

Returned 4/1/94 To:  
John R. Friant, Jr., Atty.

BOOK 242 PAGE 14

#94-635

THIS DEED, made and entered into this 21<sup>st</sup> day of February, 1994, by and between RICHARD C. PLATER, JR., party of the first part (herein "Grantor"); and CALMES NECK PROPERTY OWNERS ASSOCIATION, a Virginia corporation, party of the second part (herein "Grantee").

W I T N E S S E T H :

WHEREAS, Grantor is the owner of various lots or parcels of land situate at Calmes Neck on the east side of the Shenandoah River in Chapel Magisterial District, Clarke County, Virginia, as shown on the plat of Division of Land of Double E Land and Cattle Company, known as CALMES NECK ESTATES, prepared by O. B. Knight, C.L.S., dated April 20, 1960 and recorded in Deed Book 58 at Page 507 in the Office of the Clerk of the Circuit Court of Clarke County, Virginia, namely Lots 45 through 54 and Lots 56 through 63, having acquired title thereto by Deeds of record in the aforesaid Clerk's Office in Deed Book 150 at Page 3, Deed Book 150 at Page 9, Deed Book 150 at Page 161, and Deed Book 158 at Page 710, respectively; and

WHEREAS, by Ordinance duly adopted by the Board of Supervisors of Clarke County, Virginia on October 15, 1985, of record in the aforesaid Clerk's Office in Deed Book 164 at Page 710, the aforesaid plat of Division of Land of Double E Land and Cattle Company was vacated as to Lots 45 through 54, Lots 56 through 63, and that portion of Hickman Avenue from its terminus extending to the northeast corner of Lot 45 and southeast corner of Lot 60, thereby resulting in a single tract of land owned by Grantor containing in the aggregate 117.773 acres as shown on the plat of vacation attached to said Ordinance, prepared by Ken W. Erickson, Land Surveyor, dated August 5, 1985; and

WHEREAS, Grantee is a Virginia non-stock, not-for-profit corporation created pursuant to the Virginia Property Owners' Association Act, Chapter 26 of Title 55 of the Code of Virginia, 1950 as amended, which corporation has been formed for the purpose of maintaining and preserving the roads, common areas and recreational facilities at the Calmes Neck Estates Subdivision and the collection of monetary assessments therefor; and

WHEREAS, it is the desire of the Grantor to convey to the Grantee a portion of Grantor's above-described property, which portion corresponds to the land heretofore used by the property owners in the Calmes Neck Estates Subdivision for open space and recreational purposes, namely the major portion of Lot 48 and the southwestern portion of Lots 49 and 50.

NOW, THEREFORE, for and in consideration of the premises; the sum of One Dollar (\$1.00), cash in hand paid by Grantee to Grantor; the settlement of that certain Chancery proceeding pending before the Circuit Court of Clarke County, Virginia wherein Grantor was Defendant, Chancery No. 90-3014, as evidenced by the Settlement Agreement in such proceeding dated November 6, 1993 and in pursuance of the consent decree in such proceeding ratifying, confirming and approving said settlement, of record in the aforesaid Clerk's Office in Chancery Order Book 1 at Page 546; and other good and valuable consideration,

Grantee's Address: c/o Edward Pye Chamberlayne  
1114 Prince Street  
Alexandria, Virginia 22314

the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, with General Warranty and English Covenants of Title except as hereinafter set forth, all that certain tract or parcel of land, together with the improvements thereon and all easements, privileges and appurtenances thereunto belonging, situate at Calmes Neck on the east side of the Shenandoah River, in Chapel Magisterial District, Clarke County, Virginia, containing 9.993 acres according to plat and survey thereof prepared by L. Allen Ebert, Land Surveyor, dated November 11, 1993, and denominated thereon as "Recreation Area", which plat and accompanying Owner's Certificate and survey description are attached hereto and incorporated herein by this reference; AND BEING a portion of the same property conveyed to Grantor by Deeds from Double E Land and Cattle Company dated April 15, 1983 and recorded in Deed Book 150 at Page 3 and in Deed Book 150 at Page 9, respectively, in the aforesaid Clerk's Office; TOGETHER WITH an easement or right of way for purposes of ingress and egress and utilities to and from the herein-conveyed property and Hickman Avenue, shown and designated as "30' Private Access Easement" on the attached plat.

