

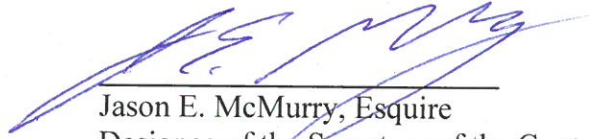
**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE STATE BOARD OF PROPERTY**

<b>Bradys Bend, LLC,</b>	:	
<b>Petitioner</b>	:	
<b>vs.</b>	:	<b>Docket No. BP 2019-0001</b>
<b>Commonwealth of Pennsylvania,</b>	:	
<b>Pennsylvania Game Commission,</b>	:	
<b>Respondent</b>	:	

**FINAL ORDER GRANTING COMPLAINT TO CANCEL DEED**

AND NOW, this 30 day of October, 2019, upon consideration of Respondent's October 9, 2019, stipulation that it makes no claim of any right, title or interest based upon the 1932 deed but instead relies solely upon the 1933 deed, the State Board of Property hereby **GRANTS Petitioner's petition to cancel deed** and ORDERS that the December 31, 1932 deed attached hereto and recorded in Armstrong County Deed Book Vol. 268 page 498 et seq. is null, void and of no effect whatsoever.

**BY ORDER:**



\_\_\_\_\_  
Jason E. McMurry, Esquire  
Designee of the Secretary of the Commonwealth  
Chairman, Board of Property

*Counsel for Petitioner:*

David J. Barton, Esquire  
Joseph J. Weiland, Esquire  
BENTZ LAW FIRM, PC  
680 Washington Road, Suite 200  
Pittsburgh, PA 15228

*Counsel for Respondent:*

W. Creigh Martson, Assistant Counsel  
Pa. Game Commission  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

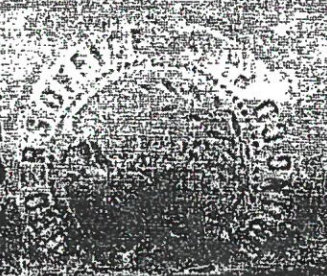
Board counsel:

Thomas A. Blackburn, Esquire

Date of mailing:

October 30, 2019

Witness my hand and seal of office this  
day of *January* A.D. 19*33*  
Book Volume *268* Page *498*  
COUNTY PENNSYLVANIA



RECORDED  
D. H. R. D.  
JAN 2 - 1933

Deputy Trust Estate

The Commonwealth of

Pennsylvania

To be Canceled

*Dec 31 1932*

H. M. RIEBER  
ATTORNEY-AT-LAW  
CLARION PENNA.

This Deed was executed Dec 31st, 1932, and recorded  
January 2, 1933 in Armstrong County, PA, in Deed  
Book Volume 268, Page 498.

PLAINTIFF'S  
EXHIBIT  
A

*Deed to State (of lands in Perry  
Co. B Trust) which should be cancelled  
by a suit in Equity (L.F.R.)*

THIS INDENTURE Made the thirty-first day of December, nineteen hundred and thirty-two, between Edward Russell Dewey and Harry M. Rimer, Trustees for the Estates of Edward Wilkins Dewey and Harriett Russell Dewey under the Deed of Trust hereinafter referred to, and Harriett Russell Dewey (widow) individually and Edward Russell Dewey (a single man) individually, parties in interest under said Deed of Trust, parties of the first part, and The Commonwealth of Pennsylvania, party of the second part.

The Deed of Trust above referred to and hereinafter referred to is dated November 29, 1916, between Edward Wilkins Dewey and Harriett Russell Dewey, his wife, parties of the first part, and Edward Wilkins Dewey, Edward Russell Dewey, and Frank L. Harvey, Trustees, parties of the second part, and is recorded in the Office of the Recorder of Deeds in and for Armstrong County, Pennsylvania, on December 12, 1916, in Deed Book Vol. 181, page 132. The Trustees named as parties of the first part herein are the only Trustees now acting under the Deed aforesaid, the said Edward Russell Dewey by virtue of his appointment in said Deed, and the said Harry M. Rimer by due appointment under the terms and provisions of said Deed, vice Frank L. Harvey resigned, the said Edward Wilkins Dewey being now deceased and no successor in the Trust appointed, WHEREFORE THIS INDENTURE

