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201200075490
Filed for Record in
HOLMES COUNTY +0H
ANITA HALL + COUNTY RECORDER
02-17-2012 At 10:58 am.
SURV DEED 84.00
OR Book 231 Page 3231 - 3239

OHIO WARRANTY DEED - SURVIVORSHIP

Know All Men By These Presents.

That DAVID L. TROYER aka DAVID LEE TROYER and BETTY I. TROYER, husband and wife, Grantors, in consideration of the sum of Ten Dollars and other good and valuable consideration, to them paid by LARRY LEE STUTZMAN and JOANNA STUTZMAN, of <u>Cele 13</u> <u>CR 333, Millersburg blio</u>, Grantees, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to the said Grantees, LARRY LEE STUTZMAN and JOANNA STUTZMAN, for their joint lives with remainder over in fee simple to the survivor of them, their heirs and assigns forever, the following Real Estate, situated in the Townships of Prairie and Hardy, County of Holmes, in the State of Ohio, and bounded and described as follows:

See Exhibit A attached hereto and made a part hereof.

Last Transfer: Deed Vol. 270, Page 190; Deed Vol. 253, Page 758; Official Record Vol. 55, Page 536; Official Record Vol. 177, Page 2163; Official Record Vol. 229, Page 2076; Official Record Vol. 175, Page 3291; and Official Record Vol. 175, Page 3294, Holmes County Recorder's Office.

To Have and to Hold said premises with all the privileges and appurtenances thereunto belonging, to the said Grantees, LARRY LEE STUTZMAN and JOANNA STUTZMAN, a joint life estate with remainder over in fee simple to the survivor of them, their heirs and assigns forever.

And the said Grantors, DAVID L. TROYER aka DAVID LEE TROYER and BETTY I. TROYER, husband and wife, for themselves and their heirs, do hereby covenant with the said Grantees, LARRY LEE STUTZMAN and JOANNA STUTZMAN, their heirs and assigns, that they are lawfully seized of the premises aforesaid, that said premises are

EXHIBIT A

TRACT I:

Being a part of the northwest and southwest quarters of section 17, Prairie Township, T- 13 N, R-13 W, Holmes County, Ohio.

Described as follows:

Beginning at an iron pin set marking the northeast corner of the southwest quarter of section 17 the TRUE POINT OF BEGINNING.

thence N 88 degrees 00' 00" W 61.70 feet along the quarter section line to an iron pin set;

thence S 06 degrees 56' 06" W 542.59 feet along Ray M. & Mary E. Miller's (Deed vol. 202 page 414) west line to a point in a creek, witnessed by an iron pin set S 06 degrees 56' 06" W 10.00 feet;

thence with the following SEVEN (7) COURSES along David L. & Betty Troyer's (Deed vol. 253 page 756) northerly line;

- 1) S 81 degrees 12' 40" W 231.00 feet to an iron pin set;
- 2) S 65 degrees 42' 40" W 379.50 feet to an iron pin set;
- 3) S 89 degrees 42' 40" W 660.00 feet to a point in a creek, witnessed by an iron pin set S 60 degrees 42' 40" W 10.00 feet;
- 4) S 60 degrees 42' 40" W 148.50 feet to an iron pin set;
- 5) N 81 degrees 17' 20" W 198.00 feet to an iron pin set;
- S 48 degrees 34' 40" W 751.89 feet to a point in a creek, witnessed by an iron pin set N 27 degrees 47' 00" E 12.82 feet;
- 7) S 83 degrees 34' 40" W 492.36 feet to a R.R. spike set on the section line and in the center of Co. Rd. 333, witnessed by an iron pin set N 83 degrees 34' 40" E 30.00 feet;

thence N 03 degrees 42' 00" E 246.35 feet along the section line and along the centerline of Co. Rd. 333 to an iron pin set, witnessed by an iron pin set N 60 degrees 46' 41" E 30.00 feet;

thence with the following FOUR (4) COURSES along Aden E. & Ada A. Burkholder's (Deed vol. 193 page 207) southerly line.

