

RECORDED

02/26/2013 01:17:47 PM

Virginia Cooper
Register and Recorder
Clerk of Orphans' Court
Huntingdon County, PA
Instrument: 2013-000975

TAXED ENTIRELY IN MOUNT UNION BOROUGH *Do Not Publish*

THIS DEED

Made this 22nd day of February, 2013

Between

KOVALCHICK CORPORATION, a Pennsylvania corporation, of Indiana, Pennsylvania, the
"GRANTOR,"

A
N
D

EAST BROAD TOP RAILROAD PRESERVATION ASSOCIATION, a Pennsylvania non-profit
corporation, of DuBois, Pennsylvania, the "GRANTEE".

WITNESSETH that in consideration of the sum of **THREE HUNDRED THOUSAND DOLLAR (\$300,000.00)** to it in hand paid, receipt of which is hereby acknowledged, the Grantor does hereby release and quitclaim to the Grantee, its successors and assigns,

ALL those three certain pieces or parcels of land situated partly in the Township of Shirley and partly in the Borough of Mount Union, Huntingdon County, Pennsylvania, bounded and described as follows:

PARCEL FIRST:

BEGINNING at a railroad spike which is located near Mile Post 0.2 and is 132 feet, more or less, westerly and distant from the point of switch at or near Railroad Station 4085+96;

THENCE, along the northern boundary of the lands herein conveyed, the following courses and distances:

1. By a curve to the right having a radius of 9,194.35 feet and a chord bearing of S. 72° 50' 0" E., an arc distance of 921.21 feet to a ¾" iron pin marking the corner of lands now or formerly of Nicholas R. Dimoff et. al. described at Deed Book 809, Page 942 (Tract No. 2);
2. Along the western boundary of the Dimoff lot, S. 41° 42' 14" W. 89.56 feet to a 5/8" rebar;
3. S. 46° 52' 46" E. 1,867.67 feet to a 5/8" rebar set at the intersection of the southern boundary of Pennsylvania Avenue (North) and the western boundary of North Washington Street;

4. Continuing S. $46^{\circ} 56' 57''$ E. 1,955.45 feet to the western boundary of Franklin Street;

THENCE, along the western boundary of Franklin Street, southwesterly 70 feet, more or less, to the point of intersection with the southern boundary of this parcel;

THENCE, along the southern boundary of the parcel herein conveyed the following courses and distances:

1. N. $46^{\circ} 56' 57''$ W. 1,931.52 feet to a $5/8''$ rebar set in the southern line of South Washington Street;
2. Along the southern line of South Washington Street, S. $43^{\circ} 07' 14''$ W. 27.00 feet to a $5/8''$ rebar;
3. Crossing South Washington Street, N. $46^{\circ} 56' 57''$ W. 50.00 feet to a $5/8''$ rebar in the north line of South Washington Street;
4. Along the north line of South Washington Street, S. $43^{\circ} 07' 14''$ W. 20.00 feet to a $5/8''$ rebar;
5. N. $46^{\circ} 52' 46''$ W. 1,300.00 feet to a $3/4''$ iron pin marking a corner of lands now or formerly of Christopher L. Davis et. al. described at Deed Book 694, Page 41;
6. N. $46^{\circ} 52' 46''$ W. 456.91 feet to a $5/8''$ rebar;
7. N. $72^{\circ} 09' 24''$ W. 64.65 feet to a $5/8''$ rebar;
8. THENCE, by a curve to the left having a radius of 13,013.00 feet and a chord direction of N. $57^{\circ} 21' 18''$ W., and arc length of 550.36 feet to a $5/8''$ rebar;
9. N. $69^{\circ} 21' 58''$ W., 244.00 feet to a $5/8''$ rebar;
10. By a curve to the left, having a radius of 2,803.99 feet and a chord bearing of N. $70^{\circ} 21' 13''$ W., an arc length of 96.66 feet to a $5/8''$ rebar;

THENCE, N. $15^{\circ} 07' 43''$ E. 66.05 feet to a railroad spike marking the point and place of BEGINNING.

PARCEL SECOND

BEGINNING at the point of intersection of the south line of South Washington Street with the east line of Small Street;

THENCE, along the south line of South Washington Street, N. 43° 07' 14" E. 10.00 feet to a point near a stone wall in a corner in the lands now or formerly of the Bricktown Senior Citizens described at Deed Book 276, Page 532;

THENCE, along the stone wall by a curve to the right having a radius of 844.23 feet and a chord bearing of S. 81° 55' 06" E., an arc length of 245.13 feet to a point in the north line of Depot Street;

THENCE, along the north line of Depot Street, S. 43° 07' 14" W. 150.00 feet to the point of intersection of the north line of Depot Street with the east line of Small Street;

THENCE, along the east line of Small Street, N. 46° 56' 57" W. 200.00 feet to the point and place of BEGINNING.