WITNESSETH, That the parties of the first part, in consideration of the sum of One Dollar and other good and valuable considerations them thereunto moving, do grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, all those certain tracts and parcels of

land, minerals and mineral rights, situate in the County of Armstrong and State of Pennsylvania, in the Townships designated. In said description reference is made to the lot number of the said parcels as described in the Deed above recited, said tracts and parcels being more particularly hereinafter described as follows:

Part of I, all of ~~XII, XII, XIII~~

Parcel No.1. Situate in the Townships of Perry and Bradys Bend and as a whole described as follows: Beginning at a point, the northwest corner of the Campbell Tract No. 18, thence easterly along the northern boundary of said tract 4800 feet, more or less, to a point on the high water line of the west bank of the Allegheny River; thence southerly and easterly along said high water line, 4800 feet, more or less, to a point, being the intersection of said high water line and the eastern boundary of William Campbell Tract No.17; thence southerly 4000 feet, more or less, along the eastern boundary of said tract, to a point, being the intersection of said eastern boundary and the high water line of the Allegheny River; thence westerly 2100 feet along said high water line to a point on the line dividing Tracts Nos.16 and 17; thence westerly along the southern boundary of said Tract No. 16, 1125 feet, more or less, to a point; thence South about 75° West, keeping 50 feet up on the hillside, 930 feet, more or less, to an oak tree, said oak tree being 150 feet northwesterly from the center of the said East Brady-Seybertown public road, and being near the north corner of land now owned by Lee Hallbaugh; thence North about 45° West 23 feet to an oak tree; thence South about 30° West 290 feet to an oak tree; thence South about 60° West 295 feet to an oak tree on the east bank of Sugar creek just north of the northwest end of an old bridge abutment; thence along the right hand edge of said stream, going upstream, northwesterly, westerly, and southwesterly 510 feet

the "hog-back" 400 feet, more or less, to a peach tree on the east bank of Sugar Creek; thence North about 20° East 300 feet, more or less, to a big stone back (easterly) from house Number 212, now occupied by Mrs. William Crowley; thence North about 25° West 450 feet, more or less, to an oak tree; thence North about 35° East 360 feet, more or less, to an oak tree on the southern edge of a private road leading to the "Harrold Farm", said tree being 570 feet, more or less, from the center of State Highway, Route 68; thence westerly 276 feet to a small maple tree on the north line of said private road; thence North, about 65° West 686 feet to a maple tree on the east bank of Sugar Creek; thence upstream along the east edge of said stream 350 feet, more or less, to a big half submerged rock, said rock being back (easterly) from house Number 204, now occupied by Mrs. Julia Forringer; thence northerly 433 feet, more or less, to a small maple tree; thence westerly 300 feet, more or less, to a cherry tree; thence northwesterly 230 feet, more or less, to a stake on the bank of house Number 203, said stake being 245 feet northeasterly from the center of the State Highway above mentioned; thence North about 75° West 709 feet, more or less, to a stake on the eastern edge of the Armstrong Run road; thence North about 20° West 350 feet to a thorn bush; thence westerly 200 feet to a point on the eastern edge of the State Highway-Queenstown public road, said point being 610 feet along the eastern edge of said road from the center of said State Highway; thence northwesterly along the eastern side of said public road 500 feet, more or less, to a point, being the intersection of the east edge of said highway and the east bank of Whiskey Run; thence along the east bank of said Run, upstream, 1100 feet, more or less, to a point, being the intersection of said east

*Formal*

bank and the western boundary of Sugarcreek Tract Number 1; thence northerly along the western boundary of said Sugarcreek Tract Number 1, and along the western boundary of Campbell Tract Number 18 in Perry Township, 2000 feet, more or less, to a point, the place of beginning; containing 803 Acres, more or less. Being all of Lot Number 16 assessed as the "Thos. Armstrong Tract" at 163 Acres; Lot Number 17 assessed as the "William Campbell Tract" at 163 Acres; Lot Number 18 assessed at 165 Acres, and the balance of said 803 Acres out of Lot Number 1 assessed as the "Sugarcreek Tract".

