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T.M.H.

**PRIVATE RIGHT-OF-WAY AGREEMENT  
FOR MUSSELMAN ROAD EXTENSION ACCESS EASEMENT**

This Agreement is made and entered into this 12 day of July, 2004, by and between **MOUNTAIN TOP RESOURCES**, a Pennsylvania Corporation, of Snow Shoe, Centre County, Pennsylvania,

AND

**Centre Clearfield Land Group, Inc.**, a Pennsylvania Corporation, of Snow Shoe, Centre County, Pennsylvania.

RECITALS

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2004 JUN 22 11:11 AM  
CENTRE COUNTY RECORDS  
RECORDED ON THE INDICATED  
DATE & TIME IN THE ABOVE BOOK & PAGE  
INST #
- A. Mountaintop Resources is the owner of a parcel of land situate in the Township of Burnside and the Township of Snow Shoe, Centre County, Pennsylvania, by virtue of a deed dated April 21, 1999, and recorded in Centre County Record Book 1092, Page 406. Said parcel of land is further identified as Centre County Tax Parcel No. 2-3/2.
  - B. Centre Clearfield Land Group, Inc. is the owner of a parcel of land situate in the Township of Burnside and the Township of Snow Show, Centre County, Pennsylvania, by virtue of a deed dated June 28, 2001, and recorded in Centre County Record Book 1268, page 617. Said parcel of land is further identified as Centre County Tax Parcel No. 2-3/5.
  - C. Centre Clearfield Land Group, Inc. intends to subdivide its land in the Township of Burnside and the Township of Snow Shoe, Centre County, Pennsylvania (Specifically Lot 27 of the previously approved Beauty Run East Subdivision, as was placed on record in Centre County Plat Book 65, Pages 55 - 58) and has submitted a subdivision plan to the Centre County Planning Office entitled "Beauty Run West Subdivision" prepared by Hess & Fisher Engineering, plan dated February 17, 2003..
  - D. Mountaintop Resources intends to further subdivide its land in the Township of Burnside and the Township of Snow Shoe, Centre County, Pennsylvania, sometime in the future and use this easement as a basis to secure access to seasonal use lots.
  - E. It is the intention of this Agreement to provide for a permanent easement of right-of-way to both parties to this Agreement, their successors and assigns, over and across Musselman Road in accordance with the provisions of this Agreement.

- F. The easement of right-of-way set forth in this Agreement is an extension of a prior easement of right-of-way for Musselman Road as set forth in an Agreement dated January 28, 2002, and recorded in Centre County Record Book 1328, Page 904, also reference Record Book 1066, Page 568, and Deed Book 326, Page 508, for further tract history information.

NOW THEREFORE, intending to be legally bound hereby, the parties hereto covenant and agree as follows:

1. The parties hereto grant to one another a permanent easement of right-of-way for purposes of future development of the lands of the parties hereto situate in Burnside Township and Snow Shoe Township, Centre County, Pennsylvania, which easement of right-of-way is described as follows:

BEGINNING at a point, thence along Lot 38 of the Beauty Run West Subdivision the following courses and distances; North 73 degrees 25 minutes 20 seconds East, a distance of 2.35 feet to a point; North 24 degrees 47 minutes 48 seconds East, a distance of 346.73 feet; by a curve to the left, with a radius of 100.84 feet, North 12 degrees 37 minutes 41 seconds East, a distance of 42.51 feet to a point, by a curve to the left, with a radius of 89.13 feet, North 13 degrees 12 minutes 26 seconds East, a distance of 39.34 feet to a point; North 25 degrees 57 minutes 15 seconds East, a distance of 280.94 feet to a point; by a curve to the right, with a radius of 105.98 feet, North 33 degrees 30 minutes 37 seconds East, a distance of 27.88 feet to a point; North 37 degrees 59 minutes 51 seconds West, a distance of 128.44 feet to a point; by a curve to the left, with a radius of 250.76 feet, North 52 degrees 05 minutes 52 seconds West, a distance of 100.21 feet to a point; by a curve to the right, with a radius of 360.24 feet, North 48 degrees 27 minutes 52 seconds West, a distance of 169.85 feet to a point; thence along Lot 37 of Beauty Run West Subdivision the following courses and distances, by a curve to the right, with a radius of 675.54 feet, North 42 degrees 30 minutes 47 seconds West, a distance of 316.48 feet to a point; North 61 degrees 14 minutes 21 seconds West, a distance of 509.73 feet to a point; by a curve to the left, with a radius of 664.96 feet, North 61 degrees 10 minutes 49 seconds West, a distance of 211.04 feet to a point; thence along land of now or formerly Mountain Top Resources the following courses and distances, by a curve to the right, with a radius of 294.51 feet, North 41 degrees 40 minutes 22 seconds West, a distance of 152.29 feet to a point; North 25 degrees 11 minutes 18 seconds West, a distance of 152.66 feet to a point; by a curve to the left, with a radius of 3253.67 feet, North 30 degrees 13 minutes 53 seconds West, a distance of 300.82 feet to a point; North 28 degrees 40 minutes 46 seconds West, a distance of 295.48 feet to a point; by a curve to the left, with a radius of 155.25 feet, North 46 degrees 15 minutes 21 seconds West, a distance of 69.60 feet to a point; North 58 degrees 43 minutes 02 seconds West, a distance of 435.91 feet to a point; North 63 degrees 05 minutes 54 seconds West,

a distance of 645.40 feet to a point; thence along lands of now or formerly Mountain Top Resources and Lots 35 and 36 of the Beauty run West Subdivision, by a curve to the right, which is a start of a cul-de-sac, with a radius of 50.00 feet, North 28 degrees 47 minutes 27 seconds East, a distance of 50.03 feet to a point; thence along Lots 33, 34 and 35 of the Beauty Run West Subdivision, South 63 degrees 05 minutes 54 seconds East, a distance of 645.66 feet to a point; thence along Lots 32 and 33 of the Beauty Run West Subdivision, South 58 degrees 43 minutes 02 seconds East, a distance of 437.63 feet to a point; thence along Lot 31 of the Beauty Run West Subdivision the following courses and distances, by a curve to the right, with a radius of 205.25 feet, South 45 degrees 55 minutes 21 seconds East, a distance of 93.89 feet to a point; South 28 degrees 40 minutes 46 seconds East, a distance of 295.53 feet to a point; thence along Lot 30 of the Beauty Run West Subdivision, by a curve to the right, with a radius of 3303.67 feet, South 30 degrees 12 minutes 23 seconds East, a distance of 304.63 feet to a point; South 25 degrees 11 Minutes 18 seconds East, a distance of 153.01 feet to a point; by a curve to the left, with a radius of 244.51 feet, South 41 degrees 05 minutes 23 seconds East, a distance of 120.41 feet to a point; thence along Lots 29 and 30 of the Beauty run West Subdivision the following courses and distances, by a curve to the right, with a radius of 714.96 feet, South 61 degrees 05 minutes 19 seconds East, a distance of 216.58 feet to a point; South 61 degrees 14 minutes 21 seconds East, a distance of 508.01 feet to a point; thence along Lot 28 of the Beauty Run West Subdivision, by a curve to the right, with a radius of 725.54 feet, South 42 degrees 42 minutes 38 seconds East, a distance of 339.51 feet to a point; by a curve to the left, with a radius of 310.24 feet, South 48 degrees 37 minutes 54 seconds East, a distance of 143.33 feet to a point; thence along Lot 27R of the Beauty Run West Subdivision the following courses and distances, by a curve to the right, with a radius of 300.76 feet, South 51 degrees 55 minutes 03 seconds East, a distance of 120.64 feet to a point; South 37 degrees 59 minutes 51 seconds East, a distance of 186.24 feet to a point; thence along land of now or formerly Peter A. Passuello Jr. & Paul M. and Dennis T. Rogus the following courses and distances; by a curve to the left, with a radius of 55.98 feet, South 55 degrees 07 minutes 02 seconds West, a distance of 54.57 feet to a point; South 25 degrees 57 minutes 15 seconds West, a distance of 280.94 feet to a point; by a curve to the left, with a radius of 39.13 feet, South 13 degrees 12 minutes 25 seconds West, a distance of 17.27 feet to a point, by a curve to the right with a radius of 150.84 feet, South 12 degrees 37 minutes 41 seconds West, a distance of 63.59 feet to point; South 24 degrees 47 minutes 48 seconds West, a distance of 358.62 feet to a point; by a curve to the right, with a radius of 23.65 feet, South 48 degrees 22 minutes 05 seconds West, a distance of 18.91 feet to a point; South 71 degrees 56 minutes 23 seconds West, a distance of 4.74 feet to an IRON PIN, thence along land of now or formerly Mountain Top Resources, North 28 degrees 01 minutes 27 seconds West, a distance of 51.12 feet to a point, the place of beginning.

