



THIS DEED, Made and entered into this the 23rd day of February, 2019, by and between **TODD E. CIANFROCCA** and **PATRICIA C. CIANFROCCA**, Grantors and parties of the first part, and **PAMELA ANITA HOVATTER** and **DOUGLAS SHIRK**, Grantees and parties of the second part, as joint tenants with rights of survivorship.

WITNESSETH: That for and in consideration of the sum of **THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000.00)**, cash in hand paid, the receipt and sufficiency of which is hereby expressly acknowledged, the Grantors and parties of the first part do now hereby grant, bargain, sell and convey, with covenants of general warranty, free and clear of all liens and encumbrances, unto the Grantees and parties of the second part, as joint tenants with rights of survivorship and not as tenants in common, all that certain lot, tract or parcel of real estate containing **16.02 acres**, more or less, together with any and all rights, rights of way, structures, minerals, easements, improvements and appurtenances thereunto belonging, lying and being situate in the **Lost River District, Hardy County, West Virginia**, and being designated as "Lot 36" of the "Trout Pass Subdivision" and being more particularly described by that certain Plat of Survey of said subdivision and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia in Map Book 7, at Page 138; with said tract being further described by that certain Description of Survey of record in the aforesaid Clerk's Office in Deed Book 293, at Page 624. Reference is hereby made to the said aforementioned Plat of Survey, to "Lot 36" set forth thereupon and to the said aforementioned Description of Survey for a more particular description of the tract or parcel real estate being conveyed hereby.

And being the same tract or parcel of real estate conveyed unto Todd E. Cianfrocca and Patricia C. Cianfrocca by that certain Deed from J. Michael Teets and

Joyce M. Teets, dated September 8, 2006 and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia in Deed Book 293, at Page 624. Reference is hereby made to the said aforementioned Deed and to any and all documents in the chain of title for any and all pertinent purposes pertaining to the tract or parcel of real estate being conveyed hereby.

The real estate being conveyed hereby is being conveyed subject to any and all reservations, restrictions, covenants, conditions, easements or rights-of-way granted, reserved or provided for in any and all instruments in the chain of title. Specifically, the real estate being conveyed hereby, is being conveyed subject to those certain protective covenants, conditions and restrictions which are applicable to all lots of the "Trout Pass Subdivision" and which are more particularly detailed in that certain document entitled "Amended Trout Pass Subdivision A Common Interest Community Declaration of Protective Covenants, Conditions and Restrictions" and of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia in Deed Book 293, at Page 324. Reference is hereby made to the said aforementioned document, to any further amendment thereto which may affect the subject property and may be of record in the aforesaid Clerk's Office and to the said protective covenants, conditions and restrictions contained therein and same are incorporated into this document as if they appear textually verbatim herein and are said to run with the land and are binding upon the Grantees, their heirs, and assigns.

This conveyance is also made subject to that certain Deed and Assignment dated July 22, 1966, and of record in Deed Book No. 115, at page 519, wherein Grover S. Funkhouser, a predecessor in the chain of title, conveyed unto H. G. Muntzing and Raymond S. Dispanet, a twenty-five percent (25%) interest in and to all oil and gas and mineral rights underlying or appurtenant to that certain real estate containing 824-1/2

acres, of which the real estate conveyed herein is a part. The remaining interest in said oil, gas and mineral rights underlying or appurtenant to the subject real estate was then reserved by J. Michael Teets and Joyce M. Teets in the aforementioned Deed unto the Grantors herein.

Further, it is understood and agreed that the roadways which comprise the road system of Trout Pass Subdivision are a minimum of fifty feet (50') in width, however, such additional footage has been added where necessary to accommodate for cuts, fills and areas of intersecting roadways during the construction of the subdivision roadways. Each Grantee by acceptance and recordation of this Deed acknowledges that the subdivision roadways as constructed, are the legal easements benefitting all lot owners in the Trout Pass Subdivision.

It is the intention of this conveyance to vest title to the property in the Grantees jointly and equally and to the survivor of either of them, so that upon the death of either, the entire fee simple interest in and to said property will immediately vest in the survivor.

Real estate taxes on the subject real estate shall be prorated between the parties hereto for the current tax year in accordance with their respective periods of ownership and shall henceforth be the responsibility of the Grantees herein.

And designated as Parcel 5.33 on Tax Map 366 of the Lost River District, Hardy County, West Virginia Assessment records.

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.