

# This Indenture

Made the 12th day of August 19 98 ,

Between JOHN P. PRUSHNOK, GEORGE DANIEL PRUSHNOK, and DAVID M. PRUSHNOK, doing business as ANDRAY MINING COMPANY, a Pennsylvania partnership of Hillsdale, Indiana County, Pennsylvania,

party of the first part and

P & N COAL COMPANY, INC., a Pennsylvania corporation, having its principal office in the Borough of Punxsutawney, County of Jefferson and Commonwealth of Pennsylvania,

party of the second part:

Witnesseth, that the said party of the first part, in consideration of -----

----- TWENTY THOUSAND DOLLARS (\$20,000.00) -----

to it now paid by the said party of the second part, does grant, bargain, sell and convey unto the said party of the second part, its successors and assigns,

All that certain lot of ground situate in the Borough of Punxsutawney, County of Jefferson and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point, said point being along the edge of an existing paved parking lot along lands now or formerly of McMurdy Chevrolet, said point also being at the southwest corner of the herein described parcel; thence along said lands now or formerly of McMurdy Chevrolet North 46° 12' 00" East a distance of 322.99 feet to a point; thence continuing along said lands now or formerly of McMurdy Chevrolet and also along the east side of an unnamed 16 feet wide alley North 04° 09' 11" East a distance of 200.00 feet to a point; thence continuing along the east side of an unnamed 16 feet wide alley and crossing over Lever Street having a right-of-way width of 40 feet North 04° 09' 11" East a distance of 80 feet to a point, said point being at the northwest corner of the herein

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described parcel; thence through lands of which this is a part South 83° 57' 11" East a distance of 314.40 feet to a point, said point being on the eastern right-of-way line of the abandoned Cresson Branch of the Penn Central Railroad, said point also being at the northeast corner of the herein described parcel; thence continuing along the eastern right-of-way line of said abandoned railroad along a curve to the left having a radius of 1877.00 feet a chord bearing of South 41° 2' 23" West a chord distance of 226.18 feet to a point; thence continuing along the eastern right-of-way line of said abandoned railroad and along lands now or formerly of Timothy Smatlak South 38° 00' 00" West a distance of 509.21 feet to a point; thence along lands of P&N Coal Company, Inc. North 44° 59' West a distance of 144.18 feet to a point at the place of beginning. CONTAINING 2.33 acres in accordance with the survey drawing of Vapco Engineering.

UNDER AND SUBJECT TO the following rights-of-way or easements given by Grantor for and during the term of each easement:

(1) Andray Mining Company to J.C. Enterprises dated June 5, 1992 for use of a seventeen foot wide right-of-way, which agreement is unrecorded.

(2) Andray Mining Company to Borough of Punxsutawney, dated January 11, 1989, for construction, installation, maintenance and repair of one (1) eight inch diameter sewer line, which agreement is unrecorded.

BEING part of the same parcel, title to which became vested in Grantor by deed of Consolidated Rail Corporation dated November 12, 1984 and recorded in Jefferson County Recorder's Office at Deed Book Volume 499, page 596.

EXCEPTING AND RESERVING to Grantor, its successors and assigns, a 40 foot right-of-way and easement along the eastern boundary of the property above described, extending on the south from East Mahoning Street to other property of the Grantor, its successors or assigns.

The Grantors herein state that the herein above-described property is not presently being used for disposal of hazardous waste, nor to the best of their knowledge, information and belief has it ever been used for the disposal of hazardous waste. This statement is made in compliance with the Solid Waste Management Act No. 1980-97, Section 405.

