

Mailed to:  
Betty Jane Sheets  
RR 2 Box 316E  
Albright WV 26519  
7-19-05

BOOK 0658 PAGE 0049

FILED  
DATE: 06-25-05  
TIME: 10:11  
BY: 4247  
DEPT: 42

THIS DEED made this 23rd day of June, 2005, by and between CALLIE MAXINE NESTOR, the GRANTOR, and BETTY JANE SHEETS, the GRANTEE;

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) and more, cash in hand paid, and other good and valuable consideration, the said GRANTOR does hereby grant and convey unto the said GRANTEE, with covenants of GENERAL WARRANTY, the following described tract or parcel of real estate together with the improvements and appurtenances thereunto belonging situate in Pleasant District, Preston County, West Virginia, and being more particularly bounded and described as follows:

Beginning at a point in the northwesterly right-of-way limits of West Virginia County Route 17, at the southerly corner of Wallace L. Liston and Helen M. Liston (D.B. 469, Pg. 291); thence with one course of the limits of Route 17, being a curve to the left, the radius being 1034.87 feet, a distance of 77.64 feet, the chord of which bears S 54° 39' 50" W 77.62 feet to a point, bearing N 56° 19' 50" E 54.08 feet from a 1-inch steel bar, found; thence with a new division line through Callie M. Nestor (W.B. 30, Pg. 317) N 37° 36' 10" W 122.47 feet, passing through a 5/8-inch rebar, set, at 4.69 feet, to a 5/8-inch rebar, set, in a southerly line of DMGR, I.J.C. (D.B. 654, Pg. 225; Twelfth Tract), bearing N 66° 31' 35" E 54.20 feet from a 1-inch steel bar, found; thence with part of a line of DMGR, I.J.C., N 66° 31' 35" E 90.18 feet to a 1-inch steel bar, found, in a westerly line of Wallace L. Liston and Helen M. Liston (D.B. 469, Pg. 291); thence with part of a line of Liston S 32° 08' 50" E 104.00 feet, passing through a 1-inch steel bar, found, at 99.00 feet, to the point of beginning, containing 0.215 acres, more or less, as surveyed during March, 2005, by Surveyor And Associates, Inc., Kingwood, West Virginia and certified as surveyed by Aubrey D. Shultz, Professional Surveyor Number 905, as shown on a plat of survey, dated March, 2005, which plat is attached hereto, incorporated herein and made a part of this description.

For the aforesaid consideration, the GRANTOR does further grant and convey to the GRANTEE herein the right to use the septic system located on the property of the GRANTOR herein. The GRANTEE has the right to go upon the property of the GRANTOR to maintain such septic system. All costs associated with the septic system or the repair thereof shall be divided and shared equally by the GRANTOR and GRANTEE herein.

The aforescribed and conveyed tract or parcel of real estate being the same tract or parcel of real estate that was devised to the GRANTOR herein and Lestor Nestor by the Will of Jane C. Nestor, deceased, which Will is recorded in the Office of the Clerk of the County Commission of Preston

County, West Virginia, in Will Book 30, page 317, and to which Will reference is hereby made for all pertinent purposes. The said Lestor Nestor did demise on the 17th day of December, 1998, survived by the GRANTOR herein in whom vested the sole interest in said real estate as the sole heir of Lestor Nestor.

There is further excepted and reserved from the operation of this conveyance all of the coal, oil, and gas, and other minerals, together with the mining rights pertaining thereto, that have been or may have been heretofore excepted, reserved, or conveyed away by the GRANTOR or her predecessors in title and as will appear of record in the aforesaid County Clerk's office. The GRANTOR intends to convey, however, all of the coal, oil, and gas, and other minerals with such mining rights as she owns.

There is further excepted and reserved from the operation of this conveyance the GRANTOR'S right to use the well located on the above described and conveyed real estate and the right to enter upon and over said real estate to repair, replace and maintain the waterline and well. All costs associated with the well are to be shared between the GRANTOR and GRANTEE herein.

