

*John W. Smith*  
*RE 1 5-4 169*  
 Delivered To *Alden W 24910*  
 By *Mail-29 day Jan. 20 04*

MONROE COUNTY COMMISSION  
 DEED Clerk 03  
 Date/Time: 01/23/2004 13:25  
 Inst #: 21836  
 Book/Page: 236- / 642-  
 Recd/Tax: 935.00 924.00

THIS DEED, Made and entered into this 21<sup>st</sup> day of January, 2004, by and between SARAH

**E. LOBBAN, unmarried, party of the first part and GRANTOR, and JOHN WATSON SMITH  
 J. GREGORY SMITH and STUART EDWARD SMITH, as joint tenants with right of  
 survivorship, parties of the second part and GRANTEES;**

**WITNESSETH:**

THAT for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid by the parties of the second part to the party of the first part, and for other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part does hereby GRANT, SELL and CONVEY, with covenants of GENERAL WARRANTY of title, unto the parties of the second part as joint tenants, but in the event of the death of any of said parties of the second part, then the whole of the premises hereby conveyed unto the survivor or survivors of them, all of that certain tract of real estate situate in Wolf Creek District, Monroe County, West Virginia, containing 114 acres, more or less, and being more particularly bounded and described as follows:

“BEGINNING on the bank of the old Flat Top Mountain Road, 1 pole below said road and a sugar tree marked 1 rod below edge of said road S 45° W 62 poles to a white oak, corner to Ellis on a point at the corner of a fence; thence with his line S 77 ½° W 37 poles where two white oaks are called for, found two stumps on hillside at corner of fence, leaving same S 29 ½° W 72 poles where a maple is called for S 17° E 21 poles where a black oak is called for on hillside, found old stump and tree rotten, S 27° W 36 poles to top of ridge, where dead black oak is called for a corner of Smithson's fence, leaving Jarrett and with Smithson S 83° E 32 poles to white oak stump, N 76° E 37 poles to a gum stump N 50° E 36 poles where sourwood is called for N 54° E 72 poles where large red oak is called for N 30° W 12 poles to a chestnut oak on edge of hill. All the foregoing courses have been run at 2 ½° variations. Thence N 29° E 59 poles to wagon road; thence down the same N 62° W 31 poles to turn in said road; thence N 50° W 37 ½ poles to the BEGINNING.”

THE REAL ESTATE HEREIN CONVEYED is a part of that conveyed unto C. L. Lobban by deed of Virginia Hanger Bennett and Roy Bennett, her husband, dated May 20, 1966, and on record in the Office of the Clerk of the County Commission of Greenbrier County, West Virginia, in Deed Book No. 109, at Page 366.

THE SAID REAL ESTATE descended by intestate succession on the death of said Charles

2

L. Lobban, being the same person as C. L. Lobban, on our about December 4, 1972, unto his heirs at law, namely: Vivian N. Lobban, his wife, and Charles L. Lobban, Jr., Ellen L. Taylor, Sarah E. Lobban and Carolyn L. Allen, his children.

THE INTEREST OF THE SAID CHILDREN together with their respective spouses was conveyed unto Vivian N. Lobban by deed of Charles L. Lobban, Jr. and Karen F. Lobban, his wife, Ellen L. Taylor and Richard A. Taylor, her husband, Carolyn L. Allen and Frederick R. Allen, her husband, and Sarah E. Lobban, unmarried, dated December 13, 1973, and of record in the aforesaid Clerk's Office in Deed Book No. 134, at Page 538.

THE SAID REAL ESTATE was devised unto Sarah E. Lobban, the grantor herein, by the Last Will and Testament of Vivian N. Lobban, dated December 4, 1996, and of record in the aforesaid Clerk's Office in Will Book No. 33, at Page 296.

REFERENCE IS MADE to the above deeds and will for a more particular description and other pertinent purposes.

THIS CONVEYANCE is made subject to such restrictions, easements, reservations and rights-of-way as are contained in prior deeds and other instruments in the chain of title.

TO HAVE AND TO HOLD unto the parties of the second part, as aforesaid, their heirs and assigns, forever.

#### DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment as provided by law, I hereby declare the total consideration paid for the property conveyed by the document to which this declaration is appended is \$ 140,000.<sup>00</sup>/<sub>4</sub>.

WITNESS the following signature and seal:

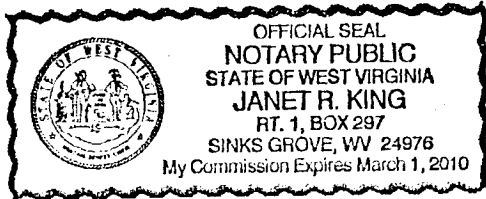
  
\_\_\_\_\_  
SARAH E. LOBBAN

STATE OF WEST VIRGINIA

COUNTY OF GREENBRIER:

The foregoing instrument was acknowledged before me this 21st day of JANUARY, 2004, by SARAH E. LOBBAN

My commission expires March 1, 2010



*Janet R. King*  
Notary Public

This instrument was prepared by the Guills & Via, PLLC, 117 North Court Street, Lewisburg, West Virginia, 24901-1101, without the benefit of a title examination, and therefore, no certification as to title to the subject property is made herein.