

PART O.L. 564

Known as and being Part of O.L. 564 in the City of Massillon, Stark County, Ohio, and being more fully described as follows:

Commencing at an existing iron pin at the southwest corner of O.L. 564, thence $N0^{\circ}44'57''E$ along the west line of said O.L. 564, a distance of 551.96' to a railroad spike on the centerline of Nave Road S.E.;

Thence continuing along the centerline of Nave Road S.E., on a curve to the right with a delta of $8^{\circ}06'13''$, an arc distance of 331.21', and a chord distance of 330.94' bearing $N75^{\circ}46'20''E$ to a point of beginning of the tract herein described;

Thence continuing along the centerline of Nave Road S.E., on a curve to the right with a delta of $4^{\circ}22'08''$, an arc distance of 178.57', and a chord distance of 178.52' bearing $N82^{\circ}00'30''E$;

Thence $N84^{\circ}11'34''E$ along the centerline of Nave Road S.E., a distance of 96.42' to a point;

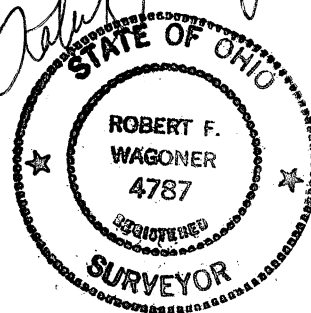
Thence $S0^{\circ}44'57''W$, a distance of 30.20' to an iron pin on the south right-of-way of Nave Road S.E.;

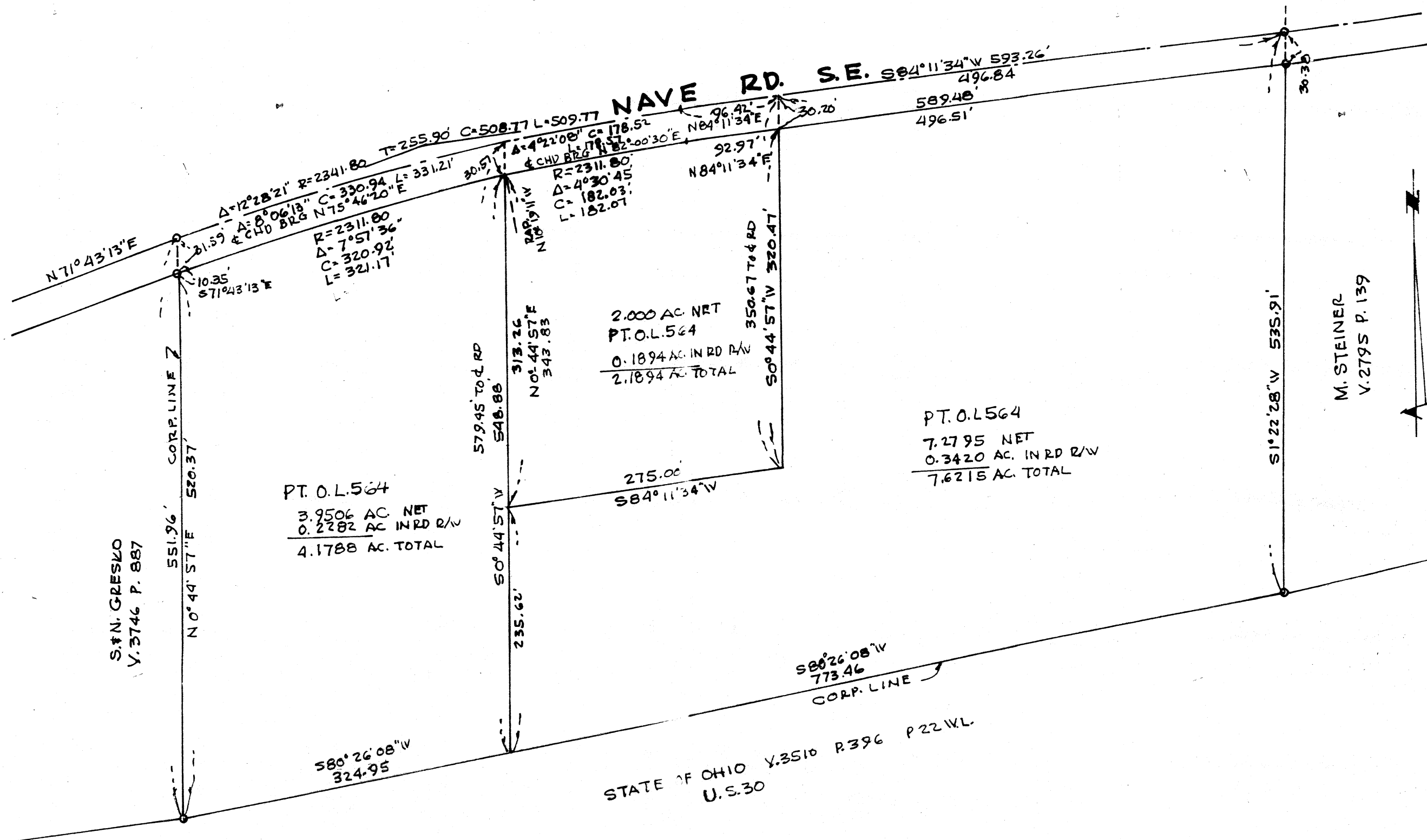
Thence $S0^{\circ}44'57''W$, a distance of 320.47' to an iron pin;

