

RECORDED

07/26/2013 02:08:51 PM

Virginia Cooper

Register and Recorder

Clerk of Orphans' Court

Huntingdon County, PA

Document: 2013-004048

# QUITCLAIM DEED

Made this 18th day of July, 2013

Between

**EAST BROAD TOP RAILROAD AND COAL COMPANY**, 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 SIX HUNDRED THOUSAND  
DOLLARS (\$600,000.00) 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** that certain tract or parcel of land situated in the Borough of Mount Union and partly  
in Shirley Township, Huntingdon County, Pennsylvania, bounded and described as  
follows:

**BEGINNING** at the point of intersection of the western boundary of Franklin Street and  
the southern boundary of Pennsylvania Avenue (North) (being State Route 2026);

**THENCE**, along the southern boundary of Pennsylvania Avenue (North) the following  
courses and distances:

- A. South 41° 24' 47" East 56.13 feet to the point of intersection of the eastern boundary  
of Franklin Street with the southern boundary of Pennsylvania Avenue (North);
- B. South 50° 49' 25" East 374.63 feet to a point;
- C. South 50° 45' 41" East 265.42 feet to a point;
- D. By a curve to the left having a radius of 636.59 feet and a chord bearing of South 52°  
29' 16" East, an arc length of 87.65 feet to a point in the line of lands now or formerly  
of Huntingdon County Industries;

THENCE, along the boundary of lands of Huntington County Industries, the following courses and distances:

- A. South 53° 25' 44" West 22.83 feet to a point;
- B. South 49° 12' 36" West 9.52 feet to a point;
- C. North 57° 17' 24" West 79.15 feet to a point;
- D. South 41° 59' 24" East 918.73 feet to a point marked by a brass plug;
- E. South 48° 15' 29" West 12.00 feet to a railroad insignia plate;
- F. South 31° 46' 02" East 184.29 feet to a railroad insignia plate;
- G. South 30° 39' 43" East 100.07 feet to a railroad insignia plate;
- H. South 24° 09' 59" East 100.06 feet to a 1 ½" iron pin;
- I. South 21° 05' 58" East 85.52 feet to a 1 ½" iron pin;
- J. North 86° 09' 02" East 15.06 feet to a point in the western boundary of State Route 6522;
- K. South 05° 44' 56" East 11.11 feet to a point;

THENCE, along the western boundary of State Route 6522 the following courses and distances:

- A. South 09° 45' 11" East 341.46 feet to a point;
- B. South 17° 25' 00" East 308.16 feet to a point;
- C. South 14° 41' 20" East 170.66 feet to a point;
- D. South 08° 45' 57" East 268.17 feet to a point;
- E. South 02° 43' 17" East 171.30 feet to a point;
- F. South 61° 42' 50" East 34.74 feet to a point;
- G. South 01° 26' 33" West 73.00 feet to a point;
- H. South 58° 19' 32" West 27.46 feet to a point;
- I. South 01° 26' 33" West 125.00 feet to a point;

J. South  $34^{\circ} 33' 14''$  West 54.92 feet to a point;

K. South  $23^{\circ} 08' 19''$  West 86.43 feet to the point of intersection with the eastern boundary of State Route 2025 (Shirley Street);

THENCE, along the eastern boundary of Shirley Street, the following courses and distances:

A. North  $36^{\circ} 49' 56''$  West 138.39 feet to a point;

B. North  $31^{\circ} 21' 39''$  West 166.21 feet to a point;

C. North  $24^{\circ} 26' 59''$  West 104.00 feet to a point;

D. North  $24^{\circ} 19' 36''$  West 166.46 feet to a point;

THENCE, by a curve to the right having a radius of 5699.65 feet and a chord bearing of North  $23^{\circ} 23' 44''$  West an arc length of 194.97 feet to a point;

THENCE, by a curve to the right having a radius of 688.16 feet and a chord bearing of North  $00^{\circ} 09' 16''$  West an arc length of 197.37 feet to a point;

THENCE, North  $08^{\circ} 03' 46''$  East 69.81 feet to a railroad insignia plate;

THENCE, North  $14^{\circ} 04' 12''$  West 98.00 feet to a railroad insignia plate;

THENCE, North  $34^{\circ} 14' 12''$  West 160.00 feet to a railroad insignia plate;

THENCE, North  $54^{\circ} 15' 48''$  East 28.00 feet to a railroad insignia plate;

THENCE, North  $38^{\circ} 26' 53''$  West 662.53 feet to a point;

THENCE, South  $70^{\circ} 45' 49''$  West 6.49 feet to a point in the eastern boundary of Shirley Street;

THENCE, North  $38^{\circ} 59' 32''$  West 3.62 feet to a point;

THENCE, South  $51^{\circ} 00' 28''$  West 5.00 feet to a point;

THENCE, along the eastern boundary of Shirley Street, North  $38^{\circ} 59' 30''$  West 379.41 feet to an iron pin marking the southernmost corner of lands now or formerly of Saxton, LLC (Deed Book 645, Page 837);

THENCE, along the line of lands of Saxton, LLC, the following courses and distances:

- A. North 51° 02' 38' East 233.17 feet to an iron pin;
- B. North 12° 35' 24" West 61.98 feet to an iron pin;
- C. North 40° 12' 59" West 168.51 feet to an iron pin, the northernmost corner Saxton, LLC;

THENCE, North 57° 21' 42" West 255.92 feet to a ¾" rebar marking the easternmost corner of lands now or formerly of Golden Arch Limited Partnership (Deed Book 379, Page 479);

