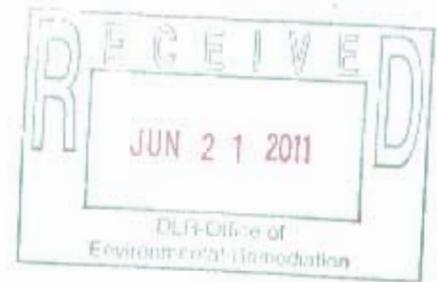


Thelma Daisy Real Estate LLC  
7 Woodland Drive  
Beverly, WV 26253  
June 20, 2011



Subject: West Virginia Mack, VRP Project# 08502; Written notice of ownership change, changes in property use, application for building permit, and proposal for site work.

West Virginia Department of Environmental Protection, Division of Land Restoration  
601 57th Street  
Charleston, WV 25304

This letter is written notice that Thelma Daisy Real Estate LLC is now the owner of the property entitled "West Virginia Restoration, VRP Project# 08502". Included is the Land Use Covenant BK144 PG 1150 – 1152 for this property. The transfer of the Mack Property from The Clarksburg Urban Renewal Authority to Thelma Daisy Real Estate LLC was done on June 14, 2011 for the use of building a new Central Distribution Center for Valley Supply Company. The physical Site Location is at the intersection of North 4<sup>th</sup> Street and Ohio Avenue in Clarksburg, WV. Waste material to be used is under permit number SWF-GP-NC-Class D-17-001-10, as shown on the attached e-mail dated March 25, 2011 from Scott Mandirola. The excavation plans were submitted and approved by Adam Barberio on June 10, 2011 per the attached e-mail. Also attached are the front page of the DEP Certificate of Completion, VRA Project # 08502, West Virginia Mack Site issued on February 25, 2010; the front page of the DEP Human Health and Ecological Risk Assessment report by MSES Consultants, Inc. issued on December 30, 2009 for VRP Project # 08502; and the front page of the 08502 WV Mack LUC/Final Report.

We plan to receive a building permit very soon to begin excavation per site plan approval issued by your office.

If you have any questions, concerns, and/or suggestions about this project, please feel or contact me at my office phone # 304-591-4501.

Sincerely,

A handwritten signature in blue ink that reads "Patrick C. Lafayette".

Patrick C. Lafayette  
Member

## LAND USE COVENANT

This is an environmental covenant executed pursuant to the Voluntary Remediation and Redevelopment Act, West Virginia Code Chapter 22, Article 22, and the Uniform Environmental Covenants Act, West Virginia Code Chapter 22, Article 22B, to restrict the activities on, and uses of, the "West Virginia Mack" property, comprised of approximately 11.83 acres (see attached deed/legal description - Exhibit A - and attached site map - Exhibit B).

Activities on and uses of the above describe property that may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant are prohibited. Those activities and uses include, but are not limited to:

Residential use as defined in Chapter 22 Article 22 of the WV Code, including housing of human beings, schools, day care centers, nursing homes, or other residential style facilities or recreational areas.

The current owners of record of the property, and their contact information, are:

The City of Clarksburg  
222 West Main Street  
Clarksburg, West Virginia 26301  
Contact Name: Mr. Martin Howe, City Manager  
Telephone: 304/624-1677  
Fax Transmission: 304/624-1662

Susan J Thomas  
HARRISON County 03:34:38 PM  
Instrument No 20100004300  
Date Recorded 02/05/2010  
Document Type CVR  
Book-Page 1441-1150  
Recording Fee \$17.00  
Additional \$7.00

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all of the holders of this covenant:

The City of Clarksburg

The facts regarding the remediation response project at this property are:

- Due to the City's interest in the site, the "West Virginia Mack" property became the subject of two (2) grants that were awarded to the City by the United States Environmental Protection Agency (USEPA). These were a Brownfields Demonstration Pilot Assessment grant, awarded to the City by the USEPA in 2001, and a Fiscal year (FY) 2005 Brownfields Cleanup grant, awarded to the City in October 2005.
- Non-residential exposure assumptions were used to comply with a De Minimis remediation standard.
- Diesel and Oil Range Total Petroleum Hydrocarbons (TPH-DRO, TPH-ORO) and lead were identified in soils at concentrations above their human-health Risk Based Concentrations (RBCs) for industrial soils during site investigation activities in 2004/2005 and remediation activities in 2006. Contaminated soils were removed (approximately 218.58 tons) and

properly disposed of offsite during the 2006 remediation activities at the site. No further TPH contamination was identified. Residual concentrations of lead remain in soils in some areas of the site, but at levels below the human-health based De Minimis RBCs for these chemical parameters in non-residential/industrial soils. Lead was identified at a concentration just above its industrial soil De Minimis RBC in one (1) of seventy (70) samples used for the risk assessment for the site; calculated results for the assessment of lead are well below the applicable target blood lead concentrations prescribed per the USEPA and the WVDEP, hence existing site soil lead concentrations are shown to present no potential for unacceptable risks to anticipated human receptors. Potential pathways of exposure could include dermal contact and ingestion or inhalation of fugitive dust, which would primarily be expected to affect non-residential/site workers during periods of construction and/or installation, repair, or maintenance of underground utilities.

The owner(s) of the property shall provide written notice to the Secretary of the Department of Environmental Protection within 10 days following transfer of a specified interest in the property subject to this covenant, changes in use of the property, application for building permits regarding the property, or proposals for any site work affecting the contamination on the property.

The owner(s) shall conduct inspections of the property to monitor compliance with this Land Use Covenant at least one (1) time per year, and shall submit two (2) signed copies of the inspection monitoring report to the WVDEP, DLR headquarters in Charleston, within thirty (30) days of the inspection.

This covenant relieves the applicant and subsequent successors and assigns from all civil liability to the state as provided under West Virginia Code Article 22 of Chapter 22 and shall remain in effect so long as the property complies with the applicable standards in effect at the time this covenant was issued.

This covenant shall not be amended, modified or terminated except by written instrument executed in accordance with W. Va. Code § 22-22B-10, by and between the Owner at the time of the proposed amendment, modification or termination, the Secretary of the West Virginia Department of Environmental Protection, and the holders of this covenant. Within 5 days of executing an amendment, modification or termination of this Land Use Covenant, the Owner shall record such amendment, modification or termination with the Clerk of the County Commission, and within 5 days thereafter, the Owner shall provide a true copy of the recorded amendment, modification or termination to the Secretary of the Department of Environmental Protection.

The administrative record for the environmental response project reflected in this covenant is maintained in the West Virginia Department of Environmental Protection, Division of Land Restoration, 601 57<sup>th</sup> Street, Charleston, WV 25304, 304-926-0455, and is entitled "West Virginia Mack, VRP Project# 08502".

The West Virginia Department of Environmental Protection is granted full right of access to the property for the purpose of implementation or enforcement of this covenant.

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and their grantees, lessees, authorized agents, employees or persons acting under their direction or control.

IN WITNESS WHEREOF, the following holders have executed this covenant on the dates indicated.

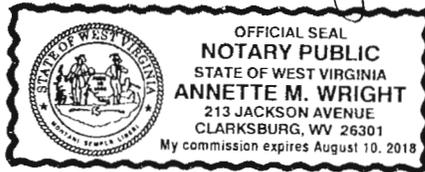
SIGNED:   
CITY OF CLARKSBURG

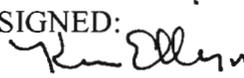
Date: 1/11/2010

I, Annette M. Wright, a Notary Public in and for the County of Harrison, State of West Virginia, do hereby certify that the holder whose name is signed above, this day executed this document in my presence or this day acknowledged same to be the true act and deed of said holder.

Given under my hand this the 11<sup>th</sup> day of Jan., 2010.

Notary Public  1-11-10

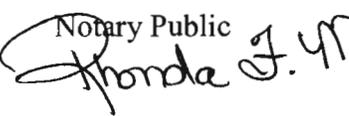


SIGNED:   
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date: 1/26/10

I, Rhonda F. McGlothlin, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that the holder whose name is signed above, this day executed this document in my presence or this day acknowledged same to be the true act and deed of said holder.

