

if any, as may hereafter be deemed requisite.

Agnes S. Heine of the first part joins herein and executes this Deed solely for the purpose of releasing her inchoate right of dower in and to the real estate hereby conveyed.

WITNESS the following signatures and seals.

William A. Heine (SEAL)
William A. Heine

Agnes S. Heine (SEAL)
Agnes S. Heine

STATE OF VIRGINIA

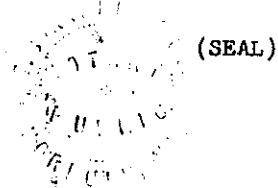
COUNTY/CITY OF NORFOLK : To-wit:

I, T. CORNELL BERRY, a Notary Public in and for the State and County/City aforesaid, do hereby certify that William A. Heine and Agnes S. Heine, his wife, whose names are signed to the foregoing Deed, bearing date of DECEMBER 17, 1959, have acknowledged the same before me in my State and County/City aforesaid.

Given under my hand and seal this 19 day of DECEMBER 1959.

My commission expires 5 2 60.

T. Cornell Berry
Notary Public



U. S. \$ 1.65
TAX 2.25
TRANS. 1.00
CLERK 3.00
TOTAL \$ 7.90
1 Pd.

Virginia, Clarke County, sct
On the 4 day of January 19 60 the foregoing deed BTS
dated 19 day of December 19 59 was received in the clerk's office of the
Circuit Court of said County, certified for record and with the certificate admitted to record,
at 12:30 o'clock P. M.

Teste: Lucas A. Allen
Clerk

BENJAMIN W. DULANY
JANE T. DULANY,
GORDON MacDOUGALL,
JOHN T. MERCER

TO (AGREEMENT OF RIGHT OF WAY AND
EASEMENT

CLIFFORD H. BRINGFIELD and
CHARLES M. BAKER,
trading and doing business as
"CALMES NECK FARM"

Mailed to: A. Garland Williams, Esq.,
Atty., Berryville, Va.

No. 9

KNOW ALL MEN THAT WE, BENJAMIN W. DULANY and JANE T. DULANY, ¹⁶²

wife of Benjamin W. Dulany, for the consideration of One (\$1.00) Dollar cash in hand paid by Gordon MacDougall, John T. Mercer; and Clifford H. Brincefield and Charles M. Baker, the latter two named persons a partnership trading and doing business as "Calmes Neck Farm", the said BENJAMIN W. DULANY and JANE T. DULANY, DO GRANT TO: Gordon MacDougall, John T. Mercer; and Clifford H. Brincefield and Charles M. Baker, a partnership trading and doing business as "Calmes Neck Farm" an EASEMENT in the following described parcel of real estate:

That certain parcel of real estate situated East of the Shenandoah River in Chapel Magisterial District, Clarke County, Virginia, and more particularly described as follows:

Beginning at a point on the Gordon H. MacDougall and Benj. W. Dulany Boundary, 195 feet from the southeast corner of the whole Dulany Tract and running through the Dulany Tract, said beginning being on a Curve and then running with the Curve with a Radius of 64.50' and an Angle of 75-33-50 an Arc Distance of 47.03' then S 53-32-10 W, 154.79'; S 39-52-40 W, 149.27'; S 62-48-10 W, 80.95; to a point about 35.0 feet from a marked tree, a corner to W. S. C. Burwell; then running parallel to and 35.0 feet more or less from the Dulany and Burwell Boundary the following; N 85-14-10 W, 132.46'; S 63-49-10 W, 166.01'; S 46-53-20 W, 257.52'; S 87-08-20 W, 200.25'; N 85-02-30 W, 242.91'; N 80-54-30 W, 151.91'; S 70-11-30 W, 197.70'; N 56-18-40 W, 205.51' to a point on the Calmes Neck and Benj. W. Dulany Boundary, said point being about 35.0' from a marked tree, the southwest corner of Dulany on the Calmes Neck line. The above description being the metes and bounds of the centerline of the Calmes Neck - Access Road said Access Road includes 25.0' feet on each side of the centerline making a total width of 50 feet and being an area of 2.28 acres, more or less; -

and being the same real estate acquired by Benj. W. Dulany by deed from H. Rozier Dulany, Jr., and Kate A. Dulany, his wife, dated August 10, 1940, and of record in the Clerk's Office of the Circuit Court of Clarke County, Virginia, in Deed Book No. 27, at page 275; and

