

# *This Indenture*

MADE THE <sup>17<sup>th</sup></sup> day of *Septemb*r in the year of our Lord two thousand and two (2002), by and between WILLIAM A. WOODS, Executor under the Last Will and Testament of Bessie Paul deceased, late of Grant Township, County of Indiana, and Commonwealth of Pennsylvania,  
Grantor,

AND

ALVIN S. ZOOK and MARY B. ZOOK, his wife, \_\_\_\_\_,  
Grantees.

WHEREAS, the said Bessie L. Paul was vested in her lifetime with title to premises hereinafter described, situate in Montgomery Township, County of Indiana, Commonwealth of Pennsylvania; and,

WHEREAS, the said Bessie L. Paul died testate on August 1, 2001 and her Last Will and Testament was duly probated in the Register of Wills Office in the County of Indiana, Commonwealth of Pennsylvania; and,

WHEREAS, the said real estate hereinafter described was not specifically devised; and the said William A. Woods qualified as Executor of the Last Will and Testament;

NOW, THEREFORE, this indenture witnesseth that the said William A. Woods, Executor as aforesaid, for and in consideration of the sum of SEVENTY-SIX THOUSAND AND NO/100-----(\$76,000.00) DOLLARS, lawfully money of the United States to him in hand paid by the said grantees at and before the ensealing and delivery hereof, the receipt whereof is hereby acknowledged, has/have granted, bargained, sold aliened, released and confirmed and by these presents, by virtue of the power and authority in him vested by the Probate, Estates and Fiduciaries Code of the Commonwealth of Pennsylvania, does hereby grant, bargain, sell, alien, release and confirm unto the said grantees, their heirs, and assigns,

ALL that certain piece, parcel or tract of land situate, lying and being in the Township of Montgomery, County of Indiana and Commonwealth of Pennsylvania, bounded and described as follows:

BEING at a chestnut at the southwest corner of the lands formerly of Asa white, thence north 104 perches to a chestnut oak; thence east 160 perches to a post; thence south 104 perches to a sugar tree; thence west by lands formerly of Mulligan 160 perches to the place of beginning, CONTAINING 98 acres and 19 perches, more or less, and having thereon erected a two-story frame dwelling house, barn, garage and other outbuildings.

EXCEPTING AND RESERVING all coal, gas and oil in, on, under and upon the said premises, with all the usual and necessary rights to enter upon the premises for the purpose of mining for coal by the subterranean mining method and removing same from the premises and for the purpose of drilling for gas and oil and removing same from the premises; with the release of all liability for damages to said land or any part thereof by reason of such mining, drilling and removing coal, gas and oil from the premises.

ALSO EXCEPTING AND RESERVING from the above described tract of land the following specific portions thereof:

1. Tract containing 9 acres, more or less, conveyed by D. A. Buchanan by deed dated April 11, 1892, and recorded in Indiana County in Deed Book B-73, page 480, and by deed of Rose E. Brady to S. C. Lydic dated April 11, 1902, and recorded in Indiana County in Deed Book Volume 121, page 100.

2. The following lots in the "New Plan" of Lots in Gipsy, Indiana county, Pennsylvania": Lot No. 56 on Line Avenue, in area east of Main Street; Lots Nos. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 in the area between Maple Avenue and Line Avenue west of Main Street; Lots Nos. 16, 17, 18, 19, 20, 21 and 22 on the west side of Main Street; Lots Nos. 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 on the east side of Main Street; Lots Nos. 1, 2, 3, 4, 5, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 in the area est of Walnut Alley; Lots Nos. 40, 41, 42 and 43 fronting on the east side of Red Oak Street, together with an undesignated area 70 feet x 200 feet adjoining said lots on the east; Lots Nos. 36, 37, 38 and 39 fronting on the east side of Red side of Red Oak Street.

3. Tract of land containing 1.7 acres conveyed by Rose E. Brady and Ord E. Bartlebaugh by deed dated May 28, 1943, and recorded in Indiana County in Deed Book Volume 327, Page 195.

4. EXCEPTING and RESERVING all that piece, parcel or tract of land as conveyed to the township of Montgomery by deed dated and recorded June 12, 1967 as recorded in the Recorder's Office of Indiana County in Deed Book Volume 565, page 199.

5. EXCEPTING and RESERVING all that piece, parcel or tract of property as conveyed to Charles K. Pearce and Nancy J. Pearce, his wife, by deed dated and recorded November 21, 1983 and recorded in the Recorder's Office of Indiana County in Deed Book Volume 842, page 568.

6. EXCEPTING and RESERVING all that piece, parcel or tract of property as conveyed to Clyde L. Marshall and Ruth L. Marshall, his wife, being lots number 6 and 7 in the new plan of lot in Gipsy by deed dated April 6, 1987 and recorded April 8, 1987 in the Recorder's Office of Indiana County in Deed Book Volume 910, page 840.