Given under my hand this the 26<sup>th</sup> day of January, 2010.

Notary Public 

BK1441 PG1153

Applicant: City of Clarksburg  
VRP Project# 08502

# **EXHIBIT A**

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**Property Deed/Legal Description**

02/10/1999 21:53 304-624-1662

CITY OF CLARKSBURG

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THIS DEED is made this 27<sup>th</sup> day of September, by and between John P. Keeley, III, Executor of the Estate of Thomas A. Keeley, deceased, Grantor, party of the first part, and The City of Clarksburg, party of the second part.

NOW THEREFORE WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration, the receipt of which is hereby acknowledged, the said John P. Keeley, III, Executor of the Estate of Thomas A. Keeley, deceased, Grantor, party of the first part, does hereby grant and convey unto The City of Clarksburg, Grantee, party of the second part, with covenants of special warranty, together with all buildings, improvements, appurtenances and hereditaments thereunto belonging, all right, title and interest held by the said Thomas A. Keeley at the time of his death in and to all that certain real estate, together with the improvements thereon and the appurtenances and hereditaments thereunto belonging, situate, lying and being in Glen Elk Addition No. 2 of the City of Clarksburg, Coal District, Harrison County, West Virginia, more particularly bounded and described as follows, to-wit:

**PARCEL ONE: WEST VIRGINIA AVENUE:** All that certain part or portion of West Virginia Avenue beginning at a point in the northerly line of West Virginia Avenue, which point is the southwesterly corner of Lot No. 423 of Glen Elk Addition No. 2; thence with the northerly line of West Virginia Avenue in an easterly direction and intersecting and crossing North Fifth Street, a distance of 340 feet to a point in the westerly line of an unnamed alley, which point is the southeasterly corner of Lot No. 359 of said Addition; thence with the westerly line of said unnamed alley extended in a southerly direction, 50 feet, more or less, to a point in the southerly line of West Virginia Avenue, which point is the northeasterly corner of Lot No. 342 of said Addition; thence with the southerly line of West Virginia Avenue in a westerly direction and intersecting and crossing North Fifth Street, a distance of 340 feet to a point in the easterly line of an unnamed alley, which point is the northwesterly corner of Lot No. 410 of said Addition; thence with the easterly line of said unnamed alley extended in a northerly direction, 50 feet, more or less, to the place of beginning.

**PARCEL TWO: NORTH FIFTH STREET:** All that certain part or portion of North Fifth Street beginning at a point in the northerly line of Ohio Avenue and the easterly line of North Fifth Street, which point is the southwesterly corner of Lot No. 331 of Glen Elk Addition No. 2; thence with the easterly line of North Fifth Street in a northerly direction, intersecting and crossing West Virginia Avenue, a distance of 750 feet, more or less, to a point in the southerly line of Pennsylvania Avenue, which point is the northwesterly corner of Lot No. 374 of said Addition; thence with the southerly line of Pennsylvania Avenue in a westerly direction, 40 feet, more or less, to

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a point in the westerly line of North Fifth Street, which point is the northeasterly corner of Lot No. 430 of said Addition; thence with the westerly line of North Fifth Street in a southerly direction, intersecting and crossing West Virginia Avenue, a distance of 750 feet, more or less, to a point in the northerly line of Ohio Avenue, which point is the southeasterly corner of Lot No. 399 of said Addition; thence with the northern line of Ohio Avenue in an easterly direction, 40 feet, more or less, to the place of beginning.

**PARCEL THREE: PENNSYLVANIA AVENUE:** All that certain part or portion of Pennsylvania Avenue beginning at a point in the southerly line of said Pennsylvania Avenue and the easterly line of an unnamed alley, which point is the northwesterly corner of Lot No. 438 of Glen Elk Addition No. 2; thence with the southerly line of Pennsylvania Avenue in an easterly direction and intersecting and crossing North Fifth Street, 340 feet, more or less, to a point in the westerly line of an unnamed alley, which point is the northeasterly corner of Lot No. 374 of said Addition; thence with the easterly lot line of Lot No. 374 extended in a northerly direction, 20 feet to a point in the centerline of Pennsylvania Avenue; thence with the centerline of Pennsylvania Avenue in a westerly direction, intersecting and crossing North Fifth Street, a distance of 340 feet to a point; thence with the westerly lot line of Lot No. 438 extended in a southerly direction, 20 feet to the place of beginning.

