

*Cover page for:*

# **Preliminary Certificate of Title**

*Preliminary Certificate of Title prepared by:*

**Kincaid, Taylor & Geyer**

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## **Auction Tract 44 (Noble County, Ohio)**

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*For October 30, 2019 auction to be conducted by:*

**Schrader Real Estate and Auction Company, Inc.**

*On behalf of:*

**CNX Land, LLC**

## CERTIFICATE OF TITLE

**TO: CNX LAND LLC**  
Attention: Angela Kunkel  
CNX Center, 1000 Consol Energy Drive  
Canonsburg, PA 15317

**RE: Marketing Tract #44**  
Center Township, Noble County, Ohio

I hereby certify that I have made a thorough examination of the records of Noble County, Ohio, as disclosed by the public indices covering a period not less than forty (40) years and in accordance with the Ohio Marketable Title Act in regard to title to the real estate described at Exhibit "A" attached hereto.

Unless otherwise specifically stated herein, this Certificate does not purport to cover matters not of record in said County, including rights of persons in possession, questions which a correct survey or inspection would disclose, rights to file Mechanics' Liens, special taxes and assessments not shown by the Noble County Treasurer's records, zoning and other governmental regulations, or liens asserted by the United States or State of Ohio, their agencies and officers under the Ohio Solid Hazardous Waste Disposal Act, Federal Superfund Amendments, and under Racketeering Influence and Corrupt Organizations Acts and Receivership Liens unless the lien is filed in the public records of the county in which the property is located.

I further certify that, in my opinion based upon said records, the fee simple record title, excepting all minerals, oil and gas interests, coal, coalbed methane or its constituents, limestone, sand, clay, gravel or any other mineral interests together with mining rights or rights to remove said minerals or oil and gas, is vested in:

KINCAID, TAYLOR  
& GEYER  
ATTORNEYS AT LAW

50 NORTH FOURTH STREET  
P.O. BOX 1030  
ZANESVILLE, OHIO 43702-1030  
(740) 454-2591  
FAX (740) 454-6975

**CNX LAND LLC**

who acquired title by virtue of a Quit Claim Deed, Assignment and Bill of Sale dated October 6, 2017 and recorded July 12, 2018 at Noble County Official Record Volume 313, Page 336, and that as appears from said County records, the title is marketable and free from encumbrances except and subject to the matters set forth herein:

**TAX INFORMATION:**

The premises stand charged for taxation on the Noble County Auditor's Duplicate in the name CNX Land LLC, c/o CNX Resources, Property Tax, 1000 Consol Energy Drive, Canonsburg, PA 15317 as follows:

Parcel #07-0021094.000 (112.91 acres – Section 8 – Center Township)

Valuation:	Land	47570	½ year tax: \$706.54 + \$3.00 assessment
	Buildings	140	
	Total	47710	

Parcel #07-0051087.000 (20 acres – Section 8 – Center Township)

Valuation:	Land	8400	½ year tax: \$124.40 + \$3.00 assessment
	Buildings	0	
	Total	8400	

Taxes for the year 2018 have been paid. Taxes for the year 2019 are not yet due and payable but are a lien on said premises by operation of statute.

**MORTGAGES:**

None.

**EASEMENTS AND RIGHTS OF WAY:**

1. The premises are subject to a perpetual easement for a water distribution system from Consolidation Coal Company to Clear Water Corporation dated July 15, 1970 and recorded September 10, 1970 at Noble County Deed Record Volume 133, Page 459.

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2. The premises are subject to an easement for a 30 foot electric line right of way from Reserve Coal Properties Company to Washington Electric Cooperative, Inc. dated June 28, 2004 and recorded January 5, 2005 at Noble County Official Record Volume 119, Page 979.
3. The premises are subject to an easement for a 30 foot electric line right of way from Reserve Coal Properties Company, formerly Dupech Inc., formerly Duport Energy Coal Holdings, Inc., to Washington Electric Cooperative, Inc. dated April 1, 2003 and recorded March 14, 2006 at Noble County Official Record Volume 133, Page 101.
4. The premises are subject to a Memorandum of Right of Way Option Agreement for construction and installation of pipe lines from CNX RCPC, LLC to Ohio Gathering Company, LLC dated December 4, 2014 and recorded December 5, 2014 at Noble County Official Record Volume 258, Page 316.
5. The premises are subject to a Memorandum of Surface Use Agreement for mining operations of the #9 coal from CNX RCPC, LLC and Consol Mining Company LLC to B & N Coal, Inc. dated August 13, 2015 and recorded December 7, 2015 at Noble County Official Record Volume 275, Page 220.
6. The premises are subject to a Master Cooperation Agreement between Consol Mining Corporation, CNX Resource Holdings LLC and CNX Gas Company LLC dated October 20, 2017 and recorded July 12, 2018 at Noble County Official Record Volume 313, Page 1064.

