

METZGAR & METZGAR, LLC
ATTORNEYS-AT-LAW

202 EAST MAIN STREET
SOMERSET, PA 15501
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BEDFORD, PA 15522
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July 30, 2019

James H. Miller
David J. Miller
4 Green Crescent Drive
Washington, PA 15301

Re: Property conveyance – Miller to Miller
Property address: 293 Dolney Lane, Salisbury, Elk Lick Township,
Somerset County, Pennsylvania

Dear Messrs. Miller:

Please find enclosed herein your original Deed for the above captioned property from James Miller, a/k/a James H. Miller, and Cheryl J. Miller, his wife, dated July 18, 2019, and recorded at Somerset County Record Book Volume 2761, Page 111 together with the original recording receipt.

As these are original documents, please safeguard the same from hazard, theft or loss.

As I close my file on this matter, I would like to thank you for allowing me to be of service in this matter. This letter will confirm that this matter is closed and I will not be providing any further legal services concerning this transaction unless you request me to do so.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Carl Walker Metzgar', with a stylized flourish at the end.

Carl Walker Metzgar, Esquire

CWM:knw
enclosures

This Deed

MADE, the 18th day of July in the year of our Lord,
Two Thousand Nineteen (2019)

BETWEEN JAMES MILLER, a/k/a JAMES H. MILLER, and CHERYL J. MILLER, his wife, of Washington, Pennsylvania.

Grantors,

and JAMES H. MILLER, a married man, of Washington, Pennsylvania, and DAVID J. MILLER, a married man, of Cannonsburg, Pennsylvania, as joint tenants with right of survivorship and not as tenants in common,

Grantees,

WITNESSETH, that in consideration of One (\$1.00) Dollar, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to said Grantees, their heirs and assigns,

ALL those Three (3) certain lots or pieces or parcels of land situate in Elk Lick Township, Somerset County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1 Tax Parcel ID No. 14-0-016340, Map No. S14-006-097-02

BEGINNING at a point on the centerline of a certain private road Fifty(50) feet in width known as Durst Run Road; thence along the centerline of said road the following Four (4) courses and distances: South 50 degrees 18' 35" East 172.76 feet to a point; thence South 82 degrees 19' 24" East 121.28 feet to a point; thence North 38 degrees 48' 33" East 240.78 feet to a point, thence North 57 degrees 28' 29" East 239.40 feet to a point; thence through the original of which this parcel is a part South 28 degrees 50 feet 45" East 810.45 feet to a point, said point being on the centerline of a second certain private road Fifty(50) feet in width known as Dolney Lane; thence along the centerline of second said road, South 05 degrees 14' 00" West 201.00 feet to a point; thence back through the original the following Three (3) courses and distances: North 77 degrees 41' 00" West 388.47 feet to a point; thence North 63 degrees 59' 27" West 269.42 feet to a point; thence North 25 degrees 26' 27" West 634.94 feet to a point, the place of beginning.
CONTAINING 10 Acres and being more particularly described by survey draft prepared

by Hubert P. Swartzwelder, surveyor, attached to Deed recorded at Somerset County Deed Book Volume 857, Page 932.

BEING the same premises conveyed to James Miller, an individual, by Deed of James E. Balog as power-of-attorney for John E. Balog; James E. Balog as power-of-attorney for Jason E. Balog; and James E. Balog as power-of-attorney for Alec James Balog and James E. Balog, dated October 30, 2014, and recorded in the Office for the Recording of Deeds in and for Somerset County, Pennsylvania, at Record Book Volume 2484, Page 174.

UNDER AND SUBJECT to and together with the provisions contained in the Deed Book Volume 857, Page 932 and recorded in the Recorder's Office of Somerset County, which provisions are incorporated by reference hereby

RESERVATION OF OIL, GAS AND MINERAL RIGHTS UNDER THE LAND: Grantors reserve unto themselves an undivided 100% interest in and to all oil, gas, and minerals, and all oil, gas and mineral rights under the above described lands.

SURFACE RIGHTS CONVEYED TO GRANTEE: Grantees shall have all above ground surface rights to the property, Grantors, their assigns, lessees or successors shall have no right to dig, drill, invade or, otherwise disrupt such surface, for any reasons, without the expressed written consent of Grantees.

