

**DEED**

**THIS DEED MADE THE 30 DAY OF OCTOBER IN THE YEAR OF OUR LORD TWO THOUSAND THREE (2003).**

**BETWEEN WILLIAM J. SIMMEN, an unmarried divorced man, of Vanderbilt, Fayette County, Pennsylvania, and JANET M. SIMMEN, an unmarried divorced woman, of Uniontown, Fayette County, Pennsylvania,**

**GRANTORS**

**AND WILLIAM J. SIMMEN, an unmarried divorced man, of Vanderbilt, Fayette County, Pennsylvania,**

**GRANTEE.**

**WITNESSETH**, that in consideration of One Dollar and 00/100 (\$1.00), in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee,

**FIRST:**

**ALL** that certain parcel of land situate in Franklin Township, Fayette County, Pennsylvania, being a portion of Parcel 21 in the plot of the Arnold Farm, said plot being recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book 11 at page 172, and being more particularly bounded and described as follows:

**BEGINNING** at a point in L.R. 26140, said point being located South 48 degrees 20 minutes 40 seconds East, a distance of 98.48 feet from a point on the dividing line between Parcel 20 and Parcel 21 in said road and plan aforementioned; thence through property of which the within described parcel was formerly a part, North 40 degrees 31 minutes 03 seconds East, a distance of 339.91 feet to a point; thence South 65 degrees 13 minutes 33 seconds East, a distance of 316.85 feet to a point; thence South 32 degrees 15 minutes 03 seconds West, 227.48 feet to a point in L.R. 26140; thence along and through said road, South 82 degrees 03 minutes West, a distance of 124.77 feet to a point; thence still by same, South 84 degrees 33 minutes West, a distance of 153.44 feet to a point; thence still

---

by same, North 48 degrees 20 minutes 40 seconds West, a distance of 148.31 feet to a point, the place of beginning.

CONTAINING 2.50 acres as per survey of Fayette Engineering Company, dated January, 1984, to which reference is made.

UNDER AND SUBJECT to all exceptions and reservations contained in prior instruments of record.

EXCEPTING AND RESERVING unto the Grantors, their heirs and assigns, all oil and gas rights in and to said parcel hereby conveyed.

BEING the same premises conveyed to William J. Simmen and Janet M. Simmen, his wife, by deed of Kenneth Stubbs and Karen L. Stubbs, his wife, dated March 23, 1984, and recorded in the Office of Recorder of Deeds, Fayette County, Pennsylvania, in Deed Book Volume 1335, page 620.

**SECOND:**

ALL that certain piece, parcel or tract of land situate in Franklin Township, Fayette County, Pennsylvania, being a portion of Parcel 21 in the plot of the Arnold Farm, said plot being recorded in Plan Book Volume 11, page 172, and being more particularly bounded and described as follows:

**BEGINNING** at a point in L.R. 26140, which beginning point is located South 48 degrees 20 minutes 40 seconds East, a distance of 98.48 feet from a point on the dividing line between Parcel 20 and Parcel 21 in the aforesaid Arnold Farm Plot, and which beginning point is the westernmost corner of a 2.500 acre parcel conveyed to William J. Simmen and Janet M. Simmen, his wife, by deed of Kenneth Stubbs and Karen L. Stubbs, his wife, which deed is dated March 23, 1984 and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book Volume 1335, page 620; thence from said point of beginning North 48 degrees 20 minutes 40 seconds West through L.R. 26140, a distance of 98.48 feet to a point along Parcel 20 of the aforesaid Arnold Farm Plot; thence North 43 degrees 22 minutes 20 seconds East along Parcel 20, a distance of 1060.91 feet to a point; thence South 45 degrees 36 minutes East, a distance of 400.00 feet to a point; thence South 38 degrees 01 minutes West, a distance of 778.30 feet to a point in L.R. 26140; thence South 82 degrees 05 minutes West through L.R. 26140, a distance of 75.00 feet to a point, which last mentioned point in a corner of the aforementioned 2.500 acre parcel previously conveyed to

