

WV HUNTER, LLC

TO

HENRY B. SMITH ET ALS

MAILED 10-28-2004
Mail to:

Mr. Henry B. Smith and Deryle B. Smith, 47334 Vista Court, Potomac Falls, VA 20165

DEED

THIS DEED, made and entered into this **25th** day of **October, 2004** by and between **WV HUNTER, LLC**, a Delaware limited liability company, party of the first part, Grantor, and **HENRY B. SMITH and DERYLE B. SMITH**, parties of the second part, Grantees.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt of which is also hereby acknowledged, the said party of the first part does hereby bargain, sell, grant and convey unto the parties of the second part, as joint tenants with rights of survivorship and not as tenants in common, with covenants of General Warranty in fee simple, together with all rights, improvements, privileges, rights-of-way and appurtenances thereunto belonging or in any wise appertaining, the following-described lot, tract or parcel of real estate, situate, lying and being in Moorefield District, Hardy County, West Virginia, being more particularly described as follows, to-wit:

Lot # 270, Section 16, "Ashton Woods", as is more fully shown upon a plat thereof prepared by L & W Enterprises, Inc., dated June 16, 2004, and recorded in the office of the Clerk of the County Commission of Hardy County, West Virginia, in Plat Book 7, at Page 42.

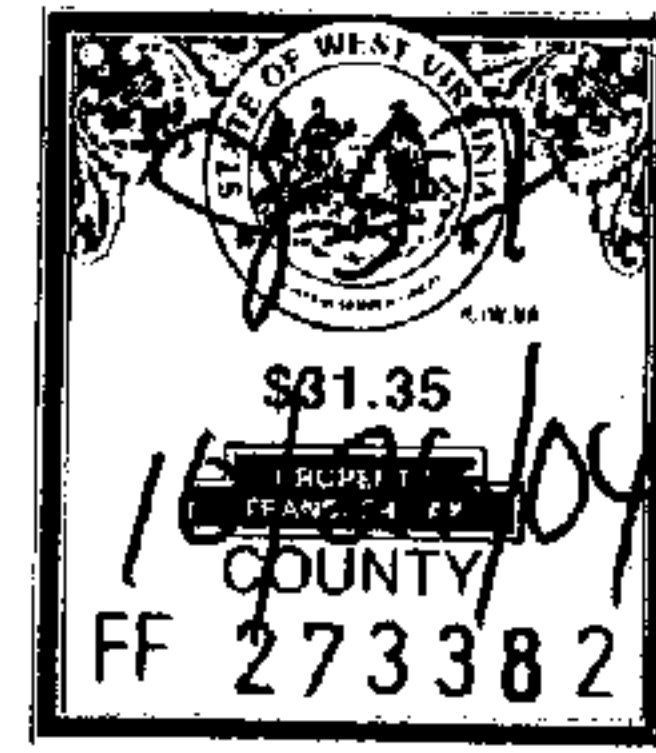
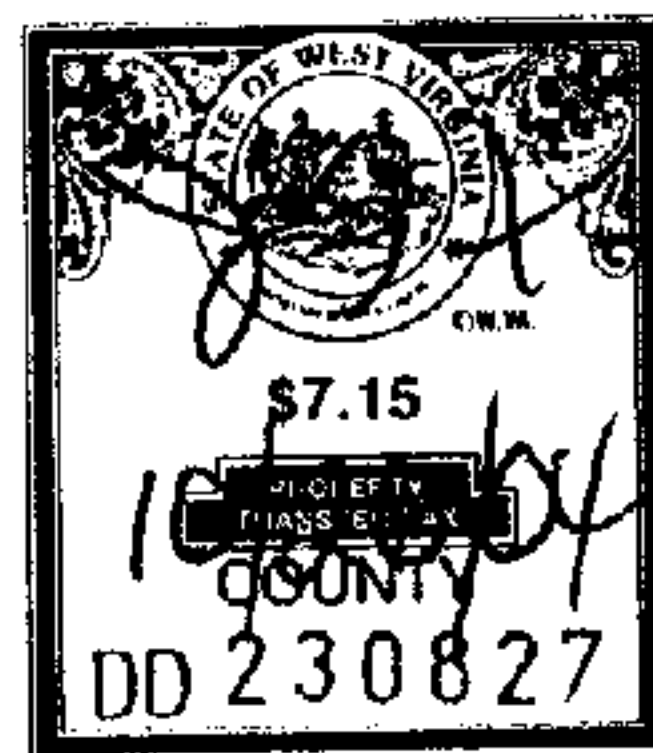
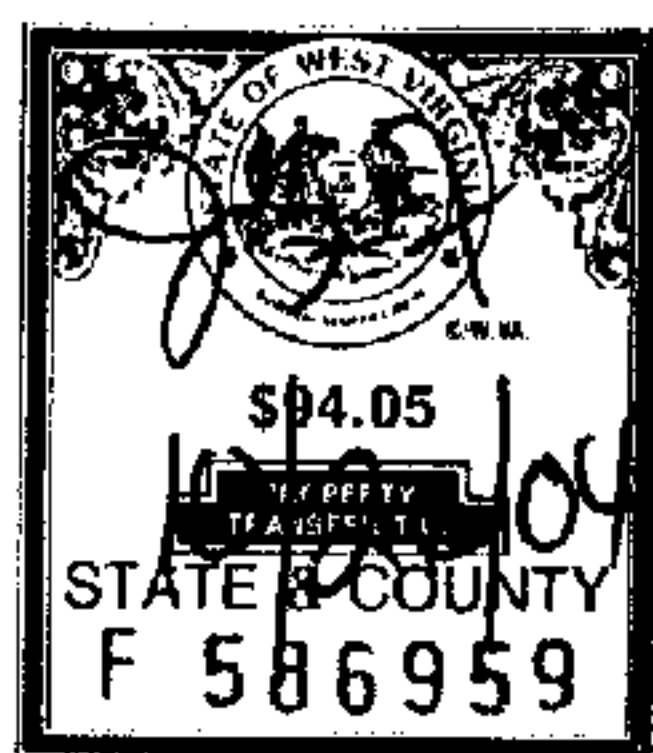
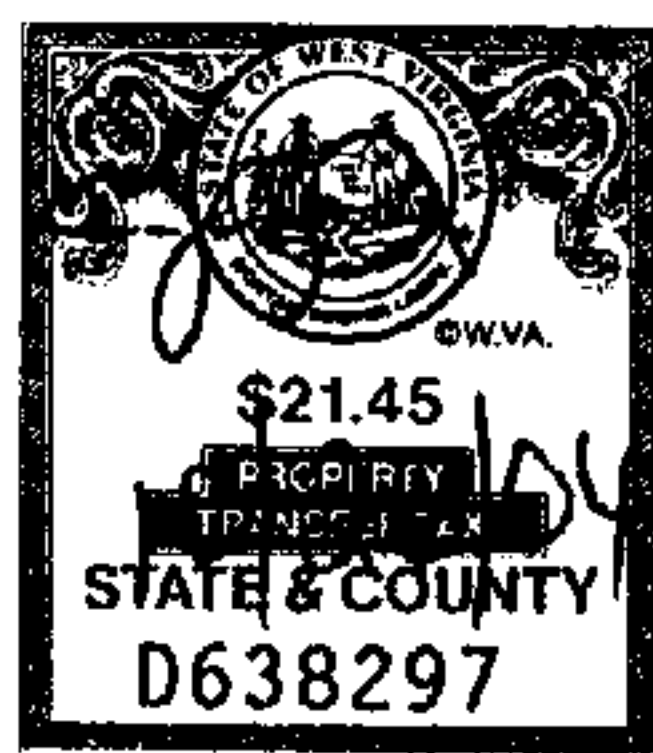
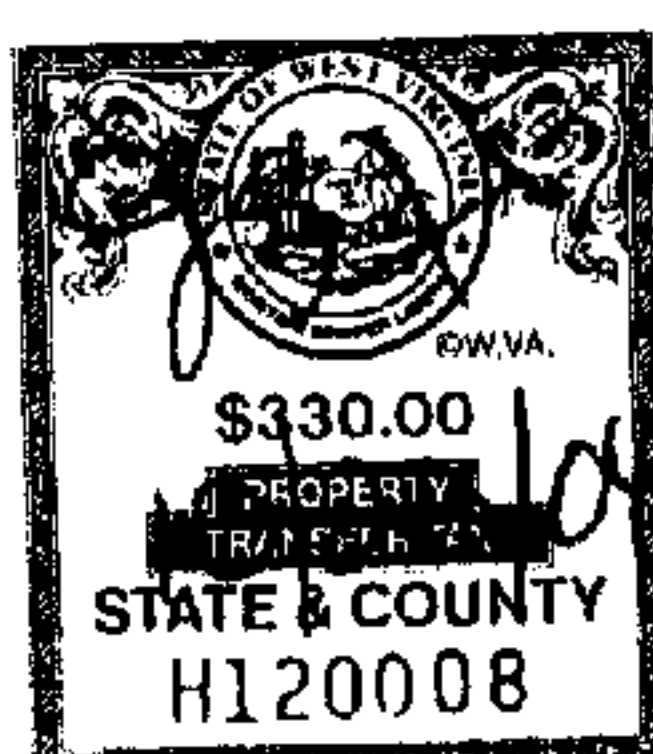
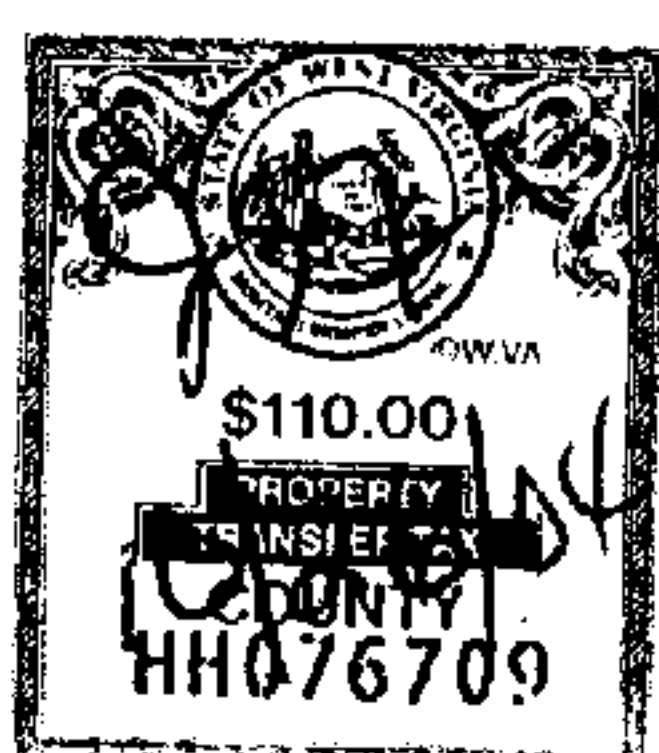
AND BEING a portion of the same real estate conveyed to WV Hunter, LLC, a Delaware limited liability company, by Deed dated October 15, 2002, from Westvaco Corporation and recorded in the aforesaid Clerk's Office in Deed Book 270, at Page 329.