PARCEL NO. 2 Tax ID No. 14-0-016320, Map No. S14-006-097-00

BEGINNING at a point on the centerline of a certain private road Fifty(50) feet in width, known as Dolney Lane: thence along the centerline of said road the following Eight (8) courses and distances: North 57 degrees 28' 29" East 100.00 feet to a point; thence North 77 degrees 41' 26" East 123.66 feet to a point; thence South 80 degrees 23' 37" East 134.82 feet to a point; thence South 48 degrees 07' 40" East 207.28 feet to a point; thence South 38 degrees 44' 43" East 154.92 feet to a point; thence South 44 degrees 27' 47" East 132.66 feet to a point; thence South 34 degrees 02' 20" East 512.94 feet to a point; thence South 70 degrees 32' 00" East 89.00 feet to a point; thence along the centerline of a second certain private road Fifty(50) feet in width the following Six (6) courses and distances: South 50 degrees 50' 00" West 47.95 feet to a point; thence North 75 degrees 51' 00" West 170.02 feet to a point; thence North 56 degrees 22' West 152.34 feet to a point; thence North 64 degrees 58' West 188.75 feet to a point; thence South 54 degrees 44' West 123.45 feet to a point; thence South 44 degrees 02' West 88.40 feet to a point; thence through the original of which this parcel is a part, North 28 degrees 50' 45" West 810.84 feet to a point, the place of beginning. **CONTAINING** 8.0 Acres, more or

less, and being more particularly described by survey draft which is attached to Deed recorded at Record Book Volume 858, Page 428.

BEING the same premises conveyed to James H. Miller, a married individual, by Deed of Harry L. Ringler, Jr., Administrator of the Estate of John S. Roberts, dated May 27, 2015, and recorded in the Office for the Recording of Deeds in and for Somerset County, Pennsylvania, at Record Book Volume 2517, Page 765.

UNDER AND SUBJECT TO rights-of-way for roadways, Fifty (50) feet in width extending through the original property of which this parcel is a part, said rights-of-way being more specifically described and plotted in the Plans of Hi-Point Acres and survey draft. The said rights-of-way may be used in addition to use as roadways for purposes of ingress, egress and regress, as rights-of-way for utilities. The said rights-of-way shall be for the benefit of all persons purchasing parcels of land from the tract of which the parcel hereby conveyed is a part and their respective successors and shall not be assignable or transferable except upon sale of all or a portion of the premises herein designated to benefit therefrom. The courses and distances of said rights-of-way shall be as shown on the said Plans of Hi-Point Acres and on survey draft regardless of the lot lines of parcels.

TOGETHER WITH the right to use, in common with all persons, purchasing parcels of land from which the parcel hereby conveyed is a part, rights of way for roadways, Fifty (50) feet in width extending through the original property of which this parcel is a part, said right-of-way being more specifically described and plotted in the Plans of Hi-Point Acres and as shown on survey draft. The said rights-of-way may be used in addition to use as a roadway for purposes of ingress and regress, as rights-of-way for utilities. The said rights-of-way shall be for the benefit of all persons purchasing parcels of land from the tract of which the parcel hereby conveyed is a part and their respective successors, and shall not be assignable or transferable except upon sale of all or a portion of the premises herein designated to benefit therefrom. The courses and distances of said rights-of-way shall be as shown on the said Plans of Hi-Point Acres and survey draft.

UNDER AND SUBJECT TO the following restrictions:

A. The premises shall not be "clear cut" by removal of all or substantially all trees presently growing thereon, that is to say, the Grantees, their executors, administrators, heirs and assigns, shall endeavor to retain as many sound and healthy trees on the premises as reasonably possible. This restriction shall not apply to removal of trees for the purpose of erection or placement of improvements on the premises. Reasonable "thinning out" of trees shall be permitted, but such operation shall not be performed to the extent of significantly altering the wooded character of the premises.

B. Subdivisions of the premises shall be permitted, but in no case shall the premises be subdivided into parcels of less than 2.5 acres in size.

C. There shall be no mining or removal of coal or other minerals on the premises by strip mining, auger mining or any other type of mining method which results in disturbance of the surface. This restriction shall not apply to mining of minerals by deep mining methods or to oil and gas leasing provided the surface of the premises is not disturbed in any manner thereby.

D. The maintenance of the roadways hereinabove referred to and as shown on said Plan of Hi-Point Acres and shall be the responsibility of all persons (and their respective successors) purchasing property from the original parcel, which property is conveyed under and subject to the rights-of-way for the said roadways. Responsibility for such maintenance shall be on a prorata basis among all property owners taking under and subject to the said rights-of-way and such maintenance shall be kept and performed in such manner so as to maintain the roadway in at least the same manner and fashion as the roadway was originally constructed.

