> day of February, 1971, of record in the office of the Clerk of the County Court of Berkeley County, West Virginia, in Deed Book No. 250, at page 653.

AND BEING the same parcel of real estate which was conveyed unto the Grantors herein by deed from Elsie L. Weller dated January 17<sup>th</sup>, 1966, and recorded in the aforesaid Clerk's Office in Deed Book 229, at Page 337.

(b) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 2, **containing 1.04 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto Joseph C. Burkhart and C. Marie Burkhart, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated June 5<sup>th</sup>, 1973, and recorded in the aforesaid Clerk's Office in Deed Book 269, at Page 496.

(c) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 3, **containing 0.46 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto Paul J. Merceruio, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated June 29<sup>th</sup>, 1973, and recorded in the aforesaid Clerk's Office in Deed Book 270, page 266.

(d) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Beginning at a point at the southeast corner of the 0.46 acre parcel conveyed to Paul J. Merceruio by James B. Shanholtzer, et ux, by deed dated the 29<sup>th</sup> day of June, 1973, and of record in the office of the Clerk of the County Court of Berkeley County, West Virginia, in Deed Book No. 270, page 266, and in the northerly right of way line of West Virginia Secondary Route 10/1; thence with the northerly line of said road S. 49° 39' 19" E. a distance of 5 feet; thence N. 40° 20' 41" E. 305.00 feet; thence N. 49° 39' 19" W. 5 feet to the corner of the 0.46 acre parcel above identified; thence with the line of said 0.46 acre parcel S. 40° 20' 41" W. 305.00 feet to the point of beginning, and being a strip of land 5 feet wide adjoining the 0.46 acre parcel on its easterly side, **containing 0.04 acres, more or less**.

AND BEING the same parcel of real estate which was conveyed unto Paul J. Merceruio, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated April 3<sup>rd</sup>, 1974, and recorded in the aforesaid Clerk's Office in Deed Book 277, page 538.

(e) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Deed with NO Considerations of Neil & Craig Shanholtzer: Page 2



Lot No. 4, **containing 0.67 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto Roger L. Wall and Jewel L. Wall, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated October 27<sup>th</sup>, 1975, and recorded in the aforesaid Clerk's Office in Deed Book 291, at Page 445.

(f) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 5, **containing 0.70 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto Harvey D. Reisenweber and Virginia S. Reisenweber, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated December 24<sup>th</sup>, 1980, and recorded in the aforesaid Clerk's Office in Deed Book 346, at Page 42.

(g) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 6, **containing 0.70 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto John W. Hammer, Jr., by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated January 10<sup>th</sup>, 1977, and recorded in the aforesaid Clerk's Office in Deed Book 303, at Page 301.

(h) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 7, **containing 0.56 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto John W. Hammer, Jr., by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated April 22<sup>nd</sup>, 1976, and recorded in the aforesaid Clerk's Office in Deed Book 295, at Page 356.

(i) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 8, **containing 0.49 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto Douglas L. Miller, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated January 2<sup>nd</sup>, 1975, and recorded in the aforesaid Clerk's Office in Deed Book 284, at Page 279.

(j) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Lot No. 8a, **containing 0.14 acres, more or less**, as shown upon a plat, dated the 11<sup>th</sup> day of May, 1973, by P. C. DiMagno Engineers and Surveyors, a copy of which is of record in the Office of the Clerk of the County of Berkeley County, West Virginia, in Deed Book No. 295, page 358.

AND BEING the same parcel of real estate which was conveyed unto Douglas L. Miller, by deed from James B. Shanholtzer and Elsie E. Shanholtzer, dated May 19<sup>th</sup>, 1976, and recorded in the aforesaid Clerk's Office in Deed Book 295, at Page 722.

(k) All that certain lot or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Hedgesville District of Berkeley County, West Virginia, more particularly bounded and described as follows:

Beginning at a point in the northern existing right of way line of Tavern Road (Berkeley County Route 10/1), said point being in the western proposed noncontrolled access right of way line and 19 feet left of and at right angle to relocated Tavern Road centerline at Station 34+85, Project X302-9/56-0.00 00, TIP-0956(004)D, Berkeley County, West Virginia;

thence, northeasterly, with said proposed noncontrolled access right of way line 11 feet, more or less, to a point 30 feet left of and at right angle to centerline at Station 34+85;

thence, southeasterly, continuing with said proposed noncontrolled access right of way line 63 feet, more or less, to a point 35 feet left of and at right angle to centerline at Station 35+50;

thence, southeasterly, continuing with said proposed noncontrolled access right of way line 25 feet, more or less, to a point 40 feet left of and at right angle to centerline at Station 35+75;

thence, southeasterly, continuing with said proposed noncontrolled access right of way line 58 feet, more or less, to a point 70 feet left of and at right angle to centerline at Station 36+25;

thence, southerly, continuing with said proposed noncontrolled access right of way line 126 feet, more or less, to a point in the northern existing right of way line of Tavern Road, said point being 60 feet left of and at right angle to centerline at Station 37+50;

thence, northwesterly, with the meanders of said existing right of way line 281 feet, more or less, to the point of beginning and containing 7,522 square feet (0.17 acre), more or less.

AND BEING the same parcel of real estate per proceeding in Condemnation for Public Use, such action brought by the West Virginia Department of Transportation, Division of Highways, Civil Action No. 10-C-982 and said Order of Condemnation recorded in Order Book 0972 Page 0086 with Map attached.

AND BEING 5.2959 acres, more or less, part of the parcels of real estate which were conveyed unto James B. Shanholtzer by deed from Clarence E. Martin, Jr., Trustee, dated March 12<sup>th</sup>, 1973, and recorded in the aforesaid Clerk's Office in Deed Book 267 at Page 407.

AND FURTHER BEING the same parcel of real estate which was conveyed unto Heather Dern Myers, trustee by deed from Craig J. Shanholtzer and Neil B.

Deed with NO Considerations of Neil & Craig Shanholtzer: Page 5

Shanholtzer dated June 25, 2015, and recorded in the aforesaid Clerk's Office in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to all those reservations, restrictions, conditions, covenants, easements and rights of way and other matters of record. ***This deed was prepared without benefit of a title search.***

DECLARATION OF CONSIDERATION OF VALUE

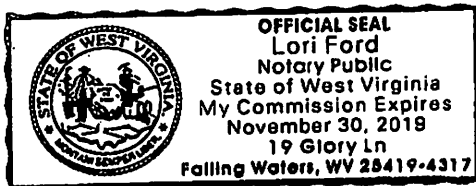
Under the penalties of fine and imprisonment as provided by law, the undersigned Grantors hereby declare that the within transfer is not subject to the West Virginia Excise Tax on the Privilege of Transferring Real Property as it is a transfer from a strawman to his principal.

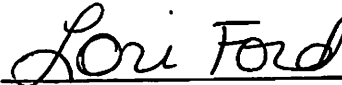
  
HEATHER DERN MYERS, TRUSTEE

STATE OF WEST VIRGINIA  
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of June, 2015 by HEATHER DERN MYERS.

Commission expiration date and seal:



  
NOTARY PUBLIC – LORI FORD  
My Commission Expires: November 30, 2019.

Deed with NO Considerations of Neil & Craig Shanholtzer: Page 6