

*Deed showing Ice Mt. Sale from Riverbirch to
THE NATURE CONSERVANCY (TNC).*

THIS DEED

MADE THIS 15th day of August, 1989, between Riverbirch, Incorporated, residing at 8505-1 Euclid Avenue, Manassas Park, VA 22211, party of the first part, hereinafter called Grantor, and THE NATURE CONSERVANCY, a non-profit corporation organized and existing under the laws of the District of Columbia and having its principal office at 1815 North Lynn Street, Arlington, VA 22209, party of the second part, hereinafter called Grantee;

WITNESSETH

That the said Grantee, for and in consideration of the sum of One Hundred Seventy Five Thousand Nine Hundred Forty Three Dollars (\$175,943.00), in hand paid, at and upon the signing, sealing and delivery of this deed, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby give, grant, bargain, sell and convey, with covenant of general warranty of title, in fee simple, free and clear of all liens and encumbrances, unto the said The Nature Conservancy.

All that certain tract or parcel of real estate containing 248.714 acres, more or less, although this conveyance is made in gross and not by the acre, being known as Ice Mountain and Raven Rocks, situate in Gore and Bloomery Districts, Hampshire County, West Virginia and being more particularly described according to a plat prepared by Allen G. Clem, Licensed Land Surveyor, dated July 24, 1974, which plat is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Map Book No. 2, at Page 72, and also being more particularly described according to that

certain metes and bounds description prepared by Allen G. Clem, Licensed Land Surveyor, said description being attached to a deed to the Grantors herein by Richard L. Durst and Joanne S. Durst, dated January 5, 1989 and recorded in the Office of the Clerk of the County Commission, Hampshire County, West Virginia, in Deed Book 306, Page 224.

LESS, HOWEVER,

That certain tract or parcel of real estate containing 8.138 acres, more or less, which was conveyed unto Errol L. Reese and Julia H. Reese by deed of Rec-Land, Inc., which deed is of record in the aforesaid Clerk's Office in Deed Book No. 215, at Page 527, wherein said real estate is described as follows:

"BEGINNING at a pipe set on the North side of State Route #45/20, a corder with Rec-Land, Inc. thence with the North side of said road S. 40-37-17 W. 103.28 feet to a pipe; thence S. 32-35-55 W. 203.12 feet to a pipe; thence S. 39-24-14 W. 103.54 feet to a pipe; thence S. 57-36-57 W. 93.51 feet to a pipe; thence S. 67-03-11 W. 211.11 feet to a pipe; thence S. 60-19-47 W. 76.64 feet to a pipe, corner with Rec-Land, Inc.; thence with the line of the aforesaid N. 29-40-13 W. 250.00 feet to a 1/2" rebar; thence N. 58-02-37 E. 1069.03 feet to a 1/2" rebar; thence S. 49-22-43 250.00 feet to the beginning and containing 8.138 acres, more or less."

All those portions of Ice Mountain Subdivision as developed by the Grantor herein, more specifically Phase I, as the same is more particularly shown on plats of survey made by K. F. Snyder and Associates, Licensed Land Surveyors, dated March 27, 1989, and said plat being

recorded in the aforesaid Clerk's Office in Map Book 5 at Pages 90 and 91. Reference is also made to a metes and bounds description of Phase I which is attached to a Deed of Dedication and Subdivision, etc. dated April 27, 1989 and recorded in the aforesaid Clerk's Office in Deed Book 609 at Page 132.

For the consideration aforesaid, Riverbirch, Incorporated grants to The Nature Conservancy as an easement appurtenant to the premises hereby conveyed, a perpetual access easement for ingress and egress over and across the road which originates at State Road 45/20 and continues over the lands retained by Riverbirch, Incorporated its successors and assigns as well as the 20 foot wide walking easement designated on the aforementioned plat leading to the pedestrian bridge. Use of the road shall be limited to occasional use by grantees for general maintenance, inspection and emergency purposes of its deeded premises and for access to pedestrian bridge and is not intended as a license for general use by the Nature Conservancy general membership. Riverbirch, Incorporated further reserves to itself its heirs and assigns, full ownership of the pedestrian bridge and a perpetual easement to the bridge abutment of the pedestrian bridge and to the existing footpaths which currently exist on the property to be conveyed to the Nature Conservancy. Use of the footpaths will be subject to reasonable rules which the Nature Conservancy will promulgate consistent with the use of the property as a nature preserve. Riverbirch, Incorporated its successors and assigns shall retain responsibility for maintenance to and repairs of said pedestrian bridge.

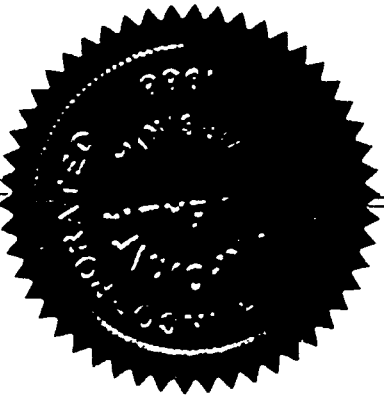
TOGETHER with any buildings and improvements thereon and all the estate and rights of the party of the first part in and to said property.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, its successors and assigns, to its own use and behoof forever.

AND the said Grantor, for itself, its heirs and assigns does covenant with the said Grantee, The Nature Conservancy, its successors and assigns, that until the ensailing of these presents it is the sole owner of the premises and has good right and title to convey the same in manner aforesaid, that they are free from every encumbrance, excepting as a may appear on Record, and that Grantor has not done or suffered anything whereby the premises have been encumbered in any way whatsoever.

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In Witness Whereof, Riverbirch, Incorporated has caused this Deed to be executed and delivered by an officer of Riverbirch, Incorporated, duly authorized.



John Canon
John Canon, President
Riverbirch, Incorporated

DISTRICT OF COLUMBIA, To wit:

I, Shua Juse, A Notary Public in and for the District of Columbia aforesaid, do certify that John Canon, President, who signed the writing above bearing date the 15th day of August, 1989, for RIVERBIRCH, INC., a Virginia Corporation, has this day in my jurisdiction aforesaid, before me, acknowledged the said writing to be the act and deed of said Corporation.

Given under my hand and official seal this the 16th day of August 1989.

My term of office expires: My Comm. Expires: March 31, 1992

Shua Juse
Notary Public

THIS INSTRUMENT WAS PREPARED BY SANDERS & ASSOCIATES, PC
1250 24TH STREET, NW, SUITE 230, WASHINGTON, DC 20037.