PARCEL NO. 3 Tax ID No. 14-0-016360, Map No. S14-006-097-03

BEGINNING at a point on the centerline of a certain private road Fifty (50) feet in width, thence leaving said road and going through the original of which this parcel is a part South 83 degrees 26' 50" East 301.92 feet to a point; thence along the perimeter of the original of which this parcel is a part the following Three (3) courses and distances : South 07 degrees 42' 56" West 831.49 feet to a point; thence North 58 degrees 26' 42" West 690.08 feet to a point; thence back through the original South 77 degrees 41' 00" East 388.47 feet to a point, the place of beginning. **CONTAINING** 10.0 Acres, more or less, **EXCEPTING** 2.5 Acres as set forth in deed from James Roberts, Jr., single, to John Chesson and Shirley Chesson, husband and wife, dated October 27, 1988, and recorded at Somerset County Record Book Volume 1042, Page 661.

BEING the same premises conveyed to James H. Miller by Deed of Paula B. Fike, as Executrix of the Estate of Wayne J. Beechly, a/k/a Wayne Jay Beechly, deceased, dated May 9, 2019, and recorded in the Office for the Recording of Deeds in and for Somerset County, Pennsylvania, at Record Book Volume 2753, Page 475.

UNDER AND SUBJECT TO rights-of-way for roadways, Fifty (50) feet in width, extending through the original property of which this parcel is a part, said rights-of-way being more specifically described and plotted in the Plans of Hi-Point Acres. The said rights-of-way may be used in addition to use as roadways for purposes of ingress, egress and regress, as rights-of-way for utilities. The said rights-of-way shall be for the benefit of all persons purchasing parcels of land from the tract of which the parcel hereby

conveyed is a part and their respective successors, and shall not be assignable or transferable except upon sale of all or a portion of the premises herein designated to benefit therefrom. The courses and distances of the said rights-of-way shall be as shown on the said Plans of Hi-Point Acres regardless of the lot lines of the parcels.

TOGETHER WITH the right to use, in common with all persons purchasing parcels of land from which the parcel hereby conveyed is a part, rights-of-way for roadways, Fifty (50) feet in width, extending through the original property of which this parcel is a part, said right-of-way being more specifically described and plotted in the Plans of Hi-Point Acres. The said rights-of-way may be used in addition to use as a roadway for purposes of ingress, egress and regress, as rights-of-way for utilities. The said rights-of-way shall be for the benefit of all persons purchasing parcels of land from the tract of which the parcel hereby conveyed is a part and their respective successors, and shall not be assignable or transferable except upon sale of all or a portion of the premises herein designated to benefit therefrom. The courses and distances of the said rights-of-way shall be as shown on the said Plans of Hi-Point Acres.

UNDER AND SUBJECT TO the right-of-way to Somerset Rural Electric Cooperative, Inc., as set forth at Somerset County Record Book Volume 1502, Page 477.

UNDER AND SUBJECT TO the hydrocarbon conveyance as set forth at Somerset County Record Book Volume 2037, Page 716.

UNDER AND SUBJECT TO all coal and coal bed methane gas and mining rights and all rights incident to the extraction or development of coal or coal bed methane gas heretofore conveyed, excepted and reserved by instruments of record; the right of surface, lateral or subjacent support; or any surface subsidence. However, Grantor conveys all of decedent's right, title and interest in all coal, coal bed methane gas and other minerals, and all mining rights related thereto, to Grantees.

UNDER AND SUBJECT TO all oil and gas and minerals and all rights incident to the extraction or development of oil and gas or minerals heretofore conveyed, leased, excepted or reserved by instruments of record. However, Grantor conveys all of decedent's right, title and interest in all oil and gas and minerals and all exploration rights related thereto to Grantees.

UNDER AND SUBJECT TO all other conditions, restrictions, reservations, exceptions, easements, adverse conveyances, encroachments, rights of way and encumbrances of record contained in prior instruments of record affecting title to said premises, or as are apparent on the premises.

THE SCRIVENER of this Deed is in no way certifying the status of the title of the above premises because he has not searched the records pertaining thereto.