As an appurtenance to the aforesaid conveyance, Grantor additionally grants to Grantee an easement for septic disposal to consist of septic drain line, tank, distribution box and drainfield for the purpose of conveyance and transmission of fluids over retained land of Grantor consisting of the western portion of Lot 47 and that portion of Lot 48 east of the existing east boundary fence, TOGETHER WITH a temporary construction easement for the purpose of excavation and installation of said septic system and a permanent maintenance easement for the purpose of any needed maintenance of said septic system. The foregoing easement is granted subject to the following covenants and conditions:

1. No structure other than the proposed bathroom/meeting room to be located near the existing swimming pool situate on Lot 48 may hook into said septic system.
2. The cost of construction of said septic system shall be borne by solely by the Grantee, and the Grantor shall have no responsibility in respect thereto.
3. Upon commencement of excavation work, the septic system shall be installed in a timely manner and in accordance with all applicable laws and regulations of the State Department of Health.
4. Any maintenance or repair work required to maintain said septic system shall be the responsibility of the Grantee and the Grantor shall have no responsibility with respect thereto.
5. Whenever the enjoyment of its rights hereunder requires the Grantee or its agents to disturb the surface of the ground, it shall be the obligation of Grantee to restore the same to its condition prior to being so disturbed at Grantee's sole cost and expense.

Grantor reserves for himself and his assigns the right and privilege to use, operate, maintain, repair and replace, if necessary, the existing water line leading from the well

appurtenant to the residential dwelling situate at the northernmost portion of lot 49, thence traversing the northern portion of Lot 48 hereinabove conveyed by Grantor to Grantee, which water line serves the existing log office building situate at the northern portion of Lot 47.

As an additional appurtenance to the above conveyance, Grantor grants to Grantee the right and privilege to draw water from the well currently supplying water to the residence situate on the northernmost portion of Lot 49, to serve the pool and related facilities now or hereafter erected, so long as such usage does not pose a threat of water shortage to said residence. Grantee agrees to share equally with Grantor, his successors or assigns the cost of any maintenance to the aforesaid well and water pump therein, excluding, however, any new water well construction costs on Grantor's property.

Grantor hereby reserves an easement over a portion of the herein conveyed property located on Lot 50, shown as "Easement Area" ("Burr Oak Wedge") on the attached plat, containing in the aggregate 4,344 square feet, permitting Grantor or his successor in title to maintain a fence from a point near the Burr Oak trees southeasterly to the Shenandoah River, as more particularly described by metes and bounds (from points C to B and thence from points B to A) on the attached plat, and to use such Easement Area to inhibit the passage of Grantor's cattle upriver into the balance of the recreational area hereinabove conveyed to Grantee. The easement granted hereby shall remain in full force and effect for so long as the Grantor or his heirs, successors and assigns maintain Grantor's adjoining property as a pasture for cattle, and maintain a gate between the fence and the Burr Oak trees that inhibits the free movement of cattle into the Easement Area.

The aforesaid conveyance is made subject to a contingent reversionary right in favor of Grantor, his heirs, successors and/or assigns, namely, upon the occurrence of any of the following events: (i) in the event that the Calmes Neck Property Owners Association disbands or dissolves without provision for a successor organization that accepts the obligations contained in the Settlement Agreement dated November 6, 1993 entered into between Grantor and various property owners in the Calmes Neck Estates Subdivision, Circuit Court of Clarke County, Virginia, Chancery No. 90-3014; or (ii) in the event the Grantee takes no action to maintain the recreational area hereinabove conveyed during a period of twelve (12) consecutive months; or (iii) in the event that the recreational area hereinabove conveyed by Grantor to Grantee is not used by the property owners in the Calmes Neck Estates Subdivision for a period of twelve (12) consecutive months, then in such event the hereinabove conveyed property shall revert to Grantor, his heirs, successors and/or assigns. Such reversion of ownership, however, shall not affect the rights of individual property owners in and to the use of the Recreational Area hereinabove conveyed.

No single family dwelling rights are conveyed or intended to be conveyed hereby, and Grantor has complied with the provisions of §4-G-9-b of the Clarke County Zoning Ordinance. The foregoing division of land is excepted from the provisions of the Clarke County Subdivision Ordinance by virtue of §8-C-3 of the Clarke County Zoning Ordinance and §2-B-48 of the Clarke County Subdivision Ordinance, as is evidenced by the signature

of the Clarke County Zoning Administrator on the attached plat.