THIS CONVEYANCE IS MADE SUBJECT to those covenants, restrictions and assessments more particularly set forth in that Supplementary Declaration of Reservations and Restrictive Covenants for Ashton Woods, Section 16, dated June 16, 2004 made by WV HUNTER, LLC, a Delaware limited liability company, recorded in the aforesaid Clerk's office in Deed Book 280, at Page 211.

THIS CONVEYANCE IS FURTHER SUBJECT to all rights-of-way and easements of record and in existence, including but not limited to the right of Grantor and all property owners within Ashton Woods, their guests and invitees, to use all Roads and Other Common Facilities within said subdivision.

DECLARATION OF CONSIDERATION

As provided by law, the undersigned hereby declares that the total consideration paid for the real estate transferred by this document is One Hundred Thirty-Five Thousand Dollars (\$135,000.00).



WITNESS the following signature and seal.

WV HUNTER, LLC,
a Delaware limited liability company

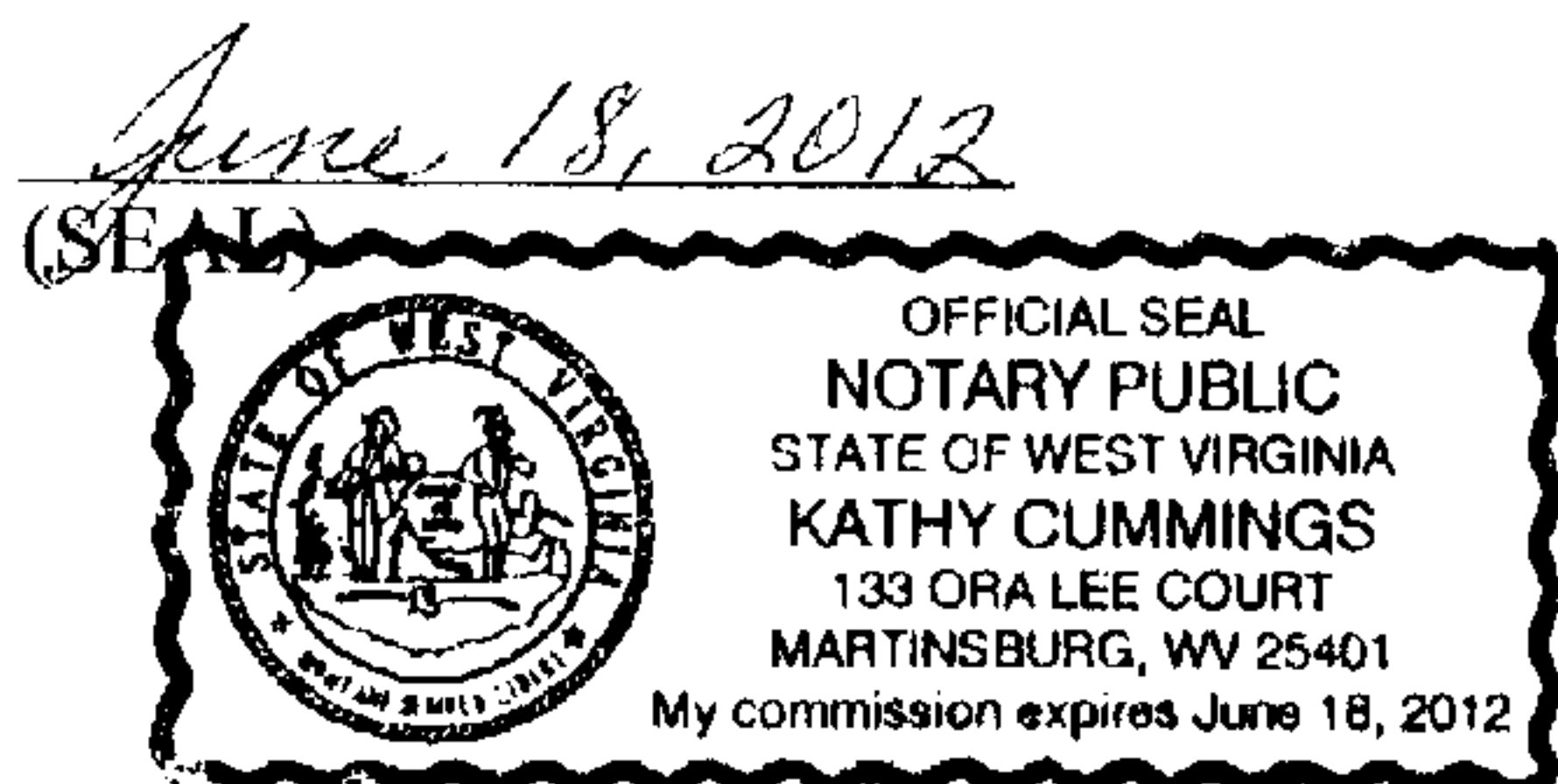
By: [Signature]
L. Hunter Wilson, Vice President (Ashton Woods)

STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY,

The foregoing instrument was acknowledged before me this 25th day of October, 2004, by L. Hunter Wilson, Vice president (Ashton Woods), of WV HUNTER, LLC, a Delaware limited liability company, on behalf of the limited liability company.