THIS IS A CONVEYANCE from parent to parent and child and is, therefore, exempt from Pennsylvania Realty Transfer Tax.

CHERYL J. MILLER joins this Deed for the purpose of granting and conveying any inchoate rights she may have by virtue of being the spouse of James Miller, a/k/a James H. Miller, thereby vesting full and complete title in the Grantees, their heirs and assigns.

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 (SEE 52 P.S. 1551).

THE GRANTOR HEREIN HEREBY ACKNOWLEDGES THAT THE GRANTOR HEREIN HAS NOT DISPOSED OF HAZARDOUS WASTE ON THE PROPERTY ABOVE DESCRIBED, NOR, TO THE ACTUAL KNOWLEDGE OF THE GRANTOR HEREIN, HAS HAZARDOUS WASTE EVER BEEN DISPOSED OF ON THE PROPERTY ABOVE DESCRIBED. THE TERMS 'HAZARDOUS WASTE' AND 'DISPOSED', AS USED HEREIN, SHALL HAVE, IN ADDITION TO THEIR NORMAL AND CUSTOMARY MEANINGS, THE DEFINITIONS CONTAINED IN THE 'SOLID WASTE MANAGEMENT ACT', ACT 1980-97. AS USED HEREIN, THE WORD 'GRANTOR' MEANS ALL OF THOSE PERSONS, WHETHER ONE OR MORE, WHO ARE THE GRANTORS IN THE INSTRUMENT OF CONVEYANCE IN WHICH THIS CLAUSE IS CONTAINED.

662B

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:

Thyler Miller

Law H W 2

This day of

AND THE SAID GRANTORS do hereby covenant that they will warrant SPECIALLY the property hereby conveyed.

IN WITNESS WHEREOF, said Grantors have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Suzanne Miller
Suzanne Miller
Suzanne Miller

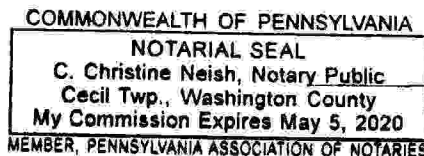
James Miller (SEAL)
James H. Miller (SEAL)
Cheryl J. Miller (SEAL)
James Miller
James H. Miller
Cheryl J. Miller

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF Washington) SS:

ON THIS, the 18 day of July, 2019, before me, the undersigned officer, personally appeared, James Miller, a/k/a James H. Miller, and Cheryl J. Miller, his wife, known to me, or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

WITNESS, my hand and seal the day and year aforesaid.



Christine Neish (SEAL)
C. Christine Neish

Certificate of Residence

I hereby certify that the correct address for Grantees is 4 Green Crescent Drive, Washington, PA 15301.

Dated: July 22, 2019

Carl Walker Metzgar
hand: Carl Walker Metzgar, Esquire
Attorney for Grantees

SOMERSET COUNTY RECORDER OF DEEDS
PATRICIA A. PEIFER, RECORDER
300 NORTH CENTER AVENUE
SUITE 400
SOMERSET, PENNSYLVANIA 15501
Phone: (814) 445-1547
Fax: (814) 445-1563



RETURN DOCUMENT TO:
METZGAR & METZGAR

Instrument Number - 2019004896
Recorded On 7/22/2019 At 3:46:46 PM
* Instrument Type - DEED
Invoice Number - 281695 User ID - PAP
* Total Pages - 9
* Customer - METZGAR & METZGAR
* Grantor - MILLER, JAMES-AKA
MILLER, JAMES H-AKA
MILLER, CHERYL J
* Grantee - MILLER, JAMES H
MILLER, DAVID J

*** FEES**

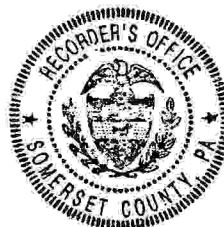
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$40.25
RECORDING FEES	\$21.50
ROD IMPROVEMENT FUND	\$3.00
COUNTY IMPROVEMENT FUND	\$2.00
DEMOLITION ACCOUNT	\$15.00
AFFORDABLE HOUSING	\$10.00
TOTAL PAID	\$92.25

This is a certification page

DO NOT DETACH

**This page is now part
of this legal document.**

I hereby CERTIFY that this
document is recorded in the
Recorder of Deeds Office of
SOMERSET COUNTY, PENNSYLVANIA



Patricia A. Peifer

Patricia A. Peifer
Recorder Of Deeds

* - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.

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