Thence $S84^{\circ}11'34''W$, a distance of 275.00' to an iron pin;

Thence $N0^{\circ}44'57''E$, a distance of 313.26' to an iron pin on the south right-of-way of Nave Road S.E.;

Thence $N0^{\circ}44'57''E$, a distance of 30.57' to the true place of beginning containing 2.1894 acres total, 0.1894 acres being in the right-of-way of Nave Road S.E.





PART O.L. 564

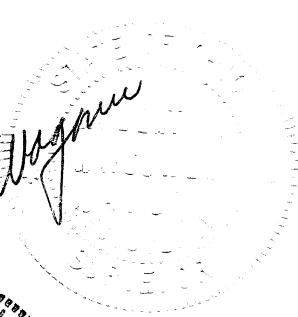
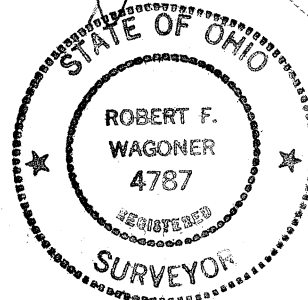
Known as and being Part of O.L. 564 in the City of Massillon, Stark County, Ohio, and being more fully described as follows:

Commencing at an existing iron pin at the southwest corner of O.L. 564; said point being the point of beginning; thence $N0^{\circ}44'57''E$ along the west line of said O.L. 564, a distance of 551.96' to a railroad spike on the centerline of Nave Road S.E.;

Thence continuing along the centerline of Nave Road S.E., on a curve to the right with a delta of $8^{\circ}06'13''$, an arc distance of 331.21', and a chord distance of 330.94' bearing $N75^{\circ}46'20''E$ to a point;

Thence $S0^{\circ}44'57''W$, a distance of 579.45' to a point; said point being on the north right-of-way line of U.S. 30;

Thence $S80^{\circ}26'08''W$ along said north right-of-way line of U.S. 30, a distance of 324.95' to the true place of beginning containing 4.1788 acres total, 0.2282 acres being in the right-of-way of Nave Road S.E.



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, D. WAYNE WHIPKEY AND DEBORAH WHIPKEY, HUSBAND AND WIFE, the Grantors, for the consideration of One Dollar and Other Valuable Consideration (\$1.00 & OVC) received of MSS INVESTMENTS, the Grantee, whose tax mailing address will be 1214 CASTELLO N.W., MASSILLON, OHIO 44646, do give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, the following described premises:

SEE EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

Conditions and Restrictions as set forth in a Deed received for record February 28, 1986, and recorded in Official Records Volume 401, Page 483 of the STARK County, Ohio, Records.

