Cover page for:

# **Preliminary Certificate of Title**

Preliminary Certificate of Title prepared by:

Kincaid, Taylor & Geyer

# **Auction Tracts 29 & 32**

(Noble County, Ohio)

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 Tracts #29 & 32

Stock 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

#### **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 #34-0021337.000 (13.91 acres - Section 26 - Stock Township)

1/2 year tax: \$74.87 5110 Valuation: Land

Buildings 5110 Total

Parcel #34-0021338.000 (5 acres - Section 26 - Stock Township)

½ year tax: \$26.95 1840 Valuation: Land

> 0 **Buildings** 1840 Total

Parcel #34-0021340.000 (20 acres - Section 27 - Stock Township)

½ year tax: \$104.32 Land 7120 Valuation:

**Buildings** 7120 Total

Parcel #34-0021341.000 (18.84 acres - Section 26 - Stock Township)

½ year tax: \$101.39 6920 Valuation: Land

Buildings

6920 Total

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## TAX INFORMATION - Continued:

Parcel #34-0021342.000 (20.50 acres - Section 26 - Stock Township)

Valuation: Land 7540 ½ year tax: \$110.47

Buildings 0 Total 7540

Parcel #34-0021343.000 (41 acres - Section 26 - Stock Township)

Valuation: Land 15070 ½ year tax: \$220.80

Buildings 0 Total 15070

<u>Parcel #34-0021344.000</u> (19.53 acres – Section 26 – Stock Township)

Valuation: Land 7180 ½ year tax: \$105.20

Buildings 0 Total 7180

<u>Parcel #34-0021345.000</u> (10 acres - Section 26 - Stock Township)

Valuation: Land 3680 ½ year tax: \$53.92

Buildings 0 Total 3680

Parcel #34-0021346.000 (24 acres - Section 26 - Stock Township)

Valuation: Land 8820 ½ year tax: \$129.22

Buildings 0 Total 8820

<u>Parcel #34-0021347.000</u> (7 acres - Section 26 - Stock Township)

Valuation: Land 2570 ½ year tax: \$37.66

Buildings 0 Total 2570

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#### **MORTGAGES:**

None.

### EASEMENTS AND RIGHTS OF WAY:

- 1. The premises are subject to a right to lay a pipeline from Consolidation Coal Company to Hopewell Oil & Gas Development Company dated June 12, 1981 and recorded July 20, 1981 at Noble County Deed Record Volume 152, Page 751.
- 2. The premises are subject to a Meter Site Agreement and pipeline right of way from DuPont Energy Coal Holdings, Inc. to Deer Creek, Inc. dated October 12, 1990 and recorded November 22, 1991 at Noble County Deed Record Volume 172, Page 162.
- 3. The premises are subject to an easement for a 30 foot electric line right of way from DuPont Energy Coal Holdings, now Reserve Coal Properties Co. to Washington Electric Cooperative, Inc. dated March 24, 2004 and recorded March 24, 2004 at Noble County Official Record Volume 110, Page 272.
- 4. The premises are subject to a master pipeline right of way agreement from Reserve Coal Properties Company to CNX Gas Company LLC dated January 28, 2009 and recorded February 23, 2009 at Noble County Official Record Volume 163, Page 240.
- 5. The premises are subject to a pipeline right of way and meter site agreement from Reserve Coal Properties to CNX Gas Company LLC dated February 10, 2009 and recorded March 16, 2009 at Noble County Official Record Volume 163, Page 945.
- 6. 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.
- 7. 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.
- 8. 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.