*Froze & the same land*

Parcel No. 2. Situate in the said Township of Perry, and bounded and described as follows: Beginning at a hemlock on the Allegheny River; thence South 1° West by lands formerly of John Robinson, 115 perches to a corner; South 88° West 160 perches to a corner; thence South 1° West 106 perches to lands formerly of O. R. Shiras; thence South 88° West 97 perches to a white oak; thence North 1° East 282 perches to a stone pile on the bank of the Allegheny River; thence by the several courses of said River southeasterly to the place of beginning; containing 256 Acres and 119 perches, more or less, and described as Tract No. 20 in the Deed first above recited.

*1, 11, 7, 11*

Parcel No. 3. Situate in Bradys Bend Township, and bounded and described as follows: Beginning at a point, the northwest corner of the Lefever Tract Number 3, thence easterly along the northern boundary thereof <sup>1320</sup> ~~1400~~ feet, more or less, to a point, the northeast corner of said tract; thence northerly along the western boundary of Sugarcreek Tract Number 1, 1400 feet, more or less, to a point, being the intersection of said western boundary of Tract Number 1 and the southerly edge of the State Highway Route 68-Queenstown public road; thence

southeasterly 750 feet, more or less, southerly 300 feet, more or less, and southeasterly 400 feet, more or less, along the southwestern edge of said road, a total of 1450 feet to a point 610 feet northwesterly along the southwestern edge of said road from the center of the State Highway; thence southwesterly 100 feet at right angles to the line of said public road to a point; thence southeasterly parallel to the line of said public road, and distant 100 feet at right angles from the southwestern edge thereof of 400 feet, more or less, to a point, being 100 feet northerly at right angles from the northern edge of said Highway, Route 68; thence westerly parallel to the line of said Highway, and keeping 100 feet distant at right angles from the north side thereof to a point, being the intersection of said line and the western bank of Sugar Creek; thence westerly and southerly along the left bank going upstream of said Creek 600 feet to a point on the east bank thereof; thence North 45° West 250 feet, more or less, to a point on the bank, said point being 960 feet above sea level; thence along said 960 foot contour line in a southwesterly direction 1000 feet to the point where said 960 foot contour line intersects the State Highway-Protestant Cemetery public Road, said point being 200 feet southwesterly from the center line of the first 400 feet of said road, beginning at the State Highway, projected; thence across said cemetery road; thence southwesterly 300 feet along the southeasterly edge of said cemetery road to a point; thence southeasterly 162 feet to a point on the eastern bank of Sugar Creek; thence along said eastern bank southwesterly southerly, and southeasterly 1100 feet to the northwest corner of a concrete bridge over said Creek; thence south 50 feet across said Creek to a point, the corner of Dewey, the Roman Catholic Church lot, and land now owned by Louise Etzell; thence along said

Etzell land northerly 353 feet to a post, the northwest corner of said Etzell plot; thence westerly along the northern boundary of said Etzell land, 344 feet to a pin on the western boundary of the Holder Tract Number 6; thence northerly along the western boundary of Holder Tract Number 6 and Lefever Tract Number 3, 2250 feet, more or less, to a point, the place of beginning; containing 56 Acres, more or less, made up as follows: 18 Acres of Lot No. 1, assessed as "Sugarcreek Tract", 35½ acres of Lot No. 3, assessed as "Lefever Tract", and 3½ Acres out of Lots 5 and 6, assessed as "Holder Tract".

Part of IV  
120

Parcel No. 4. Situate in Bradys Bend Township, and bounded and described as follows: Beginning at a point, the northwest corner of the parcel being described, said point being the intersection of the northern boundary of the Raymond Tract Number 8, and the eastern edge of the "Cove Run" road; thence easterly along the said northern boundary 1375 feet, more or less, to a point, the northeast corner of Raymond Tract Number 8 and the northwest corner of the McClure Tract Number 4; thence South 28° 4' East 140 feet to a point; thence North 59° 30' East 192 feet to a post; thence South 71° 15' East 134.8 feet to a post; thence South 43° 52' East 132.7 feet to a point; thence South 26° 46' East 127 feet to a point, said point being the southwest corner of land now owned by Russell Wiles and being South 78° 45' West 200 feet from the west edge of State Highway, Route 68; thence South about 30° West 600 feet to the southwest corner of land now owned by J. J. Porterfield; thence South about 60° East 110 feet to a stake on the western edge of State Highway, Route 68; thence along said Highway southwesterly 250 feet to a stake; thence westerly 297 feet to the northeastern corner of lot now owned



