



ROBERT A. NILES and BETTY E. NILES, ET ALS
TO: Deed
BRENDA E. DILL

THIS DEED, made and entered into on this the 25th day of September, 2013, by and between ROBERT A. NILES and BETTY E. NILES, his Wife, JOHN F. GROVES, HELEN GROVES, Widow, NANCY DEVEREAUX-METZGAR, JANICE M. MAIOLI, by her Attorney-in-Fact, Nancy Devereaux-Metzgar, RUSSELL S. GROVES, by his Attorney-in-Fact, Nancy Devereaux-Metzgar, PATRICIA L. RIGOL, by her Attorney-in-Fact, Nancy Devereaux-Metzgar, WENDY L. CANTER, by her Attorney-in-Fact, Nancy Devereaux-Metzgar, and SHELLEY R. RAKIP, by her Attorney-in-Fact, Nancy Devereaux-Metzgar, Grantors and Parties of the First Part, and BRENDA E. DILL, Grantee and Party of the Second Part, whose mailing address is 383 Greengate Road, Berkeley Springs, WV 25411.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration deemed valid in law, the receipt of all of which is hereby acknowledged, the Grantors and Parties of the First Part do now grant, sell and convey, in fee simple forever, with Covenants of General Warranty and free of liens and encumbrances, unto BRENDA E. DILL, Grantee and Party of the Second Part, her heirs and/or assigns, all those certain tracts or parcels of real estate more particularly described as follows:

FIRST: All those seven (7) tracts or parcels of real estate together with all rights, rights-of-ways, improvements and appurtenances thereunto belonging, lying and being situate 1/4 mile southeast of the Village of Rock Oak Post Office, and on the south side of State Route No. 1, in Moorefield District, Hardy County, West Virginia, and being designated as **Tract 1, containing 4.4125 acres, more or less; Tract 2, containing 15.6509 acres, more or less; Tract 3, containing 25.7696 acres, more or less; Tract 4, containing 24.7011 acres, more or less; Tract 5, containing 25.6920 acres, more or less; Tract 6, containing 91.9031 acres, more or less; and Tract 7, containing 17.8210 acres, more or less, of Rock Oak Farm Subdivision**, on a Plat of Survey of Rock Oak Farm Subdivision prepared by Allen G. Clem, Licensed Land Surveyor No. 236, and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Plat Book 2, at Page 52, to which reference

is now made for a more particular description of said real estate and for any and all other pertinent purposes.

The aforesaid tracts of real estate are identified for tax assessment purposes in the Hardy County Assessor's Office on Tax Map 210, as Parcels 0021 (T1), 0021.0005 (T2), 0021.0003 (T3), 0021.0002 (T4), 0021.0004 (T5), 0021.0001 (T6) and 0021.0006 (T7).

SECOND: All those three (3) tracts or parcels of real estate together with all rights, rights-of-ways, improvements and appurtenances thereunto belonging, situate in Moorefield District, Hardy County, West Virginia, **containing 48 acres and 85 rods (48.5 acres), more or less; 4-1/5 acres (4.2 acres), more or less, and 18 acres, more or less**, and being more particularly described by metes and bounds descriptions incorporated in that certain Deed from Roy E. Hamilton and Winifred E. Hamilton, his wife, to Otoway William Groves, et als, of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book No. 155, at Page 199, to which reference is now made for any and all pertinent purposes.

The aforesaid tracts of real estate are identified for tax assessment purposes in the Hardy County Assessor's Office on Tax Map 210, as Parcels 0020, 0018 and 0019.

Tracts 1, 2, 3, 5 and 7 of Rock Oak Farm Subdivision are the same tracts or parcels of real estate conveyed unto Robert A. Niles, Otoway William Groves, Charles V. Payne, Jr., J. Michael Koval and Ralph Leigh from Paul V. Williams and Margaret Z. Williams, his wife, by Deed dated June 22, 1979, and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book No. 156, at Page 203. Subsequently, Ralph Leigh and Susan Leigh, his wife, conveyed their undivided one-fifth (1/5) interest in the aforesaid tracts of real estate unto Robert A. Niles, Otoway William Groves, Charles V. Payne, Jr. and J. Michael Koval by Deed dated February 4, 1980, and of record in the aforesaid Clerk's Office in Deed Book No. 162, at Page 154. Subsequently, J. Michael Koval and Barbara Koval, his wife, conveyed a portion of their undivided interest in said real estate unto Larry Willingham by Deed dated June 21, 1994, and of record in the aforesaid Clerk's Office in Deed Book No. 229, at Page 410. Subsequently, Charles V. Payne, Jr. conveyed his undivided one-fourth (1/4) interest in said real estate unto Mary W. Groves and