*NO RECORD*

~~William J. Simmen and Janet M. Simmen, his wife; thence North 32 degrees 15 minutes 03 seconds East along said 2.500 acre parcel now or formerly of Simmen, a distance of 227.48 feet to a point; thence North 65 degrees 13 minutes 33 seconds West along said 2.500 acre parcel now or formerly of Simmen, a distance of 316.65 feet to a point; thence South 40 degrees 31 minutes 03 seconds West along said 2.500 acre parcel now or formerly of Simmen, a distance of 339.31 feet to a point in L.R. 26140, the place of beginning.~~

~~CONTAINING 7.571 acres more or less.~~

**SUBJECT** to the same rights, privileges, agreements, easements, conditions, restrictions and reservations as exist by virtue of prior recorded instruments.

**BEING** the same premises conveyed to William J. Simmen and Janet M. Simmen, his wife, by deed of Kenneth Stubbs and Karen L. Stubbs, his wife, dated May 30, 1996, and recorded in the Office of the Recorder of Deeds, Fayette County, Pennsylvania, in Record Book Volume 1708, page 221.

This transaction is in accordance with the terms of the Property Settlement Agreement filed at No. 1216 G.D.

This transaction is exempt from transfer tax pursuant to 72 P.S. Section 8102-C.3(6) as the parties are husband and wife undergoing a divorce.

### NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness: .....  
.....  
.....  
This ..... day of .....

AND the said grantors hereby covenant and agree that they will warrant GENERALLY the property hereby conveyed.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL, AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND, AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

PURSUANT to Section 405 of the Solid Waste Management Act of 1980, the Grantors hereby state that they have no knowledge of any hazardous waste, which is presently being disposed of or has ever been disposed of on the above described land or any part thereof.

IN WITNESS WHEREOF, said Grantors have hereunto set hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Neil T. P.

William J. Simmen (SEAL)  
William J. Simmen

Neil T. P.

Janet M. Simmen (SEAL)  
Janet M. Simmen

STATE OF PENNSYLVANIA )  
 ) SS  
COUNTY OF FAYETTE )

On this 30th day of October, 2003, before me, a Notary Public, the undersigned officer, personally appeared William J. Simmen, known to me (or satisfactorily proven to me) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

*Barbara S. Lang*  
Notary Public



My Commission Expires:

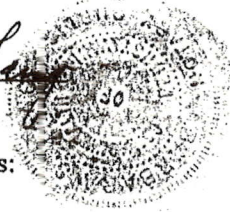
Notarial Seal  
Barbara S. Lang, Notary Public  
Uniontown, Fayette County  
My Commission Expires Nov. 15, 2003

STATE OF PENNSYLVANIA )  
 ) SS  
COUNTY OF FAYETTE )

On this 30th day of October, 2003, before me, the undersigned officer, personally appeared Janet M. Simmen, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Barbara S. Lang*  
Notary Public



My Commission Expires:

Notarial Seal  
Barbara S. Lang, Notary Public  
Uniontown, Fayette County  
My Commission Expires Nov. 15, 2003

I do hereby certify that the precise residence and complete post office address of the within named grantee is: 302 Zitney Road, Vanderbilt, PA 15486

*Richard E Bower*  
RICHARD E. BOWER, ESQUIRE  
ATTORNEY FOR GRANTEE

PLEASE MAIL TO:

William J. Simmen  
302 Zitney Road  
Vanderbilt, PA 15486

I hereby CERTIFY that this document is recorded in the Recorder's Office of Fayette County, Pennsylvania.



*David G Malosky*

DAVID G. MALOSKY  
RECORDER OF DEEDS

200300023963  
Filed for Record in  
FAYETTE COUNTY, PA  
DAVID G. MALOSKY  
10-30-2003 At 11:28 am.  
DEED 41.50  
DR Book 2884 Page 158 - 163