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## TAX INFORMATION - Continued:

<u>Parcel #34-0021353.000</u> (40 acres - Section 27 - Stock Township)

Valuation:

Land

14280

Buildings

0

Total

14280

Parcel #34-0021354.000 (36.38 acres - Section 27 - Stock Township)

Valuation:

Land

13160

**Buildings** 

13160 Total

Parcel #34-0021355.000 (10 acres - Section 27 - Stock Township)

Valuation:

Land

3570

½ year tax: \$52.31

½ year tax: \$209.22

1/2 year tax: \$192.82

**Buildings** Total

3570

Parcel #34-0021356.000 (7.25 acres - Section 27 - Stock Township)

Valuation:

Land

2660

½ year tax: \$38.97

Buildings Total

0 2660

Parcel #34-0021359.000 (26 acres - Section 27 - Stock Township)

Valuation:

Land

9560

1/2 year tax: \$140.07

**Buildings** 

0

9560 Total

<u>Parcel #34-0021485.000</u> (13.97 acres - Section 27 - Stock Township)

Valuation:

Land

8360

1/2 year tax: \$125.13 + \$3.00 assessment

**Buildings** 

180

Total

8540

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.

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## UNRELEASED OIL AND GAS LEASE:

- 1. 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.
- 2. The premises are subject to an oil and gas lease from Herbert Fitzgerald to The Benatty Corporation dated July 30, 1984 and recorded September 14, 1984 in Noble County Lease Record Volume 99, Page 834. Said lease covers 33 acres and is for a primary term of 5 years and as long thereafter as oil or gas is produced.

#### LIENS:

No liens of record.

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 19th day of September, 2019.

KINCAID, TAYLOR & GEYER

Scott D. Éickelberger, Attorney

KINCAID, TAYLOR & GEYER ATTORNEYS AT LAW

50 NORTH FOURTH STREET PO. BOX 1030 ZANESVILLE, OHIO 43702-1030 (740) 454-2591

FAX (740) 454-6975

sde/CNX/Cert of Title Tracts 29 & 32

### Exhibit "A"

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

First Tract: Being the North Half of the Northwest Quarter of the North east Quarter of Section 26, Township 6, Range 7.

Excepting from the above described tract the following tracts:

First Exception: Being a part of the Northwest Quarter of the Northeast quarter of Section 26, Township 6, Range 7, commencing for the same at the said lots, North 20 rods, West 40 rods to the place of beginning, Containing 5 acres, more or less.

Second Exception: Being a part of the Northwest Quarter of the Northeast Quarter of Section 26. Township 6 and Range 7. Beginning for the same at the Northeast corner of said Quarter Quarter, thence South 4° 53" West with the East line of said Quarter Quarter a distance of 326.91 feet, thence North 78° 35' West a distance of 86.59 feet, thence North 3° 31' East a distance of 161.69 feet; thence North 3° 08' East a distance of 154.08 feet to a point in the North line of said Quarter Quarter; thence South 85° 58' East with said North line a distance of 94.62 feet to the place of beginning, Containing 0.664 Acres, more or less.

Third Exception: Being a part of the Northwest Quarter of the Northeast Quarter of Section 26, Township 6 and Range 7. Beginning for the same at a point in the East line of said Quarter Quarter which is South 4° 53' West a distance of 326.91 feet from the Northeast corner of said Quarter Quarter, thence South 4° 53' West with said East line a distance of 33.00 feet; thence North 85° 43' West a distance of 266.51 feet; thence North 3° 31' East a distance of 203.00 feet; thence South 86° 29' East a distance of 181.50 feet to a point in the West line of the present cemetery; thence with the present cemetery the following two courses: South 3° 31' West a distance of 161.69 feet and South 78° 35' East a distance of 86.59 feet to the place of beginning, Containing 0.926 Acres, more or less.