- 1) N 60 degrees 46' 41" E 388.74 feet to an iron pin set;
- 2) S 64 degrees 33' 05" E 313.50 feet to an iron pin set;
- 3) N 48 degrees 59' 30" E 376.86 feet to an iron pin set;
- 4) N 03 degrees 42' 00" E 336.00 feet to a R.R. spike set in the center of Co. Rd. 320, witnessed by an iron pin set S 03 degrees 42' 00" W 30.00 feet;

thence with the following SEVEN (7) COURSES along the centerline of Co. Rd. 320;

- 1) S 65 degrees 50' 11" E 347.37 feet to a R.R. spike set;
- 2) S 86 degrees 53' 06" E 177.41 feet to a R.R. spike set;
- 3) N 79 degrees 45' 34" E 212.63 feet to a R.R. spike set;
- N 60 degrees 20' 11" E 269.49 feet to a R.R. spike set;
 N 52 degrees 43' 38" E 635.33 feet to a R.R. spike set;
- N 49 degrees 19' 35" E 330.00 feet, passing into the northwest quarter of section 17, to an iron pin set;
- 7) N 28 degrees 51' 41 " E 273.24 feet to a R.R. spike set on the quarter section line, witnessed by an iron pin set S 04 degrees 06' 41" W 71.66 feet;

thence S 04 degrees 06' 41" W 416.66 feet along the quarter section line to the TRUE POINT OF BEGINNING.

This parcel contains 19.560 acres, but subject to all highways and easements of record.

The acreage from each quarter section is as follow:

N.W. Otr. Section 17 - 1.132 acres

S. W. Otr. Section 17 - 18.428 acres.

See Holmes County Plat Book 14, page 874 for survey.

Book Pase 231 3235

This survey made and description prepared by Donald C. Baker, PS 6938, March 8, 1995.

Subject to the following reservation contained in the prior Deed recorded at Deed Vol. 270, Page 190:

Excepting and Reserving unto Olis C. Kendall and Elsie R. Kendall, and to the survivor of them, an estate for and during the term of their natural life, as to all of the oil royalty, gas royalty and royalty in free casing head gas, including shut-in royalty, that may be produced from the real property described in this deed.

TRACT II:

Situated in Hardy Township and Prairie Township, Holmes County, Ohio:

Being the northeast part of Lot 39 in the Second Quarter Township of Township 9, of Range 7, and also fractional Lot No.2 of the Third Quarter Township, of Township 10, of Range 7, commencing on the east line of said Lot 39, 35 perches and 4 links north of the southeast corner of said lot 39; thence N 87 1/2 degrees W 152 perches to a post; thence N 3 degrees E 42 perches and 11 links to the Indian Boundary line; thence N 81 degrees E along said Indian Boundary Line 153 perches and 20 links; thence S 3 degrees W 74 perches and 2 links to the place of beginning, containing 55.32 acres, more or less.

EXCEPTING FROM TRACT II FOLLOWING DESCRIBED PREMISES: Situated in the Northeast part of Lot 39, 2nd Quarter Township, Township 9, Range 7, Hardy Township, Holmes County, Ohio and more fully described as follows;

Commencing at a post marking the Southeast corner of Lot 39, 2nd Quarter Township, Township 9, Range 7, Hardy Township, Holmes County, Ohio, thence N along the East line of Lot 39, 577.76 feet to a post; thence N 87 degrees 30' W 2448.00 feet to a post, the place of beginning for the tract herein described; thence continuing N 87 degrees 30' W 60.00 feet to a post; thence N 3 degrees 00' E 700.26 feet to an iron pin on the Greenville Treaty Line; thence N 81 degrees 00' E along the said Greenville Treaty Line 61.40 feet to a spike; thence S 3 degrees 00' W 712.50 feet to the place of beginning, containing 0.97 acres, more or less, but subject to all legal highways.

Plat recorded in Plat Book 4, Page 141.

FURTHER EXCEPTING FROM TRACT II THE FOLLOWING DESCRIBED PREMISES: Situated in the County of Holmes, in the State of Ohio, and in the Township of Hardy, bounded and described as follows:

Being a part of Lot 39 of the Second Quarter, Hardy Township, T-9 N, R-7 W, Holmes County, Ohio.

