

28194

DEED

THIS DEED is made and entered into this 24th day of July, 2018, by and between **S & A Land Acquisition Limited Partnership/Arden**, a Pennsylvania limited partnership, with an address at 2121 Old Gatesburg Road, State College, PA, 16803, party of the first part, herein referred to as Grantor, and **McGinnis Point Homeowners Association, Inc.**, a West Virginia non-profit corporation, party of the second part, herein referred to as Grantee.

WITNESSETH: That, for and in consideration of the sum Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, Grantor does hereby bargain, sell, grant and convey unto Grantee, with covenants of **SPECIAL WARRANTY**, in **FEE SIMPLE**, all of the following described tracts or parcels of land, together with any improvements thereon and appurtenances thereunto belonging, located and situate in the Arden District, Berkeley County, West Virginia, which tracts or parcels of land are more particularly bounded and described as follows:

Lot 83 of the McGinnis Point Subdivision, also referenced as the Arden Manor Subdivision, Phase II, as set forth upon that certain Subdivision Survey Plat prepared by Terra Development Services, LLC, dated April 22, 2005, and recorded in the Office of the Clerk of the County Council, Berkeley County, West Virginia, in Plat Cabinet 12, at Slides 57 and 58; and

All common areas of the aforementioned McGinnis Point Subdivision as set forth upon that certain Subdivision Survey Plat prepared by Terra Development Service, LLC, dated April 22, 2005, and recorded in said Clerk's Office in Plat Cabinet 12, at Slides 57 and 58; and

All stormwater management areas, including but not limited to, Stormwater Basin A and Stormwater Basin B, as set forth upon that certain Subdivision Survey Plat prepared by Terra Development Service, LLC, dated April 22, 2005, and recorded in said Clerk's Office in Plat Cabinet 12, at Slides 57 and 58; and

All streets and roads of the McGinnis Point Subdivision as set forth upon that certain Subdivision Survey Plat prepared by Terra Development Service, LLC, dated April 22, 2005, and recorded in said Clerk's Office in Plat Cabinet 12, at Slides 57 and 58.

BEING PART OF the same real property conveyed by Deed dated March 9, 2005 from Blue Stone Investments, LLC to Grantor, of record in said Clerk's Office in Deed Book 791, at page 265.

The property herein described and conveyed is granted and conveyed by the Grantor to the Grantee subject to (i) the conditions, covenants, restrictions, exceptions, reservations, easements, rights of way, and any and all amendments and modifications thereof and supplements thereto of the Declaration of Common Interest Community of Arden Manor II, a West Virginia Common Interest Community, dated May 12, 2006, of record in said Clerk's Office in Deed Book No. 841 at page 622; (ii) the First Amendment thereto dated August 22, 2008, of record in said Clerk's Office in Deed Book 909 at page 40, wherein the Declarant changed the name of the homeowners association to The McGinnis Point Common Interest Community, a West Virginia Planned Community and the name of the association to The McGinnis Point Homeowners Association, Inc. (the "Association") (sections (i) and (ii) shall be collectively referred to as, the "Declaration"); (iii) the terms and provisions of the articles of incorporation and bylaws of the Association, and any and all amendments and modifications thereof and supplements thereto; and (iv) any and all items and matters shown and illustrated on the plats of survey of record in the Office of the Clerk of the County Council of Berkeley County, West Virginia in Plat Cabinet 12, at Slides 57 and 58. It is further understood that this conveyance is subject to the development rights, privileges, and benefits reserved in the Declaration to the Grantor, its heirs, successors, and assigns, and as the same were conveyed to LGI Homes – West Virginia, LLC, in that Deed of even date herewith and of which is recorded immediately preceding this instrument.

The Grantee, by acceptance, execution, acknowledgment, and recordation of this deed, hereby agree (i) to comply with all of the provisions of the Declaration, and articles of incorporation and bylaws of the Association, and any and all amendments and modifications thereof and supplements thereto, (ii) to abide by all of the rules and regulations adopted or promulgated by the Association, as amended from time to time, and (iii) to pay and acknowledge a continuing liability to pay all assessments, charges, dues, fines and fees levied or assessed against the property herein described and conveyed and the Grantee by the Association, if applicable as required by the Declaration.

This conveyance is further made subject to all exceptions, reservations, restrictions, easements, rights of way, covenants and conditions of record on the date hereof.