There is further excepted and reserved from the operation of this conveyance a right-of-way across the real estate herein described and conveyed located upon the road as it is presently located on the property and the right to cross behind the house located on the property herein described and conveyed for the right of ingress, regress, etc. as needed to gain access to the remainder of the real estate titled in the name of the GRANTOR herein.

This conveyance is, nevertheless, made subject to any imposition of restrictions on the property described herein by deeds, rights-of-ways, easements, agreements, exceptions, and reservations which are of record in the aforesaid County Clerk's office.

The real estate herein described and conveyed is included in the following assessment in the Land Book of Preston County, West Virginia, in Pleasant District for the year 2004 as follows:

"Nestor, Callie M. 26 - 37 .50 Muddy Cr"

DECLARATION OF CONSIDERATION

I hereby declare that the total consideration paid for the property conveyed by the document to which this declaration is appended is the sum of \$ 60.00.

WITNESS the following signature and seal this 25<sup>th</sup> day of June, 2005:

Callie Maxine Nestor (SEAL)  
CALLIE MAXINE NESTOR - Grantor  
Route 2, Box 317, Albright, WV

STATE OF WEST VIRGINIA,

COUNTY OF PRESTON, to-wit:

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2005, by Callie

Maxine Nestor.

My commission expires May 21, 2006.



Mary D. Stonedaker  
Notary Public

This document was prepared by:

Sheila Kae Williams  
Attorney at Law  
Garden Towers, Suite 314  
202 Tunnelton Street  
Kingwood, WV 26537

## LEGEND

- |           |                           |
|-----------|---------------------------|
| ○         | 5/8-INCH REBAR, SET       |
| △         | MONUMENT, FOUND           |
| ●         | CALCULATED POINT          |
| —————     | PROPERTY LINE             |
| -----     | ADJOINING PROPERTY LINE   |
| - - - - - | RIGHT-OF-WAY LIMITS (R/W) |
| —————     | CENTERLINE OF ROAD        |
| 000/000   | DEED BOOK / PAGE NO.      |
| 00-00     | TAX MAP - PARCEL NO.      |
| (P.O.B.)  | POINT OF BEGINNING        |

ALL BEARINGS SHOWN HEREON ARE ORIENTED  
TO A PLAT OF SURVEY PREPARED BY  
RANDALL MYERS, DATED NOVEMBER 12, 1999.

CENTER OF MUDDY CREEK

DMGR, LLC  
654/225 (TWELFTH TRACT)  
26-36

WALLACE L. LISTON  
HELEN M. LISTON  
469/291 26-38

**Part of:**  
**CALLIE M. NESTOR**  
**W 30/317**  
**26-37**

**0.215 ACRES**

CALLIE M. NESTOR  
W 30/317  
26-37

HOUSE

HOUSE

LULU BROTHERTON HEIRS  
367/80  
33-4

1" STEEL BAR

- WEST VIRGINIA  
COUNTY ROUTE 17  
(30' R/W)

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	77.64'	1034.87'	S 54°39'50" W	77.62'

NOTE: THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT ADDRESS ALL RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS OR EXCEPTIONS.

SURVEYED DURING MARCH 2005 BY  
SURVEYOR AND ASSOCIATES, INC.  
KINGWOOD, WEST VIRGINIA

AUBREY D. SHULTZ, PS 905

PLAT OF SURVEY  
FOR

## BETTY SHEETS

PLEASANT DISTRICT PRESTON COUNTY  
WEST VIRGINIA

SCALE: 1"=30'      MARCH 2005

STATE OF WEST VIRGINIA, County of Preston, to-wit:

I, NANCY RECKART, Clerk of the County Commission of said county, do hereby certify that the foregoing writing was this day produced to me in my said office, and was duly admitted to record therein.

Given under my hand this 23<sup>rd</sup> day of June 2005, at 10:11.

NANCY RECKART, Clerk

By [Signature], Deputy