And the said Benjamin W. Dulany does warrant generally the title to the foregoing described real estate in which the Easement is granted; and,

KNOW ALL MEN THAT I, GORDON MacDOUGALL, unmarried, for the consideration of One (\$1.00) Dollar cash in hand paid by Benjamin W. Dulany, John T. Mercer; and Clifford H. Brincefield and Charles M. Baker, the latter two named persons, a partnership trading and doing business as "Calmes Neck Farm"; the said GORDON MacDOUGALL DOES GRANT TO: Benjamin W. Dulany, John T. Mercer; and Clifford H. Brincefield and Charles M. Baker, a partnership trading and doing business as "Calmes Neck Farm" an EASEMENT in the following described parcel of real estate:

That certain parcel of real estate situated East of the Shenandoah River in Chapel Magisterial District, Clarke County, Virginia, and more particularly described as follows:

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Beginning at a point on the Gordon H. MacDougall and John T. Mercer boundary, this point being in a fence 103 feet northwest of MacDougall's gate and running through the MacDougall property the following: N 75-01-50 W, 74.13; N 85-28-20 W, 103.98; S 80-34-10 W, 88.07; S 58-07-50 W, 99.38; S 12-15-30 W, 137.96; S 54-38-50 W, 143.45; S 53-10-20 W, 164.17; S 57-06 W, 164.50; S 38-50 W, 125.99; 17-34 W, 159.38; S 45-49 W, 139.12; S 46-25 W, 257.48' to a point of curvature; then on a Curve with a Radius of 181.42' and an Angle of 47-35-50 an Arc Distance of 150.71' to a point of reverse Curve with a Radius of 46.70' and an Angle of 111-04 an Arc Distance of 90.53' to a point of tangency; then N 70-06-50 W, 59.78; N 51-07-50 W, 268.50; N 6-33 W, 179.42; N 0-27 E, 366.40; N 24-09 E, 332.03; N 18-35 W, 180.53; N 3-30 W, 208.50; N 21-17 W, 271.85; N 43-11 W, 179.11; N 50-54 W, 254.48' to a point of curvature; then on a Curve with a Radius of 64.50' and an Angle of 75-33-50, an Arc Distance of 38.00' to a point on the Boundary line of Gordon H. MacDougall and Benj W. Dulany, said point being 195' from the southeast corner of the whole Dulany Tract. The above description being the metes and bounds of the centerline of the Calmes Neck-Access Road said Access Road includes 25.0 feet on each side of the centerline making a total width of 50 feet and being an area of 4.86 acres, more or less;

and being the same real estate acquired by Gordon MacDougall by deed from E. J. Rothfuss and Catherine F. Rothfuss, his wife, dated April 23, 1958, and of record in said Clerk's Office in Deed Book No. 54, at page 109.

And the said GORDON MacDOUGALL does warrant generally the title to the foregoing described real estate in which the Easement is granted; and,

KNOW ALL MEN THAT I, JOHN T. MERCER, widower, for the consideration of One (\$1.00) Dollar cash in hand paid by Benjamin W. Dulany, Gordon MacDougall; and Clifford H. Brincefield and Charles W. Bakter, the latter two named persons a partnership trading and doing business as "Calmes Neck Farm", the said JOHN T. MERCER DOES GRANT TO: Benjamin W. Dulany, Gordon MacDougall; and Clifford H. Brincefield and Charles M. Baker, a partnership trading and doing business as "Calmes Neck Farm" an EASEMENT in the following described real estate:

That certain parcel of real estate situated East of the Shenandoah River in Chapel Magisterial District, Clarke County, Virginia, and more particularly described as follows:

Beginning in the center of Virginia Secondary Route No. 606, N 10 E -- 68.0' from the center of a concrete bridge over a Branch, then running through the John T. Mercer Property the following: S 86-38 W, 340.59; S 61-53-10 W, 118.65; N 73-08-30 W, 269.22; N 84-24-50 W, 249.00; S 77-43-20 W, 175.04; N 72-44- W, 346.86; N 68-06-40 W, 433.95; N 68-10-20 W, 332.07; S 66-41-20 W, 302.97; S 44-18-10 W, 288.78; S 56-57-50 W, 270.16; S 75-01-50 W, 39.00 to a point in a fence, the John T. Mercer and Gordon H. MacDougall 103 feet northwest of MacDougall's gate. The above description being the metes and bounds of the centerline of the Calmes Neck - Access Road said Access Road includes 25.0 feet on each side of the centerline making a total width of 50 feet and being an area of 3.63 acres more or less;

and being the same real estate acquired by John T. Mercer by deed dated _____ day of _____, 19____, and recorded in Deed Book _____ at page ____.

And the said John T. Mercer does warrant generally the title to the foregoing described real estate in which the Easement is granted; and,

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Together with an equal right with themselves (The Grantors) to use the right-of-way, ~~is~~, over and across the heretofore described three parcels of land for their heirs and assigns, for their servants and tenants and occupants of adjoining tract of land and any other person or persons for their benefit and advantage, in common with all the parties herein, namely: BENJAMIN W. DULANY, GORDON MacDOUGALL, JOHN T. MERCER; and CLIFFORD H. BRINGFIELD and CHARLES M. BAKER, trading and doing business as "Calmes Neck Farm" for their servants, tenants, occupants of his or their or its respective premises or tracts of land now owned by any of the parties to this instrument, located East of the Shenandoah River in Chapel Magisterial District, Clarke County, Virginia, and at all times freely, to pass and repass on foot or with animals, vehicles, loads or otherwise over and upon the parcels of land herein granted; and said parcels of land contain in the aggregate 10.77 acres, shall always bear and be charged with the utilities for the purpose of placing and maintaining thereon and thereunder any and all improvements or apparatus, pipes, poles, wires, cables, conduits and other instrumentalities necessary or needful in and about the transmitting, conducting and distributing the electric current, telephone, and other public utilities service and to that end the agents, servants and employees of any person, firms or corporations in public utility service shall have the right of ingress and egress over and across said parcels of land and no improvements or hindrances will be placed upon said parcels of land that will materially interfere with ingress and egress as heretofore set forth and the operation of such public utilities.

And as a COVENANT running with this EASEMENT, Benjamin W. Dulany and Jane T. Dulany, his wife, do hereby agree to DEDICATE their parcel of 2.28 acres; Gordon MacDougall does hereby agree to DEDICATE his parcel of 4.86 acres; and John T. Mercer does hereby agree to DEDICATE his parcel of 3.63 acres, all three parcels embraced in this EASEMENT to the Commonwealth of Virginia and at such times as the Commonwealth of Virginia will accept the same as a Street, Road or Highway; and,

To insure the observance of this COVENANT any party to this instrument or successor or successors in title to the premises, parcels or tracts of real estate heretofore referred to in this instrument, shall have the right to apply to the Circuit Court of Clarke County, Virginia, or a court of proper jurisdiction to appoint a Commissioner or Commissioners to convey or DEDICATE said respective parcels of land of Benjamin W. Dulany, Gordon MacDougall, and John T. Mercer, or their respective heirs, successors or assigns

to the Commonwealth of Virginia, in the place and stead of Benjamin W. Dulany and Jane T. Dulany, his wife, Gordon MacDougall, and John T. Mercer; provided Benjamin W. Dulany and Jane T. Dulany, his wife, or Gordon MacDougall, or John T. Mercer, or either one or more of them would refuse to DEDICATE their said respective parcels of land containing 2.28 acres, 4.86 acres and

3.53 acres to the Commonwealth of Virginia at such time or times as the Commonwealth of Virginia would accept it as a street, road or highway.

The respective three parcels of real estate are shown by a plat made by Quentin R. Shortt, Certified Land Surveyor, as of October 29, 1959, which plat is incorporated into and made a part of this Agreement.

WITNESS the following signatures and seals this the 22nd day of December, 1959.