by Dolnavich; thence westerly 370 feet to a thorn tree above the reservoir; thence westerly 265 feet to a thorn tree on the corner of the hill on the upper side of the tram road; thence North about 15° West 400 feet to an oak tree; thence northwesterly 400 feet to the northeast corner of lot now owned by John Rohatinsky; thence northwesterly 500 feet to a point, the place of beginning; containing 36½ Acres, more or less, and includes within the boundaries aforesaid the Cemetery lot, known as "Protestant Cemetery", which Cemetery lot contains \_\_\_\_\_ Acres, more or less, and is occupied and fenced off by said Cemetery Association and is excepted out of this conveyance. The premises hereby conveyed being made up of portions of the following lots as in said Deed numbered, viz. 22 Acres out of Lot No. 8, assessed as "Raymond Tract No.8", and 14½ Acres out of Lot No.4, assessed as the "McClure Tract".

*Parcel of LII*

Parcel No. 5. Situate in Bradys Bend Township, and being the remainder of Lot No. 52 in said Deed of Trust described, as now held and owned by the parties of the first part, and consisting of 28 Acres, more or less, of the surface thereof, assessed to the parties of the first part as the "Smith Tract", and 20 Acres, more or less, of the minerals under the boundaries of said original lot assessed to the parties of the first part as the "Thomas Rottman Limestone Tract", as will appear by the several records in the Office of the Recorder of Deeds in and for said County of Armstrong.

*Presumably*

~~Joe Pansic is~~ Parcel No. 6. All minerals under a tract of land in said Township of Bradys Bend, the surface of which is now owned by Joseph Pansic and assessed to the parties of the first part as the "Joe Pansic Tract, Limestone and all minerals";

containing 73 Acres, more or less, and being that part of said tract which lies to the west of the Holder Run public road. Being the same minerals reserved in the Deed from the Trustees aforesaid to Lulu L. Kamerer, recorded December 5, 1904 in Armstrong County, Deed Book Vol. 104, page 274.

Parcel No. 7. Situate in Bradys Bend Township, and bounded and described as follows: Beginning at a point, the northwest corner of the property herein conveyed; thence easterly 1625 feet, more or less, to a point on the line of property formerly conveyed to John Detz; thence along the line of said Detz property southeasterly and northeasterly 900 feet, more or less, to a point on the northern boundary of the Raymond Tract Number 11, hereby being conveyed; thence easterly along the northern boundary of said tract 875 feet, more or less, to a point, the northeast corner of this parcel; thence South 2° 48' West 1625 feet, more or less, to a point, the northwest corner of "Tract No. 2 of 661.5 Acres" being conveyed to the Commonwealth under separate Deed; thence by lands of Fred C. Reese for the following courses and distances: North 63° 34' West 243 feet; North 66° 39' West 92 feet; North 82° 42' West 189.5 feet; South 55° 17' West 238.4 feet; South 50° 16' West 325.5 feet; South 17° 6' West 163 feet to an ash stump and stones; North 77° 34' West 178.6 feet to a cherry; South 37° 47' West 275 feet; South 37° 47' West 260 feet; South 26° 7' West 268 feet to a post and stones; thence by lands of Charles Gazilla et al North 42° West 60.3 feet; thence by lands of Lawrence Melick et al North 42° 46' West 25 feet; North 32° 33' West 385.6 feet to a post and stones; South 52° 26' West 720 feet; North 59° 37' West 376 feet; North 85° 18' West 504.5 feet; thence by lands

of the Great Lakes Coal Company North 3° East 568 feet; thence by the same northerly, approximately 2650 feet to the place of beginning; containing 167 Acres, more or less, and consisting of 101 Acres from Lot Number 11, assessed as the "Raymond Number 11 Tract", and the remainder from Lots Nos. 24, 25, 26 and 27, assessed as "Snow 24, Snow 25 & 26".