**UNRELEASED OIL AND GAS LEASE:**

The premises are subject to an oil and gas lease from Consolidation Coal Company to Republic Steel Corporation dated June 27, 1977 and recorded August 24, 1977 in Noble County Lease Volume 80, Page 893. Said lease covers 13,800 acres and is for a primary term of 50 years and as long thereafter as oil or gas is produced in paying quantities. Said lease is subject to numerous assignments, etc.

**LIENS:**

No liens of record.

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& GEYER  
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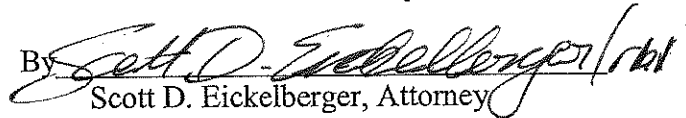
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I am an attorney qualified to practice in the State of Ohio and I certify that, as of 8:00 a.m. on the date of this Certificate, CNX Land LLC's, interest in and to real estate described at Exhibit "A" is free and clear of liens and encumbrances of record except as noted.

This Certificate of Title is made solely for the benefit of and at the instance of CNX, 1000 Consol Energy Drive, Canonsburg, PA 15317.

Dated at the City of Zanesville, Ohio, this 17<sup>th</sup> day of September, 2019.

KINCAID, TAYLOR & GEYER

By  /s/ Scott D. Eickelberger, Attorney

sde/CNX/Cert of Title Tract 44

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& GEYER  
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Exhibit "A"

That certain tract of land situated in the Township of Center, County of Noble, and State of Ohio, being described as follows:

Situated in the County of Noble in the State of Ohio and in the Township of Center and bounded and described as follows: Fraction No. 5 in the Northeast quarter and Fraction No. 6 in the Southwest quarter of Section 8, Township 7, Range 8, containing 116.50 acres, more or less, and being a part of the premises described in a certain deed recorded in Volume 99, Page 44 of the Deed Records of Noble County, Ohio.

As being described in Deed Record 132, Page 383  
Being known as parcel number: 07-0021094.000  
Assessed acreage- 112.91  
Agreement Number- 218905000

EXCEPTING THEREFROM:

Excepting 3.591 acres from Parcel #07-0021094.000, being part of the following description -- See attached exception.

Exception of 3.591 acres from Parcel #07-0021094.000

**TRACT ONE:**

SITUATED in the State of Ohio, County of Noble and the Township of Center. Being a portion of the Northwest Quarter of Section 8, Township 7, Range 8 and being a combination of the following:

- 1) A 31.164 acre portion of a 110 +/- acre tract recorded as Consol property number 305252, Tract 4, on Page 498 in Volume 165 Page 466. Also a portion of a 110 +/- acre tract recorded in prior reference Volume 132 Page 383, Tract 4.
- 2) A 10.00 acre portion of a 66.4 acre tract recorded as Consol property number 305252, Tract 1, on Page 498 in Volume 165 Page 466. Also being all the 10.00 acre tract recorded in prior reference Volume 132 Page 383, Tract 1C.
- 3) A 3.591 acre portion of a 116.5 acre tract recorded as Consol property number 305252, Tract 2, on Page 498 in Volume 165 Page 466. Also being a portion of a 116.5 acre tract recorded in prior reference Volume 132 Page 383, Tract 2. Also being a portion of a 107.5 +/- acre parcel recorded in prior reference Volume 99 Page 44, Parcel 1B.

BEGINNING at a 5/8 inch iron pin (found) at the northwest corner of said Section 8, Thence following the north section line, South 88 degrees 45 minutes 07 seconds East 2265.39 feet to a centerline point in State Route 147, passing an iron pin (set) at 2235.39 feet. From said point, another iron pin (set) bears South 88 degrees 45 minutes 07 seconds East 41.00 feet,

Thence following the traveled portions of said State Route 147 to centerline points the following 5 courses: South 33 degrees 18 minutes 43 seconds West 300.33 feet; South 36 degrees 08 minutes 56 seconds West 535.00 feet; South 46 degrees 29 minutes 37 seconds West 430.00 feet; South 41 degrees 08 minutes 47 seconds West 160.00 feet; and South 25 degrees 28 minutes 16 seconds West 125.00 feet,

Thence leaving said road, North 85 degrees 03 minutes 31 seconds West 533.97 feet to an iron pin (set), passing an iron pin (set) at 33.00 feet,

Thence North 50 degrees 42 minutes 51 seconds West 1011.86 feet to an iron pin (set) in the west line of Section 8,

Thence with the section line, North 00 degrees 10 minutes 29 seconds East 575.00 feet to the PLACE OF BEGINNING. CONTAINING 44.755 acres.