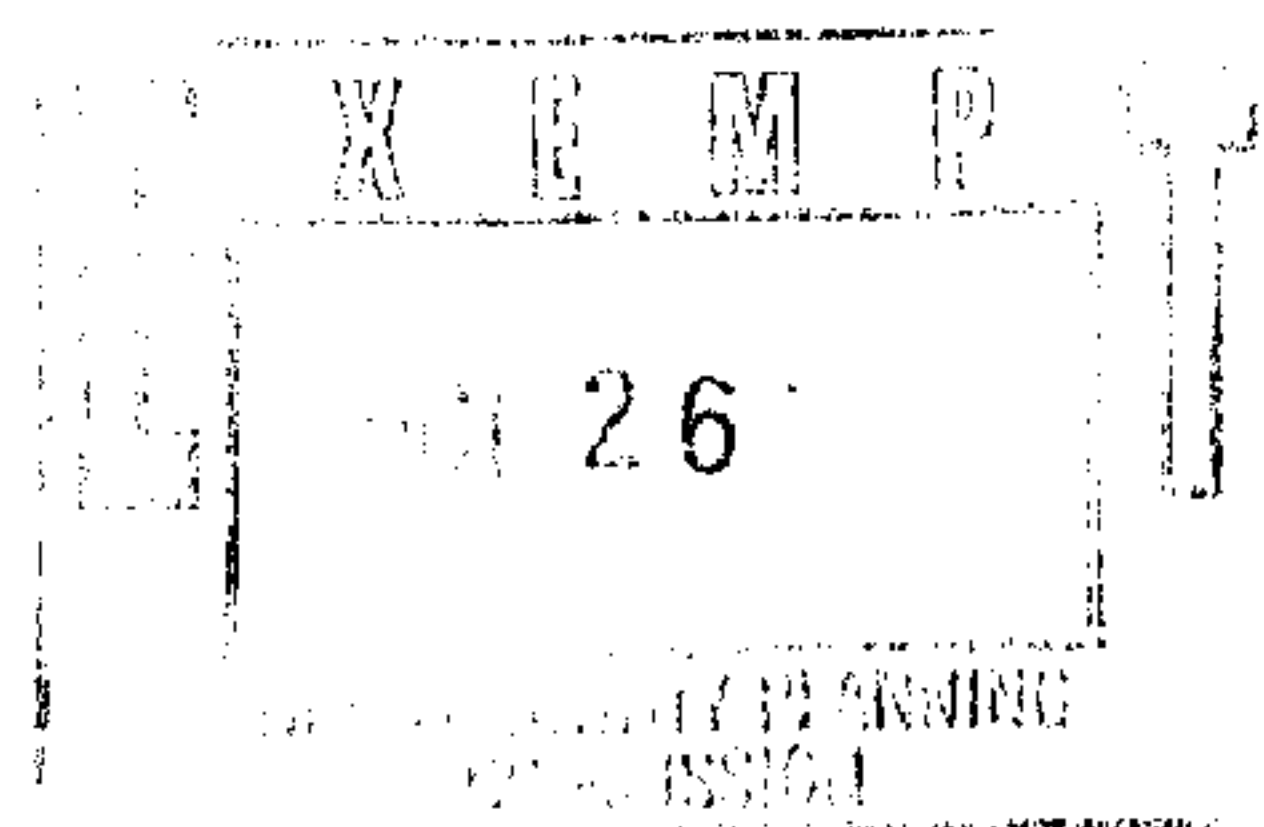
My commission expires:



[Signature]
Notary Public

THIS DOCUMENT PREPARED BY:

M. Shannon Brown, Esquire
M. Shannon Brown, P.L.L.C.
1800 West King Street
Martinsburg, WV 25401
West VA Bar License #4228
VA Bar License # 42073



STATE OF WEST VIRGINIA, Hardy County Commission Clerk's Office October 26, 2004 - 12:04 P.M.

The foregoing Instrument, together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

Teste [Signature] Clerk.