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Jefferson County Recorder of Deeds  
Instrument Filings

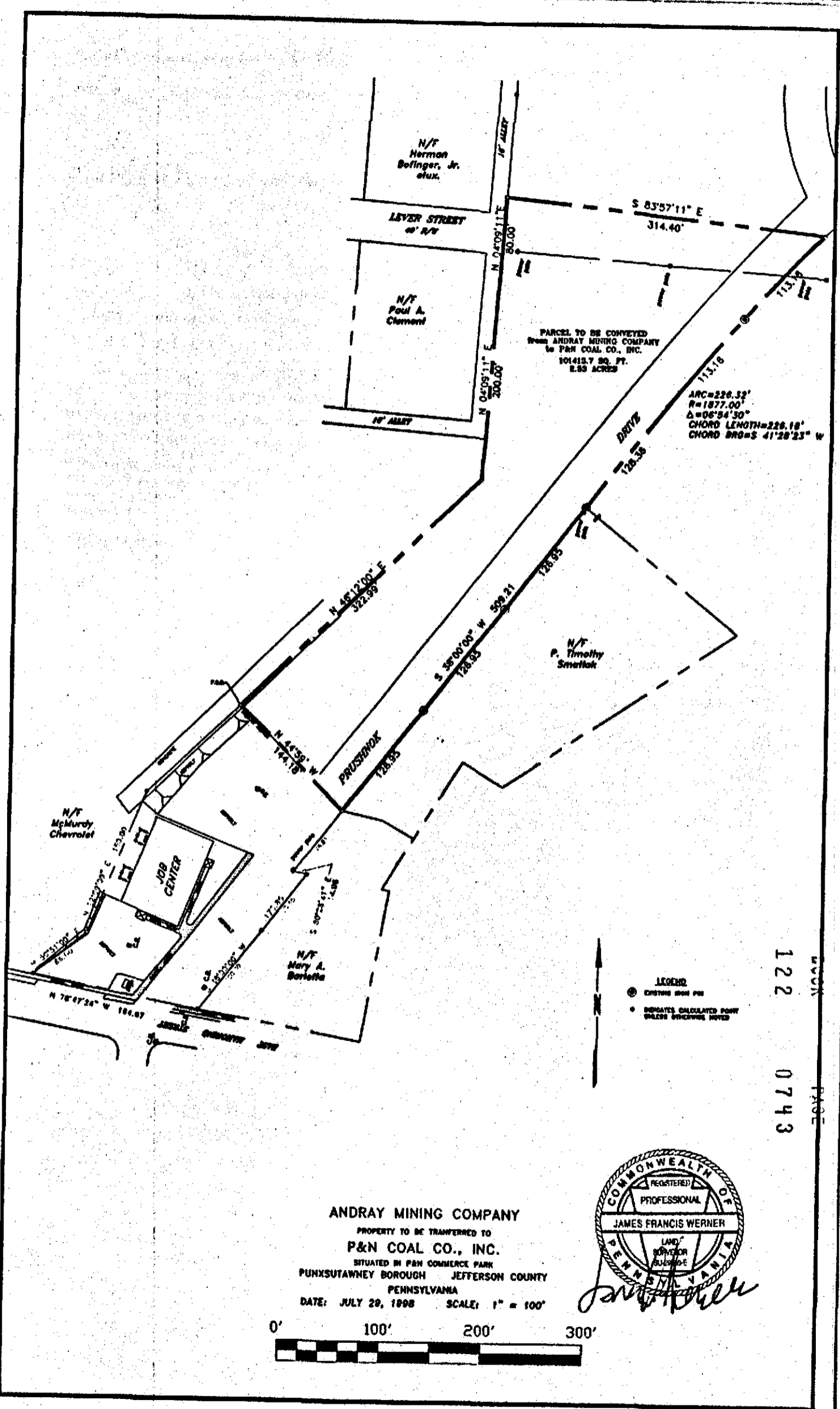
Receipt# 3923

Instr# 1998-006315 9/14/1998 10:50:48

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Remarks: P & N COAL

DEED	15.00
DEED - WRIT	.50
DEED - RTT STATE	200.00
PUNXSUTAWNEY AREA	100.00
PUNXSUTAWNEY PORG	100.00
CD IMPROVEMENT FND	1.00
REC. IMPRVT FUND	1.00
Check# 7860	\$417.50
Total Received.....	\$417.50