This conveyance is made subject to conditions, valid restrictions and rights of way of record as contained in the instruments forming the chain of title to the property.

Paul T. Zeisset, President of Calmes Neck Property Owners Association, joins herein to evidence the Grantee's assent to the Burr Oak Wedge easement reservation, water line reservation, and contingent reversionary right hereinabove reserved by Grantor.

WITNESS the following signatures and seals:

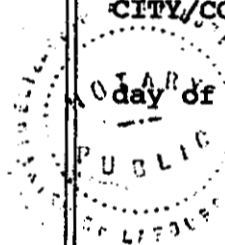
Richard C. Plater, Jr.  
RICHARD C. PLATER, JR.

CALMES NECK PROPERTY OWNERS ASSOCIATION

By: Paul Zeisset  
President

STATE OF Louisiana

CITY/COUNTY OF Lafourche Parish, to-wit:



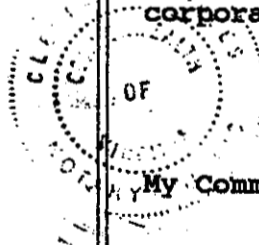
The foregoing DEED was acknowledged before me this 25<sup>th</sup> day of February, 1994 by RICHARD C. PLATER, JR.

Elizabeth A. Thibodeaux  
Notary Public

My Commission expires: at death

STATE OF Virginia

CITY/COUNTY OF Clarke, to-wit:



The foregoing DEED was acknowledged before me this 18<sup>th</sup> day of March, 1994 by PAUL T. ZEISSET, President of CALMES NECK PROPERTY OWNERS ASSOCIATION, a Virginia corporation, in behalf of said corporation.

Elizabeth A. Thibodeaux  
Notary Public

My Commission expires: September 30, 1994

**DIVISION OF  
THE LAND OF  
RICHARD C. PLATER, JR.**

**CHAPEL DISTRICT  
CLARKE COUNTY  
VIRGINIA**

**11 NOVEMBER 1993**

**ZONED F O C**

**AREA TABULATION:**

|                                 |   |   |
|---------------------------------|---|---|
| PRIOR CONVEYANCES               | : | 0.000 ACRES   |
| AREA TO BE CONVEYED             | : | 9.993 ACRES - O.D.U.R.                              |
| AREA REMAINING IN PARENT TRACT: | : | 107.780 ACRES - 1 EX. DWELLING & 4 D.U.R. REMAINING |
| TOTAL AREA                      | : | 117.773 ACRES PER D.B. 164, P. 710.                 |

**OWNER'S CERTIFICATE:**

THIS DIVISION, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, PROPRIETOR OR TRUSTEE. THIS DIVISION IS MADE PURSUANT TO A DECREE OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA, CHANCERY NO. 90-3014, ENTERED ON March 21, 1994, OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA IN CHANCERY ORDER BOOK 1, PAGE 546.

*Richard C. Plater, Jr.*

*Perish* OF *Lafayette*  
STATE OF *Louisiana*

ACKNOWLEDGED BEFORE ME THIS 23rd DAY OF February, 1994.

NOTARY PUBLIC *Elizabeth B. White* MY COMMISSION EXPIRES at death.

**SURVEYOR'S CERTIFICATE:**

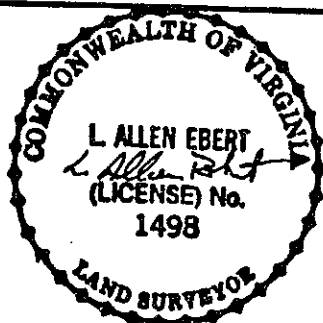
I CERTIFY THAT THE LAND IN THIS SUBDIVISION IS A PORTION OF THE LAND CONVEYED TO RICHARD C. PLATER, JR. BY DEED DATED 15 APRIL 1983 IN DEED BOOK 150, PAGE 3 AND BY DEED DATED 15 APRIL 1983 IN DEED BOOK 150, PAGE 9 (SEE ALSO DEED BOOK 164, PAGE 710).

