

394-90

WHEREAS, the parties to this instrument are the owners of certain adjoining tracts of land in South River Magisterial District of Rockbridge County, Virginia, to the south of State Road #56 between the Village of Vesuvius and the Blue Ridge Parkway, about 2½ miles east of Vesuvius.

AND WHEREAS, there is an existing right of way across a road leading from State Road #56 in a southerly direction across lands of Hansford C. Hite, and wife, and continuing to and bordering for a short distance or adjacent to a portion of lands of Douglas Guy Hite and also across lands of Margaret I. Hamilton and connecting with the lands of Mary Edna Hutchens.

AND WHEREAS, said road has been in existence and used for many years by the parties hereto and their predecessors in title and is acknowledged by all as being a valid and existing access way to all parties; however, there is no deeded right of way to the parcels owned by Margaret I. Hamilton and Mary Edna Hutchens.

AND WHEREAS, it is the intent of this document to reduce said right of way to writing and to set forth certain maintenance provisions and other provisions concerning the use of the right of way.

AND WHEREAS, Hansford C. Hite and Dorothy M. Hite, husband and wife, are the owners of two adjoining tracts containing 74.42 acres, more or less, as shown on a plat prepared by J. W. Clark & Associates, Fishersville, Virginia, dated September 11, 1961, and recorded in Rockbridge County, Virginia, Plat Book 3, at page 92, and a 7.27 acre parcel, which Hansford C. Hite acquired by the following deeds:

1. Deed from Hansford C. Hite and Dorothy M. Hite, his wife, to Hansford C. Hite and Dorothy M. Hite, husband and wife, dated October 24, 1961, recorded in Deed Book 263, page 452, for 74.42 acres.
2. Deed of exchange from USA to Hansford C. Hite and Dorothy M. Hite, dated March 22, 1989, recorded in Deed Book 453, page 559, being Tract 1460 for 7.27 acres.

AND WHEREAS, Douglas Guy Hite was conveyed his parcel containing 2.33 acres, more or less, from Hansford C. Hite and Dorothy M. Hite, husband and wife, by deed dated January 7, 1980, and recorded in said Clerk's Office in Deed Book 383, page 611.

AND WHEREAS, Margaret I. Hamilton was conveyed her parcel from Viola H. Hite, widow, and others by deed dated December 29, 1965, recorded in said Clerk's Office in Deed Book 298, page 340.

AND WHEREAS, Mary Edna Hutchens, widow, was conveyed her tract containing 54 acres, more or less, from Emmett Hansford Hite and others by deed dated August 14, 1963, recorded in Rockbridge County, Virginia, in Deed Book 274, page 385, she having acquired this tract in fee simple on the death of her husband, John P. Hutchens.

NOW THEREFORE, this RIGHT OF WAY DEED made and entered into this the 6th day of February, 1990, by and between Hansford C. Hite and Dorothy M. Hite, husband and wife, first parties; Douglas Guy Hite and Rebecca C. Hite, his wife, second parties; Margaret I. Hamilton and Walter W. Hamilton, her husband, third parties; and Mary Edna Hutchens, widow, fourth parties.

-*- WITNESSETH -*-

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) cash in hand paid by each of the parties to this agreement to each of the other parties to this agreement, receipt of which is hereby acknowledged, and in further consideration of the mutual benefits of the subscribing parties, the parties hereto contract and agree between themselves and for their heirs and assigns as follows:

1. That all parties to this conveyance shall have an easement 20 feet in width across an existing roadway which leads in a southerly direction from State Road #56, beginning across lands of first parties and then across Douglas Guy Hite and thence through and continuing across lands of Margaret I. Hamilton to lands of Mary Edna Hutchens.

2. The right of way shall be at the existing location of the road and may vary to some extent from the location of the right of way as shown on the J. W. Clark Plat referred to above; said right of way is increased from 15 feet as shown on the Clark Plat to 20 feet.

3. The parties hereto agree that there shall be fair and equitable prorata maintenance of the right of way and bridge in accordance with the use of any portion of the right of way by the parties hereto and their heirs and assigns. The road shall be a gravelled road.

4. Not more than two residences shall have the right to use the right of way on each of the parcels owned by third parties and fourth party for a total of four residences having the use of said right of way on these parcels.