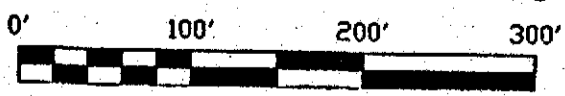
PARCEL TO BE CONVEYED  
 FROM ANDRAY MINING COMPANY  
 TO P&N COAL CO., INC.  
 101413.7 SQ. FT.  
 2.33 ACRES

ARC=226.32'  
 R=1877.00'  
 Δ=06°34'30"  
 CHORD LENGTH=226.18'  
 CHORD BROS=41°28'23" W

LEGEND  
 ● CENTER IRON PIN  
 \* BEARINGS CALCULATED FROM  
 BEARING OBSERVATIONS NOTED

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ANDRAY MINING COMPANY  
 PROPERTY TO BE TRANSFERRED TO  
 P&N COAL CO., INC.  
 SITUATED IN P&N COMMERCE PARK  
 PUNXSUTAWNEY BOROUGH JEFFERSON COUNTY  
 PENNSYLVANIA  
 DATE: JULY 29, 1998 SCALE: 1" = 100'



with the appurtenances: **To Have and To Hold** the same unto and for the use of the said part y of the second part its successors and assigns forever,

And the said party of the first part

for its heirs, executors and administrators covenant s with the said part y of the second part its successors and assigns against all lawful claimants

**SPECIALLY** the same and every part thereof to Warrant and Defend.

NOTICE—THIS DOCUMENT MAY NOT DOES 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 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. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

Witness the hand s and seals of the said part y of the first part.

Witness:

JOHN P. PRUSHNOK

GEORGE DANIEL PRUSHNOK

DAVID M. PRUSHNOK



**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, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156 §1.

WITNESS:

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Commonwealth of Pennsylvania }  
County of INDIANA JEFFERSON } ss.

On this the 12th day of August, 1998, before me a Notary Public the undersigned officer, personally appeared --John P. Prushnok, George Daniel Prushnok and David M. Prushnok ----- 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 therein contained. In Witness Whereof, I hereunto set my hand and official seal.

Wanda O. Mollierno  
Notary Public  
(Title of Officer)

My commission expires



Commonwealth of Pennsylvania } ss.  
County of .....

On this 19 day of , before me  
in and for said  
came the above named

State of  
County of  
On this, the day of , 19  
before me  
the undersigned officer, personally appeared

known to me (or satisfactorily proven) to be the  
person whose name subscribed to the  
within instrument and acknowledged that he  
executed the same for the purposes therein con-  
tained.

In Witness Whereof, I hereunto set my hand and  
official seal.

and acknowledged the foregoing Indenture to be  
act and deed, to  
the end that it may be recorded as such.

Witness my hand and seal.



Title of Officer.

My Commission Expires.....

My Commission Expires.....

Certificate of Residence

I, James D. Carmella, Esquire do hereby certify that Grantee's  
precise residence is 240 West Mahoning Street, Punxsutawney, PA

Witness my hand this day of , 19

*James D. Carmella*

**RECORDED**

(Adopted)

From  
ANDRAY MINING COMPANY

To  
P & N COAL COMPANY, INC.  
240 West Mahoning St  
Punxsutawney PA 15767

Fees, \$

LAW OFFICE  
JAMES D. CARMELLA  
ATTORNEY AT LAW  
724 CHURCH ST  
INDIANA, PENNSYLVANIA 15701

For Sale by F. O. Nally Co. Law Blank Publishers  
427 Fourth Avenue, Pittsburgh, Pa. 15219

06315

JEFFERSON COUNTY, PA  
ENTERED OF RECORD  
DIANE MAHLE KIEHL  
RECORDER

\*98 SEP 14 PM 1 14

Instrument No. 6315  
Recorded Sept 14, 1998  
Time 1:14 P.M.  
*Diane Mahle Kiehl*  
Recorder of Deeds

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