*L. Allen Ebert*

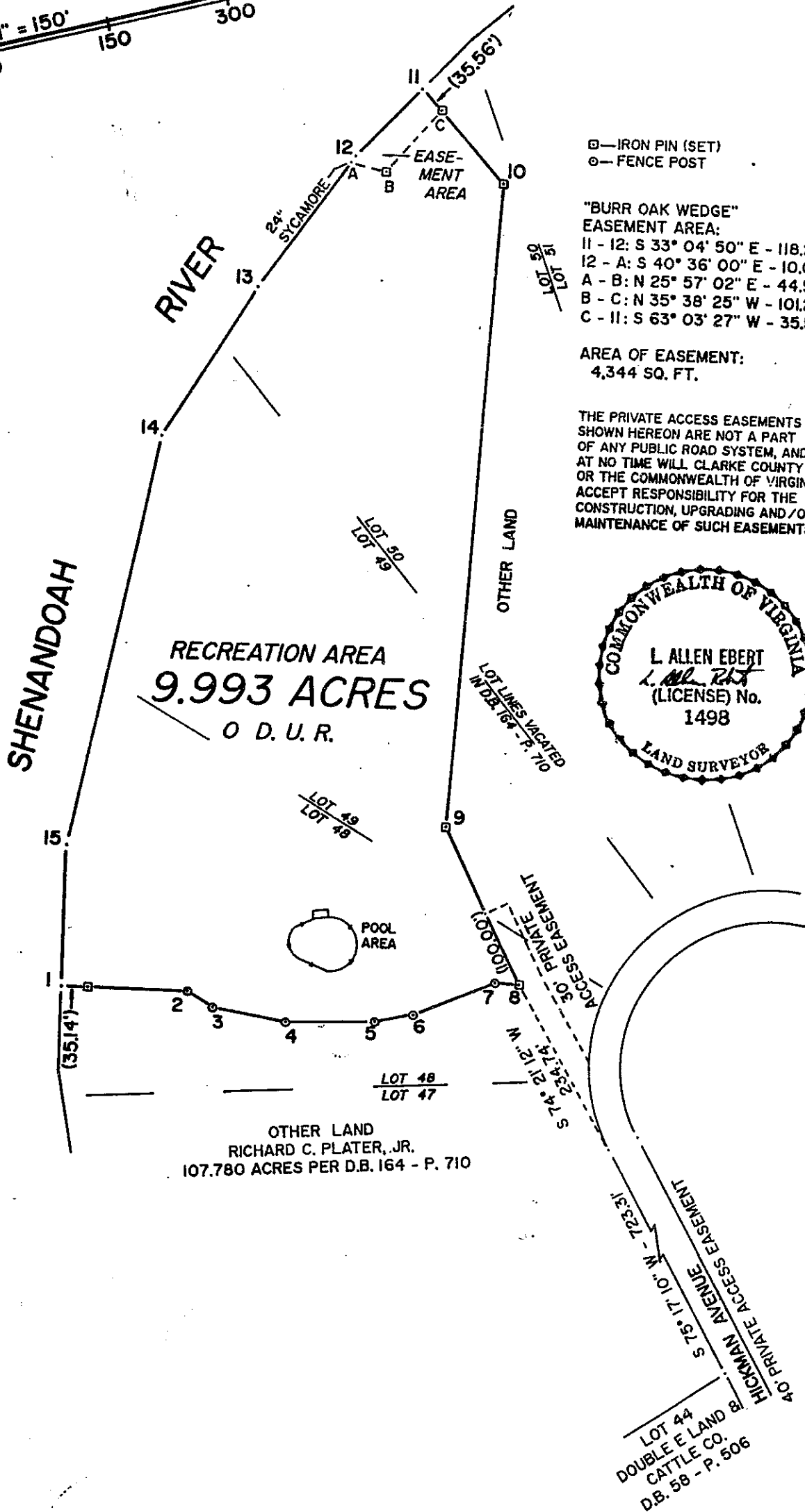
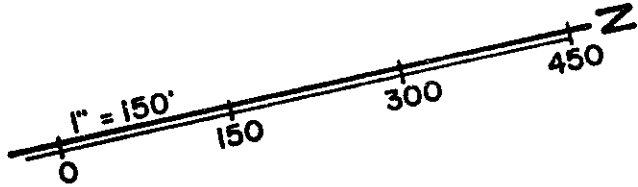
THIS IS TO CERTIFY THAT THIS DIVISION OF LAND IS EXEMPT FROM THE CLARKE COUNTY SUBDIVISION ORDINANCE PURSUANT TO SECTION 2-B-48 THEREOF AND SECTION 8-C-3 OF THE CLARKE COUNTY ZONING ORDINANCE.

