

[Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: David M. Moore, Attorney

Issuing Office: David M. Moore, Attorney

Issuing Office's ALTA® Registry ID: 974714159

Commitment Number: 25-

Issuing Office File Number: 25-

Property Address:

## **SCHEDULE A**

## **COMMITMENT**

1. Commitment Date: September 2, 2025
2. Policy to be issued:
  - a. 2021 ALTA® Owners Policy

Proposed Insured:

Proposed Amount of Insurance: \$ TBD

The estate or interest to be insured:

The estate or interest to be insured:
3. The estate or interest in the Land at the Commitment Date is: *(Identify each estate or interest covered, i.e., fee, leasehold, etc.) Fee*
4. The Title is, at the Commitment Date, vested in: Wilcox Industries, Inc.
5. The Land is described as follows:

**See attached description**

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

**ORT Form 4757 A**

Schedule A – ALTA Commitment for Title Insurance 2021 v. 01.00

07/01/2021

# SCHEDULE B I

## COMMITMENT

### REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Payment of taxes, charges, and assessments levied and assessed against subject premises, which are due and payable.
  - a. Real Estate Taxes for 2024 are paid in full.
5. Owners/Sellers Affidavit covering matters of title in a form acceptable to the Company.
6. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
  - a. Deed from  
To: TBD

### WILCOX INDUSTRIES, Inc. (Raleigh County)

1. **In Trust Deed Book 5041 at Page 2869**, there is of record an unreleased Credit Line Deed of Trust given by Wilcox Industries, Inc. to Charles M. Johnson, Jr., Trustee, dated August 2, 2010 securing Carter Bank & Trust in the amount of \$8,500,000.00. As this Deed of Trust is unreleased, it constitutes a lien against the property under examination.
2. There is of record in **UCC Book 5041 at Page 2787, UCC Book 5041 at Page 2788, UCC Book 5041 at Page 2870, UCC Book 5041 at Page 2872**, unreleased UCC Financing Statements between Wilcox Industries, Inc., debtor and Carter Bank & Trust, secured party, recorded as instrument #s 50412787, 50412788, 50412870, 50412872, refiled in **UCC Book 5059 at Page 5805, UCC Book 5059 at Page 5807, UCC Book 5059 at Page 5809, UCC Book 559 at Page 5811**, instrument #s 50595805, 50595807, 50595809, 50595811, and **UCC Book 5072 at Page 3837, UCC Book 5072 at Page 3840, UCC Book 5072 at Page 3841, UCC Book 5072 at Page 3843**, instrument #s 50723837, 50723840, 50723841, 50723843.
3. **In Trust Deed Book 5074 at Page 7089**, there is of record an unreleased First Modification to Deed of Trust given by Wilcox Industries, Inc., to Charles M. Johnson, Trustee, dated June 30, 2020 securing Carter Bank & Trust in the amount of \$40,000,000.00. As this Deed of Trust is unreleased, it constitutes a lien against the property under examination.

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ORT Form 4757 B I  
Schedule B I – ALTA Commitment 2021 v. 01.00  
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## **SCHEDULE B II COMMITMENT**

### **EXCEPTIONS FROM COVERAGE**

Policy Number: 25-

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any encroachment, encumbrance, violation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortages in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
2. Any lien or right to a lien, for services, labor or material therefore or hereafter furnished, imposed by law and not shown in the public records.
3. Rights of parties in actual possession of all or any part of the premises, including, but not limited to, easements, claims of easements or encumbrances that are not shown in the public records.
4. The lien of real estate taxes or assessments imposed on the title by a governmental authority that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the public records.
  - a. 2025 Taxes constitute a lien,
5. Oil, gas, coal and other mineral interests together with the rights appurtenant thereto whether created by deed, lease, grant, reservation, severance, sufferance or exception.

### **WILCOX INDUSTRIES, Inc. (Raleigh County)**

6. In Deed Book 5059 at Page 6350, there is of record an easement to Raleigh County Public Service District.
7. In Deed Book 5063 at 2280, there is of record an easement to APCO.
8. In Deed Book 5084 at Page 1107, there is of record an easement to APCO.
9. In Microfilm Role 63 at Page 2447, there is of record an easement to APCO.
10. In Microfilm Role 69 at Page 1789, there is of record an easement to C&P Telephone,
11. In Microfilm Role 91 at Page 1436, there is of record an easement to APCO.
12. In Microfilm Role 91 at Page 1438, there is of record an easement to APCO.
13. In Deed Book 5006 at Page 6229, there is of record a Boundary Line Agreement that affects the property under examination.
14. In Deed Book 5015 at Page 3229, there is of record an easement to Verizon.