Conditions and Restrictions as set forth in an Instrument received for record February 19, 1971, and recorded in Volume 3510, Page 395 of the STARK County, Ohio, Records. (As to abutters rights, etc.)

Easement to Ohio Edison Company, received for record September 7, 1993, recorded in Official Records Volume 1489, Page 125 of the STARK County, Ohio, Records.

Easement to The Ohio Bell Telephone Company, received for record October 25, 1993, recorded in Official Records Volume 1520, Page 61 of the STARK County, Ohio, Records.

Easement to State of OHio, received for record October 28, 1986, recorded in Official Records Volume 492, Page 72 of the STARK County, Ohio, Records.

Oil and Gas Lease to MB Oil & Gas, received for record September 16, 1975, recorded in Lease Volume 185, Page 830 of the STARK County, Ohio, Records.

Subject to all matters as set forth on Plat of Centerline Survey Plat STA 30- 7.64 Stark County, Ohio, located in STARK County, Ohio, received for record May 13, 1969, and recorded in Plat Book Volume 38, Page 63 - 66 of the STARK County, Ohio, Plat Records.

Oil and Gas Lease to M.B. Operating Company, received for record December 26, 1985, recorded in Official Records Volume 383, Page 770 of the STARK County, Ohio, Records. Re-recorded and received for record January 17, 1986 and recorded in Official Records Volume 390, Page 334 of the Stark County Records.

Notice of Commencement, received for record May 4, 1993
and recorded in Official Records Volume 1408, Page 559 of
the STARK County, Ohio, Records.

TO HAVE AND TO HOLD the above granted and bargained
premises with the appurtenances thereunto belonging, unto the
said Grantee, its successors and assigns forever.

And we, the said Grantors, do for ourselves and our heirs
and assigns covenant with the said Grantee, its successors and
assigns, that at and until the ensealing of these presents,
we are well seized of the above described premises as a good
and indefeasible estate in FEE SIMPLE, and have good right
bargain and sell the same in manner and form as above written,
and that the same is free from all encumbrances whatsoever, except
those stated herein and legal highways and real estate taxes
and assessments which shall be prorated to the date of
closing, and that they will warrant and defend said premises,
with the appurtenances thereunto belonging, to the said Grantee,
its successors and assigns, against all lawful claims and
demands whatsoever, except as stated above.

Prior Deed Official Records Volume 1373, Page 864, STARK
County Records.

IN WITNESS WHEREOF, we have hereunto set our hands,
the 15th day of February, 1996.

Signed and acknowledged
in presence of:

Te PKE
Carl H. Shuford

D. Wayne Whipkey
D. WAYNE WHIPKEY
Deborah Whipkey
DEBORAH WHIPKEY

APPROVED BY THE PLANNING COMMISSION OF
THE CITY OF MASSILLON, NO PLAT REQUIRED
PER CODIFIED ORDINANCE CHAPTER 1105.

J. T. Bencher 2/15/96
SECRETARY DATE

STATE OF OHIO, STARK COUNTY: SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named D. WAYNE WHIPKEY AND DEBORAH WHIPKEY, HUSBAND AND WIFE who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Canton, Ohio, this 15th day of February, 1996.

Terence P. Kessler
Notary Public

This instrument prepared by:
Terrence P. Kessler, Esquire
1000 United Bank Plaza
220 Market Avenue South
Canton, Ohio 44702
(216) 456-8341

TERRENCE P. KESSLER, ATTORNEY
Notary Public, State of Ohio
My Commission has no Expiration Date
Under Section 147.03 R.C.