Benjamin W. Dulany (SEAL)
BENJAMIN W. DULANY

Jane T. Dulany (SEAL)
JANE T. DULANY

Gordon MacDougall (SEAL)
GORDON MacDOUGALL

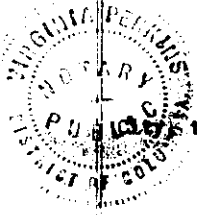
John T. Mercer (SEAL)
JOHN T. MERCER

DISTRICT OF COLUMBIA:
SS:
CITY OF WASHINGTON:

I, Virginia Perkins, a Notary Public in and for the District of Columbia, City of Washington, do hereby certify that BENJAMIN W. DULANY and JANE T. DULANY, his wife, whose names are signed to the foregoing instrument in writing, bearing date 22nd day of December, 1959, have personally appeared before me in my City aforesaid and acknowledged the same in my City aforesaid.

My commission expires October 31, 1964.

GIVEN under my hand and Official Notarial Seal, in my said City, this 29th day of December, 1959.



Virginia Perkins
NOTARY PUBLIC

SEAL

STATE OF MARYLAND:
SS:
COUNTY OF Montgomery

I, Edward W. Cashman, JUSTICE OF THE PEACE MONTGOMERY CO. MD. a Notary Public in and for the State of Maryland, County of Montgomery do hereby certify that GORDON MacDOUGALL, unmarried, whose name is signed to the foregoing instrument in writing, bearing date 22nd day of December, 1959, has personally appeared before me in my said County and acknowledged the same in my County aforesaid.

My commission expires 5-1-61.

GIVEN under my hand and Official Seal, in my said County,

day of Dec 1959



Edward W. Cashman
NOTARY PUBLIC
JUSTICE OF THE PEACE
MONTGOMERY CO., MD.

30 11/16

STATE OF VIRGINIA:
SS:
COUNTY OF CLARKE:

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I, BARBARA JEAN LLOYD, a Notary Public in and for the County of Clarke, State of Virginia, do hereby certify that JOHN T. MERCER, widower, whose name is signed to the foregoing instrument in writing, bearing date 22nd day of December, 1959, has personally appeared before me in my said County and acknowledged the same in my County aforesaid.

My commission expires July 30, 1962.

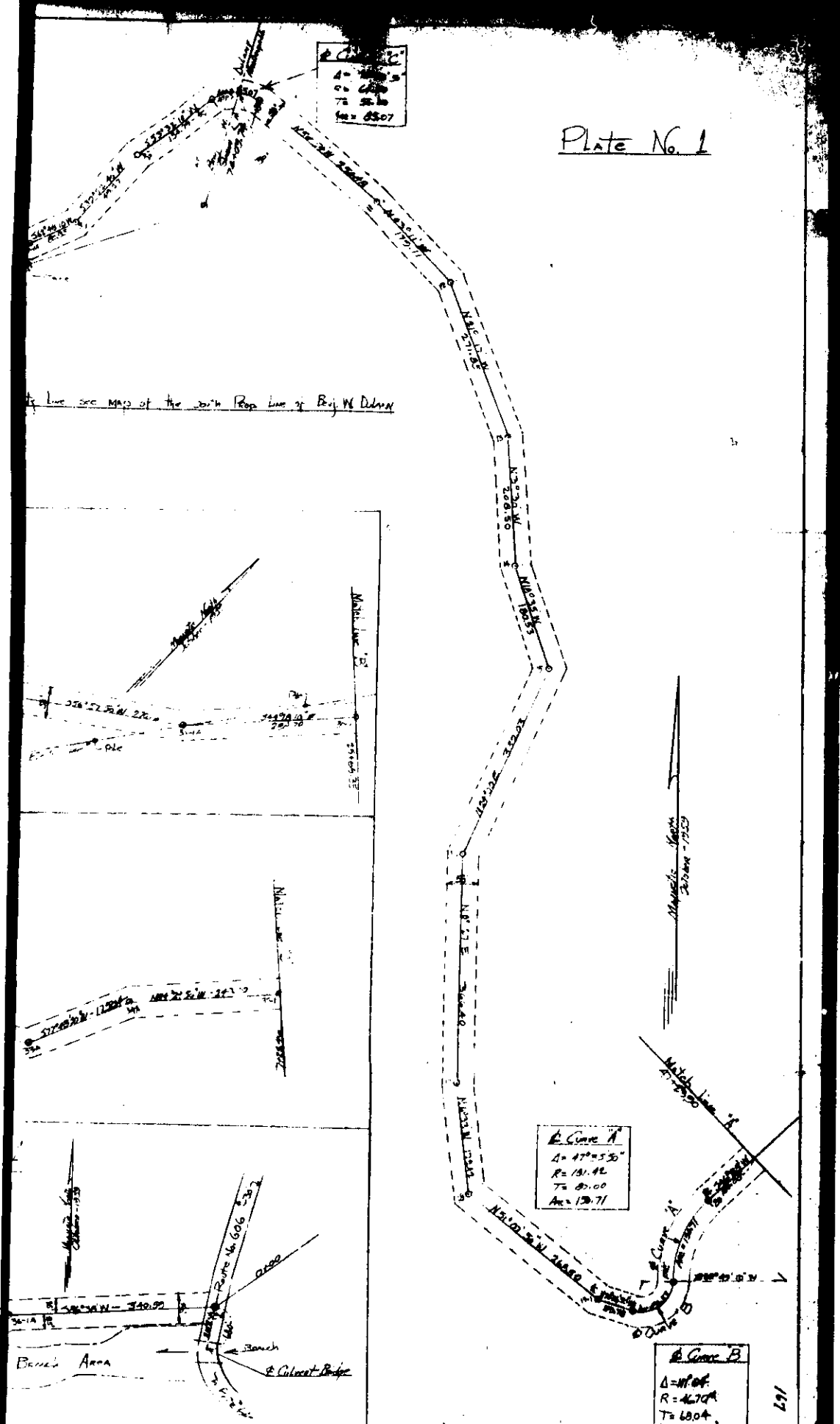
GIVEN under my hand, in my said County, this 14 day of January, 1960.