Described as follows:

Commencing at an iron pin found marking the southeast corner of lot 39; thence N 87 degrees 46' 01" W 1632.02 feet along the lot line to a point in the center of Co. Rd. 333, thence N 05 degrees 08' 45" W 220.00 feet along the centerline of Co. Rd. 333 to a point, thence N 00 degrees 26' 23" W 401.69 feet along the centerline of Co. Rd. 333 to a point the TRUE POINT OF BEGINNING, witnessed by an iron pin found N 86 degrees 25' 26" W 15.83 feet.

Thence with the following FOUR (4) COURSES:

- 1. N 86 degrees 25' 26" W 744.96 feet along W. H. Patten Drilling Company's (Deed Volume 260, Page 141) north line to a post, witnessed by an iron pin set S 00 degrees 45' 59" W 1.43 feet;
- 2. N 00 degrees 45' 59" E 210.35 feet along Gerald K. Nowels' (Deed Volume 163, Page 59) east line to an iron pin set;
- 3. S 89 degrees 20' 00" E 738.83 feet to a R.R. spike set in the center of Co. Rd. 333, witnessed by an iron pin set N 89 degrees 20' 00" W 20.00 feet;
- 4. S 00 degrees 26' 35" E 248.21 feet along the centerline of Co. Rd. 333 to the TRUE POINT OF REGINNING

This parcel contains 3.901 acres, but subject to all highways and easements of record.

See Holmes County Plat Book 17, Page 567 for survey. This survey made and description prepared by Donald C. Baker, PS 6938, May 16, 2000. Subject to the following Reservation recorded at Official Record Vol. 55, Page 536:

'Grantors reserve the first and best option to purchase the premises hereinabove.'

FURTHER EXCEPTING FROM TRACT II THE FOLLOWING DESCRIBED PREMISES: Being a part of Lot 39 of the Second Quarter, Hardy Township, T-9 N, R-7 W, Holmes County, Ohio. also known as part of the lands conveyed unto David L. & Betty Troyer in Deed vol. 253 page 756.

Described as follows:

Commencing at a 5/8 inch rebar found marking the southeast corner of said Lot 39,

Thence N 01 degrees 57' 12" E 580.14 feet along the lot line to an iron pin set the TRUE POINT OF BEGINNING.

Thence with the following SIX (6) COURSES:

- 1. N 86 degrees 25' 26" W 177.10 feet along W.H. Patten Drilling Company's (Deed vol. 260 page 141) north line to an iron pin set;
- 2. N 22 degrees 44' 19" E 203.04 feet through the lands of said Troyer to an iron pin set;
 3. N 81 degrees 37' 21" E 88.79 feet through the lands of said Troyer to an iron pin set;
- 4. N 05 degrees 11' 37" W 171.64 feet through the lands of said Troyer to an iron pin set;
- 5. N 75 degrees 37' 42" E 40.62 feet through the lands of said Troyer to a point on the lot line;
- 6. S 01 degrees 57' 12" W 392.49 feet along the lot line to the TRUE POINT OF BEGINNING.

This parcel contains 0.763 acres, but subject to all easements of record.

All iron pins set are 5/8 inch rebars with a plastic identification cap marked "Baker 6938".

Bearings from Plat vol. 17 page 567.

See Holmes County Plat Book 19, page 223 for survey.

This survey made and description prepared by Donald C. Baker P.S. 6938. July 7, 2004.

Being a part of Lot 24 of the Second Quarter, Hardy Township, T-9 N, R-7 W, Holmes County, Ohio, also known as part of the lands conveyed unto Catherine Kempf in O.R. vol. 63 page 140.

Described as follows:

Commencing at a 5/8 inch rebar found marking the southwest corner of said Lot 24,

Thence N 01 degrees 57' 12" E 972.63 feet along the lot line to a point the TRUE POINT OF BEGINNING.

Thence with the following FIVE (5) COURSES:

- 1. N 01 degrees 57' 12" E 171.87 feet along the lot line to an iron pin set;
- 2. S 86 degrees 39' 16" E 55.61 feet along Jacob R. & Freda Coblentz's (Deed vol. 238 page 860) west line to a point in the center of T.R. 350, witnessed by an iron pin set N 86 degrees 39' 16" W 16.00 feet;
- 3. S 00 degrees 47' 25" E 127.48 feet along the centerline of T.R. 350 to a R.R. spike found;
- 4. S 07 degrees 19' 03" E 24.28 feet along the centerline of T.R. 350 to a R.R. spike set, witnessed by an iron pin set S 75 degrees 37' 42" W 16.90;
- 5. S 75 degrees 37' 42" W 68.37 feet through the lands of said Kempf to the TRUE POINT OF BEGINNING.