As being described in Deed Record 113, Page 405 (First Tract)

# Excepting and reserving the following described tract of land:

Being in the Northwest Quarter of the Northeast Quarter of Section 26, Range 7 West, Township 6 North, of "The Old Seven Ranges Survey" and being bounded and described as follows:

Commencing for reference at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 26; thence with the East line of said Quarter-Quarter Section, South 01° 06' 51' West a distance of 363.15 feet to an iron pin set at the Southeast corner of a 0.926 acre tract as conveyed to the Trustees of Mt. Tabor

Cemetery by Deed Vol. 114, Page 42 of the Noble County Recorder's Office; thence with the South line of said 0.926 acre tract, North 89° 55° 06° West a distance of 266.90 feet to an iron pin set at the Southwest corner of said 0.926 acre tract, being the true point of beginning for this description; thence from said point of beginning leaving the property line, South 61° 12° 38° West a distance of 48.10 feet to an iron pin set; thence North 00° 40° 59° East a distance of 105.00 feet to an iron pin set; thence North 61° 23° 32° East a distance of 48.00 feet to an iron pin set in the West line of the aforementioned 0.926 acre tract; thence with the West line of said 0.926 acre tract, South 00° 40° 44° West a distance of 104.82 feet to the point of beginning; Containing 0.101 Acres, more or less.

Leaving in said tract after said exceptions, 13.91 acres more or less.

As being described in Official Record 16, Page 27 Being known as parcel number: 34-0021337.000 Assessed acreage-13.91 Agreement Number-218900000

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

Second Tract: Situated in Stock Township, Noble County, Ohio, and being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 6 of Range 7, commencing for the same at the Northwest corner of said lot run South 20 rods, East 40 rods to the center of said lots, North 20 rods, West 40 rods to the place of beginning, Containing Five (5) Acres, more or less.

As being described in Deed Record 147, Page 861 (Second Tract)
Being known as parcel number: 34-0021338.000
Assessed acreage-5.00
Agreement Number-218900000

First Tract: The West Half of the Southwest Quarter of the Southeast Quarter of Section 27, Township 6 of Range 7, Containing Twenty (20) Acres, more or less.

As being described in Deed Record 113, Page 407 (First Tract)
Being known as parcel number: 34-0021340.000
Assessed acreage-20.00
Agreement Number-218900000

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

Second Tract: Being the North Half of the Northeast Quarter of the Northwest Quarter of Section 26, Township 6, Range 7, Containing 20-1/2 acres, more or less.

Excepting therefrom the following described tract:

Being a part of the North Half of the Northeast quarter of the Northwest Quarter of Section 26, Township 6 and Range 7. Beginning for the same at the Northeast corner of said North Half, thence South 4° 26' West with the East line of said North Half a distance of 667.75 feet to the Southeast corner of said North half, thence North 85° 29' West with the South line of said North Half a distance of 275.00 feet to a point in a Township Highway, thence with said highway the following five courses: North 45° 32' East a distance of 118.69 feet: North 28° 21' East a distance of 86.35 feet; North 43° 24' East a distance of 75.69 feet; North 15° 20' East a distance of 181.46 feet and North 19° 48' East a distance of 271.62 feet to a point in the North line of said North Half; thence South 85° 58' East with said North line a distance of 8.00 feet to the place of beginning, Containing 1.660 Acres, more or less.

Leaving in said tract after deducting said exceptions, 18.84 acres, more or less.

As being described in Deed Record 113, Page 405 (Second Tract) Being known as parcel number: 34-0021341,000 Assessed acreage-18.84 Agreement Number-218900000

Being the South half of the Northeast Quarter of the Northwest Quarter of Section 26, Township 6, Range 7, Containing 20 acres, more or less.

As being described in Deed Record 145, Page 427
Being known as parcel number: 34-0021342.000
Assessed acreage-20.50
Agreement Number-218900000

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

Known as and being the Southeast Quarter of the Northwest Quarter of Section 26, Township 6 and Range 7, containing 41 acres, more or less.

As being described in Deed Record 106, Page 154 Being known as parcel number: 34-0021343.000 Assessed acreage-41.00 Agreement Number-218900000

Tract No. 2: Known as and being the Southwest quarter of the northwest quarter of Section 26, Township 6 and Range 7, containing 40 acres, more or less.