UNDER and SUBJECT to a right-of-way granted to J & J Enterprises, Inc. dated February 9, 1974 and recorded in Indiana County in Deed Book Volume 669, Page 288.

ALSO UNDER and SUBJECT to a right-of-way granted to T. W. Phillips Gas and Oil Company Dated April 4, 1968 and recorded in Indiana County Deed Book Volume 601, page 620.

ALSO EXCEPTING AND RESERVING all rights in streets and alleys in said "New Plan of Lots in Gipsy, Indiana County, Pennsylvania" heretofore transferred by decedent and here predecessors in title and granting and conveying to grantees, their heirs and assigns, any and all rights of decedent in the streets and alleys in said plan.

UNDER AND SUBJECT to any and all outstanding rights of way, easements, leases, agreements, contracts and conditions, that may appear of record, or are apparent by visible inspection of the property.

There are included in this deed, and hereby transferred and conveyed to grantees, their heirs and assigns, all rights of way or easements appurtenant to the tract herein described, together with all rights of way or easements established for the use and benefits of the owners or occupiers of said tract.

BEING the same tract of land title to which became vested in Wilmer F. Paul and Bessie Paul, his wife by deed of Charles M. Davis, Executor of the Estate of Rose E. Brady dated December 13, 1962 and recorded in the Recorder's Office of Indiana County in Deed Book Volume 515, page 532 and by deed of reformation Charles M. Davis, Executor of the Estate of Rose E. Brady dated August 20, 1964 and recorded in the Recorder's Office of Indiana County in Deed Book Volume 533, Page 624. The said Wilmer F. Paul died on the 14<sup>th</sup> day of March, 1995 thereby vesting full and complete title in Bessie Paul as surviving tenant by the entirety.

THE GRANTOR HEREIN STATES THAT THE HEREIN ABOVE DESCRIBED PROPERTY IS NOT PRESENTLY BEING USED FOR THE DISPOSAL OF HAZARDOUS WASTE, NOR TO THE BEST OF ITS KNOWLEDGE, INFORMATION AND BELIEF HAS IT EVER BEEN USED FOR THE DISPOSAL OF HAZARDOUS WASTE. THIS STATEMENT IS MADE IN COMPLIANCE WITH THE SOLID WASTE MANAGEMENT ACT, ACT OF JULY 7, 1980, P.L. 380, 35 P.S. § 6018.101, ET SEQ.

The premises herein described is designated for tax purposes as Parcel No. 32-15-109.

TO HAVE AND TO HOLD the said messuage or tenement and tract of land, hereditaments and premises hereby granted and released, or mentioned and intended so to be, with the appurtenances, unto the said grantees, their heirs and assigns, to and for the only proper use and behoof of the grantees, their heirs and assigns forever.

AND the grantor, executor, as aforesaid, does covenant, promise and agree to and with the said grantees, their heirs and assigns, by these presents, that the grantor has not done, committed any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered in title, or otherwise howsoever.

IN WITNESS WHEREOF, the said WILLIAM A. WOODS, Executor of the Estate of Bessie L. Paul, deceased, Grantor herein, has hereunto set his hand and seal the day and year first above written.

WITNESS

\_\_\_\_\_

William A Woods (SEAL)  
WILLIAM A. WOODS  
Executor of the Estate of  
Bessie L. Paul, deceased.

**NOTICE** THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156§1.

Witness:

\_\_\_\_\_  
\_\_\_\_\_

John A. ...  
\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF INDIANA :

On this, the 19th day of September, 2002, before me the undersigned officer, personally appeared WILLIAM A. WOODS known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARIAL SEAL  
Dee Ann Dodson, Notary Public  
Indiana Borough, Indiana County  
My Commission Expires October 31, 2005

*Dee Ann Dodson*  
Notary Public

CERTIFICATE OF RESIDENCE

I do hereby certify that the precise residence and complete post office address of the within named Grantees is 1125 Allison Road, Clymer, PA 15728

Date: 9/24/02

*[Signature]*  
Attorney for Grantees

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF INDIANA :

Recorded on this 24 day of September A.D. 2002, in the Recorder's Office of Indiana County, Pennsylvania, in Deed Volume 1241, page 146

Given under my hand and the seal of the said office, the date above written.

*Patricia Citron Worley*  
Recorder of Deeds

97220

REG	19-24-02	18722
COUNTY	IND	70
BOOK	1241	
PAGE	146	
RECORDING FEE		40.00
SEARCH FEE		23.50
POSTAGE		50.00
TRAINMENT		20.00
NOTARIAL FEE		400.00
PURCHASE TAX		400.00
PA REALTY TAX		470.00
ST		100.00
CHECK REC.		40.00
CHECK REC.		40.00
CHECK REC.		40.00

Made to Grantees