IMPORTANT
TITLE EVIDENCE

on record with

American Title Associates Agency, Inc.
970 United National Bank Plaza
Canton, Ohio 44702
Phone: (216) 456-8900

Title File No. is 16-22



COOPER & ASSOCIATES/CONSULTING ENGINEERS & SURVEYORS

1359 MARKET
AVENUE NORTH
CANTON, OHIO
44714

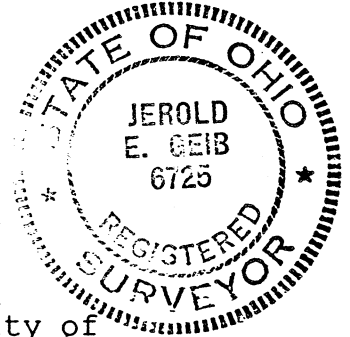
PHONE (216) 452-5731

FAX No. (216) 452-9110

JAMES L. COOPER
BRYAN J. ASHMAN
JEROLD E. GEIB

February 14, 1996

**DESCRIPTION OF 3.6115 ACRES
FOR: WHIPKEY CONSTRUCTION**



Known as and being part of Outlot 564 in the City of Massillon, Stark County, Ohio and being more particularly bounded and described as follows;

Beginning for the same at a point marked by a 3/4 inch pipe found at the southwest corner of Outlot 564 in the City of Massillon, Ohio;

Thence N-80°-26'-08"-E along a portion of the north limited access line of U.S. Route 30, and the south line of a 4.1788 acre tract of land now or formerly owned by LTC Associates, as recorded in Recorders Image No. 95026777 in the Stark County Records of Deeds, a distance of 324.95 feet to a point marked by a 1/2 inch iron bar found at the southeast corner of said 4.1788 acre tract of land and being the true place of beginning for the tract of land herein described;

Thence N-00°-43'-38"-E along the east line of said 4.1788 acre tract of land the same being parallel with the west line of said Outlot 564, (passing over a 1/2 inch iron bar with cap set at 548.42 feet), a total distance of 579.00 feet to a point marked by a P.K. nail set on the centerline of Nave Street S.E. (60 feet wide);

Thence along a portion of the centerline of said Nave Street S.E. on the arc of a curve to the right, in an easterly direction, with said curve having a central angle of $04^{\circ}-35'-54''$, a radius of 2423.92, an arc length of 194.54 feet, a distance of 194.54 feet to the point of tangency of said curve marked by a P.K. nail set (last stated curved course has a chord bearing and distance of $N-81^{\circ}-55'-57''-E$ - 194.48 feet);

Thence $N-84^{\circ}-13'-54''-E$ continuing along a portion of the centerline of said Nave Street S.E., a distance of 81.56 feet to a point marked by a P.K. nail set;

Thence $S-00^{\circ}-43'-38''-W$ along a line being parallel with the west line of said Outlot 564, (passing over a $\frac{1}{2}$ inch iron bar set at 30.19 feet), a total distance of 568.35 feet to a point marked by a $\frac{1}{2}$ inch iron bar with cap set on the north limited access line of previously stated U.S. Route 30;

Thence $S-80^{\circ}-26'-08''-W$ along a portion of the north limited access line of said U.S. Route 30, a portion of the south line of Outlot 564, and the present City of Massillon corporation line, a distance of 277.70 feet to a point marked by a $\frac{1}{2}$ inch iron bar found at the southeast corner of previously stated LTC Associates tract of land and being the true place of beginning and containing a total area of 3.6115 acres of land more or less of which 0.1902 acre is in Nave Road right-of-way.

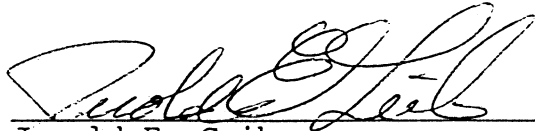
The above described 3.6115 acre tract of land out of Outlot 564 in the City of Massillon, consists of all of a 2.1894 acre tract of land now or formerly owned by MSS Investment Trust which

by this survey contains 2.1881 acres, and 1.4234 acres (by this survey) out of a 7.6223 acre tract of land (by this survey) now or formerly owned by D. Wayne & Deborah Whipkey, leaving 6.1989 acres in said Whipkey tract.