15. In Deed Book 5015 at Page 3233, there is of record an easement to Verizon.
16. In Deed Book 396 at Page 450, there is of record an easement to APCO.
17. In Deed Book 432 at Page 208, there is of record an easement to APCO.
18. In Deed Book 432 at Page 368, there is of record an easement to C&P Telephone.
19. In Deed Book 444 at Page 269, there is of record an easement to APCO.
20. In Deed Book 471 at Page 09, there is of record an easement to APCO.
21. In Deed Book 479 at Page 253, there is of record an easement to Beckley Water Company.
22. In Deed Book 536 at Page 653, there is of record an easement to APCO
23. In Deed Book 652 at Page 255, there is of record an easement to C&P Telephone.
24. In Deed Book 705 at Page 87, there is of record an easement to C&P Telephone.
25. In Deed Book 705 at Page 88, there is of record an easement to C&P Telephone.
26. In Deed Book 392 at Page 274, an undivided one-half (1/2) interest in the mineral rights was conveyed unto Terrill G. Todd.
27. Real property taxes have been assessed and paid on the property under examination through the year 2023. **Taxes for the year 2024 have been sold and are therefore delinquent and must be redeemed.** Taxes for the year 2025 are assessed in the name of Wilcox Industries, Inc., Tax Ticket #s 2337-2347, Account #s 06351191, 06351244, 06351226, 08613640, 06351208, 06351182, 06351217, 06351235, 06351253, 06351262, 06351271, and 06351280, Tax Map #s 8, 20, 21, 21, 22, 22, 9999, 9999, 9999, 9999, 9999, 9999, and 9999 Parcel #s 8, 2, 1, 1.3, 21, 1.5, 06351182, 06351217, 06351235, 06351253, 06351262, 06351271, and 06351280, described as 141.07 acres, 7.76 acres, 397.92 acres, 325.77 acres, 3859.11 acres, 229.07 acres, 3801.89 acres (1/2 interest minerals), 200.92 acres (1/2 interest minerals), 818.41 acres (1/2 interest minerals), 7.76 acres (1/2 interest minerals), 178.69 acres (1/2 interest minerals), 117.47 acres (1/2 interest minerals), and 143 acres (1/2 mineral interests), in the amounts of \$317.70, \$21.26, \$970.76, \$852.86, \$10,620.26, \$591.68, \$705.72, \$37.94, \$134.82, \$4.84, \$33.28, \$22.24, \$23.20 (without calculation for interest or discount) and are **unpaid**. Taxes for the year 2026 constitute a lien, but are not payable until July 15, 2026.

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**ORT Form 4757 B II**

Schedule B II – ALTA Commitment 2021 v. 01.00  
07/01/2021

## EXHIBIT A

### DESCRIPTION OF PROPERTY for AUCTION TRACT 6

All of that certain lot, tract or parcel of land together with the buildings and improvements thereon, easements, rights of way, and the appurtenances thereunto belonging, situate in Richmond District, Raleigh County, West Virginia and more particularly described as follows:

Beginning at a point on the western right-of-way of West Virginia Route 27, Pluto Road, approximately 5200' in a straight line southwest of the intersection of said route with Route 22, Old Pluto Road, and being on Freda Crotty's line; thence with Crotty N35° 10' 00"W 2187.46' to a small maple in a rail fence corner on end point of ridge (14" sourwood pointer) corner to Matthew Cochran; thence leaving Crotty and with Cochran N0° 28' 00"W 1666.20' to a "T" rail (set) in stump hole of fallen chestnut (pine and maple pointer); thence continuing with Cochran N59° 56' 00"W 612.30' to two gums in rail fence line; thence continuing with Cochran N53° 24' 00"W 1774.88' to a ½" iron rod (set) (16" red oak and small hemlock pointers); thence leaving Cochran and with Freda Crotty's 100.88 acre tract N44° 42' 00"W 756.14' feet to small and large hemlocks, a set stone (found) bears N28° 00' 00"W 20.00' then leaving Crotty with Glade Creek partnership to a stone (found) on top of Chicksaw Mountain (14" gum and 14" maple pointers) northernmost corner of Lot 10 of the Moore and Beckley survey a corner to Glade Creek partnership and with the old patent line of the Moore and Beckley survey S58° 37' 00"E 1172.03' to a rebar (found) corner to Western Pocahontas Properties Limited Partnership; thence with Western Pocahontas remaining along the old patent line S58° 22' 00"E 5925.87' to a rebar (found) corner to Western Pocahontas and Richard and Kay Murray's 20 acre tract; thence leaving Western Pocahontas and with Murray S58° 34' 00"E 46.19' to a point on the western right-of-way of Route 27; thence with the western right-of-way in a southern direction approximately 5300' to the point of beginning; and containing 330.86 acres, more or less; and being the northern part of the First Tract of Deed Book 5003 page 9532 in Raleigh County, West Virginia.

And being a part of the same real property conveyed unto Wilcox Industries, Inc. by deed dated January 16, 2001 from Kenneth Gross, and being of record in the Office of the Clerk of the County Commission of Raleigh County in Deed Book 5003 at Page 9532.