

THIS DEED, made and entered into this the 26th day of March, 2007, by and between JAMES OLIVER PETTREY, JR., JERLENE PETTREY HARVEY, and CHARLES L. HARVEY, JR., parties of the first part, and JAMES OLIVER PETTREY, JR., JERLENE PETTREY HARVEY and CHARLES L. HARVEY, JR., jointly, with rights of survivorship as set forth hereinafter, parties of the second part;

W I T N E S S E T H :

THAT for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby expressly acknowledged by the parties of the first part, the said parties of the first part do hereby grant, sell and convey unto James Oliver Pettrey, Jr. a one-half undivided interest and unto Jerlene Pettrey Harvey and Charles L. Harvey, Jr., a one-half undivided interest, jointly and with rights of survivorship as set forth hereinafter, all of their right, title and interest in and to the following tracts or parcels of real estate:

PARCEL ONE: "All that certain tract of land, with the improvements thereon, situate and being on the waters of Beaver Branch and Little Laurel Creek in Plymouth District, Mercer County, West Virginia, and bounded and described as follows:

"BEGINNING at a stone at a gate by the road leading from the Town of Athens to Mercer Healing Springs road; thence running with said road 519 feet corner to Miss V. E. Hopkins and Mrs. M. A. Lilly's land on north side of road where a stone is to be placed; thence running with said line N. 28° W. 1554 feet to a corner in the line of R. P. and J. S. Danieley's land (bunch of

MAY 31 2007

Return to Charles Harvey, 800 Highland Avenue, Princeton, WV

chestnut saplings by a fence) thence N. 29° 30' E. 126 1/2 feet to a corner of James Bennett's land, and with the said Bennett's line, N. 66° E. 545 feet with a fence to a corner of same land at intersection of another fence; thence with the other fence continuing with another line of said Bennett's land, S. 26° E. 840 feet to a white oak, a corner to Otie Fletcher's land (the old Dove land) thence with the line of same, S. 64° 30' E. 597 feet to a wild cherry; thence a south western direction 440 feet to a stone by a gate at the garden; thence a south eastern direction 463 feet to the beginning, containing 26 1/4 acres, be the same, more or less."

AND BEING the same property conveyed to James O. Pettrey and Sybil Pettrey, as Sybal Pettrey, by deed of J. B. Baugus and Fannie G. Baugus, husband and wife, dated April 2, 1948, recorded in the Office of the Clerk of the County Commission of Mercer County, West Virginia, in Deed Book 295 at Page 555; the said James Oliver Pettrey died testate, a resident of Mercer County, West Virginia, on August 4, 1990, and by his Last Will and Testament probated in said Clerk's Office in Will Book 51 at Page 214, he devised his interest in said property unto Sybil P. Pettrey; the said Sybil P. Pettrey having died testate, a resident of Mercer County, West Virginia, on May 7, 2006, and by her Last Will and Testament probated in said Clerk's Office in Will Book 86 at Page 596, she devised her interest unto Jerlene Pettrey Harvey and James Oliver Pettrey, Jr.

PARCEL TWO: All of those certain tracts or parcels of real estate shown on Assessor's Tax Map 19 of Plymouth District as Parcels 009, 0010, and 0011, and containing 30 acres, 2 1/2 acres, and 30 acres, as more fully described in a deed from James Oliver

Pettrey unto Sybil Pardue Pettrey dated June 1, 1980, recorded in the Office of the Clerk of the County Commission of Mercer County, West Virginia, in Deed Book 588 at Page 514; the said James Oliver Pettrey and Sybil Perdue Pettrey having died testate as aforesaid devising the property as set forth above.

It is the intent of this deed that James Oliver Pettrey, Jr. shall own a one-half undivided interest in said property and that Jerlene Pettrey Harvey and Charles L. Harvey, Jr. shall own a one-half undivided interest in said property. It is further understood that the purpose and intent of this instrument is to create and vest in Jerlene Pettrey Harvey and Charles L. Harvey, Jr., who are husband and wife, the above one-half interest they received by this deed with rights of survivorship.