Betty E. Niles by Deed dated April 5, 1996, and of record in the aforesaid Clerk's Office in Deed Book No. 236, at Page 801, and re-recorded in Deed Book No. 291, at Page 195. Subsequently, J. Michael Koval and Barbara Koval, his wife, and Larry D. Willingham and Florence Willingham, his wife, conveyed their undivided one-fourth (1/4) interest in said real estate unto Otoway William Groves and Mary W. Groves, his wife, and Robert A. Niles and Betty E. Niles, his wife, by Deed dated June 26, 1996, and of record in the aforesaid Clerk's Office in Deed Book No. 242, at Page 423. Thus, fee simple title to the aforesaid tracts of real estate vested in Robert A. Niles and Betty E. Niles, his wife, an undivided one-half (1/2) interest, and Otoway William Groves and Mary W. Groves, his wife, an undivided one-half (1/2) interest.

Tracts 4 and 6 of Rock Oak Farm Subdivision are the same tracts or parcels of real estate conveyed unto O. William Groves and Robert A. Niles from Charles E. Smith and Arlene L. Smith, his wife, by Deed dated September 23, 2004, and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book No. 281, at Page 716. Subsequently, O. William Groves and Robert A. Niles conveyed said tracts of real estate unto O. William Groves and Mary W. Groves, his wife, and Robert A. Niles and Betty E. Niles, his wife, by Deed dated October 27, 2004, and of record in the aforesaid Clerk's Office in Deed Book No. 282, at Page 404.

The 48.5 acres, 4.2 acres and 18 acres are the same tracts or parcels of real estate conveyed unto Otoway William Groves, Carl E. Welch, Charles V. Payne, Jr., J. Michael Koval, Larry D. Willingham, Philip H. Rutter, Harlan L. Suthard, Ralph Leigh, Morris D. Frazier and Robert A. Niles from Roy E. Hamilton and Winifred E. Hamilton, his wife, by Deed dated March 23, 1979, and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book No. 155, at Page 199. Subsequently, Carl E. Welch and Sharon Welch, his wife, Charles V. Payne, Jr. and Barbara Payne, his wife, and J. Michael Koval conveyed their undivided three tenths (3/10) interest in said real estate unto Otoway William Groves, Philip H. Rutter, Ralph Leigh, Larry D. Willingham, Harlan L. Suthard, Morris D. Frazier and Robert A. Niles by Deed dated July 26, 1982, and of record in the aforesaid Clerk's Office in Deed Book No. 229, at Page 404. Subsequently, Harlan L. Suthard died intestate on June 23, 1981, leaving as his sole heirs-at-law his wife, Betty Joan Suthard, and his daughters, Melanie H. Suthard and Sharon M. Miller, who inherited the