CONTAINING 5.11 acres on a plan titled "Access Road Map, final subdivision Plan, Beauty Run West, Snow Shoe and Burnside Townships, Centre County, sheet 3 of 6", as prepared by Hess & Fisher Engineers, Inc., dated May 10, 2004.

2. The parties hereto hereby covenant and agree that the easement of right-of-way shall be a permanent private easement for the right of free ingress, egress and regress to and for the use, in common, of the parties hereto, their successors and assigns.
3. The parties hereto covenant and agree that the said easement of right-of-way shall continue to be a private easement of right-of-way, 50 feet in width, to provide full and free ingress, egress, and regress to and for the said parties hereto, their successors and assigns.
4. The parties hereto covenant and agree that the easement of right-of-way herein granted shall be used and maintained by the parties hereto, their successors and assigns so that the easement of right-of-way shall forever be open and passable for the private use of the parties hereto. The cost of maintenance and/or improvements shall be the equally shared responsibility of the parties hereto, their successors and assigns until such time as the land of the parties is developed, at which time such costs shall be shared on a pro rata basis by the lot owners in the subdivision of Mountaintop Resources and the subdivision of Centre Clearfield Land Group, Inc.
5. The parties hereto shall have the right to install and maintain any necessary public and/or private utilities within the 50 foot wide easement of right-of-way, providing that said utilities shall not interfere with the rights of ingress, egress, regress or other utilization of said easement.
6. It is agreed that said easement of right-of-way shall be maintained as a sixteen foot wide cartway with an adequate stone base as required for major Seasonal/Residential Subdivisions under Section 902.R.2 of the Centre County Subdivision and Land Development Ordinance adopted July 1, 1983.
7. This declaration shall be binding upon the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

MOUNTAIN TOP RESOURCES

By: John C. Johns

ATTEST:

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CENTRE CLEARFIELD LAND GROUP, INC.

By: Jessica P. AS

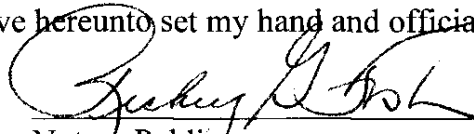
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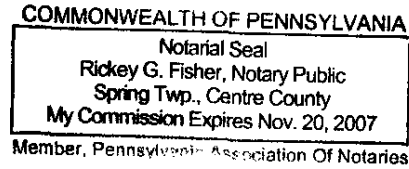
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STATE OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF Centre )

ON THIS, the 12 day of July, 2004, before me, a Notary Public, the undersigned officer, personally appeared John C. Tobias, who acknowledged himself/herself, to be Vice President of Mountaintop Resources and that he/she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Mountaintop Resources by himself/herself as John C. Tobias.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

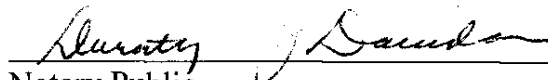
  
Notary Public



STATE OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF Centre )

ON THIS, the 12 day of July, 2004, before me, a Notary Public, the undersigned officer, personally appeared John R. Miller Jr. who acknowledged himself/herself, to be P.O.A. of Centre Clearfield Land Group, Inc., a Pennsylvania Corporation, and that he/she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

  
Notary Public