**PARCEL FOUR: ALLEY BETWEEN NORTH FIFTH STREET AND NORTH SIXTH STREET:** All that certain part or portion of that certain unnamed unopened 20 foot alley situate and lying between North Fifth Street and North Sixth Street in the Glen Elk No. 2 Addition and bounded on the north by Pennsylvania Avenue and on the south by Ohio Avenue and being more particularly described as follows: Beginning at a point in the northerly line of Ohio Avenue and the easterly line of an unnamed unopened 20 foot alley, which point is the southwesterly corner of Lot No. 399 of Glen Elk No. 2 Addition; thence with the easterly line of said alley in a northerly direction, intersecting and crossing West Virginia Avenue, 750 feet, more or less, to a point in the southerly line of Pennsylvania Avenue, which point is the northwesterly corner of Lot No. 438 of said Addition; thence with the southerly line of Pennsylvania Avenue in a westerly direction, 10 feet to a point in the centerline of said alley; thence with the centerline of said alley in a southerly direction, intersecting and crossing West Virginia Avenue, 750 feet, more or less, to a point in the northerly line of Ohio Avenue; thence with the

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northerly line of Ohio Avenue in an easterly direction, 10 feet, more or less, to the place of beginning.

**PARCEL FIVE: ALLEY BETWEEN NORTH FOURTH STREET AND NORTH FIFTH STREET:** All that certain part or portion of that certain unnamed unopened 20 foot alley situate and lying between North Fourth Street and North Fifth Street in the Glen Elk No. 2 Addition and bounded on the north by Pennsylvania Avenue and on the south by Ohio Avenue and being more particularly described as follows: Beginning at a point in the northerly line of Ohio Avenue and the westerly line of an unnamed unopened 20 foot alley, which point is the southeasterly corner of Lot No. 331 of Glen Elk No. 2 Addition; thence with the westerly line of said alley in a northerly direction, intersecting and crossing West Virginia Avenue, 750 feet, more or less, to a point in the southerly line of Pennsylvania Avenue, which point is the northeasterly corner of Lot No. 374 of said Addition; thence with the southerly line of Pennsylvania Avenue in an easterly direction, 10 feet to a point in the centerline of said alley; thence with the centerline of said alley in a southerly direction, intersecting and crossing West Virginia Avenue, 750 feet to a point in the northerly line of Ohio Avenue; thence with the northerly line of Ohio Avenue in a westerly direction, 10 feet, more or less, to the place of beginning.

There is excepted and reserved from the operation hereof, unto the City of Clarksburg, perpetual rights of ways and easements for, but not limited to, storm and sanitary sewer lines, water lines, gas lines, electrical distribution systems, telephone, telegraph and television lines, and for any and all other utility lines or public service facilities now or hereafter franchised by the City of Clarksburg to use City property for utility purposes.

**PARCEL SIX:** All that certain tract or parcel of land, together with the buildings thereon and the appurtenances thereunto appertaining, situate on the west side of North Fourth Street, in Glen Elk Addition No. 2, of the City of Clarksburg, Coal District, Harrison County, West Virginia, containing 1.4807 acres, more or less, which tract consists of lots numbered 343 through 358, and the easterly one-half, 10 feet in width, of a certain unnamed 20 foot alley from the southerly line of West Virginia Avenue to the southerly line of an abandoned portion of Pennsylvania Avenue, which alley is now abandoned, and situate between North Fourth Street and North Fifth Street, which lots, alleys and streets are identified and designated on a plat of Glen Elk Addition No. 2, surveyed in 1902 by C. O. Findley, which plat is of record in the office of the Clerk of the County

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Commission of Harrison County, West Virginia, in Deed Book No. 265, at Pages 276 through 279, and which tract is bounded and described more particularly as follows:

BEGINNING at a point, which point is the intersection of the westerly line of North Fourth Street and the northerly line of West Virginia Avenue; thence with said northerly line of West Virginia Avenue N. 54° 23' W. 150 feet to a point which is the intersection of the said northerly line of West Virginia Avenue and the easterly line of that certain unnamed 20 foot alley, now abandoned, situate between North Fourth Street and North Fifth Street; thence with the said easterly line of that certain unnamed 20 foot alley, now abandoned, S. 35° 37' W. 50 feet to a point which is the intersection of said easterly line of that certain unnamed 20 foot alley, now abandoned, and the southerly line of West Virginia Avenue; thence with said southerly line of West Virginia Avenue N. 54° 23' W. 10 feet to a point in the center line of said unnamed 20 foot alley, now abandoned; thence with said center line N. 35° 37' E. 450 feet to a point in the southerly line of an abandoned portion of Pennsylvania Avenue; thence with said southerly line of an abandoned portion of Pennsylvania Avenue S. 54° 23' E. 160 feet to a point in the westerly line of North Fourth Street; thence with said westerly line of North Fourth Street S. 35° 37' W. 400 feet to the place of BEGINNING, and containing 1.4807 acres, more or less.

**PARCEL SEVEN:** All that certain tract or parcel of land situate on the north side of Ohio Avenue, in Glen Elk Addition No. 2 of the City of Clarksburg, Coal District, Harrison County, West Virginia, containing 2.90 acres, more or less, as shown on a plat made by Hornor Brothers Engineers, identified as C-4-363.

**PARCEL EIGHT:** All that certain tract or parcel of land, together with the buildings thereon and the appurtenances thereunto appertaining, situate on the north side of Ohio Avenue in Glen Elk Addition No. 2 of the City of Clarksburg, Coal District, Harrison County, West Virginia, containing 1.102 acres, more or less, which tract consists of lots numbered 319 through 330 in said Glen Elk Addition No. 2, and the easterly one-half, 10 feet in width, of a certain unnamed 20 foot alley from the northerly line of Ohio Avenue to the southerly line of West Virginia Avenue, which alley is now abandoned, and situate between North Fourth Street and North Fifth Street, which lots, alley and streets are identified and designated on a plat of Glen Elk Addition No. 2, surveyed in 1902 by C. O. Findley,

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which plat is of record in said Clerk's office in Deed Book No. 265, at Pages 276 through 279, and which tract is bounded and described more particularly as follows:

BEGINNING at a point, which point is the intersection of the westerly line of North Fourth Street and the northerly line of Ohio Avenue; thence with said northerly line of Ohio Avenue N. 54° 23' W. 160 feet to a point in the center line of that certain unnamed 20 foot alley, now abandoned, situate between North Fourth Street and North Fifth Street; thence with said center line N. 35° 37' E. 300 feet to a point in the southerly line of West Virginia Avenue; thence with said southerly line S. 54° 23' E. 160 feet to a point in the westerly line of North Fourth Street; thence with said westerly line S. 35° 37' W. 300 feet to the place of BEGINNING, and containing 1.102 acres, more or less.

**PARCEL NINE:** Being twelve (12) lots, numbers three hundred thirty-one (331) to three hundred forty-two (342), inclusive, in Block O; sixteen (16) lots, numbers three hundred fifty-nine (359) to three hundred seventy-four (374), inclusive, in Block P; twelve (12) lots, numbers three hundred ninety-nine (399) to four hundred ten (410), inclusive, in Block R; and sixteen (16) lots, numbers four hundred twenty-three (423) to four hundred thirty-eight (438), inclusive, in Block S, shown on a plat of "Glen Elk Addition No. 2 to the City of Clarksburg, West Virginia," which plat is of record in said Clerk's office in Deed Book No. 265, at Pages 276, 277, 278 and 279, and being the same lots which are shown on a plat made by Hornor Brothers, Engineers, in November, 1959.

