

THIS DEED, made this 17th day of March, 2014, by and between **JDM EXCAVATING & CONSTRUCTION, LLC**, party of the first part, hereinafter called the GRANTOR,

a n d

RICHARD DALE EVANS, JR., and CATHLEEN EVANS, whose mailing address is _____, parties of the second part, hereinafter called the GRANTEES.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and for other good and valuable consideration, the receipt of which is hereby acknowledge, the said Grantor, does hereby grant, bargain, sell and convey, with covenants of general warranty, unto the said Richard Dale Evans, Jr. and Cathleen Evans, as joint tenants with the right of survivorship, and not as tenants in common, a tract or parcel of land located on the drains of Patterson Creek, about 1.25 miles northwest of Fort Ashby, lying in Frankfort District of Mineral County, West Virginia and more particularly described as follows:

Beginning at a 3/4" iron pipe found on a southeast hillside, being a corner to this tract, a 120 acre tract owned by JDM Excavating and Construction, LLC, (Deed Book 326, Page 468), Lot 3 of the Royal Heights Subdivision, owned by Danette G. Close, (Deed Book 303, Page 515), and Glenn W. McTaggart, (Deed Book 274, Page 933), thence running with a portion of the original line between the 24 acre tract of which this is a part and McTaggart N 58° 06' 28" E 676.78' to a 5/8" rebar found in a hollow and on the north side of a drain, being in or near the original line and at a corner to a 12.5 acre tract owned by James M. Garland, (Deed Book 314, Page 397), said 12.5 acre tract was previously part of a 94 acre tract owned by Charles H. Malone. When the 12.5 acre tract was conveyed off by Malone, it included a portion of the 24 acre tract. Thence leaving McTaggart and the original lines and running down the hollow with lines of Garland's 12.5 acre tract S 74° 47' 40" E 159.66' to a 5/8" rebar found in the remains of a white oak stump at the north base of a ridge and on the south side of the hollow, a 11" white oak pointer also found, thence continuing down the hollow S 88° 19' 29" E 280.16' to a 5/8" X 30" rebar set in the remains of a white oak stump between a 5", 8", and 9" white oak trees marked as pointers, thence crossing the drain S 74° 59' 31" E 213.89' to a 5/8" rebar found on the top of a bank on the north side of the drain, thence crossing the drain again S 68° 15' 43" E 466.75' to a 5/8" rebar found at the south edge of the drain, in or near an original line of the 24 acre tract of which this is a part and in a line of Garland's 12.5 acre tract, also being a corner to Chad M. Smith, (Deed Book 310, Page 750), thence leaving Garland and running with Smith and along or near an original line of the 24 acre tract S 58° 06' 19" W 1028.96' to a 5/8" rebar found on the northwest side of a ridge, a corner between Smith and the residue of a 44 acre tract also owned by JDM Excavating and Construction, LLC, (Deed Book 326, Page 468), the same course continued, leaving Smith and running with the 44 acre tract, 202.04' further for a total of 1231.00' to a 5/8" X 30" rebar set on the west slope of a ridge, being a corner to the 44 acre tract and in a line of the 120 acre tract, both owned by JDM Excavating and Construction, LLC, thence leaving the 44 acre tract and running with the 120 acre tract N 46° 35' 13" W 831.11' to the beginning containing 18.39 acres, more or less, as surveyed in November, 2006 by Dick A. Heavner and being all the residue of a 24 acre tract, (excluding that portion of said

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tract included within the 12.5 acre tract now owned by James M. Garland), which was last owned by Erskin Gandy, who bought this tract along with several other tracts at a tax sale on June 2, 1952, by deed recorded in Deed Book 101, Page 310. That same year, the tax books marked this parcel as nonexistent, and it doesn't appear after that year. In subsequent deeds, when Gandy conveyed the other tracts off, the 24 acre tract was no longer mentioned. Present tax maps show this parcel as part of JDM Excavating and Construction, LLC's 120 acre tract.

The above described real estate is the same as was conveyed unto JDM Excavating & Construction, LLC, by deed dated May 22, 2007 from JDM Excavating & Construction, LLC, which deed is recorded in the Office of the Clerk of the County Commission of Mineral County, West Virginia, in Deed Book No. 331, at page 799.

The Grantor hereby declares under penalties of law that the Grantor is exempt from nonresident withholding in regard to transfers because the undersigned Grantor is an entity of the State of West Virginia as defined by West Virginia Code §11-21-71b and the rules and regulations related thereto.

The Grantor hereby declares that the total consideration paid for the property conveyed hereby is \$_____.

TO HAVE AND TO HOLD the above described real estate, together with any and all improvements thereon, and the rights, privileges and appurtenances thereunto belonging, or in anywise appertaining, unto the said Richard Dale Evans, Jr. and Cathleen Evans, his, her or their heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, JDM Excavating and Construction, LLC, has caused the foregoing deed to be signed by its _____, this _____ day of _____, 2014.

JDM EXCAVATING AND CONSTRUCTION, LLC

By _____
Its _____

JACK C. BARR, ESQ.

STATE OF WEST VIRGINIA,

COUNTY OF MINERAL, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, _____ of JDM Excavating and Construction, LLC, a limited liability company, on behalf of the limited liability company.

My Commission expires:

(Affix Notarial Seal)

Notary Public

**This deed was prepared by Jack C. Barr without examination of title upon information and description provided by the Grantor.

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JACK C. BARR, ESQ.