THENCE, along the line of lands of Golden Arch Limited Partnership, North 43° 48' 55" West 200.01 feet to a ¾ inch rebar in the line of lands of Community State Bank (Deed Book 214, Page 997);

THENCE, along the line of lands of Community State Bank, the following courses and distances:

- A. North 46° 17' 06" East 20.10 feet to a 5/8" rebar;
- B. North 43° 42' 54" West 361.54 feet to a 5/8" rebar set in the eastern boundary of Franklin Street;

THENCE, along the eastern boundary of Franklin Street, North 42° 37' 07" East 15.76 feet to a point;

THENCE, continuing along the eastern boundary of Franklin Street, North 37° 42' 07" East 122.36 feet to a point;

THENCE, crossing Franklin Street, North 27° 02' 01" West 138.53 feet to a point in boundary of Pennsylvania Avenue (South);

THENCE, crossing Pennsylvania Avenue (South), North 43° 03' 03" East 27.00 feet to a point in the North line of Pennsylvania Avenue (South);

THENCE, northeasterly 95 feet, more or less, to the point of intersection of the southern boundary of Pennsylvania Avenue (North) and the western boundary of Franklin Street, the point and place of BEGINNING.

CONTAINING 39.1017 acres, more or less. The description herein contained was taken from a plan of survey for East Broad Top Railroad Preservation Association prepared by Young's Surveying, Inc. (Sheets 3 and 4).

BEING part of the lands described in the following deeds:

- A. Condemnation proceedings filed to No. 145 August Term 1872 in the Court of Common Pleas of Huntingdon County;

- B. Deed from Peter Shaver et. ux. to East Broad Top Railroad and Coal Company, dated March 26, 1893, and recorded in Huntingdon County Deed Book D-3 at Page 513.
- C. Deed from Mary Jane Sayers et. vir. to East Broad Top Railroad and Coal Company, dated September 30, 1965, and recorded in Huntingdon County Deed Book 67 at Page 235;
- D. Deed from George W. Rodle to East Broad Top Railroad and Coal Company, dated April 12, 1963, and recorded at Huntingdon County Deed Book 56 at Page 71.

**BEING TAX PARCEL NOS. 33-02-116, 33-02-115, 33-03-04, and 42-25-78.**

Part of the premises herein conveyed was the subject of an Order for Judgment entered on April 26, 1984, to No. 83-1640 in the Action to Quiet Title filed by the East Broad Top Railroad and Coal Company against William Shaver et. al.

EXCEPTING AND RESERVING lands condemned by the Commonwealth of Pennsylvania for State Route 6522, Section 001.

EXCEPTING AND RESERVING to the Grantor, its successors and assigns, the coal, oil and gas, and other minerals in and underlying the above-described premises, together with complete mining, drilling, exploration and transportation rights to remove said coal, oil and gas, and other minerals and with a complete waiver of damages.

ALSO RESERVING to the Grantor a right of ingress and egress over the premises to remove the railroad box and hopper cars that are not purchased by the Grantee; provide that Grantor or its assigns shall promptly repair any damages to property caused in the course of such removal.

RESERVING to the Grantor the right to use any railroad tracks located on the premises herein conveyed for the purpose of operating the East Broad Top Tourist Railroad.

ALSO RESERVING to the Grantor a right of ingress and egress over the premises herein conveyed for the purpose of maintaining, excavating and removing a gob pile now located on the property; provided, however, that the Grantor or its assigns does not interfere with the use of the premises herein conveyed by the Grantee for railroad purposes and the Grantor and its assigns promptly repairs any damages caused to the property during such entry.

SUBJECT TO such rights of way and easements as are set forth in the records of Huntingdon County or as are apparent from an inspection of the premises.

This conveyance does not include, and Grantors specifically except and reserve from this conveyance, the railroad tracks and any buildings located on the premises.

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.

Witness the hand and seal of the Grantor

East Broad Top Railroad and Coal Company

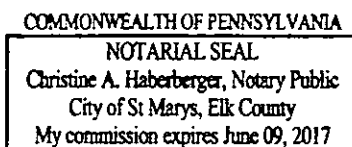
By: [Signature] (SEAL)  
President



State of Pennsylvania :  
County of Elk :

On this 25 day of July, 2013, before me a Notary Public, the undersigned officer, appeared **Joseph Kovalchick**, President of East Broad Top Railroad and Coal Company, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes herein contained.

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



Christine A. Haberberger  
Notary Public

**Certificate of Residence**

I hereby certify that the precise address of the Grantee is: 1562 Treasure Lake  
DuBois, PA 15801

Thomas G. Wagner

TCW

Taxed in Mount union ward 3 \$487,200.00  
Shirley Township 112,800.00



# 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

2013-004048

Instrument Number: 2013-004048

Record Date: 7/26/2013

Instrument Type: DEED

Record Time: 02:08:51

Indexed Party: EAST BROAD TOP RAILROAD AND  
COAL COMPANY

Receipt No.: 30155

### Receipt Distribution

Fee/Tax Description	Payment Amount
DEED	13.00
DEED - WRIT	.50
DEED - RTT STATE	6,000.00
MOUNT UNION AREA	3,000.00
MOUNT UNION BORO 3	2,436.00
SHIRLEY TOWNSHIP	564.00
JCS/ATJ	23.50
CO RECORDS IMP FND	2.00
RECORDERS FUND	3.00
EXTRA PAGES	4.00
Check# 3385	\$46.00
Check# 3383	\$6,000.00
Check# 3384	\$6,000.00
Total Received.....	\$12,046.00

Book#: 2013

Page#: 4048

Paid By Remarks: MEYER & WAGNER



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.