Being 31.164 acres of auditor's tax parcel number 07-21092.000,  
10.00 acres of auditor's tax parcel number 07-21095.000 and  
3.591 acres of auditor's tax parcel number 07-21094.000.

All iron pins (set) are 5/8 inch by 30 inch rebars capped "Jack A. Hamilton & Assoc."

Bearing in this description are based on the grid meridian of the Ohio Coordinate System, south zone, as determined by solar observation.

This description prepared by David J. Siembab, Registered Surveyor #6955, after a survey of the parcel herein described during November and December, 2002.

- Prior Instr. Ref: O.R.V. 106, Page 124 (Name change: Consol Coal Sales to CNX Marine)  
 D.V. 172, Page 508 (Consol Coal Co to Consol Coal Sales Co)  
 D.V. 172, Page 490 (DuPont to Consol Coal Co)  
 D.V. 172, Page 472 (E. I. du Pont to DuPont)  
 D.V. 172, Page 454 (DPD to E. I. du Pont)  
 D.V. 168, Page 733 (Du Pont to DPD)  
 D.V. 165, Page 466 (Conoco to Du Pont Energy Coal Holdings)  
 D.V. 159, Page 228 (Consol Coal Co to Conoco)  
 D.V. 132, Page 383 (Lela Carter to Consol Coal Co.)

And

- O.R.V. \_\_\_\_\_, Page \_\_\_\_\_ (Cert. of Merger: DuPech to Reserve Coal)  
 O.R.V. 41, Pg. 177 & O.R.V. 7, Pg. 345 (Name change: Dupont to DuPech)  
 D.V. 165, Page 466 (Conoco to Du Pont Energy Coal Holdings)  
 D.V. 159, Page 228 (Consol Coal Co to Conoco)  
 D.V. 132, Page 383 (Lela Carter to Consol Coal Co.)

TRANSFERRED 23.00  
 Transfer Fee .....  
 Section 319.202 Compled With  
 In Amt. of... Ex: 5  
 Dtd: 10/30/03  
 Alton Warner  
 Noble County Auditor  
 By: *[Signature]*

Tax Map Corrected  
 Parcel # 07-21092, 07-21094, 07-21095  
 Acreage Conveyed 31.164, 3.591, 10.00 = 44.755  
 Acreage Remaining 44.866, 112.909, NONE  
 John A. Foreman  
 Noble County Engineer

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Being Parcel #07-0051087.000 included in the following description:

That certain tract of land situated in the Township of Center, County of Noble, and State of Ohio, being described as follows:

Situated in the Township of Center, County of Noble and State of Ohio, and bounded and described as follows, to wit: The West half of the Northwest quarter of Section 8, Township 7 of Range 8. Excepting from said half quarter an acre of land lying on the South part of said half quarter an acre of land lying on the South part of said half quarter on the West side of the road deeded to Charles Arnt and bounded by a fence lying on the South line of said half quarter; also the West half of the Southeast quarter of the Northwest quarter of said section, Township and range; also a fraction on the South part of the Southwest quarter of Section 5, in the township and range aforesaid described as follows: Beginning at the Southwest corner of said quarter last mentioned, thence North twenty rods, thence East eighty rods, thence South twenty rods to the South line of said section, thence West along said section line eighty rods to the place of beginning, containing ten acres, more or less, and containing in all the above described premises 110 acres more or less.

***Excepting and reserving the following described tract of land:***

Situated in the Township of Center, County of Noble and State of Ohio:

Being located in the northwest quarter of Section 8, T-7, R-8 and being part of a 9.825 acre tract (A.P. #07-21092.002) as conveyed to JJ. Detweiler Enterprises, Inc. in Tract 2 of Official Records Volume 117 at Page 614 of the Noble County Deed Records, being more fully described as follows;

Commencing at a 5/8" iron pin at the northwest corner of said Section 8;

Thence with the westerly line of said quarter section, South 00 deg. 10 min. 29 sec. West, 575.00 feet to a point at the westerly corner of a 12.084 acre tract as conveyed to the Bruner Land Company (O.R.V. 107 P.952);

