

Exhibit C
Instrument Book Page
200100017026 972 1137

DELIVERED ROSE, PADDEN & PETTY

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION, Made this 11th day of December, 2001, by and between
GARY A. KELLEY and H. WAYNE TAYLOR, Declarants.

WHEREAS, the Declarants are the owners of real estate hereinafter described
located in Palatine District, Marion County, West Virginia; and

WHEREAS, Declarants wish to impose a restrictive covenant upon the hereinafter
described real estate.

NOW THEREFORE WITNESSETH, that the Declarants hereby declare that the
land, hereinafter described, is held and shall be conveyed subject to the restrictive covenant set
forth in this Declaration.

No groundwater from the hereinafter described real estate shall be used for any
purpose whatsoever, including all commercial and residential use and no water wells shall be
drilled upon said property.

The restrictive covenants set forth in this instrument shall attach to and run with
the land, and it shall be lawful not only for the Grantor, their heirs and assigns, but also for the
State of West Virginia Department of Environmental Protection or any other regulatory agency to
institute and prosecute any proceedings at law or in equity against the person or persons violating
or threatening to violate this restrictive covenant.

The real estate which is made subject to the forgoing restrictive covenant is
described as follows:

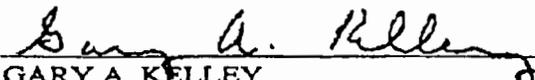
All that certain lot, tract or parcel of real estate, together with the improvements,
privileges and appurtenances thereunto belonging, situate on and adjoining U.S. Highway No.
250, in Palatine (Grant) District, Marion County, West Virginia, bounded and more particularly
described as follows, to wit:

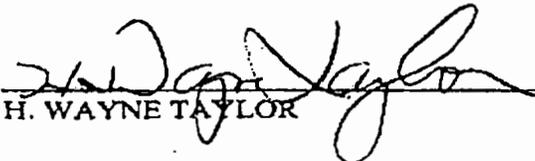
Beginning at a point in center of U.S. Highway known as Route No. 250, said point being 175 feet, N. 9° 30' W. from the northwestern corner of lot or parcel of land now or formerly owned by Hazal A. Deegan, in the said center of said highway, and running thence with the centerline of said highway, N. 9° 30' W. 323.00 feet to a point in the centerline of said highway; thence leaving said highway and running with line of Delton A. Elsey, N. 78° 24' E. 107.50 feet to a stake in line now or formerly of Richard Harbert; thence running with line of said Harbert, S. 20° 00' E. 318.00 feet to a stake, corner to land now or formerly of Hosey W. Elsey heirs; and running thence with line of Hosey W. Elsey heirs, S. 76° 14' W. 168.50 feet to the place of beginning, containing 1.01 acres, and being a portion of Lot No. 3 as so designated on a plat made by L. H. Wilcox, Surveyor, recorded in the Office of the Clerk of the County Commission of Marion County, West Virginia, in Deed Book No. 258, at Page No. 255, reference to which plat is hereby made for all pertinent purposes, and also a parcel of land adjoining said Lot No. 3 and extending therefrom a westerly direction to the centerline of said U. S. Highway No. 250.

Being the same real estate conveyed to Gary A. Kelley and H. Wayne Taylor, by Farm Fresh, Inc., a West Virginia corporation, by Deed dated March 2, 1994, and of record in the aforesaid Clerk's Office in Deed Book No. 916, at Page No. 233.

Said real estate was re-surveyed by Paul D. Harbert, LLS No. 862, of McCoy Surveying Company, Inc., and that survey description is as follows:

Beginning at a point in the center of U. S. Route 250, corner to Lawrence Wilt Jr.; thence with one line of Wilt, N. 78° 24' E. (passing through a ½" iron pin set at 20.00 feet) 110.16 feet to a ½" iron pin set, corner to Clarence Lowe; thence with line of Lowe, S. 20° 00' E. 318.00 feet to a 1" iron pin found on the Northern right of way limits of Deerfield Drive, corner to Lowe; thence with the Northern right of way limits of Deerfield Drive, S. 76° 14' W. (passing through a ½" iron pin set at 148.50 feet) 168.50 feet to a point in the center of U. S. Route 250; thence with the center of U. S. Route 250, N. 9° 30' W. 321.17 feet to the place of beginning, containing 1.017 acres.


GARY A. KELLEY


H. WAYNE TAYLOR

STATE OF WEST VIRGINIA,

COUNTY OF MARION, TO-WIT:

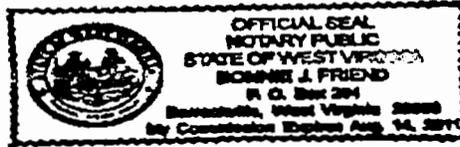
The foregoing instrument was acknowledged before me this 14th day of

December, 2001, by H. Wayne Taylor

Bonnie J. Friend
Notary Public, Marion County
West Virginia

My Commission Will Expire:

August 14, 2011



STATE OF WEST VIRGINIA,

COUNTY OF MARION, TO-WIT:

The foregoing instrument was acknowledged before me this 14th day of

December, 2001, by Gary A. Kelley

Bonnie J. Friend
Notary Public, Marion County
West Virginia

My Commission Will Expire:

August 14, 2011



This Instrument Prepared By:

Philip C. Petty
ROSE PADDEN & PETTY, L.C.
Attorneys at Law
612 WesBanco Building
P. O. Box 1307
Fairmont, West Virginia 26555-1307
(304) 363-4260
State Bar I.D. No: 2888

STATE OF WEST VIRGINIA, County of Marion,

To-Wit:

I, Janice Cosco, Clerk of the County Commission of said County, do hereby certify that the foregoing writing, with certificate thereto annexed, was this day produced to me in my office and duly admitted to record.