It is further understood and agreed that it is the purpose and intent of this instrument to create and vest in all three of the parties of the second part a survivorship among them so that in the event Charles L. Harvey, Jr. should predecease the other parties hereto, his one-half interest would pass to his wife, Jerlene Pettrey Harvey. If Jerlene Pettrey Harvey were to predecease the others, then her interest would pass unto her husband, Charles L. Harvey, Jr. If James Oliver Pettrey, Jr. should predecease the others, his interest would pass unto Jerlene Pettrey Harvey and Charles L. Harvey, Jr., or the survivor of them. If both Jerlene Pettrey Harvey and Charles L. Harvey, Jr. predecease James Oliver Pettrey, Jr., their interest shall pass to him. It being the intent of this deed that the last person alive will own the entire interest conveyed herein.

This conveyance is made expressly subject to all pertinent restrictions, reservations, and easements of record.

TO HAVE AND TO HOLD said parcel of real estate, together with the improvements and appurtenances thereunto belonging, unto the parties of the second part, their heirs and assigns forever.

Under the penalties of fine and imprisonment, as provided by law, the undersigned do hereby declare that there are no excise taxes on the privilege of transferring the property herein as same is a conveyance to establish the interest of the parties and rights of survivorship among the parties.

WITNESS the following signatures and seals.

James Oliver Pettrey, Jr. (SEAL)
 JAMES OLIVER PETTREY, JR.

Jerlene Pettrey Harvey (SEAL)
 JERLENE PETTREY HARVEY

Charles L. Harvey, Jr. (SEAL)
 CHARLES L. HARVEY, JR.

STATE OF WEST VIRGINIA,

COUNTY OF Mercer, TO-WIT:

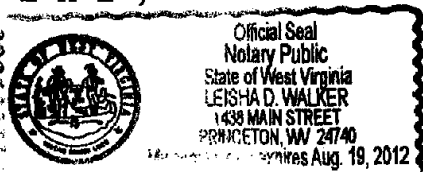
I, the undersigned Notary Public within and for the County and State aforesaid, do hereby certify that JAMES OLIVER PETTREY, JR., whose name is signed to the writing above, bearing date the 26th day of March, 2007, has this day personally appeared before me in my said County and State and acknowledged the same.

Given under my hand this 29th day of May, 2007.

My commission expires August 19, 2012.

(S E A L)

Leisha D. Walker
 NOTARY PUBLIC



SMITH, LILLY & BALL, PLLC
 ATTORNEYS AT LAW
 PRINCETON, WV

STATE OF WEST VIRGINIA,

COUNTY OF MERCER, TO-WIT:

I, the undersigned Notary Public within and for the County and State aforesaid, do hereby certify that **JERLENE PETTREY HARVEY** and **CHARLES L. HARVEY, JR.**, whose names are signed to the writing above, bearing date the 26th day of March, 2007, have this day personally appeared before me in my said County and State and acknowledged the same.

Given under my hand this 29th day of May, 2007.

My commission expires August 19, 2012.

Leisha D. Walker

NOTARY PUBLIC

(S E A L)



Official Seal
Notary Public
State of West Virginia
LEISHA D. WALKER
1438 MAIN STREET
PRINCETON, WV 24740
My commission expires Aug. 19, 2012

PREPARED BY: THOMAS S. LILLY
SMITH, LILLY & BALL, PLLC
ATTORNEYS AT LAW
1421 PRINCETON AVENUE
PRINCETON, WEST VIRGINIA 24740
WITHOUT THE BENEFIT OF A TITLE EXAMINATION
(rd\deeds\pettrey-harvey-#7249)

SMITH, LILLY & BALL, PLLC
ATTORNEYS AT LAW
PRINCETON, WV

WEST VIRGINIA:
IN MERCER COUNTY COMMISSION CLERKS OFFICE

This MAY 30 2007 10:26 AM-PM

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The foregoing writing was presented in said office and duly admitted to record therein

Teste: *Richard S. Johnson* Clerk