Thence with the bounds of said 12.084 acre tract and through the lands of a 110.0 acre tract as conveyed to the DuPont Energy Coal Holdings, Inc. (D.V. 165 P. 466) South 50 deg. 42 min. 51 sec. East, 1011.86 feet to a 5/8" iron pin (found) at the northwesterly corner of said 9.825 acre tract, a corner of said 12.084 acre tract and at the True Place of Beginning of the tract herein to be described:



Thence from said beginning and with the southerly bounds of said 12.084 acre tract, South 85 deg. 03 min. 31 sec. East, 533.97 feet to a point at the southeasterly corner of said 12.084 acre tract, the northeasterly corner of said 9.825 acre tract and in State Route #147, passing on line a 5/8" iron pin (found) at 500.97 feet;

Thence with the easterly line of said 9.825 acre tract and with said S.R. #147, South 11 deg 56 min. 00 sec. West, 367.14 feet to a railroad spike (set);

Thence leaving said road and through the lands of said 9.825 acre tract the following 6 courses and distances;

- 1) North 67 deg. 48 min. 31 sec. West, 114.31 feet to a point;
- 2) Thence North 65 deg. 00 min. 27 sec. West, 161.66 feet to a point;
- 3) Thence South 22 deg. 17 min. 17 sec. West, 49.59 feet to a point;
- 4) Thence South 27 deg. 43 min. 16 sec. West, 161.81 feet to a point;
- 5) Thence South 19 deg. 55 min 28 sec. West, 30.83 feet to a point;
- 6) Thence North 78 deg. 04 min. 00 sec. West, 202.81 feet to a 5/8" iron pin (set) on the westerly line of said 9.825 acre tract, passing on line a 5/8" iron pin (set) at 25.00 feet;

Thence with the westerly line of said 9.825 acre tract, North 11 deg. 56 min. 00 sec. East, 480.27 feet to the True Place of Beginning containing 4.815 Acres more or less but subject to all legal highways, right-of-ways, easements, leases and restrictions of record or otherwise legally established.

As being described in OR.177, Page 972.

*Also, excepting and reserving the following described tract of land:*

Situated in the Township of Center, County of Noble and State of Ohio.

Being located in the northwest quarter of Section 8, T-7, R-8 and being part of a 9.825 acre tract (A.P. #07-21092.002) as conveyed to J.J. Detweiler Enterprises, Inc. in Tract 2 of Official Record Volume 117 at Page 614 of the Noble County Deed Records, being more fully described as follows;

Commencing at a 5/8" iron pin at the northwest corner of said Section 8;

Thence with the westerly line of said quarter section, South 00 deg. 10 min. 29 sec. West, 575.00 feet to a point at the westerly corner of a 12.084 acre tract as conveyed to the Bruner Land Company (O.R.V.107 P.952);

Thence with the bounds of said 12.084 acre tract and through the lands of a 110.0 acre tract as conveyed to the DuPont Energy Coal Holdings, Inc. (D.V.165 P.466) South 50 deg. 42 min. 51 sec. East, 1011.86 feet to a 5/8" iron pin (found) at the northwesterly corner of said 9.825 acre tract and a corner of said 12.084 acre tract;

Thence with the westerly bounds of said 9.825 acre tract and through the lands of said 110.0 acre tract, South 11 deg. 56 min. 00 sec. West, 480.27 feet to a 5/8" iron pin (set) at the True Place of Beginning of the tract herein to be described:

Thence from said beginning, leaving said line and through the lands of said 9.825 acre tract the following 6 courses and distances;

- 1) South 78 deg. 04 min. 00 sec. East, 202.81 feet to a point, passing on line a 5/8" iron pin (set) at 177.81 feet;
- 2) Thence North 19 deg. 55 min. 28 sec. East, 30.83 feet to a point;
- 3) Thence North 27 deg. 43 min. 16 sec. East, 161.81 feet to a point;
- 4) Thence North 22 deg. 17 min. 17 sec. East, 49.59 feet to a point;
- 5) Thence South 65 deg. 00 min. 27 sec. East, 161.66 feet to a point;
- 6) Thence South 67 deg. 48 min. 31 sec. East, 114.31 feet to a railroad spike (set) on the easterly line of said 9.825 acre tract and in State Route #147;

Thence with said S.R. #147 and the easterly line of said 9.825 acre tract, South 11 deg. 56 min. 00 sec. West, 472.86 feet to a point at the southeasterly corner of said 9.825 acre tract;

Thence leaving said road and continuing with the bounds of said 9.825 acre tract and through the lands of said 110.0 acre tract the following 2 courses and distances;

- 1) North 78 deg. 04 min. 00 sec. West, 530.00 feet to a 5/8" iron pin (found) at the southwesterly corner of said 9.825 acre tract, passing on line a 5/8" iron pin (found) at 30.00 feet;
- 2) Thence North 11 deg. 56 min. 00 sec. East, 294.73 feet to the True Place of Beginning containing 5.010 Acres more or less but subject to all legal highways, right-of-ways, easements, leases and restrictions of record or otherwise legally established.