Witness my hand.

Janice Cosco Clerk

200100017026
Filed for Record in
MARION COUNTY, WV
JANICE COSCO
12-14-2001 At 09:55 am.
DEED 11.00
Book 972 Page 1137 - 1139

COPY

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION, Made this 17th day of January, 2002, by and between
GARY A. KELLEY and H. WAYNE TAYLOR, Declarants.

WHEREAS, the Declarants are the owners of real estate hereinafter described
located in Palatine District, Marion County, West Virginia; and

WHEREAS, Declarants wish to impose an additional restrictive covenant upon
the hereinafter described real estate.

NOW THEREFORE WITNESSETH, that the Declarants hereby declare that the
land, hereinafter described, is held and shall be conveyed subject to the restrictive covenant set
forth in this Declaration.

The real estate hereinafter described is restricted to commercial and/or industrial
land use only. The hereinafter described real estate may not be used for any residential use or
other residential-style facilities or recreational areas, including schools, daycare centers or
nursing homes.

The restrictive covenants set forth in this instrument shall attach to and run with
the land, and it shall be lawful not only for the Grantor, their heirs and assigns, but also for the
State of West Virginia Department of Environmental Protection or any other regulatory agency to
institute and prosecute any proceedings at law or in equity against the person or persons violating
or threatening to violate this restrictive covenant.

The real estate which is made subject to the forgoing restrictive covenant is
described as follows:

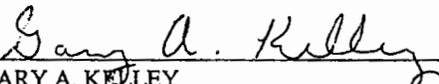
All that certain lot, tract or parcel of real estate, together with the improvements,
privileges and appurtenances thereunto belonging, situate on and adjoining U.S. Highway No.
250, in Palatine (Grant) District, Marion County, West Virginia, bounded and more particularly
described as follows, to wit:

Beginning at a point in center of U.S. Highway known as Route No. 250, said point being 175 feet, N. 9° 30' W. from the northwestern corner of lot or parcel of land now or formerly owned by Hazal A. Deegan, in the said center of said highway, and running thence with the centerline of said highway, N. 9° 30' W. 323.00 feet to a point in the centerline of said highway; thence leaving said highway and running with line of Delton A. Elsey, N. 78° 24' E. 107.50 feet to a stake in line now or formerly of Richard Harbert; thence running with line of said Harbert, S. 20° 00' E. 318.00 feet to a stake, corner to land now or formerly of Hosey W. Elsey heirs; and running thence with line of Hosey W. Elsey heirs, S. 76° 14' W. 168.50 feet to the place of beginning, containing 1.01 acres, and being a portion of Lot No. 3 as so designated on a plat made by L. H. Wilcox, Surveyor, recorded in the Office of the Clerk of the County Commission of Marion County, West Virginia, in Deed Book No. 258, at Page No. 255, reference to which plat is hereby made for all pertinent purposes, and also a parcel of land adjoining said Lot No. 3 and extending therefrom a westerly direction to the centerline of said U. S. Highway No. 250.

Being the same real estate conveyed to Gary A. Kelley and H. Wayne Taylor, by Farm Fresh, Inc., a West Virginia corporation, by Deed dated March 2, 1994, and of record in the aforesaid Clerk's Office in Deed Book No. 916, at Page No. 233.

Said real estate was re-surveyed by Paul D. Harbert, LLS No. 862, of McCoy Surveying Company, Inc., and that survey description is as follows:

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GARY A. KELLEY


H. WAYNE TAYLOR

STATE OF WEST VIRGINIA,
COUNTY OF MARION, TO-WIT:

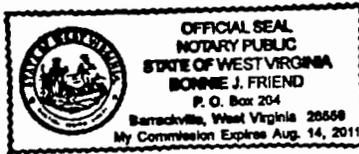
The foregoing instrument was acknowledged before me this 17th day of

January, 2002, by Gary A. Kelley.

Bonnie J. Friend
Notary Public, Marion County
West Virginia

My Commission Will Expire:

August 14, 2011



STATE OF WEST VIRGINIA,
COUNTY OF MARION, TO-WIT:

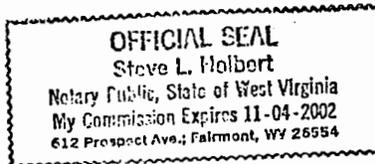
The foregoing instrument was acknowledged before me this 17TH day of

JANUARY, 2002, by H. Wayne Taylor.

Steve L. Holbert
Notary Public, Marion County
West Virginia

My Commission Will Expire:

11/04/2002



This Instrument Prepared By:

Philip C. Petty
ROSE PADDEN & PETTY, L.C.
Attorneys at Law
612 WesBanco Building
P. O. Box 1307
Fairmont, West Virginia 26555-1307
(304) 363-4260
State Bar I.D. No. 2888

STATE OF WEST VIRGINIA, County of Marion,
To-Wit:

I, Janice Cosco, Clerk of the County Commission of said
County, do hereby certify that the foregoing writing, with
certificate thereto annexed, was this day produced to me in
my office and duly admitted to record.

Witness my hand.

200200001088
Filed for Record in
MARION COUNTY, WV
JANICE COSCO
01-22-2002 At 09:08 am.
DECLARATION 6.00
Book 973 Page 565 - 567