Barbara Jean Lloyd
BARBARA JEAN LLOYD, Notary Public

H. B. ...

PLATE No. 1

to be the same map of the 20th Prop. Line of Big W. Dixon



Curve A
 $\Delta = 117^{\circ} 55' 50''$
 $R = 151.42$
 $T = 82.00$
 $Area = 2507$

Curve A
 $\Delta = 117^{\circ} 55' 50''$
 $R = 151.42$
 $T = 82.00$
 $Area = 2507$

Curve B
 $\Delta = 117^{\circ} 55' 50''$
 $R = 467.04$
 $T = 600.4$
 $Area = 2553$

ST. TAX \$ None.
 LOCAL TAX 12.00
 CLERK CT 32.00 Paid.
 TOTAL \$

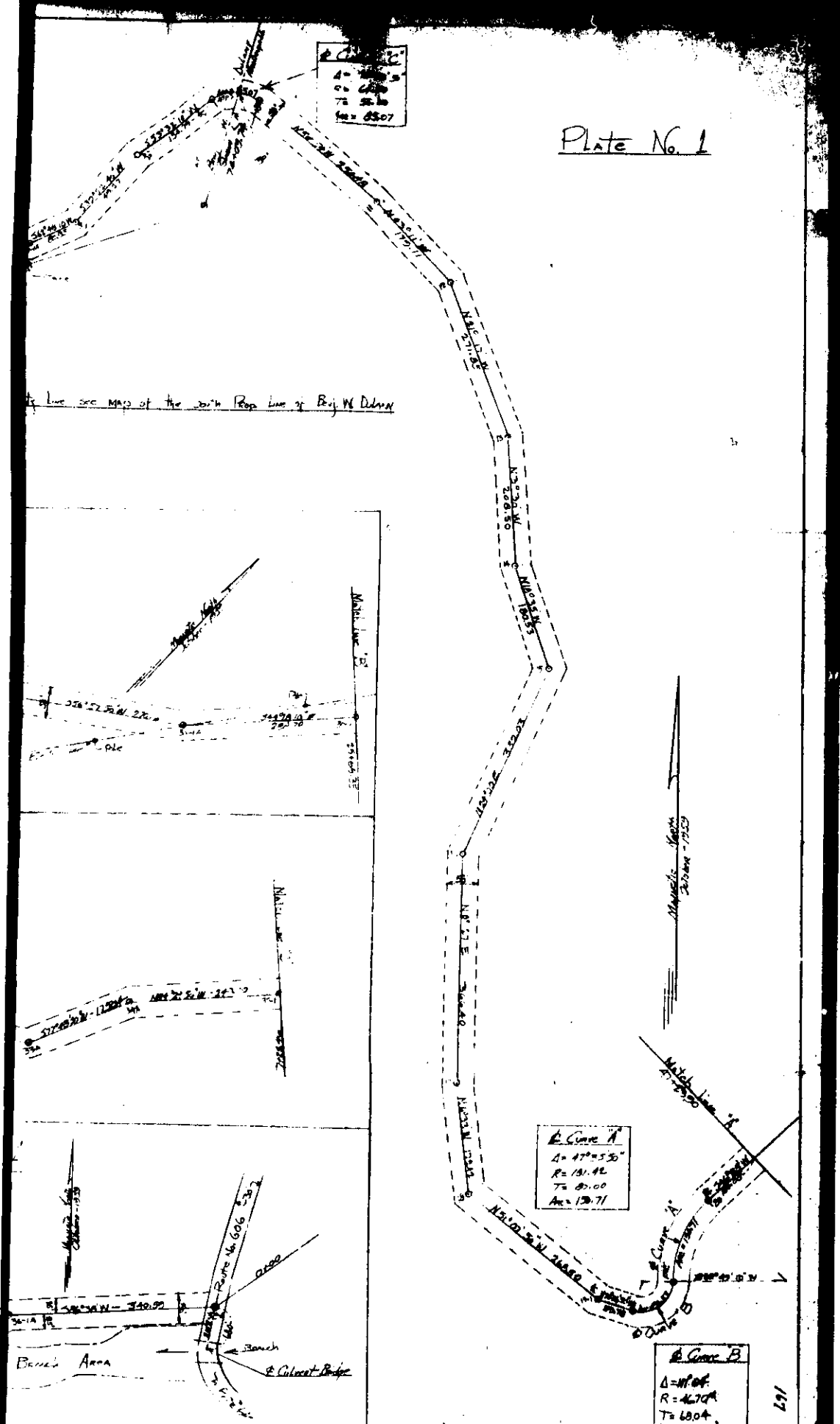
Virginia, Clarke County, set:
 On the 5 day of January 1960, the foregoing deed and instrument dated 22 day of December 1959, was received in the clerk's office of the Circuit Court of said County, certified for record and with the certificate admitted to record at 4:30 P.M.

Tax: *James O. Allison*