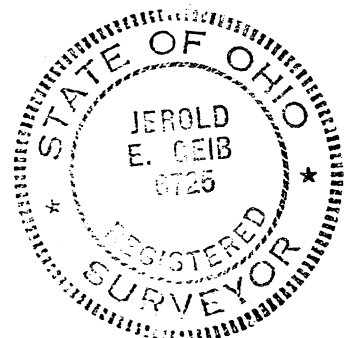
Subject to any and all easements, reservations, or restrictions that may be of record pertaining to the above described tract of land.

NOTE: Reference direction for bearing system used in the above description was established from Recorders Image No. 95026777 in the Stark County Records of Deeds; using N-80°-26'-08"-E for a portion of the north limited access line of U.S. Route 30.

As surveyed this 14th day of February, 1996.



Jerold E. Geib
Registered Surveyor No. 6725





COOPER & ASSOCIATES/CONSULTING ENGINEERS & SURVEYORS

1359 MARKET
AVENUE NORTH
CANTON, OHIO
44714

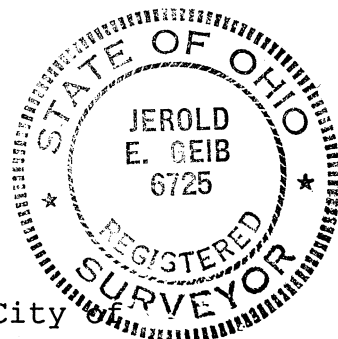
PHONE (216) 452-5731

FAX No. (216) 452-9110

February 14, 1996

JAMES L. COOPER
BRYAN J. ASHMAN
JEROLD E. GEIB

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FOR: WHIPKEY CONSTRUCTION**



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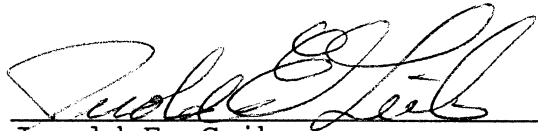
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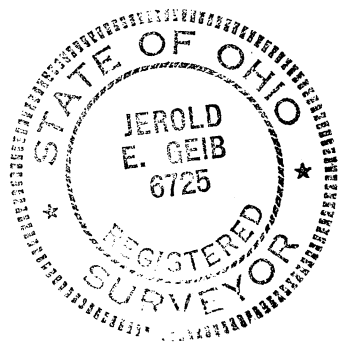
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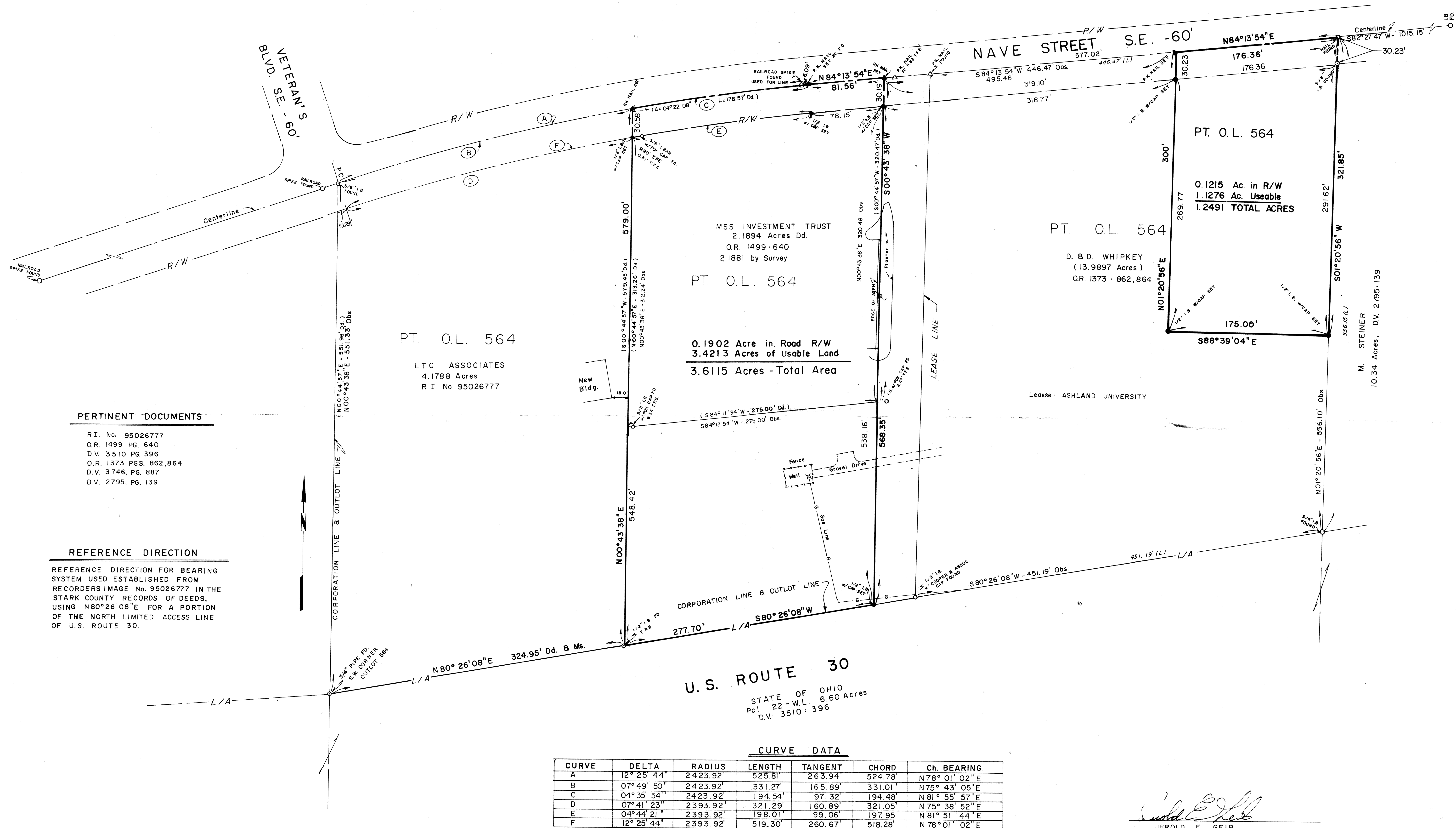