WITNESS the following signatures and seals:

Hansford C. Hite (SEAL)
HANSFORD C. HITE

Dorothy M. Hite (SEAL)
DOROTHY M. HITE

Douglas Guy Hite (SEAL)
DOUGLAS GUY HITE

Rebecca C. Hite (SEAL)
REBECCA C. HITE

Margaret I. Hamilton (SEAL)
MARGARET I. HAMILTON

Walter W. Hamilton (SEAL)
WALTER W. HAMILTON

Mary Edna Hutchens (SEAL)
MARY/EDNA HUTCHENS

STATE OF VIRGINIA: AT LARGE:
CITY/COUNTY OF Rockbridge : to wit:

The foregoing instrument has been acknowledged before me this the 15th day of February, 1990, by HANSFORD C. HITE AND DOROTHY M. HITE, HUSBAND AND WIFE.

My Commission
expires: August 5, 1991

W. Louis Jackson III
NOTARY PUBLIC

DEED OF EASEMENT

751-90

THIS DEED OF EASEMENT, made and entered into this 22nd day of March, 1990, by and between HANSTFORD C. HITE and DOROTHY M. HITE, Husband and Wife, Parties of the First Part; JANE W. MILLIKEN and GARY L. MARSHALL, Trustees under Land Trust, Parties of the Second Part; and DOUGLAS GUY HITE and REBECCA C. HITE, Husband and Wife, and MARGARET I. HAMILTON and WALTER W. HAMILTON, Husband and Wife, and MARY EDNA HUTCHENS, (Widow), Parties of the Third Part:

:-: W I T N E S S E T H :-:

WHEREAS, the Parties of the First Part own property adjoining property purchased from said Parties by the Parties of the Second Part, and,

WHEREAS, the Parties of the First Part wish to clarify the grant of a right of way as contained in the deed to the Parties of the Second Part over and across a portion of their property;

NOW THEREFORE AND IN CONSIDERATION of the sum of TWENTY and NO/100 (\$20.00) DOLLARS, cash in hand paid by the Parties of the Second Part unto the Parties of the First Part, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the said Parties of the First Part do hereby BARGAIN, SELL, GRANT and CONVEY with GENERAL WARRANTY and MODERN ENGLISH COVENANTS OF TITLE unto the Parties of the Second Part, as Trustees under a Land Trust Agreement the following nonexclusive easement:

1. The Parties of the Second Part shall have a nonexclusive easement twenty (20) feet in width over and across an existing roadway which leads in a southerly direction from State Road #56, across lands of the Parties of the First Part.

2. The easement granted shall be at the existing location of the road and may vary to some extent from the location of said easement as shown on the J.W.Clark Plat and as shown on the plat of the property conveyed to the Parties of the Second Part herein which plat is recorded contemporaneously with the deed of conveyance.

3. The parties hereto agree that there shall be a fair and equitable prorata maintenance of the easement and the bridge across the creek as indicated on said plat in accordance with the respective use of all the parties using said easement specifically including the Parties of the Third Part, their heirs and assigns. The road shall be a gravel road unless otherwise agreed to by all parties.

4. The Parties of the Second Part may use said easement consistent with any lawful use as set forth in the Land Development Regulations of the County of Rockbridge.

The Parties of the Third Part join herein to acknowledge the easement hereby granted and the right of the Parties of the Second part to use said easement as set forth herein.

This conveyance of an easement is to run with the property of the Parties of the Second Part and to accrue to the benefit of said property and to the Parties of the Second Part their heirs, successors or successors in title, assigns and devisees.

WITNESS the following signatures and seal:

Hansford C. Hite (SEAL)
HANSFORD C. HITE

Dorothy M. Hite (SEAL)
DOROTHY M. HITE

Douglas Guy Hite (SEAL)
DOUGLAS GUY HITE

Rebecca C. Hite (SEAL)
REBECCA C. HITE

Margaret I. Hamilton (SEAL)
MARGARET I. HAMILTON

Walter W. Hamilton (SEAL)
WALTER W. HAMILTON

Mary Edna Hutchens (SEAL)
MARY EDNA HUTCHENS

STATE OF VIRGINIA
CITY/COUNTY OF Rockbridge, To-wit:

The foregoing instrument was acknowledged before me in my jurisdiction this 23rd day of March, 1990 by HANSFORD C. HITE, ~~DOROTHY M. HITE, his wife~~; DOUGLAS GUY HITE and REBECCA C. HITE, his wife; MARGARET I. HAMILTON and WALTER W. HAMILTON, her husband, and MARY EDNA HUTCHENS, widow.

My commission expires: August 5, 1991.

Linda B. Maddox
Notary Public