Parcel No. 8. Situate in Bradys Bend Township, and bounded and described as follows: Beginning at a point, the north corner of the northeastern of two old blast furnace foundations; thence North 60° East along a line parallel to the face of said furnaces, 300 feet to a bush; thence easterly across creek, 700 feet to an apple tree; thence southerly 575 feet to a stake on the southeast side of Sugar Creek beside the concrete bridge; thence westerly and southerly along the south and east bank of Sugar Creek, down stream 1297 feet, more or less, to an apple tree; thence southerly, crossing Sugar Creek, 186 feet, more or less, to an oak tree; thence North, about 60° West 614 feet to an oak tree; thence South 45° West 268 feet to a thorn bush; thence South about 30° East 855 feet to a stake on the south side of Sugar Creek; thence along the south and eastern banks thereof, 1100 feet to a stake on the north bank thereof; thence across Sugar Creek South 30° East 175 feet, more or less, to a maple tree; thence South about 60° West 579 feet, more or less, to a point, the west corner of property now owned by Margaret Bernard; thence South about 30° East 250 feet to the west bank of the Allegheny River; thence southerly along the west bank thereof, 2300 feet to a stake, being the northeast corner on land being conveyed to the Commonwealth by separate Deed; thence North 49° 57' West along the northeastern boundary of said property, 500 feet, more or less, to an oak tree at the

crest of the hill; thence northeasterly 410 feet to a wild cherry tree; thence northeasterly 315 feet to a wild cherry; thence northeasterly 416 feet to an oak tree; thence northeasterly 500 feet to an oak tree; thence northeasterly 323 feet to a dead chestnut tree; thence northeasterly 105 feet to an oak tree, said oak tree being 425 feet westerly from the western corner of lands of Margaret Bernard, mentioned above; thence northwesterly 429 feet to an oak tree; thence northwesterly 230 feet to an oak tree; thence northwesterly 216 feet to an oak tree; thence northerly 244 feet to an oak tree; thence northerly 430 feet to an oak tree; thence northeasterly 200 feet to an oak tree; thence North about 25° West 877 feet to a wild cherry tree; thence northwesterly 160 feet to a dogwood tree marked with three notches, said tree being 928 feet from the place of beginning; thence 61 feet northwesterly to a wild cherry tree; thence westerly 242 feet to a wild cherry tree; thence southwesterly 177 feet to a maple tree; thence southwesterly 104 feet to an oak tree; <sup>thence southwesterly 140 feet to an oak tree</sup> thence southwesterly 135 feet to an oak tree; thence South about 10° East 610 feet to the north corner of the Cemetery; thence South about 60° West 234 feet to a point, the west corner of the Cemetery; thence South about 30° East 704 feet to a stake in the middle of the Cemetery road; thence southwesterly 75 feet to an apple tree; thence westerly 417 feet along an old fence to a maple tree; thence southerly 230 feet to an oak tree; thence southerly 268 feet to an oak tree; thence southerly 275 feet to a wild cherry tree; thence southerly 210 feet to a wild cherry tree; thence southerly 150 feet to a wild cherry tree; thence southwesterly 350 feet to an oak tree; thence southwesterly 270 feet to a stake on the northeastern boundary line of lands being conveyed to the Commonwealth by separate Deed as hereinabove

x

referred to; thence along said boundary line North 49° 57' West 200 feet to a birch tree, the north corner of said otherwise conveyed land, said birch being also on the boundary line between the McClure Tract Number 4 and the Henry Seybert Tract Number 22; thence northwesterly 535 feet to a stake on the north bank of Sugar Creek; thence along the north, northwest, west, and southwest bank thereof, 1992 feet, more or less, to a point, being the intersection of the east edge of the State Highway, Route 68, and the southwesterly bank of Sugar Creek; thence easterly 250 feet to a point on the east edge of the Western Allegheny Railroad right of way; thence southerly along the said eastern boundary 600 feet, more or less, to a point in the middle of a culvert; thence easterly 300 feet up said ravine to a point; thence northwesterly 250 feet to a point; being the intersection of the western edge of a railroad grade and the boundary line between Sugar Creek Tract No. 1 and 2 and Bolder Tract No. 5 and 6; thence along the eastern edge of said right of way northerly 600 feet, more or less, to a point, being the intersection of said easterly edge and the westerly edge of the Cemetery road; thence northwesterly along the westerly edge of said Cemetery road 300 feet to a point; thence northerly across the road 40 feet to a stake, thence northerly 129 feet to an oak tree; thence northwesterly 144 feet to the south corner of land now owned by John Hay; thence northerly 200 feet to a thorn bush; thence northwesterly 168 feet to a stake on the eastern side of a private road leading to the Coke yard; thence northeasterly along the eastern edge of said road 267 feet, more or less, to a stake; thence northwesterly 50 feet across said road to a stake; thence North about 60° east 700 feet to the north corner of the easterly of the two furnace foundations, the place of beginning; containing  $142\frac{1}{2}$  Acres,