CLARKE COUNTY  
PLANNING DEPARTMENT

*[Signature]* 3-25-94



**L. ALLEN EBERT  
PROFESSIONAL LAND SURVEYOR  
35 W. BOSCAWEN ST.  
WINCHESTER, VA 22601-4740  
703 667 3233**

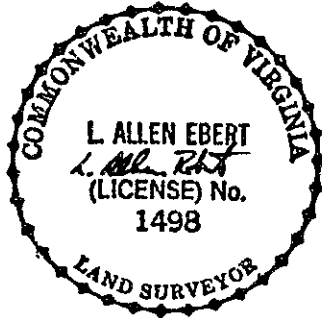


⊠—IRON PIN (SET)  
 ○—FENCE POST

"BURR OAK WEDGE"  
 EASEMENT AREA:  
 11 - 12: S 33° 04' 50" E - 118.20'  
 12 - A: S 40° 36' 00" E - 10.01'  
 A - B: N 25° 57' 02" E - 44.99'  
 B - C: N 35° 38' 25" W - 101.28'  
 C - 11: S 63° 03' 27" W - 35.56'

AREA OF EASEMENT:  
 4,344 SQ. FT.

THE PRIVATE ACCESS EASEMENTS  
 SHOWN HEREON ARE NOT A PART  
 OF ANY PUBLIC ROAD SYSTEM, AND  
 AT NO TIME WILL CLARKE COUNTY  
 OR THE COMMONWEALTH OF VIRGINIA  
 ACCEPT RESPONSIBILITY FOR THE  
 CONSTRUCTION, UPGRADING AND/OR  
 MAINTENANCE OF SUCH EASEMENTS.



RECREATION AREA  
**9.993 ACRES**  
 O D. U. R.

OTHER LAND  
 RICHARD C. PLATER, JR.  
 107.780 ACRES PER D.B. 164 - P. 710

LOT 44  
 DOUBLE E LAND  
 CATTLE CO.  
 D.B. 58 - P. 506

The accompanying Plat represents a Boundary Survey of a portion of the Land conveyed to Richard C. Plater, Jr. by Deed dated 15 April 1983 in Deed Book 150, Page 3 and by Deed dated 15 April 1983 in Deed Book 150, Page 9 (see also Deed Book 164, Page 710 for vacation of lot lines). The said Land fronts the Southern Line and lies Southwest of a 30 ft. private access easement leading Southwestwardly from Hickman Avenue, a 40 ft. private access easement, in Chapel District, Clarke County, Virginia:

Beginning at (1), a point in the Northern Line of the Shenandoah River, a corner to the Retained Portion; thence with the ten following Lines of the said Other Land, N 15° 00' 54" E - 35.14 ft. to an iron pin (set), and continuing, N 15° 00' 54" E - 158.64 ft. IN ALL to (2), a post; thence 44° 59' 59" E - 38.23 ft. to (3), a post; thence N 24° 17' 23" E - 92.48 ft. to (4), a post; thence N 12° 37' 28" E - 109.62 ft. to (5), a post; thence N 00° 41' 25" E - 46.21 ft. to (6), a post; thence N 09° 55' 13" W - 109.08 ft. to (7), a post; thence N 17° 13' 54" E - 30.13 ft. to (8), an iron pin (set) in the Southern Line of a 30 ft. private access easement; thence with the said Line, S 77° 48' 43" W - 100.00 ft. to the end of the said 30 ft. private access easement, and continuing, S 77° 48' 43" W - 215.43 ft. IN ALL to (9), an iron pin (set); thence N 72° 00' 23" W - 805.46 ft. to (10), an iron pin (set); thence S 63° 03' 26" W - 119.63 ft. to an iron pin (set), and continuing, S 63° 03' 26" W - 155.19 ft. IN ALL to (11), a point in the Northwestern Line of the said Shenandoah River; thence with the six following Lines of the said Land, S 33° 04' 50" E - 118.20 ft. to (12); thence S 40° 36' 00" E - 204.80 ft. to (13); thence S 43° 30' 00" E - 218.88 ft. to (14); thence S 64° 09' 40" E - 528.48 ft. to (15); thence S 75° 42' 30" E - 175.48 ft. to the beginning.