This parcel contains 0.222 acres, but subject to all highways and easements of record.

All iron pins set are 5/8 inch rebars with a plastic identification cap marked "Baker 6938".

Bearings from Plat vol. 17 page 567.

See Holmes County Plat Book 19, page 223 for survey.

This survey made and description prepared by Donald C. Baker P.S. 6938. July 7, 2004.

EXCEPTING FROM TRACT II AND TRACT III THE FOLLOWING DESCRIBED PARCEL: Being a part of Lots 24 and 39 of the Second Quarter, Hardy Township, T-9 N, R-7 W, Holmes County, Ohio, also known as lands conveyed unto David L. & Betty Troyer in Deed Vol. 253, Page 756 and O.R. Vol. 175, Page 3294, described as follows:

Commencing at a 5/8 inch rebar found marking the southeast corner of said lot 39,

Thence N 01 degrees 57' 12" E 580.14 feet along the lot line to a 5/8 inch rebar found,

Thence N 86 degrees 25' 26" W 177.10 feet along W.H. Patten Drilling Company's (Deed Vol. 260, Page 141) north line and along Catherine M. Kempf's (O.R. Vol. 175, Page 3291) south line to a 5/8 inch rebar found the TRUE POINT OF BEGINNING.

Thence with the following TEN (10) COURSES:

- 1. N 86 degrees 25' 26" W 145.08 feet along said W.H. Patten Drilling Company's north line to an iron pin set;
- 2. N 03 degrees 57' 47" E 523.60 feet through the lands of said Troyer to an iron pin set;
- 3. N 85 degrees 56' 46" E 305.37 feet through the lands of said Troyer to a 5/8 inch rebar found on the lot line;
- 4. S 86 degrees 39' 16" E 55.61 feet along Jacob R. & Freda Coblentz's (Deed Vol. 238, Page 860) west line to a point in the center of T.R. 350, witnessed by a 5/8 inch rebar found N 86 degrees 39' 16" W 16.00 feet;
- 5. S 00 degrees 47' 32" E 127.48 feet along the centerline of T.R. 350 to a R.R. spike found;
- 6. S 07 degrees 19' 03" E 24.28 feet along the centerline of T.R. 350 to a R.R. spike set, witnessed by a 5/8 inch rebar found S 75 degrees 37' 42" W 16.90;
- 7. S 75 degrees 37' 42" W 108.99 feet (passing into lot 39) along said Kempf's (O.R. Vol. 63, Page 140 and O.R. Vol. 175, Page 3291) north line to a 5/8 inch rebar found;
- 8. S 05 degrees 11' 37" E 171.64 feet along said Kempf's (O.R. Vol. 175, Page 3291) west line to a 5/8 inch rebar found;
- 9. S 81 degrees 37' 21" W 88.79 feet along said Kempf's west line to a 5/8 inch rebar found;
- 10.S 22 degrees 44' 19" W 203.04 feet along said Kempf's west line to the TRUE POINT OF BEGINNI NG.

This parcel contains 3.363 acres, but subject to all highways and easements of record.

Containing 0.222 acres in lot 24 and 3.141 acres in lot 39.

Subject to the following reservation recorded at Official Record Vol. 177, Page 2163:

The Grantors reserve unto themselves, their heirs and assigns, a 15 foot easement for the purpose of ingress and egress described as follows:

Being a part of Lot 39 of the Second Quarter, Hardy Township, T-9 N, R-7 W, Holmes County, Ohio, also known as part of the lands conveyed unto David L. & Betty Troyer in Deed Vol. 253, Page 756.

Commencing at a 5/8 inch rebar found marking the southeast corner of said lot 39, thence N 01 degrees 57' 12" E 1144.50 feet along the lot line to a 5/8 inch rebar found,

Thence S 85 degrees 56' 46" W 52.05 feet through the lands of said Troyer to a point the TRUE POINT OF BEGINNING.