more or less, and consisting of 111 1/2 Acres out of Lots numbered 1 and 2, assessed as "Sugar creek Tract"; 10 1/2 Acres out of Lot Number 22, assessed as "Henry Seybert Tract"; 13 Acres out of Lot Number 4, assessed as "McClure Tract"; 3 Acres out of Tracts numbered 5 and 6, assessed as "Holder Tract", and 4 1/2 Acres out of Lot Number 3, assessed as "Lefever Tract".

✓ Together with all the coal, limestone, sand stone, iron ore, clays and shales therein and thereunder.

There is excepted and reserved out of this conveyance to the parties of the first part, their successors and assigns, (in addition to the general reservations pertaining to all of the parcels hereby conveyed,) certain specific exceptions and reservations as follows, identified by the parcel number to which they relate, respectively, viz.

Parcel No. 1

(a) All the coal under 1 Acre in the form of a square, 1400 feet south of the north line of this Parcel and 200 feet east of the west line thereof.

(b) All the coal under 1 Acre in the form of a square, starting at the country pit mouth about 200 feet southwest from the Armstrong Run gas well.

(c) The first parties also reserve the sole and exclusive right to remove sand and gravel from the bed of the River or along the edge thereof of the River frontage of said tract, and the sole and exclusive privilege, for the term of 99 years from the date hereof, to use for camping purposes all

and every the camping grounds or places suitable for camping along the River frontage above mentioned, as also the privilege or license for said term to rent the small Farm on the top of the hill, from the second party, at \$1.00 per year, payable on demand, in advance.

Together with the rights and privileges as the same are specified in the general reservation which follows.

Parcel No. 4

Excepting and reserving all of the limestone under 3 Acres of the above Parcel, a part of the Raymond Tract No. 8, above mentioned.

Together with the rights and privileges as the same are specified in the general reservation which follows.

Parcel No. 7

Excepting and reserving 3 Acres of limestone under Raymond Tract No. 11, in the form of a rectangle, 200 feet north and south and 600 feet east and west, the southern line thereof being 250 feet north of State Highway, Route 68, at the eastern edge thereof, and the western line thereof 500 feet east of Pine Run at the southern edge thereof.

Together with the rights and privileges as expressed in the general reservation which follows.

Parcel No. 8

Excepting and reserving the sole and exclusive privilege of removing blast furnace slag, ore dust, ash, & clinker

This conveyance is made subject to all valid and existing conveyances and leases, agreements, and rights of way, including the following specific items, viz.

(a) Deed to Emmett Queen, dated September 13, 1902, Armstrong County, Deed Book Vol. 110, page 9, for the coal under 1078.94 Acres, which includes the coal under Parcel 7 of this Deed.

(b) Four several leases and agreements to Pittsburgh Limestone Company, the first dated July 1, 1909, Armstrong County, Deed Book Vol. 154, page 45; the second September 16, 1909, Armstrong County, Deed Book Vol. 154, page 373, the third June 11, 1910, in the same Book and page, and the fourth dated March 21, 1912, Armstrong County, Deed Book Vol. 160, page 181, for limestone, mining rights and privileges.

(c) Lease to C. E. Foster, dated July 7, 1910, Armstrong County, Deed Book Vol. 154, page 129, for fire clay.

(d) Lease to Fred Lenterman, dated February 15, 1932, not of record.