The real property herein described and conveyed is part of the land entered upon the Land Books of the Arden District, Berkeley County, West Virginia, for the year 2018, as follows:

S & A Land Acquisition Limited Partnership
.31 Ac Lot 83 Phase 2
McGinnis Point SD
Account: 07237585
Map: 5M Parcel: 0097

John M. Seal, Jr.
BERKELEY County 02:58:27 PM
Instrument No 20180026196
Date Recorded 07/27/2018
Document Type MEMO
Pages Recorded 6
Book-Page 1219-113-119
Recording Fee \$15.00
Additional \$15.00

S & A Land Acquisition Limited Partnership
1.45 Ac. SWM Basin A&B Phase 2
McGinnis Point SD
Account: 07237568
Map: 5M Parcel: 0081

S & A Land Acquisition Limited Partnership
.04 Acre Pump Station Phase 2
McGinnis Point SD
Account: 07237569
Map: 5M Parcel: 0081.0001

DECLARATION OF RESIDENT STATUS

The undersigned Grantor hereby certifies under penalty of perjury, that it is a resident entity of the State of West Virginia as such term is defined by West Virginia Code Chapter 11, Article 21, Section 71b, and, therefore, is exempt from any state income tax withholding requirements imposed thereby.

DECLARATION OF CONSIDERATION OR VALUE

Under the penalties of fine and imprisonment as provided by law, the undersigned party of the first part does hereby declare that the total consideration of the property transferred by the document to which this declaration is appended is less than \$100.00 and therefore exempt from excise tax.

[remainder of page intentionally left blank]

[signature pages to Deed follows on next page]

[signature pages to Deed]

IN WITNESS WHEREOF, S & A Land Acquisition Limited Partnership/Arden, a Pennsylvania limited partnership, has caused its name to be subscribed hereto by its undersigned partner by authority duly given:

**S & A Land Acquisition Limited Partnership/Arden,
a Pennsylvania limited partnership**

By: S & A Homes, Inc.,
Its General Partner



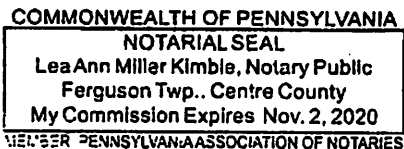
Robert E. Poole, Jr., its President

STATE/Commonwealth of Pennsylvania
COUNTY OF Centre, TO-WIT:

I, the undersigned notary public, do hereby certify that Robert E. Poole, Jr., the President of S & A Homes, Inc., a Pennsylvania corporation, the General Partner of S & A Land Acquisition Limited Partnership/Arden, a Pennsylvania limited partnership, whose name is signed to the foregoing writing, has this day acknowledged the same on behalf of said corporation on behalf of said limited partnership, before me in my said State and County.

Given under my hand this 25th day of July, 2018.
My commission expires: 11-2-2020

[Notarial Seal]


Notary Public

[signature pages to Deed continues on next page]

[signature pages to Deed]

IN WITNESS WHEREOF, McGinnis Point Homeowners Association, Inc., a West Virginia non-profit corporation, has caused its name to be subscribed hereto by its undersigned officer by authority duly given:

**McGinnis Point Homeowners Association, Inc.,
a West Virginia non-profit corporation**

Richard L. Fortney

Richard Fortney, its Secretary

STATE/COMMONWEALTH OF Pennsylvania,
COUNTY OF Centre, TO-WIT:

I, the undersigned notary public, do hereby certify that Richard Fortney, the Secretary of McGinnis Point Homeowners Association, Inc., a West Virginia non-profit corporation, whose name is signed to the foregoing writing, has this day acknowledged the same on behalf of said corporation, before me in my said State and County.

Given under my hand this 25th day of July, 2018.
My commission expires: 11-2-2020

[Notarial Seal]

Lea Ann Miller Kimble

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lea Ann Miller Kimble, Notary Public
Ferguson Twp., Centre County
My Commission Expires Nov. 2, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

THIS INSTRUMENT WAS PREPARED BY TAMMIE C. ALEXANDER, ESQ., WITHOUT THE BENEFIT OF A TITLE EXAMINATION, TITLE REPORT, TITLE CERTIFICATE, OR TITLE INSURANCE COMMITMENT, AND THE PREPARER, BY THE PREPARATION OF THIS INSTRUMENT, DOES NOT MAKE ANY EXPRESS OR IMPLIED WARRANTIES, REPRESENTATIONS, OR AFFIRMATIONS OF ANY KIND, NATURE, OR CHARACTER, INCLUDING, WITHOUT LIMITATION, WARRANTIES, REPRESENTATIONS, OR AFFIRMATIONS, OF THE QUALITY OF TITLE, THE NATURE OF TITLE, POSSESSION, QUIET ENJOYMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, THE CONDITION OF THE PROPERTY, ACCESS TO THE PROPERTY, OR THE CAPACITY OF GRANTOR TO GRANT OR CONVEY TITLE.

EXHIBIT A

All Parcels Located in Arden District (01), Map 5M, Berkeley County, West Virginia

Tax Description	Account	Parcel
SWM Basin A&B Phase 2	07237568	81
.04 Acre Pump Station Phase 2	07237569	81.1
Lot 83, Phase 2 McGinnis Point SD	07237585	97