Containing: 9.993 Acres

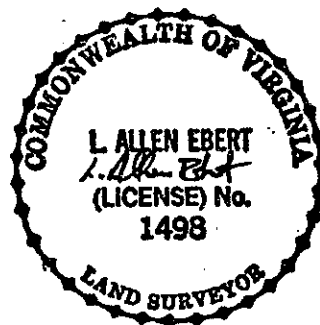
Also shown on the Plat is the 4,344 Sq. Ft. easement area retained on the Southwestern Portion of the Land.

Also shown on the Plat is the 30 ft. Private Access Easement leading Southwestwardly from Hickman Avenue to the Land.

Surveyed: 11 November 1993

VIRGINIA: In the Clerk's Office of Clarke County Circuit Court  
 April 1 1994 This Deed was presented and with  
 the annexed certificate of acknowledgement admitted to record at  
 10:30 A.M. The taxes imposed by Section 58-54.1 in the  
 amount of \$... and by Section 58-54 of the Code  
 of Virginia have been paid.

TESTE: [Signature] CLERK



Returned 4/1/94 To:  
John R. Friant, Jr., Atty.

BOOK 242 PAGE 21

#94-636

THIS ADDENDUM TO THE DECLARATION OF AMENDED COVENANTS (OF CALMES NECK ESTATES SUBDIVISION), made this 20th day of March, 1994, by DOUBLE E LAND & CATTLE COMPANY, a Virginia corporation, hereinafter called Developer.

WHEREAS, the Declaration of Amended Covenants was placed of record in the Clerk's Office of the Circuit Court of Clarke County, Virginia in Deed Book 223, beginning at Page 765; and

WHEREAS, in Paragraph No. 2 on Page 4 of said Declaration, the Developer was directed to establish and publish a map defining the common use areas and allow of land use; and

WHEREAS, the Developer desires to place of record a map defining the common use area known as "Recreation Area".

NOW, THEREFORE, WITNESSETH: The Developer does hereby publish and place of record in the attached plat as the plat of the primary common use area of the subdivision.

WITNESS the following signature and seal:

DOUBLE E LAND & CATTLE COMPANY

By: Linda E. Thomas  
Vice President

STATE OF Virginia  
~~CITY~~/COUNTY OF Frederick, to-wit:

The foregoing instrument was acknowledged before me this 20th day of March, 1994 by Linda E. Thomas who is Vice President of DOUBLE E LAND & CATTLE COMPANY, a Virginia corporation, on behalf of said Corporation.

Diana L. Purrod  
Notary Public

My Commission expires: ~~2-26~~ - 98  
3-31 dlp

DIVISION OF  
THE LAND OF  
RICHARD C. PLATER, JR.

CHAPEL DISTRICT  
CLARKE COUNTY  
VIRGINIA

11 NOVEMBER 1993

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*Richard C. Plater, Jr.*

Parish OF Lafayette

STATE OF Louisiana

ACKNOWLEDGED BEFORE ME THIS 23rd DAY OF February, 1994

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SURVEYOR'S CERTIFICATE:

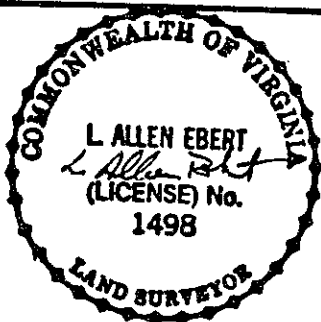
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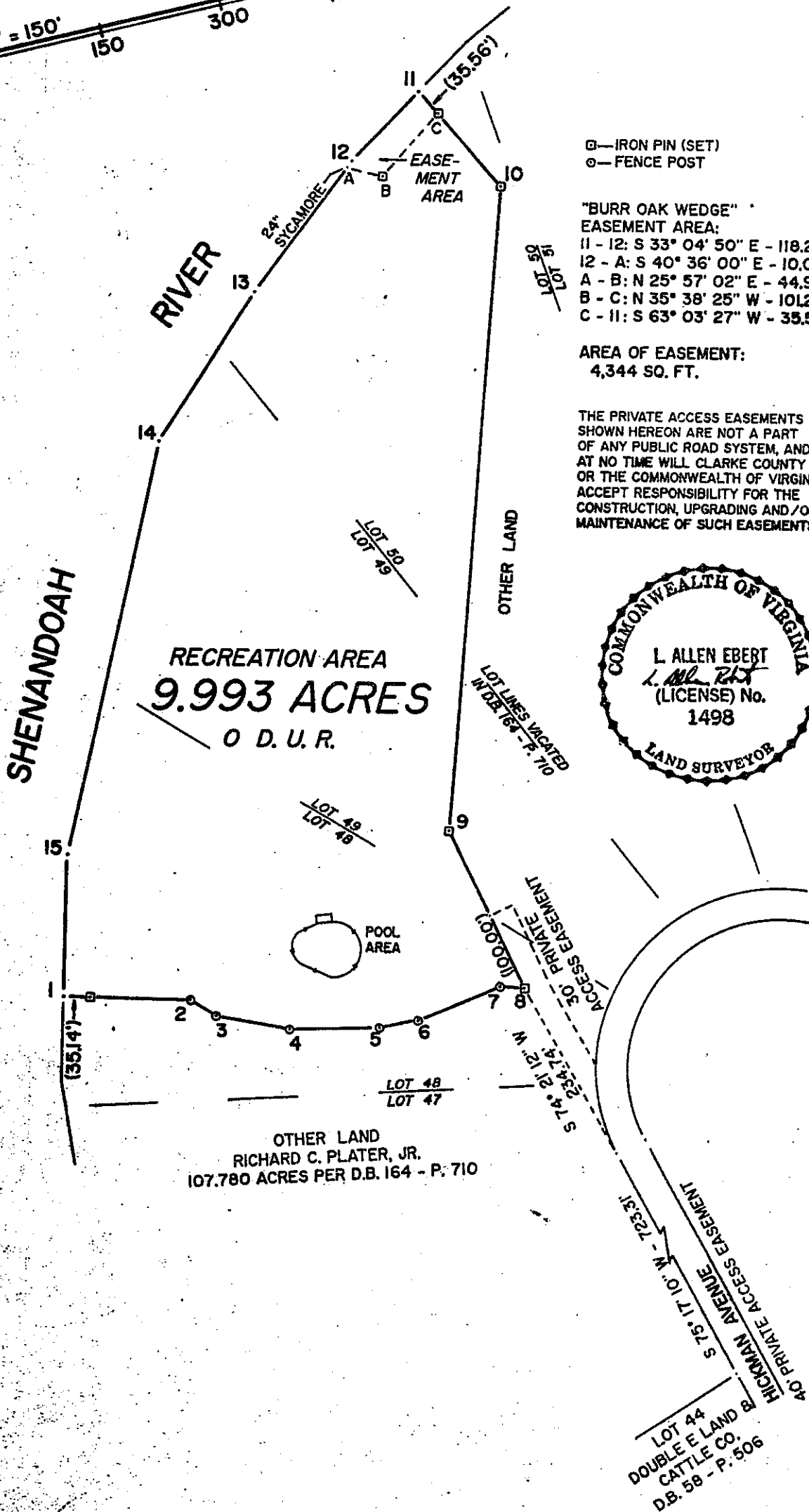
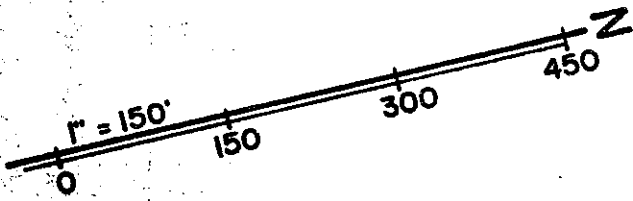
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CLARKE COUNTY  
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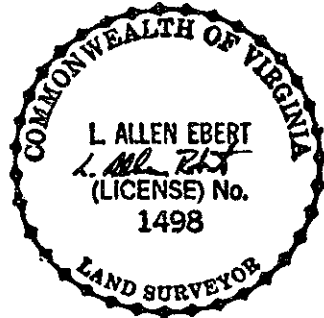
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- — FENCE POST

**"BURR OAK WEDGE"**  
EASEMENT AREA:

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4,344 SQ. FT.

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RECREATION AREA  
**9.993 ACRES**  
O D. U. R.

OTHER LAND  
RICHARD C. PLATER, JR.  
107.780 ACRES PER D.B. 164 - P. 710

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Containing: 9.993 Acres

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Also shown on the Plat is the 30 ft. Private Access Easement leading Southwestwardly from Hickman Avenue to the Land.

Surveyed: 11 November 1993

Clarke Co., SCT.  
 This instrument of writing was produced to me on  
 the 1 day of April, 1994  
 at 10:32 A.M. and with certificate of  
 acknowledgment thereto attached was  
 admitted to record.  
 Testes: *[Signature]*, Clerk