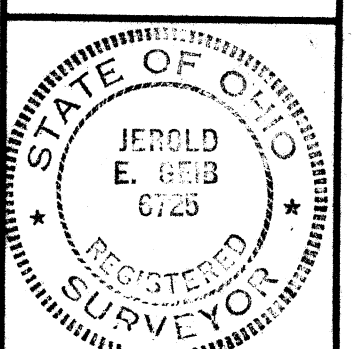
NOTE: Reference direction for bearing system used in the above description was established from Recorders Image No. 95026777 in the Stark County Records of Deeds; using N-80°-26'-08"-E for a portion of the north limited access line of U.S. Route 30.

As surveyed this 14th day of February, 1996.



Jerold E. Geib
Registered Surveyor No. 6725





REPLAT & RENUMBERING PLAT OF PART OF OUTLOT 564

LOCATED IN THE CITY OF MASSILLON, STARK COUNTY, OHIO
SCALE: 1" = 50' DATE: FEBRUARY, 1996

ACKNOWLEDGEMENTS

I HEREBY CERTIFY THAT THIS IS A CORRECT PLAT OF SURVEY MADE BY ME THIS 14TH DAY OF February 1996, AND THAT THE SURVEY BALANCES AND CLOSES, AND THE MONUMENTS SHOWN HEREON ARE SET OR SHALL BE SET AS SHOWN, AND ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

JEROLD E. GEIB REG. SURVEYOR No. 6725

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE OWNERS OF THE LAND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN AND DO HEREBY ACKNOWLEDGE THE SAME TO BE THEIR OWN FREE ACT AND DEED.

OWNERS

WITNESSES

D. WAYNE WHIPKEY

DEBORAH WHIPKEY

STATE OF OHIO
COUNTY OF STARK s.s.