CONTAINING 0.4005 acres, more or less, and being substantially a triangular parcel of land.

PARCEL THIRD:

ALL of the remaining line of railroad property, formerly being a part of Consolidated Rail Corporation's Mount Union Industrial Track, beginning at the west line of Franklin Street and thence running southeasterly to approximately Railroad Mile Post 1.6 in the Borough of Mount Union, and passing under the Grantor's Pittsburgh line, as generally described on Exhibit Sheet 2 attached to this deed for reference purposes.

BEING the same premises conveyed by the Consolidated Rail Corporation to Kovalchick Corporation by deed dated April 30, 1988 and recorded at Huntingdon County Deed Book 486, Page 601, and as generally depicted on Exhibits "A" and "B" attached to this deed for reference purposes.

BEING TAX PARCEL NO. 32-02-07.

EXCEPTING AND RESERVING a parcel conveyed by the Kovalchick Corporation to Brent L. Carlson and Joann D. Carlson by Deed dated December 9, 1998 and recorded at Huntingdon County Deed Book 492, Page 594;

EXCEPTING AND RESERVING a parcel conveyed by the Kovalchick Corporation to Bleyer Industries, Inc., by Deed dated April 5, 1999, and recorded in Huntingdon County Deed Book ____, at Page ____.

EXCEPTING AND RESERVING, the following easements as fully as the same were excepted and reserved in the foregoing deed from Consolidated Rail Corporation to Kovalchick Corporation:

- A. A permanent, perpetual and assignable easement over the portion of the premises between Mile Post 0.2 and Mile Post 0.7 for the sole purpose of allowing former Grantor to park camp cars and other equipment and materials in support of former Grantor's maintenance of way operations on the adjacent Pittsburgh line; together with ingress and egress on, over, across, and through the premises aforesaid purpose;

- B. A permanent, perpetual and assignable easement and rights for the existing bridge carrying former Grantor's Pittsburgh Line on, over, above and across a portion of the premises; and also reserving unto former Grantor all right, title and interest in and to the superstructure of said bridge, together with its base, abutments and appurtenances which are located above, below or at grade with the premises herein conveyed; together with the rights to use, inspect, maintain, repair, renew, replace and remove said bridge and its appurtenances; and further together with the easement rights of ingress and egress on, over, across and through the premises for the aforesaid purposes;
- C. A permanent perpetual, exclusive, unrestricted and assignable surface access easement with the free and uninterrupted right, liberty and privilege of passing at any and all times on, over, across and through said premises and its existing tracts with vehicles, equipment or any pertinent devices of the Grantor needed for Grantor's continued business operations and common carrier service obligations with existing freight customers, if any; and,
- D. A temporary and assignable construction easement containing 2.690 acres, more or less, and two permanent, perpetual, and assignable utility easements containing in aggregate 1.013 acres, more or less.

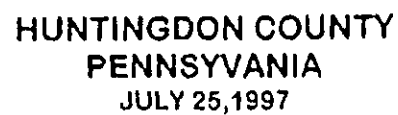
UNDER AND SUBJECT, however, to (1) whatever rights the public may have to the use of any roads, alleys, bridges or streets crossing the premises herein described, (2) any streams, rivers and creeks passing under, across or through the premises herein described, and (3) any easements, including water or sewer lines, or agreements of record or otherwise, prior to the date of this Indenture, affecting the land hereby conveyed, and to the state of facts which a personal inspection or accurate survey would disclose, and to any pipes, wires, poles, cables, culverts, drainage courses or systems and their appurtenances now existing and remaining in, on, under, over, across and through the herein conveyed premises, together with the right to maintain, repair, renew, replace, use and remove the same.

UNDER AND SUBJECT TO the East Broad Top Railroad, its successors and assigns, having the right to operate over the railroad line without charge.

THIS INSTRUMENT is executed and delivered subject to covenants described in Consolidated Rail Corporation's deed to Kovalchick Corporation, dated April 30, 1998, described above.

