

[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: 26-221

Issuing Office File Number: 26-221

Property Address: 3859.11 Acres Tax Map #7-22-21.6001 Acres Pluto Road

## SCHEDULE A

## COMMITMENT

1. Commitment Date: May 10, 2026
2. Policy to be issued: 2021 ALTA® Loan Policy
  - Proposed Insured: TBD
  - Proposed Amount of Insurance: TBD
  - The estate or interest to be insured: TBD
3. The estate or interest in the Land at the Commitment Date is: *Fee simple, surface only*
4. The Title is, at the Commitment Date, vested in: Wilcox Industries, Inc.
5. The Land is described as follows:

**See attached description**

### **AUCTION TRACT 13**

*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.
5. Real Estate Taxes for 2025 are paid in full.
6. Owners/Sellers Affidavit covering matters of title in a form acceptable to the Company.
7. 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 Wilcox Industries, Inc.,  
To: Matthew Charles Wilson
  - b. Deed of Trust from: Matthew Charles Wilson  
To: Farm Credit of the Virginias, ACA

### **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 of the Deed of Trust in **Trust Deed Book 5041 at Page 2869**, 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. This Deed of Trust was assigned unto White Sulphur Springs Holdings, LLC by Assignment of Deed of Trust dated March 25, 2026 and of record in **Assignment Book 5087 at Page 4367**.

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

# SCHEDULE B II COMMITMENT

## EXCEPTIONS FROM COVERAGE

Policy Number: 26-221

**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. 2026 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.**
6. Subject to those certain recorded and unrecorded rights-of-ways for the public or private roads and for railroads, and easement public utility lines.
7. Right if the public, United States of America, State of West Virginia, and riparian owners in and to the beds and streams of any waterways and drainage areas.
8. Rights and claims of parties in possession.
9. Subject to rights of the owners of roadways.
10. Subject to rights of the owners of any cemeteries.
11. Subject to the rights of the owners of any railroad rights-of-ways.

## WILCOX INDUSTRIES, Inc. (Raleigh County)

12. In Deed Book 5059 at Page 6350, there is of record an easement to Raleigh County Public Service District.
13. In Deed Book 5063 at 2280, there is of record an easement to APCO.
14. In Deed Book 5084 at Page 1107, there is of record an easement to APCO.
15. In Microfilm Role 63 at Page 2447, there is of record an easement to APCO.
16. In Microfilm Role 69 at Page 1789, there is of record an easement to C&P Telephone,
17. In Microfilm Role 91 at Page 1436, there is of record an easement to APCO.
18. In Microfilm Role 91 at Page 1438, there is of record an easement to APCO.
19. In Deed Book 5015 at Page 3229, there is of record an easement to Verizon.
20. In Deed Book 5015 at Page 3233, there is of record an easement to Verizon.
21. In Deed Book 396 at Page 450, there is of record an easement to APCO.
22. In Deed Book 432 at Page 208, there is of record an easement to APCO.
23. In Deed Book 432 at Page 368, there is of record an easement to C&P Telephone.
24. In Deed Book 444 at Page 269, there is of record an easement to APCO.
25. In Deed Book 471 at Page 09, there is of record an easement to APCO.
26. In Deed Book 479 at Page 253, there is of record an easement to Beckley Water Company.
27. In Deed Book 536 at Page 653, there is of record an easement to APCO
28. In Deed Book 652 at Page 55, there is of record an easement to C&P Telephone.
29. In Deed Book 705 at Page 87, there is of record an easement to C&P Telephone.
30. In Deed Book 705 at Page 88, there is of record an easement to C&P Telephone.
31. In Deed Book 392 at Page 274, an undivided one-half (1/2) interest in the mineral rights was conveyed unto Terrill G. Todd.
32. **The property is subject to a Surface Lease Agreement with Wilcox Industries, said lease not yet of record.**
33. Real property taxes have been assessed and paid on the property under examination through the year 2025. Taxes for the year 2025 are assessed in the name of Wilcox Industries, Inc., Tax Ticket # 2341, Account # 06351208, Tax Map # 22, Parcel # 21, described as 3859.11 acres, in the amount of \$10,620.26 (without calculation for interest or discount) and are **paid**. Taxes for the year 2026 constitute a lien, but are not payable until July 15, 2026.

**The property descriptions provided herein are not based on a current, certified land survey. All descriptions have been prepared using deeds and plats of record, limited field location, GIS data, and other available public sources. These materials may contain inaccuracies, approximations, or outdated information. This information is supplied for reference purposes only and should not be relied upon for establishing boundary lines, property corners, or for any legal, engineering, or construction purposes. A West Virginia licensed professional land surveyor should be consulted to obtain an accurate and up-to-date survey of the property.**

*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 B II**

Schedule B II – ALTA Commitment 2021 v. 01.00

07/01/2021

Metes and Bounds Tract 13:

Beginning at a rebar (found) in hollow near old turnpike (8" maple and 10" ash pointers) corner to Dobbins, Duane and Judith Anderson; thence leaving Dobbins and Anderson S 31-24-00 W 670.86 feet to a rebar (found) in spoil (3 small maple pointers); thence continuing with Anderson S 00-30-00 W 270.78 feet to a rebar (set) in north or east of old turnpike; thence continuing with Anderson S 66-40-00 W 897.80 feet to a 32" double cucumber (found standing) on steep hillside by fence corner to Anderson and E. M. Mills; thence leaving Anderson and with Mills N 20-52-00 W 1173.60 feet to a 3/4" pipe (set) in swampy hollow (3 6" birch pointers); thence S 57-20-00 W 1118.29 feet to a railroad spike (set) in large red oak stump on the south side of a branch (16" hickory and 20" maple pointers); thence S 49-47-00 W 789.03 feet to a point in centerline of state route 3 (labeled "A" on plat attached to Wilcox Industries, Inc. deed to Kenneth Gross hereinafter mentioned) "X" (found) in north end of stone culvert bears N 49-27-00 E 27.25 feet (6" hickory and 6" red Oak pointers); thence with a new line through Wilcox Industries, Inc.; N 02-31-49 W 5560.44 feet to 3/4" rebar in the centerline of the old county road; thence through Wilcox Industries, Inc. with the apparent centerline of the old county road in a northeastern direction approximately 100 feet to a 3/4" rebar; thence leaving the old county road and with another new line through Wilcox Industries, Inc. N 65-42-30 E 4764.80 feet to a 1/2" iron rod (set) corner to G.H Bragg; thence with a new line through Wilcox Industries, Inc. S 09-20-14 W 6436.28 feet to the point of beginning containing 508.99 acres, more or less, as depicted as a part of Tract 1 on a plat prepared by Leon K. Spencer entitled, "Plat showing Survey of Property Owned by Wilcox Industries Inc., Containing 5276.239 Acres (Total), Situate in Richmond, Shady Springs, and Jumping Branch Districts, Raleigh & Summers County, West Virginia," dated February 2002, found in Map File 4, Page 298 in Raleigh County, West Virginia.;

There is excepted and reserved from this tract a portion of a 2 acre tract being labeled Tract B as shown on a map entitled "Survey of a Tract of Land Comprising 74.16 acres standing in the name of Minerva Dobbins, etal, Situated on White Oak Mountain, Part Lies in the County of Summers and Part Lies in the County of Raleigh, Jumping Branch District, Summers County, West Virginia" dated March 2, 1980 and is attached hereto and made a part of this document.