Thence with the following FOUR (4) COURSES along the centerline of said 15 foot easement:

- 1. S 04 degrees 06' 15" E 61.63 feet to a point;
- 2. S 27 degrees 51' 51" W 52.58 feet to a point;

- 3. S 81 degrees 37' 02" W 37.12 feet to a point;
- 4. N 65 degrees 51' 33" W 215.12 feet to a point and THERE ENDS.

All iron pins set are 5/8 inch rebars with a plastic identification cap marked "Baker 6938". Bearings from Plat Vol. 19, Page 223.

See Holmes County Plat Book 19, Page 287 for survey.

This survey made and description prepared by Donald C. Baker P.S. 6938, October 28, 2004.

TRACT IV:

Situated in Prairie Township, Holmes County, Ohio.

Also the following described premises, being part of the south half of Section 17, Township 13 of Range 13, beginning at the Southwest corner of said half section; thence N 1 1/2 degrees W 20 perches to a post; thence N 78 degrees E 29 perches and 21 links; thence N 43 degrees E 45 perches and 1 link; thence S 87 degrees E 12 perches, thence N 55 degrees E 9 perches; thence N 84 degrees E 40 perches; thence N 60 degrees E 23 perches; thence N 75 1/2 degrees E 14 perches to a post; thence S 1 1/2 degrees E 55 perches to the south line of said half section; thence S 80 degrees W along the south line of said half section 158 perches to the place of beginning, containing 40 acres of land more or less.

Subject to the following reservation contained in the prior Deed recorded at Deed Vol. 253, Page 758:

Excepting and reserving to the Grantors an estate in the property for the life of the Grantors.

The Grantors herein also reserve the oil and gas royalty income for and during their natural lifetime.

FURTHER EXCEPTING FROM TRACT I AND TRACT II AND TRACT IV THE FOLLOWING DESCRIBED PREMISES:

Being a part of the southwest quarter of Section 17, T-13 N, R-13 W, and a part of Lot 2 of the Third Quarter, T-10 N, R-7 W, Prairie Township, Holmes County, Ohio, also known as a part of the lands conveyed to David L. and Betty Troyer in Deed vol. 253 page 756 and David Lee and Betty I. Troyer in Deed vol. 270 page 190.

Described as follows:

Commencing at a 5\8 inch rebar found marking the northeast corner of the southwest quarter of Section 17, thence N 88 degrees 00' 00" W 61.70 feet along the quarter section line to a 5\8 inch rebar found, thence S 06 degrees 56' 06" W 573.76 feet along John J. and Katie Mae Coblentz's (O.R vol. 201 page 1823) west line to a point the TRUE POINT OF BEGINNING, witnessed by an iron pin set S 06 degrees 56' 06" W 27.23 feet.

thence with the following THIRTEEN (13) COURSES:

- S 06 degrees 56' 06" W 876.33 feet along said Coblentz's west line to a stone found on the Greenville Treaty Line;
- 2) S 84 degrees 59' 14" W 147.61 feet along the Greenville Treaty Line to a stone found;
- 3) S 05 degrees 34' 29" W 135.96 feet (passing into Lot 2 of the Third Quarter) along John J. and Mae Coblentz's (O.R vol. 201 page 1820) west line to a 5\8 inch rebar found on the lot line and on the Hardy Township line;
- 4) N 84 degrees 28' 38" W 17.13 feet along the lot line and along the Hardy Township line to a RR spike set in the center of TR 350;
- 5) N 21 degrees 37' 01" W 421.94 feet (passing into the southwest quarter of Section 17) along the centerline of T R 350 to a R R spike set;
- 6) N 09 degrees 23' 48" W 46.28 feet along the centerline of TR 350 to a RR spike set;
- 7) N 01 degrees 52' 53" W 156.36 feet along the centerline of T.R 350 to a RR spike set;
- 8) N 11 degrees 29' 06" W 66.27 feet along the centerline of TR 350 to a RR spike set;
- 9) N 20 degrees 12' 04" W 60.61 feet along the centerline of TR 350 to a RR spike set;
- 10) N 29 degrees 46' 27" W 125.11 feet along the centerline of T.R 350 to a RR spike set; 11) N 23 degrees 45' 50" W 88.18 feet along the centerline of T R 350 to a R R spike set;
- 12) N 85 degrees 08' 31" E 333.75 feet through the lands of said Troyer to an iron pin set;

201200075490 SAMUEL M STEIMEL ATTY MILLERSBURG OH

13) N 71 degrees 41' 16" E 263.85 feet through the lands of said Troyer to the TRUE POINT OF BEGINNING.