The real estate conveyed hereby is the same that was conveyed to the said Thomas A. Keeley by deed dated June 30, 1999 of record in the Office of the Clerk of the County Commission of Harrison County, West Virginia in Deed Book No. 1311 at page 989, by corrective deed dated June 30, 1999, of record as aforesaid in Deed Book No. 1318 at page 1061 and by deed dated September 20, 2001, of record as aforesaid in Deed Book No. 1332, at page 1176. The said Thomas A. Keeley died on November 19, 2003 and by his last will and testament, of record in the said Clerk's office in Will Book No. 154 at page 991, appointed the said John P. Keeley, III as his Executor with the power to sell the said real estate. This sale of property by the Grantor to the Grantee herein has been approved by Order entered on the 9th day of November, 2004 by the Honorable Judge John Lewis Marks, Jr. in the matter before the Circuit Court of Harrison County, West Virginia styled as *John P. Keeley, III, Executor, Petitioner v. John P. Keeley, III, individually, and others, Respondents*, Civil Action No. 04-C-541-1, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

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CITY OF CLARKSBURG

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**Instrument**      **Book Page**  
**200500017493**    **1 1381 532**

Grantor declares that this conveyance is exempt from the Excise Tax on the Privilege of Transferring Real Property as it is a transfer to a political subdivision of the State of West Virginia.

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CITY OF CLARKSBURG

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By acceptance of this deed, Grantee acknowledges that it has had full access to the property hereby conveyed and that MSES Consultants has performed environmental assessments and investigations on the property on Grantee's behalf. Grantee acknowledges full responsibility for payment for any assessments and investigations done at Grantee's request including, but not limited to, those performed at Grantee's request by MSES Consultants. Further, by acceptance hereof, Grantee agrees to hold the Estate of Thomas A. Keeley, its representatives and beneficiaries, harmless from any and all claims based on any environmental matters including, but not limited to, any assessments, investigations or payments due and owing for the same.

This conveyance is subject to all existing reservations, restrictions, exceptions, conditions, easements, rights of way or servitudes, if any, made, retained or created in prior instruments of record in the said Clerk's office.

The undersigned hereby declares that the total consideration paid for the property conveyed hereby is \$30,000.00.

Witness the following signatures:

John P. Keeley, III  
John P. Keeley, III, Executor of the Estate of Thomas A. Keeley, deceased

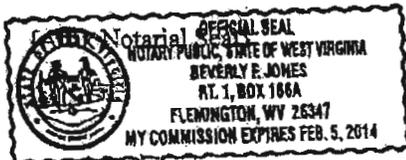
The City of Clarksburg

By: [Signature]  
Its: City Manager

STATE OF West Virginia  
COUNTY OF HARRISON, TO-WIT:

The foregoing instrument was acknowledged before the undersigned this 27<sup>th</sup> day of September, 2005, by John P. Keeley, III, Executor of the Estate of Thomas A. Keeley, deceased.

Beverly E. Jones  
Notary Public



My commission expires January 5, 2014

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## CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

JOHN P. KEELEY, EXECUTOR  
Petitioner,

V.

Case No. 04-C-541-1

JOHN P. KEELEY, III, INDIVIDUALLY  
JAMES C. KEELEY  
PATRICK J. KEELEY  
LILLIAN K. RUDOLPH  
MAUREEN K. HARRINGTON  
MARTHA K. BECKLER

Respondents.

ORDER

On the 9<sup>th</sup> day of November, 2004, came John P. Keeley, III, as Executor of the Estate of Thomas A. Keeley, and also came John P. Keeley, III, individually, James C. Keeley, Patrick J. Keeley, Lillian K. Rudolph, Maureen K. Harrington, Martha K. Beckler pursuant to order of the Court dated October 12, 2004. Whereupon the Court considered the Petition of John P. Keeley, III, as Executor and the Affidavits of John P. Keeley, III, James C. Keeley, Patrick J. Keeley, Lillian K. Rudolph, Maureen K. Harrington, Martha K. Beckler and considered the arguments of Counsel.

The Court finds as follows:

1. This is an action filed by the Executor in accordance with the provisions of the Uniform Declaratory Judgments Act as contained in the West Virginia Code §55-13-4(b) and (c) which provide that any person interested as an Executor of an Estate may have a Declaration of Rights in respect thereto:

- (a) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(b) To determine any question arising under the administration of the estate or trust, including questions of construction of wills and other writings.