As being described in Deed Record 105, Page 379 (Tract 2)

# Excepting and reserving the following described tract of land:

Tract 1:

Being Fraction Numbered Fourteen (14) in the northwest quarter of Section 26, Township 6, Range 7, containing Twenty and 47/100 (20.47) acres, more or less, as the same was platted, numbered and returned on the tax maps of Noble County for the year 1948, and being part of the premises conveyed by R.O. Warfield and wife by deed dated June 2, 1923, and recorded in Volume 80 at Page 3, Deed Records of Noble County, Ohio. Being the same premises conveyed by Miles Mallett to Reed Thompson and Elsie Thompson by deed recorded in Volume 105 at Page 39, Deed Records of Noble County, Ohio.

Leaving in said tract after deducting said exceptions, 19.53 acres, more or less.

As being described in Deed Record 131, Page 425

Being known as parcel number: 34-0021344.000

Assessed acreage-19.53

Agreement Number-218900000

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

Tract No. 1: Known as and being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 6, Range 7 and beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter at a corner common to lands now or formerly belonging to Clifford Moberley and to C. E. Orr and running thence with a line of said Orr, North twenty-four and 16/66 (24.16/66) rods to a corner of lands nor or formerly belonging to B. Crum; thence with a line of said Crum, West sixty-six (66) rods to line of lands belonging to Pittsburgh Consolidation Coal Company (Edna sailings Tract); thence with a line of said Pittsburgh Consolidation Coal Company, South Twenty-four and 16/66 (24.16/66) rods to the Southeast corner of the Edna Sailings' Tract; thence with offier lands of the Grantor herein, East sixty-six (66) rods to the place of beginning, containing ten (10) acres, more or less.

As being described in Deed Record 105, Page 379 (Tract.1)
Being known as parcel number: 34-0021345,000
Assessed acreage-10.00
Agreement Number-218900000

Commencing for the same at the northeast corner of the northwest quarter of the northwest quarter of Sec. Twenty six, Twp. 6, and Range 7; thence south same 55 50/66 rods to the north line of the land sold by C. W. Smith and wife to James Warfield in the year 1888. Thence west on said line same 66 rods or to the east line of land sold by C. W. Smith & wife to George Schwallie in the year 1885; Thence north on said line to the sec. line Thence east on the section line to the place of beginning containing same 24 acres more or less (also a right of way to Public road).

As being described in Deed Record 68, Page 379
Being known as parcel number: 34-0021346,000
Assessed acreage-24:00
Agreement Number-218900000

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

Sixth Parcel: Being seven acres off of the west side of the Northwest Quarter of the Northwest Quarter of Section 26, Township 6, Range 7.

As being described in Deed Record 104, Page 236 (Sixth Parcel)
Being known as parcel number: 34-0021347,000
Assessed acreage-7.00
Agreement Number-218900000

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

Third Tract: The Southeast Quarter of the Southwest Quarter of Section 27, Township 6, Range 7, containing 40 acres, more or less.

As being described in Deed Record 113, Page 405 (Third Tract)
Being known as parcel number: 34-0021353.000
Assessed acreage-40.00
Agreement Number-218900000

FIRST TRACT: Situated in the Township of Stock, County of Noble, State of Ohio, the Northeast Quarter of the Southwest Quarter of Section 27, Township 6, Range 7 of lands subject to sale at Marietta, Ohio.

EXCEPTING 2-1/2 acres, more or less, on the Southwest corner west of the ridge road, said land to contain 38 acres, more or less.

The Exception to the First Tract is hereinafter described from an actual survey thereof, made July 19, 1957, by Thomas J. Henderson, Registered Surveyor, Ohio No. 3711, which, by agreement of the parties to this deed, is and shall be the controlling description for said Exception:

Situated in the Township of Stock, County of Noble and State of Ohio and being a part of Section 27, Township 6 and Range 7.