property. Subsequently, Betty Joan Suthard, widow, Melanie H. Suthard, single, and Sharon M. Miller and Stephen Miller, her husband, conveyed their undivided one-seventh (1/7) interest in said real estate unto Thomas E. Frazier by Deed dated August 10, 1987, and of record in the aforesaid Clerk's Office in Deed Book No. 229, at Page 407. Subsequently, Morris D. Frazier and Shirley C. Frazier, his wife, and Thomas E. Frazier and Wanda H. Frazier, his wife, conveyed their undivided interest in said real estate unto Robert A. Niles by Deed dated December 18, 1995, and of record in the aforesaid Clerk's Office in Deed Book No. 236, at Page 798. Subsequently, Morris D. Frazier and Shirley C. Frazier, his wife, and Thomas E. Frazier and Wanda H. Frazier, his wife, conveyed their undivided two-seventh (2/7) interest in said real estate unto Robert A. Niles and Otoway William Groves, by Corrective Deed dated June 28, 1996, and of record in the aforesaid Clerk's Office in Deed Book No. 242, at Page 413. Subsequently, Larry D. Willingham and Florence Willingham, his wife, conveyed their undivided one-seventh (1/7) interest in said real estate unto Robert A. Niles and Betty E. Niles, his wife, and Otoway William Groves and Mary W. Groves, his wife, by Deed dated January 13, 1997, and of record in the aforesaid Clerk's Office in Deed Book No. 242, at Page 417. Subsequently, Philip H. Rutter conveyed his undivided one-seventh (1/7) interest in said real estate unto Robert A. Niles and Betty E. Niles, his wife, and Otoway William Groves and Mary W. Groves, his wife, and Otoway William Groves and Mary W. Groves, his wife, by Deed dated November 18, 1996, and of record in the aforesaid Clerk's Office in Deed Book No. 242, at Page 420. Subsequently, Ralph Leigh conveyed his undivided one-seventh (1/7) interest in said real estate unto Robert A. Niles and Betty E. Niles, his wife, and Otoway William Groves and Mary W. Groves, his wife, by Deed dated September 18, 1998, and of record in the aforesaid Clerk's Office in Deed Book No. 258, at Page 403. Thus, fee simple title to the aforesaid tracts of real estate is vested in Robert A. Niles and Betty E. Niles, his wife, an undivided one-half (1/2) interest, and Otoway William Groves and Mary W. Groves, his wife, an undivided one-half (1/2) interest.

Subsequently, Mary W. Groves died intestate on July 9, 2005. She had no children; and therefore, under the intestacy statute, title to real estate vested in her husband, Otoway William Groves, or any jointly held property, by survivorship. Subsequently, Otoway William Groves conveyed a 1/200 (0.5%) interest in all of the aforesaid tracts of real estate unto John F. Groves by Deed dated October 15, 2010, and of record in the aforesaid Clerk's Office in

Deed Book No. 316, at Page 339. Subsequently, Otoway William Groves conveyed a 1/200 (0.5%) interest in all of the aforesaid tracts of real estate unto Russell L. Groves by Deed dated October 15, 2010, and of record in the aforesaid Clerk's Office in Deed Book No. 316, at Page 341.

Subsequently, Otoway William Groves died testate on December 5, 2010, a widower, as his wife, Mary W. Groves, predeceased him on July 9, 2005. The Last Will and Testament of Otoway William Groves was duly probated and recorded in the Office of the Circuit Court of Fauquier County, Commonwealth of Virginia, on December 22, 2010, in Will Book No. 250, at Page 1264, and an exemplified copy of said Will is of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Will Book No. 32, at Page 1.

In said Last Will and Testament, "Article II. Distribution of My Estate." provides as follows:

"I give all my real and personal estate to the Trustee or Trustees serving under the Otoway W. Groves Revocable Trust Agreement dated December 14, 2009, with Otoway W. Groves as initial Trustee ("my Trust Agreement"), to be held in trust under the terms thereof in effect at my death. My Trust Agreement was signed before this will was signed. It is my intent that all assets passing pursuant to this will be distributed to my Trustee to be held in trust under the terms of my Trust Agreement as provided for above and this provision shall be construed accordingly."

Otoway W. Groves did appoint Paul Groves and Rebecca Irvin to serve as Executors of his Last Will and Testament, and they did qualify as Executors of his estate. Subsequently, Paul Groves and Rebecca Irvin, Executor/Executrix of the Estate of Otoway W. Groves, conveyed all of the interest of the estate in the aforesaid tracts of real estate unto Paul Groves and Rebecca Irvin, Trustees of the Otoway W. Groves Trust U/A dated December 14, 2009, by Deed dated August 3, 2011, and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book No. 319, at Page 521. Subsequently, Paul Groves and Rebecca Irvin, Trustees of the Otoway W. Groves Trust U/A dated December 14, 2009, conveyed all of the interest of the trust in the aforesaid tracts of real estate unto Russell L. Groves and John F. Groves by Deed dated August 3, 2011, and of record in the aforesaid Clerk's Office in Deed Book No. 319, at Page 525. Thus, fee simple title to the aforesaid tracts of real estate vested in Robert A. Niles and Betty E. Niles, his wife, an undivided one-half (½) interest, John F. Groves, an undivided one-fourth (1/4) interest, and Russell L. Groves, an undivided one-fourth (1/4) interest.