BEFORE ME, A NOTARY IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE OWNERS WHO ACKNOWLEDGE THAT THEY DID SIGN THE FOREGOING INSTRUMENT, AND THAT THE SAME IS THE FREE ACT AND DEED OF SAID OWNERS.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT CANTON OHIO, THIS 15TH DAY OF February 1996.

MY COMMISSION EXPIRES 12/31/2000
NOTARY PUBLIC

PLAT APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF MASSILLON, OHIO THIS 15TH DAY OF Feb. 1996, NO PLAT REQUIRED.

JAMES P. BUNKER
PLANNING COMMISSION SECRETARY
CITY OF MASSILLON, OHIO

PLAT APPROVED AND GIVEN OUT LOT NUMBERS ① 713, ② 714
BY THE CITY ENGINEER OF THE CITY OF MASSILLON, OHIO THIS 15TH DAY OF Feb. 1996.

JAMES P. BUNKER
CITY ENGINEER
CITY OF MASSILLON, OHIO

TRANSFERRED THIS ____ DAY OF ____ 199__.

STARK COUNTY AUDITOR

RECORDED IN PLAT BOOK ____ PAGE ____, THIS ____ DAY OF ____ 199__.

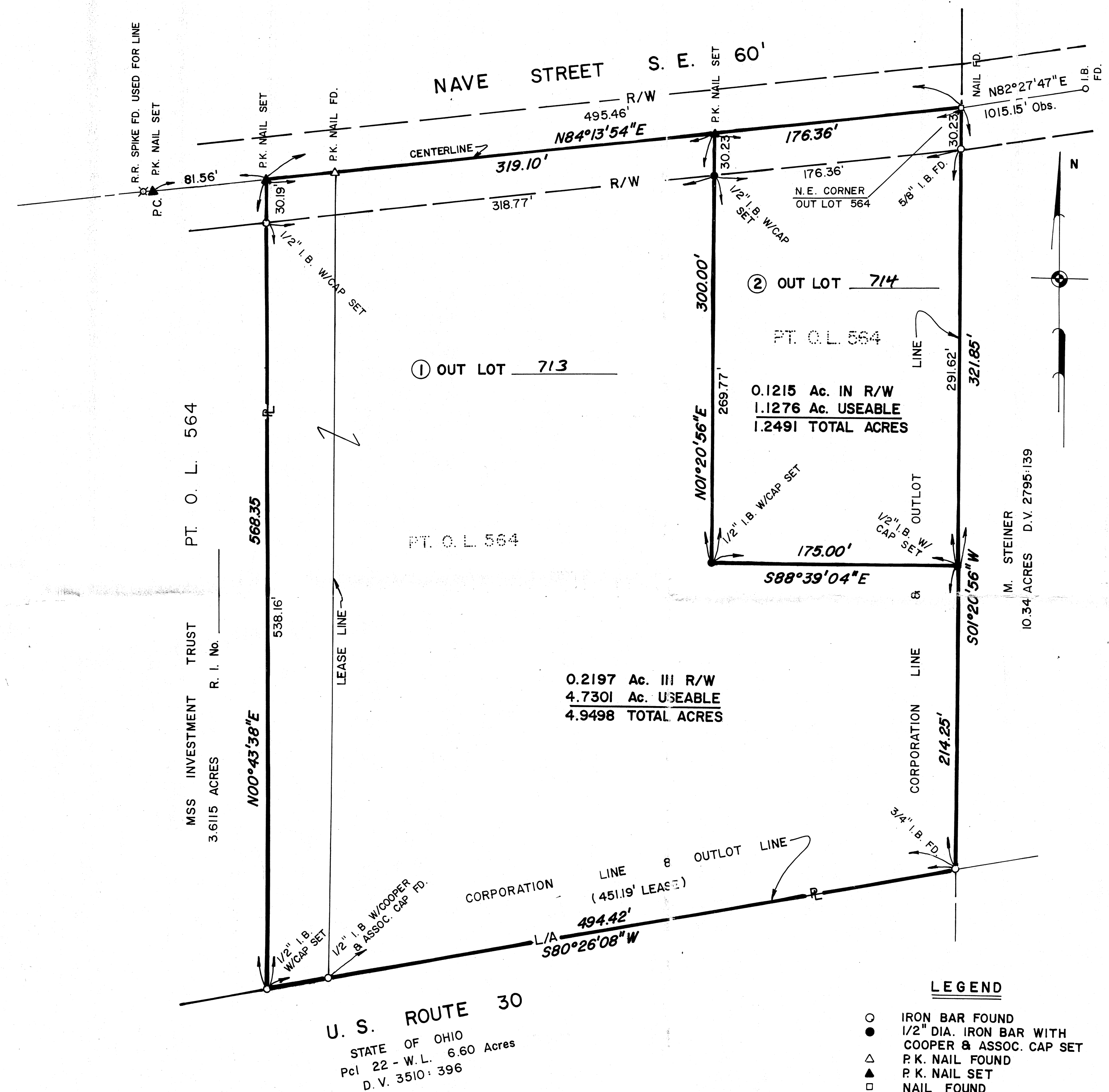
STARK COUNTY RECORDER

REFERENCE BEARING

REFERENCE DIRECTION FOR BEARING
SYSTEM USED ESTABLISHED FROM
RECORDERS IMAGE No. 95026777 IN THE
STARK COUNTY RECORDS OF DEEDS,
USING N80°26'08"E FOR A PORTION
OF THE NORTH LIMITED ADDRESS LINE
OF U.S. ROUTE 30.

PERTINENT DOCUMENTS

O.R. 1373 PG. 862,864
O.R. 1499 PG. 640
D.V. 3510 PG. 396
D.V. 2795 PG. 139



LEGEND

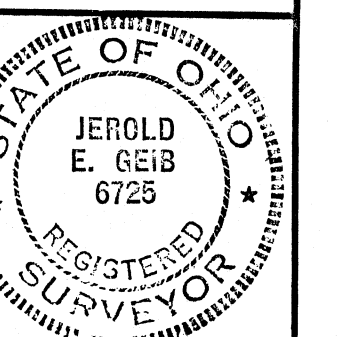
- IRON BAR FOUND
- 1/2" DIA. IRON BAR WITH COOPER & ASSOC. CAP SET
- △ P.K. NAIL FOUND
- ▲ P.K. NAIL SET