This parcel contains 7.564 acres, but subject to all highways and easements of record. Containing 7.416 acres in the southwest quarter of Section 17 and 0.148 acres in Lot 2 of the Third Quarter.

All iron pins set are 5/8 inch rebars with a plastic identification cap marked "Baker 6938".

Bearings from Plat vol. 14 page 874.

See Holmes County Plat Book 19, page 1947 for survey.

This survey made and description prepared by Eric R. Zaugg, P.S. 8309 July 1, 2011

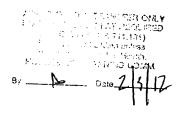
SAVE AND EXCEPT THE FOLLOWING:

Deed Volume 253, Page 756: Excepting and reserving to Ivan L. Hochsteller and Mattie Hochsteller an estate in the property for the life of Ivan L. Hochsteller and Mattie Hochsteller.

Ivan L. Hochsteller and Mattie Hochsteller also reserve the oil and gas royalty income for and during their natural lifetime.

Deed Volume 270, Page 190: Excepting and reserving unto Olis C. Kendall and Elise R. Kendall, and to the survivor of them, an estate for and during the term of their natural life, as to all of the oil royalty, gas royalty and royalty in free casing head gas, including shut-in royalty, that may be produced from the real property described in this deed.

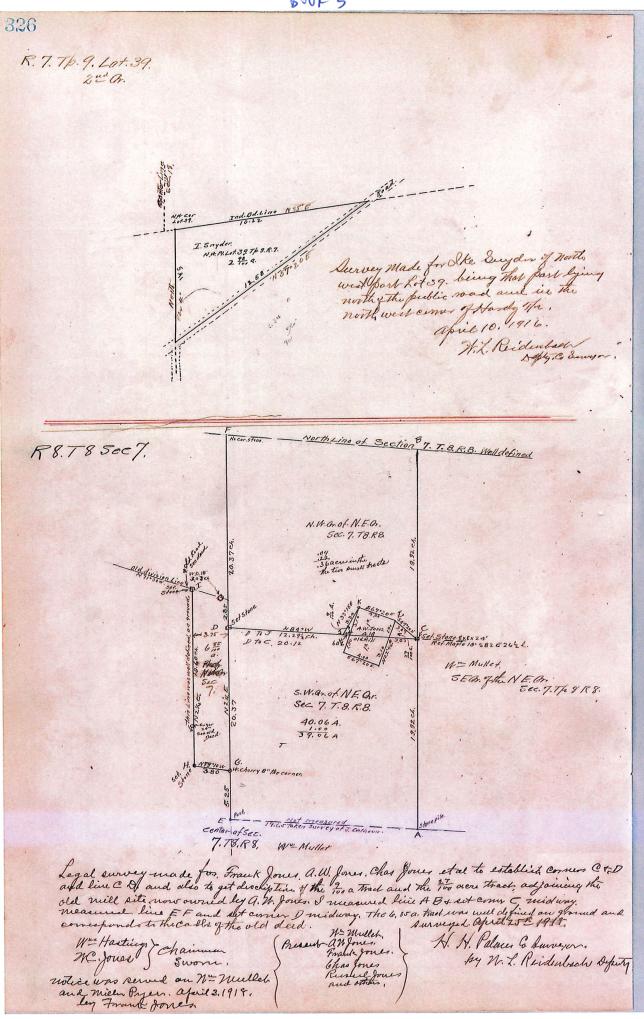
EXCEPTING AND RESERVING unto the Grantors, DAVID L. TROYER aka DAVID LEE TROYER and BETTY I. TROYER, husband and wife, the full and complete use and enjoyment of the above described premises for and during their natural lifetime.