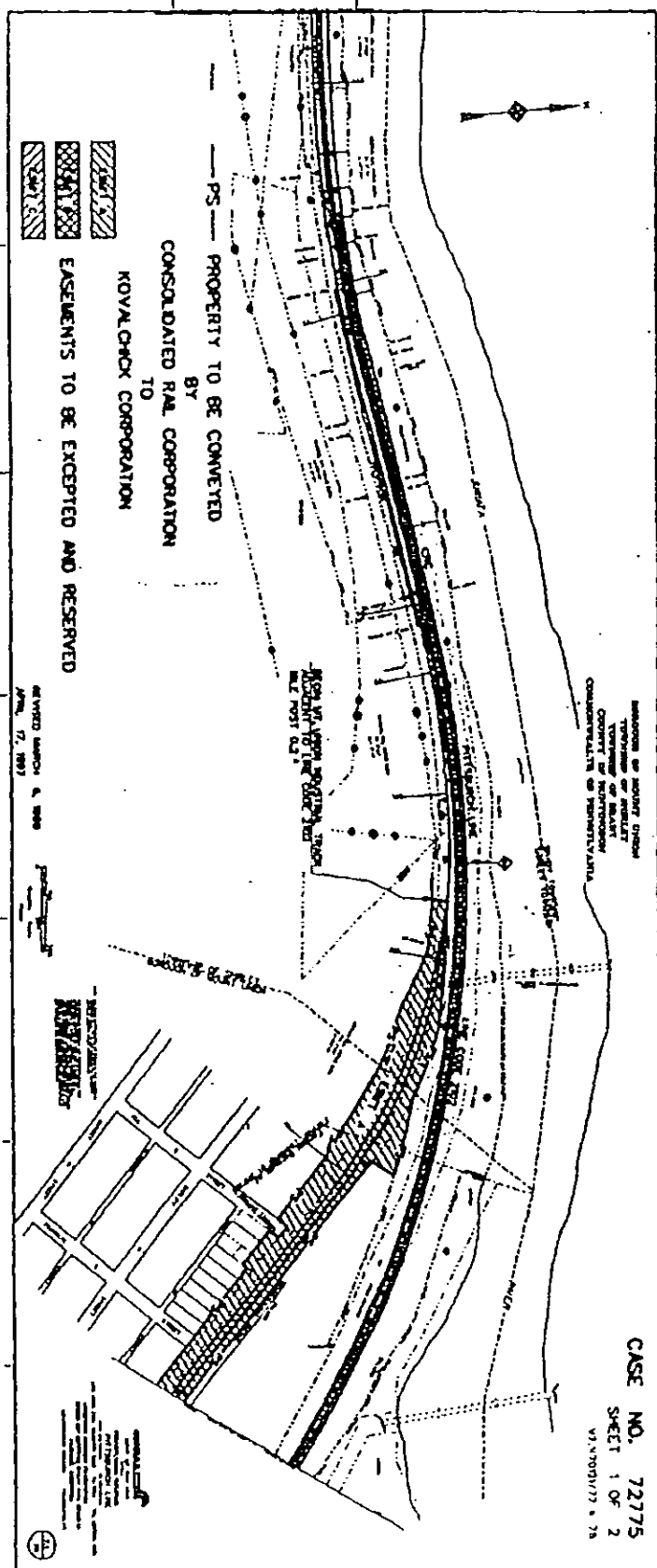
THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THAT CONNECTION DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

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.