Subsequently, Russell L. Groves died intestate on May 3, 2013; and he was survived by his widow, Helen Groves, and six children from previous relationships, namely, Nancy Devereaux-Metzgar, Janice M. Maioli, Russell S. Groves, Patricia L. Rigol, Wendy L. Canter and Shelley R. Rakip. Thus, fee simple title to the aforesaid tracts of real estate is now vested in Robert A. Niles and Betty E. Niles, his wife, an undivided one-half (½) interest (50%); John F. Groves, an undivided one-fourth (1/4) interest (25%); Helen Groves, an undivided one-half (½) interest in a one-fourth (1/4) interest (12.5%); and Nancy Devereaux-Metzgar, Janice M. Maioli, Russell S. Groves, Patricia L. Rigol, Wendy L. Canter and Shelley R. Rakip, an undivided one-half (½) interest in a one-fourth (1/4) interest (12.5%).

The Grantors and Parties of the First Part do grant and convey unto the Grantee and Party of the Second Part, her heirs and assigns, a right-of-way, forty feet (40') in width, leading from State Route 1, over an existing road, that provides access to each of the tracts or parcels of real estate described herein. Said rights-of-way are shown on the Plat of Survey of the Rock Oak Farm Subdivision of record in the aforesaid Clerk's Office in Plat Book No. 2, at Page 52, to which reference is now made for a more particular description of said rights-of-ways and for any and all other pertinent purposes.

The Grantors and Parties of the First Part do further grant and convey unto the Grantee and Party of the Second Part, her heirs and/or assigns, a roadway leading from West Virginia Route 1 to the aforesaid tracts of real estate, including a concrete slab swinging bridge, and a roadway around the swinging bridge to an old County road. There is also conveyed a forty foot (40') right-of-way leading from the old County road to Lot No. 6, which said right-of-way passes through Lots No. 2, 3, 4, 5 and 7, and also a smaller right-of-way leading from the main right-of-way, passing through Lots No. 2 and 5 to Lot No. 6. These rights-of-ways may be used by other lots owners of Rock Oak Farm, their heirs and assigns, but it is understood and agreed that this is not an exclusive right-of-way except that portion of said right-of-way after it passes through Lots No. 4 and 5. There is a right-of-way between Tract 6 and the Augusta-Rio Road, otherwise known as Route 29, as shown on the subdivision Plat of Survey. Said right-of-way may also be subject to the use of Eric Richter, and it may extend through Lot No. 6. These rights-of-ways are shown on the aforesaid Plat of Survey.

This conveyance is subject to any and all rights-of-ways and/or easements in chain of title, if any, that may exist but are not depicted in the public records.

The Grantors and Parties of the First Part do grant and convey unto the Grantee and Party of the Second Part, her heirs and assigns, all minerals, mineral rights, gas and oil leases, if any, together with right to delay rentals, bonuses and future royalties.

By Limited Power of Attorney dated August 23, 2013, to be admitted to record prior to the recordation of this instrument, Janice M. Maioli, Russell S. Groves, Patricia L. Rigol, Wendy L. Canter and Shelley R. Rakip appointed Nancy Devereaux-Metzgar as their true and lawful Attorney-in-Fact for the purpose of executing this deed and any and all other necessary legal documents for the transfer of the subject real estate.

By this Deed, it is the intent of all of the Grantors herein to convey all of their right, title and interest, whatever it may be, unto Brenda E. Dill, Grantee and Party of the Second Part, her heirs and/or assigns, in fee simple forever.

The real estate taxes for the tax year 2013 have been prorated between the parties as of the day of closing. The Grantee agrees to assume and be solely responsible for the real estate taxes on the subject real estate beginning with the calendar year 2014, although same may still be assessed in the names of the Grantors.

The Hardy County Subdivision Ordinance does not apply to this conveyance because said conveyance will not result in the formation of a new tract of land not previously on record.