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PLATE No. 1

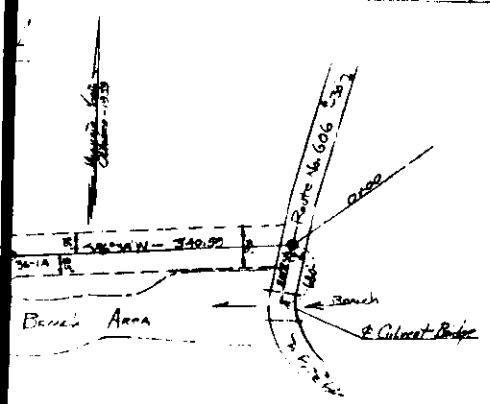
to be the same map of the 20th Prop Line of Big W. Dixon



Curve A
 $\Delta = 47^{\circ}55'30''$
 $R = 151.42$
 $T = 82.00$
 $Ac = 2507$

Curve A
 $\Delta = 47^{\circ}55'30''$
 $R = 151.42$
 $T = 82.00$
 $Ac = 2507$

Curve B
 $\Delta = 11^{\circ}04'$
 $R = 4670'$
 $T = 6004'$
 $Ac = 2953'$



ST. TAX \$ None.
 LOCAL TAX 12.00
 CLERK CT 32.00 Paid.
 TOTAL \$

Virginia, Clarke County, set:
 On the 5 day of January 1960, the foregoing deed and instrument dated 22 day of December 1959, was received in the clerk's office of the Circuit Court of said County, certified for record and with the certificate admitted to record at 4:30 P.M.

Treas: *James O. Allison*

[Signature]