- NAIL FOUND
- ✕ R.R. SPIKE FOUND

SCALE: 1" = 50'
DATE: FEBRUARY 12, 1996
FIELD BOOK NO. 478:1B
SHEET

JAMES L. COOPER
JEROLD E. GEIB
BRYAN J. ASHMAN

COOPER AND ASSOCIATES
CONSULTING ENGINEERS AND SURVEYORS
PHONE (216) 452-5731
FAX (216) 452-9110
1359 MARKET AVENUE, NORTH CANTON, OHIO 44704

REPLAT & RENUMBERING PLAT
OF PART OF OUTLOT 564
IN THE CITY OF MASSILLON
STARK COUNTY, OHIO
FOR WHIPKEY CONSTRUCTION



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PROJ. # 96106

O.L. 564

Known as and being O.L. 564 in the City of Massillon, Stark County, Ohio, and being more fully described as follows:

Beginning at an existing railroad spike in the centerline of Nave Road S.E.; said point being the true place of beginning of the track herein described;

Thence $S1^{\circ}22'28''W$, a distance of 535.91' to an iron pin;

Thence $S80^{\circ}26'08''W$, a distance of 1097.41' to an existing iron pin found;

Thence $N0^{\circ}44'57''E$, a distance of 551.96' to an existing railroad spike in the centerline of Nave Road S.E.;

Thence on a curve to the right with a delta of $12^{\circ}28'21''$, a tangent of 255.90', a radius of 2341.80', an arc distance of 509.77'. and a chord distance of 508.77' to a point of tangency;

Thence $S84^{\circ}11'34''W$ along the centerline of Nave Road S.E., a distance of 593.26' to the true place of beginning containing a total of 13.9897 acres, 0.7596 acres in the road right-of-way.