As being described in OR 177, Page 972.

*Also, excepting and reserving the following described tract of land:*

Parcel 33-B Situated in the State of Ohio, County of Noble, Township of Center, being in the northwest quarter of Section 8, Range 8 West, Township 7 North, of "The Congress Lands East of The Scioto River and being bounded and described

as follows: Beginning at a 5/8" iron pin found un-capped at the northwest corner of Section 8 (Note: Reference bearing on the north line of the northwest quarter of Section 8 used as South 88° 45' 07" East.); Thence, from said Point of Beginning and running with the north line of Section 8, South 88° 45' 07" East a distance of 580.00 feet to an iron pin set, Thence, leaving the section line, South 00° 10' 29" West a distance of 100.00 feet to an iron pin set; Thence South 66° 05' 17" East a distance of 1,369.50 feet to a point in the centerline of State Route No. 147, passing through three iron pins set at distance of plus 269.05 feet, plus 1,239.50 feet, and plus 1,339.50 feet, respectively. Thence, with the centerline of State Route No. 147, the following two courses: 1. South 36° 08' 56" West a distance of 80.00 feet to a point; 2. Thence South 46° 29' 37" West a distance of 360.00 feet to a point; Thence, leaving the road, North 43° 30' 23" West a distance of 90.00 feet to an iron pin set, passing through an iron pin set at a distance of plus 30.00 feet; Thence North 66° 05' 17" West a distance of 597.73 feet to an iron pin set, passing through two iron pins set at distances of plus 120.55 feet and plus 316.61 feet, respectively; Thence North 83° 55' 15" West a distance of 921.77 feet to a 5/8" iron pin found capped "Jack A. Hamilton & Assoc." in the west line of Section 8 at the northwest corner of a 110 acres tract as conveyed to DuPont Energy Coal Holdings, Inc. by Tract 4 of Deed Volume 165, Page 466 (on Page 498) of the Noble County Recorder's Office, passing through an iron pin set at a distance of plus 529.92 feet; Thence, with the west line of Section 8, North 00° 10' 29" East a distance of 575.00 feet to The Point of Beginning. Containing 19.012 acres, more or less.

***Also, excepting and reserving the following described tract of land:***

Situated in the State of Ohio, County of Noble, Township of Center, being in the northwest quarter of Section 8, Range 8 West, Township 7 North of "The Congress Lands East of the Scioto River", and being bounded and described as follows:

Commencing for Reference at a 5/8" iron pin found un-capped at the northwest corner of Section 8 (Note: Reference bearing on the north line of the northwest quarter of Section 8 used as South 88° 45' 07" East):

Thence, with the north line of Section 8, South 88° 45' 07" East a distance of 580.00 feet to an iron pin set. The True Point of Beginning for this description:

Thence, from Point of Beginning and continuing with the north line of Section 8, South 88° 45' 07" East a distance of 1,685.39 feet to a point in the centerline of State Route No. 147, passing through an iron pin set at a distance of plus 1,415.39 feet and passing through a 5/8" iron pin found capped "Jack A. Hamilton & Assoc." at a distance of plus 1,655.39 feet, respectively:

Thence, with the centerline of State Route No. 147, the following two courses:

- (1) South  $33^{\circ} 18' 43''$  West a distance of 300.33 feet to a point;
- (2) Thence South  $36^{\circ} 08' 56''$  West a distance of 455.00 feet to a point;

Thence, leaving the road, North  $66^{\circ} 05' 17''$  West a distance of 1,369.50 feet to an iron pin set passing through three iron pins set at distance of plus 30.00 feet, plus 130.00 feet, and plus 1,100.45 feet, respectively:

Thence, North  $00^{\circ} 10' 29''$  East a distance of 100.00 feet to The True Point of Beginning:

Containing 13.659 acres, more or less.

As being described in Deed Record 132, Page 383 (Tract 4)  
Being known as parcel numbers: 07-0021092.000 and 07-0051087.000  
Assessed acreage- 39.01 and 20.00.  
Agreement Number- 218905000