(e) Lease to Wm. Frazer et al, dated June 17<sup>th</sup> 1922  
Armstrong County lease book, Vol 40, p 172, for gas

As to all of the leases and leasehold estates above mentioned, the parties of the first part have excepted and reserved to themselves, their successors and assigns, and the beneficiaries in said Trust named, all and every royalty and rental heretofore or hereafter becoming due and payable under the terms and provisions of the said several leases and agreements.

The parties of the first part hereby except and



reserve to themselves, their successors in the trust and their assigns and to the beneficial owners of the trust estate, their heirs, executors, administrators and assigns, for the term of seventy-five (75) years from the date hereof, of the full, exclusive, uninterrupted, and irrevocable privilege to explore for, and if found, to mine, drill for, bore for, produce and remove at any time or from time to time, oil, gas, coal, iron ore, limestone and fire clays, in, under and from the lands hereby conveyed, subject to the rental or royalty hereinafter provided, without any liability for damages that may result from or arise out of such operations, carefully conducted, with such rights and privileges as may be necessary for such exploration, mining and removal of the oil, gas, coal, iron ore, limestone and fire clays or for the production and removal of such oil, gas, coal, iron ore, limestone and fire clays as may be owned by said ~~Trustees or their successors or assigns or the beneficiaries of~~ the Trust aforesaid, their heirs and assigns, in or upon adjoining or nearby lands operated in connection with the operations upon the lands to be conveyed, and with the further right to use sufficient water from the lands so to be conveyed to conduct the operations above mentioned, except that the flow of surface waters on the property to be conveyed shall not be decreased below one half of the normal flow thereon.

In respect to operations for oil and/or gas under the lands aforesaid no wells may be drilled after the expiration of the said period of 75 years, ~~but wells for oil and/or~~ or gas theretofore drilled may be contained in production, with the necessary rights required therefor, until exhaustion. The privileges and easements above referred to shall be such as may

be required for the convenient conduct of the aforesaid operations in the usual and customary manner.

The oil, gas, coal, iron ore, limestone and fire clays thus permitted to be removed under the foregoing license shall be removed only upon payment of \$1.00 per year, payable annually, in advance.

To Have and To Hold the lands and minerals hereby granted, subject to the exceptions and reservations above mentioned, unto the party of the second part, its successors and assigns, forever.

And the parties of the first part covenant and agree that they have not suffered or permitted the premises hereby conveyed to be charged or encumbered in any manner whatsoever, ~~except in respect to a mortgage given by the Trustees~~ aforesaid to The Guaranty Trust Company of Butler, Pa., on which there is now due a balance of \$9500., and the lien of the taxes for the years 1931 and 1932, as also a Tax sale by the Treasurer of Armstrong County to the Commissioners of said County, for the taxes of 1930.

In Witness Whereof, the parties hereto have hereunto set their hands and seals the day and year first above written.

Edward Russell Dewey (Seal)

Harry M. Pierce (Seal)

TRUSTEES

Harris Russell Dewey (Seal)

Edward Russell Dewey (Seal)

State of Pennsylvania,  
County of Clarion, SS:

On this 31st day of December,  
1932, before me, personally came Harry M. Rimer, one of the  
Trustees above named, and in due form of law acknowledged the  
foregoing Deed to be his act and deed as such Trustee, and  
desired the same might be recorded as such.

Witness my hand and Notarial seal the  
day and year aforesaid.

*Camilla E. Wilson*

NOTARY PUBLIC  
My Commission Expires January 24, 1935.

State of Pennsylvania,  
County of Adams, SS:

On this 27th day of January,  
1933, before the undersigned, a Justice of the Peace in  
and for said County and State, personally came Edward Russell  
Dewey, Trustee above named, and Edward Russell Dewey individ-  
ually and Harriett Russell Dewey individually, and acknowledged  
the foregoing Deed to be their act and deed, the said Edward  
Russell Dewey as Trustee and also individually, and desired the  
same might be recorded as such.

Witness my hand and official seal the

day and year aforesaid,  
HARRY SMITH, JUSTICE OF THE PEACE  
Brady's Bend, Penna.

My Commission Expires 1st Mon. in Jan. 1934

*Harry Smith*