2. The property described in the Complaint is part of the Estate of Thomas A. Keeley and John P. Keeley, as Executor is authorized to sell said property.

3. It is in the best interests of the Estate of Thomas A. Keeley and the Respondents herein that said property be sold in accordance with offer of the City of Clarksburg which offer has been extended and may be extended on additional occasions in the future.

4. The offer of the City of Clarksburg is a good, reasonable and valid offer and the Executor is directed to accept such offer and sell said property as part of the Estate of Thomas A. Keeley in order to liquidate the property and pay off some of the debts of the Estate of Thomas A. Keeley.

Wherefore it is ORDERED, adjudged and decreed as follows:

1. That John P. Keeley, III as Executor of the Estate of Thomas A. Keeley, is directed to sell said property to the City of Clarksburg in accordance with the offer of the City of Clarksburg and the total net proceeds therefrom to be administered in accordance with the Estate of Thomas A. Keeley under all applicable laws and regulations.

This being the final Order in this matter, the Clerk is directed to remove this matter from the docket of this Court.

Dated this 9<sup>th</sup> day of November 2004

Submitted by:

J. Carl Jones  
Attorney for Petitioner

ENTER: November 9, 2004

Judith Marks, J.  
Judge Lewis Marks of the Circuit Court of  
Harrison County

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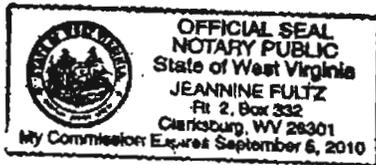
STATE OF WVA

COUNTY OF Harrison, TO-WIT:

The foregoing instrument was acknowledged before the undersigned this 28  
day of September, 2005, by Martin Howe, as  
City Manager of The City of Clarksburg, a municipal corporation, on behalf  
of said corporation.

{Affix Notarial Seal}

Jeannine Fultz  
Notary Public



My commission expires: September 5, 2010

This instrument was prepared by:  
J. Cecil Jarvis, Attorney  
McNeer Highland McMunn and Varner, L. C.  
Clarksburg, West Virginia 26302-2040

02/10/1999 21:53 304-624-1662

CITY OF CLARKSBURG

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

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I, Donald L. Kopp II, Clerk of the Fifteenth Judicial Circuit and the  
18<sup>th</sup> Family Court Circuit of Harrison County, West Virginia, hereby  
certify the foregoing to be a true copy of the ORDER entered in the  
above styled action on the 9<sup>th</sup> day of November, 2004.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix

Seal of the Court this 9<sup>th</sup> day of November, 2004.

Donald L. Kopp II

Circuit Clerk  
Harrison County, West Virginia

200500017493  
Filed for Record in  
HARRISON COUNTY, WV  
SUSAN THOMAS  
09-29-2005 At 03:47 pm.  
DEED 18.00  
STATE TAX .00  
CNTY TAX .00  
Book 1381 Page 527 - 537