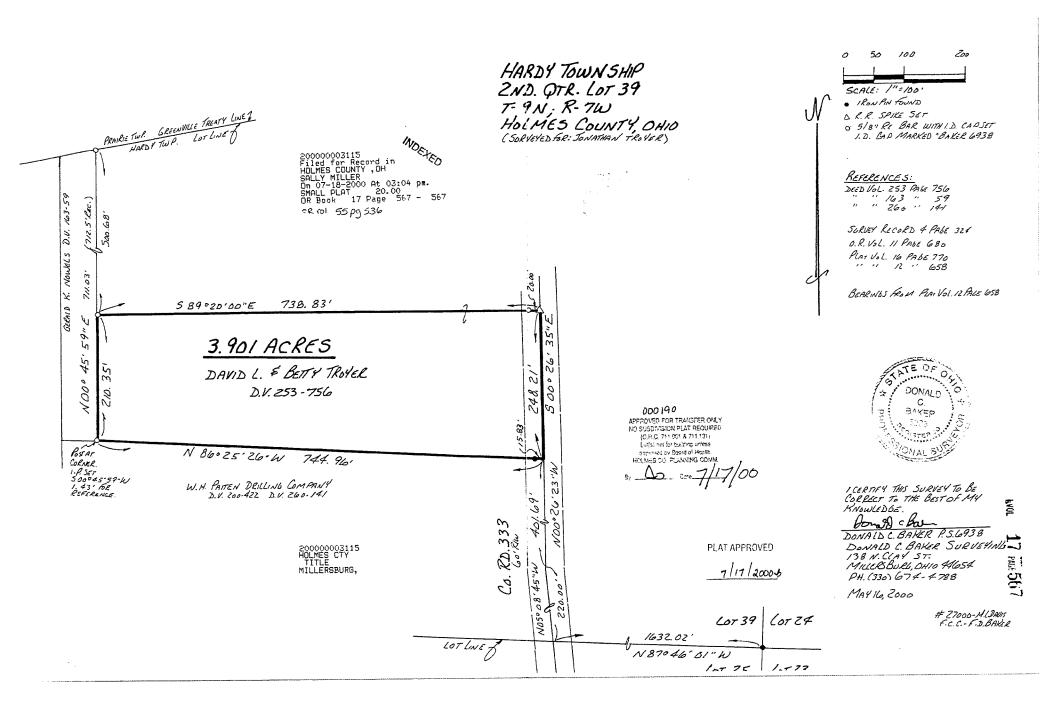




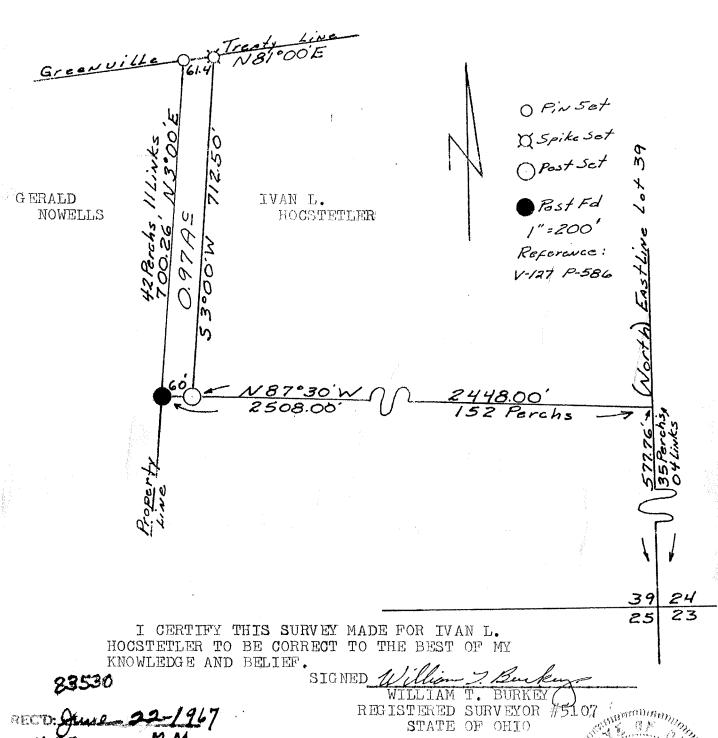
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NORTH EAST PART LOT 39
SECOND QUARTER TOWNSHIP
TOWNSHIP 9 RANGE 7
HARDY TWP HOLMES CO. OHIO
COMPLETED MAY 1967



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