1 of 1

8X 486PG0613



EXHIBIT

B

1 of 2

EXHIBIT

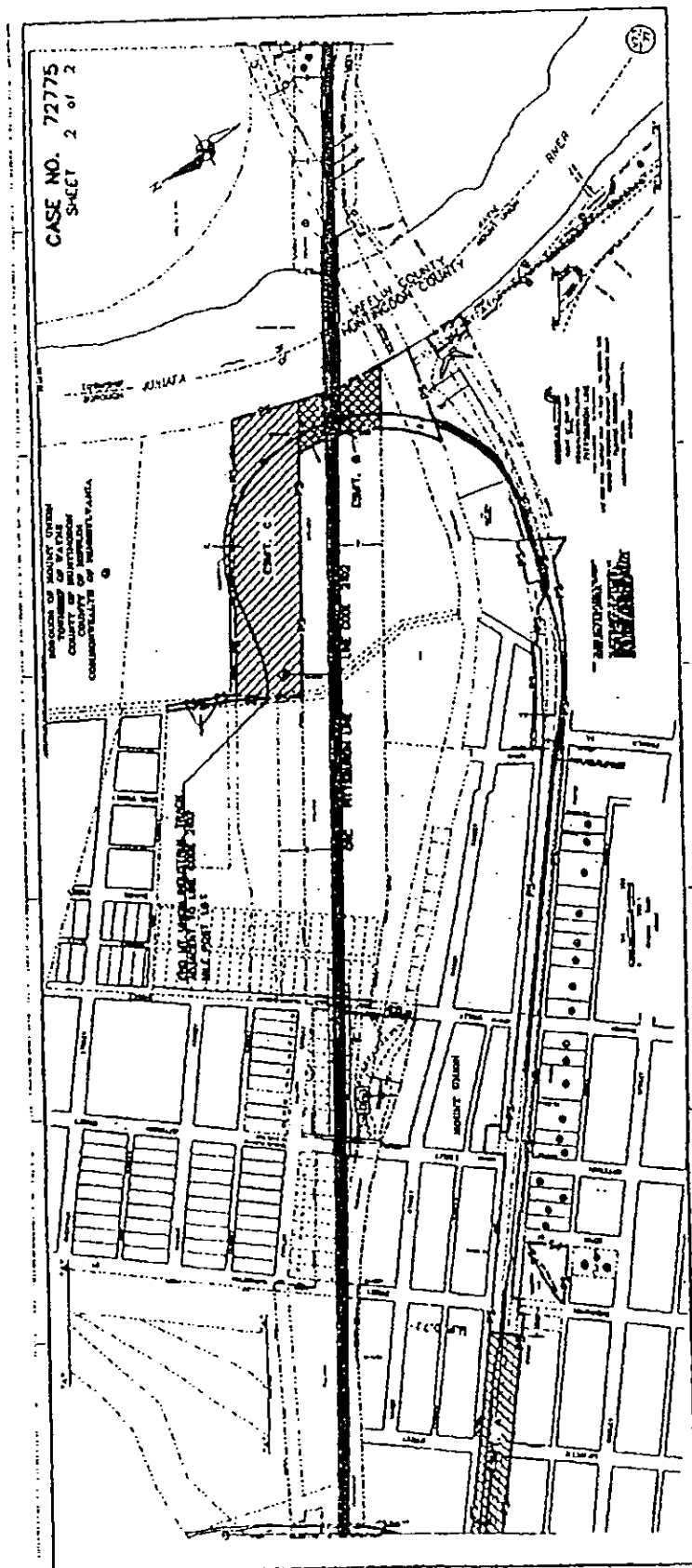



EXHIBIT
B
2 of 2

EXHIBIT

BK 1486PG0614

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:


Joseph L. Kovalchick
Secretary

KOVALCHICK CORPORATION

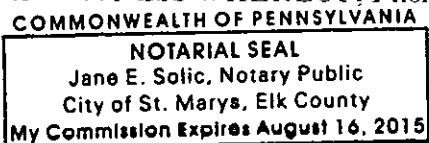
Joseph Kovalchick
Joseph Kovalchick, President

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF ~~INDIANA~~ ELK : ss.

On this 22 day of February, 2013, before me a Notary Public, the undersigned officer, appeared **JOSEPH KOVALCHICK**, President of Kovalchick Corporation, 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 herein contained.

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



Jane E. Solic
Notary Public

CERTIFICATE OF RESIDENCE

I hereby certify that the precise address of the Grantees is:

East Broad Top Railroad Preservation Association
P.O. Box 585
DuBois, PA 15801

[Signature]



Huntingdon County

VIRGINIA COOPER

Register of Wills, Recorder of Deeds
and Clerk of Orphans' Court

223 Penn Street, Huntingdon, PA 16652

Phone: 814.643.2740 Fax: 814.643.6849

2013-000975

Instrument Number: 2013-000975

Record Date: 2/26/2013

Instrument Type: DEED

Record Time: 01:17:47

Indexed Party: MOVALCHICK CORPORATION

Receipt No.: 26847

Receipt Distribution

Fee/Tax Description	Payment Amount
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DEED	13.00
DEED - WRIT	.50
DEED - RTT STATE	3,000.00
MOUNT UNION AREA	1,500.00
MOUNT UNION BORO 2	1,500.00
SHIRLEY TOWNSHIP	.00
JCS/ATJ	23.50
CO RECORDS IMP FND	2.00
RECORDERS FUND	3.00
EXTRA PAGES	10.00

Paid By Remarks: MEYER & WAGNER

Check# 3101	\$52.00
Check# 3099	\$3,000.00
Check# 3100	\$3,000.00

Total Received..... \$6,052.00

Book#: 2013

Page#: 0975



I hereby CERTIFY that this document is
Recorded in the Recorder of Deeds Office
Of Huntingdon County, Pennsylvania.

Virginia

Cooper

Virginia Cooper
Recorder of Deeds

Certification Page

DO NOT DETACH

This page is now part of this legal document.

NOTE: Some information subject to change during the verification process and may not be reflected on this page.