200500017493  
YOUNG, MORGAN AND CANN  
229 WASHINGTON AVE  
CLARKSBURG, WV 26301

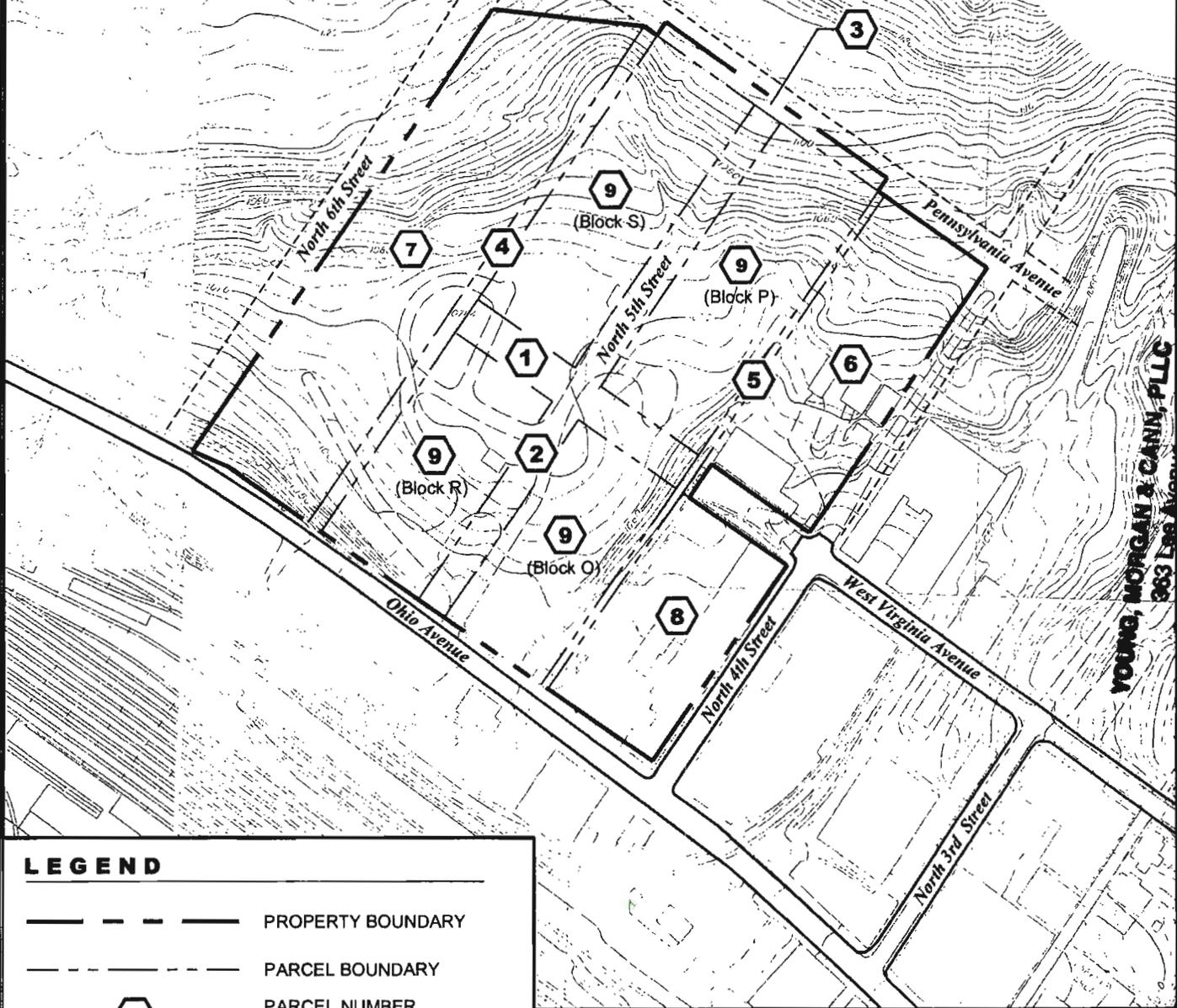
# EXHIBIT B

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Site Map



SCALE 1" = 200'



YOUNG, MORGAN & CANN, PLLC  
363 Lee Avenue  
Clarksburg, WV 26301

RETURN TO:

**LEGEND**

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- PARCEL NUMBER AS LISTED IN DEED

**REFERENCE**

BASE MAPPING - AERIAL SURVEY BY ABRAMS AERIAL SURVEY CORP., DATED 1974. CURRENT SITE FEATURES BY MSES CONSULTANTS, INC. IN 2004.

PROPERTY SHOWN AS PER DEED BOOK 1381, PAGES 527-531; AND AS SHOWN ON HARRISON COUNTY, COAL DISTRICT, CITY OF CLARKSBURG, TAX MAP NO. 16.

CAD FILE NO. 05-312-WVMack-2

**CITY OF CLARKSBURG**

**WEST VIRGINIA MACK SITE  
LAND USE COVENANT  
SITE MAP**

Drawn by	SARC/LFL	1/10
Engineer	CRM	1/10
Checked by	CRM	1/10
		Date

Scale:  
AS SHOWN

Prepared by **MSES consultants, inc.**

**EXHIBIT  
B**