The Grantors do certify and affirm that they are non-residents of the State of West Virginia, and are therefore subject to the "withholding tax on West Virginia source income of non-residents" pursuant to West Virginia Code §11-21-71b.

DECLARATION OF CONSIDERATION OR VALUE: Under penalties of fine and imprisonment as provided for by law, the undersigned do hereby declare that the total consideration paid for the transfer of real estate by the document to which this declaration is appended is \$345,000.00.

WITNESS the following signatures and seals:

Robert A. Niles (SEAL)
ROBERT A. NILES

Betty E. Niles (SEAL)
BETTY E. NILES

John F. Groves (SEAL)
JOHN F. GROVES

Helen Groves (SEAL)
HELEN GROVES

Nancy Devereaux-Metzgar (SEAL)
NANCY DEVEREAUX-METZGAR

Janice M. Maioli (SEAL)
JANICE M. MAIOLI, by her

Attorney-in-Fact, Nancy Devereaux-Metzgar

Russell S. Groves (SEAL)
RUSSELL S. GROVES, by his

Attorney-in-Fact, Nancy Devereaux-Metzgar

Patricia L. Rigol (SEAL)
PATRICIA L. RIGOL, by her

Attorney-in-Fact, Nancy Devereaux-Metzgar

Wendy L. Carter (SEAL)
WENDY L. CANTER, by her

Attorney-in-Fact, Nancy Devereaux-Metzgar

Shelley R. Rakip (SEAL)
SHELLEY R. RAKIP, by her

Attorney-in-Fact, Nancy Devereaux-Metzgar

STATE OF WEST VIRGINIA,

COUNTY OF HARDY, to-wit:

On the 25th day of September, 2013, before me personally appeared Robert A. Niles and Betty E. Niles, personally known to me, or proved to me on the basis of satisfactory evidence and acknowledged to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same as their voluntary act and deed.

My commission expires 1-29-2016.



Peggy B. Leatherman
NOTARY PUBLIC

STATE OF WEST VIRGINIA,

COUNTY OF HARDY, to-wit:

On the 25th day of September, 2013, before me personally appeared John F. Groves, personally known to me, or proved to me on the basis of satisfactory evidence and acknowledged to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as his voluntary act and deed.

My commission expires 1-29-2016.



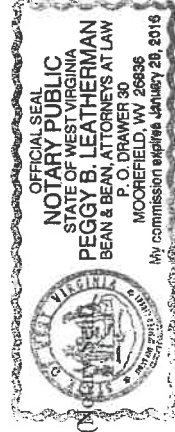
Peggy B. Leatherman
NOTARY PUBLIC

STATE OF WEST VIRGINIA,

COUNTY OF HARDY, to-wit:

On the 25th day of September, 2013, before me personally appeared Helen Groves, personally known to me, or proved to me on the basis of satisfactory evidence and acknowledged to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as her voluntary act and deed.

My commission expires 1-29-2016



Peggy B. Leatherman
NOTARY PUBLIC

STATE OF WEST VIRGINIA,

COUNTY OF HARDY, to-wit:

On the 25th day of September, 2013, before me personally appeared Nancy Devereaux-Metzgar, personally known to me, or proved to me on the basis of satisfactory evidence and acknowledged to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as her voluntary act and deed.

My commission expires 1-29-2016



Peggy B. Leatherman
NOTARY PUBLIC

STATE OF WEST VIRGINIA,

COUNTY OF HARDY, to-wit:

On the 25th day of September, 2013, before me personally appeared Nancy Devereaux-Metzgar, as Attorney-in-Fact on behalf of Janice M. Maioli, Russell S. Groves, Patricia L. Rigol, Wendy L. Canter and Shelley R. Rakip, personally known to me, or proved to me on the basis of satisfactory evidence and acknowledged to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity.

My commission expires 1-29-2016



Peggy B. Leatherman
NOTARY PUBLIC

This Instrument was prepared by:

William H. Bean, Attorney at Law
P.O. Drawer 30, 116 Washington Street
Moorefield, West Virginia 26836
Phone: (304) 530-6198

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File: 13-10585 DC

This document presented and filed:
09/25/2013 03:16:35 PM

Gregory L. Ely, Hardy County, WV
191837 Transfer Tax: \$1,518.00