BEGINNING at the Southwest corner of the Northeast quarter of the Southwest quarter of the abovementioned Section; THENCE North 4° 56' East with the West line of the above mentioned quarter quarter a distance of 824.96 feet to a point in the centerline of County Highway No. 3; thence with said centerline the following five courses: South 36° 49' East a distance of 111.69 feet, South 19° 28' East a distance of 141.06 feet, South 12° 06' East a distance of 324.21feet, South 15° 26' East a distance of 187.78 feet and South 24° 37' East a distance of 133.12 feet to a point on the South line of the above mentioned quarter quarter; thence North 86° 53' West with said South line a distance of 358.94 feet to the place of beginning, CONTAINING 3.624 acres, more or less.

Leaving in said tract after deducting said exception a total of 36.38 acres more or less.

As being described in Deed Record 113, Page 475 (First Tract)

Being known as parcel number: 34-0021354.000

Assessed acreage-36.38

Agreement Number-218900000

Second Tract: Situated in Stock Township, Noble County, Ohio, and known as being a part of S. E. quarter of Northwest Quarter of Section 27, Township 6, Range 7, and bounded as follows: Commencing at a stake on Quarter section line 5 1/100 rods West of center of said Section 27; thence North 86° West 29 05/100 rods; thence North 20-1/2° West 45 50/100 rods; thence North 56° East 24 20/100 rods; thence South 43-1/2° East 12 20/100 rods; thence South 28° East 12 rods; thence South 15° East 42 rods to place of beginning, Except a strip on East side of road deeded to Cooley Orr by J. Leasure, containing, including part excepted, 10 acres.

As being described in Deed Record 113, Page 475 (Second Tract)
Being known as parcel number: 34-0021355.000
Assessed acreage-10.00
Agreement Number-218900000

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

Third Tract: Situated in Stock Township, Noble County, Ohio, and known as being a part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 6, Range 7, and bounded as follows: Commencing at Southwest corner of said Southeast Quarter of Northwest Quarter, thence run South 85° East 782 feet along Quarter Section line; thence North 19-1/2° West 531 feet; thence North 89° West 565 feet to the Quarter Quarter Section line; thence South 5° West 424 feet to the place of beginning, Containing Seven and Twenty-five Hundredths (7.25) acres.

As being described in Deed Record 113, Page 475 (Third Tract)
Being known as parcel number: 34-0021356.000
Assessed acreage-7.20
Agreement Number-218900000

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

The S.W. 14 of the S.W. 14 of Sec 27, Twp. 6 Range 7 containing 41 acres more or less except 15 acres off of the west side, deeded to George Schwallie by Mahala Collins deed date of March 29, 1875.

Leaving in said tract a total of 26.00 acres, more or less.

As being described in Deed Record 68, Page 378
Being known as parcel number: 34-0021359.000
Assessed acreage-26.00
Agreement Number-218900000

Being a part of the North West quarter of the South East quarter of Section 27, Township 6 and Range 7. Beginning for the same at the South West corner of said North West quarter of the South East quarter, thence North 7° 00' East with the West line of said Quarter Quarter a distance of 1298.26 feet to a point in a Township Highway; thence with said highway the following five courses: South 27° 10' East a distance of 409.98 feet; South 25° 37' East a distance of 161.92 feet; South 34° 04' East a distance of 171.41 feet; south 45° 29' East a distance of 82.74 feet and South 61° 18' East a distance of 299.84 feet; thence with the lands formerly owned by Christy Neiswonger the following three courses: South 10° 44' West a distance of 231.04 feet; South 12° 43' West a distance of 31.78 feet and South 2° 13' East a distance of 220.90 feet to a point in the South line of said quarter quarter; thence North 86° 45' West with said South line a distance of 793.16 feet to the place of beginning, containing 13.968 acres, more or less. Parcel # 34-21485.000

As being described in Official Record 144, Page 216
Being known as parcel number: 34-0021485.000
Assessed acreage-13.97
Agreement Number-218916000