

BRENDA E. DILL

TO: RIGHT OF WAY

MOUNTAINS AND MORE, LLC

This Right of Way Agreement, made this 2nd day of March, 2015, by and between **BRENDA E. DILL**, party of the first part, Grantor, and **MOUNTAINS AND MORE, LLC**, Grantee, party of the second part.

WHEREAS, the party of the first part herein is the owner of a certain tract of land containing 8.44 acres, more or less, lying and being situate in Moorefield District, Hardy County, West Virginia, being the remainder of the real estate was conveyed to Brenda E. Dill by deed of Ralph M. Leigh, dated June 28, 1999, of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book 252 at Page 578, which said parcel is depicted on the 2014 Hardy County Land Books as District 03, Tax Map 229, Parcel 14.10; and,

WHEREAS, the party of the first part herein previously conveyed to Richard G. Persinger and Marcie L. Persinger, his wife, a parcel of real estate known as Tract B, containing 7.13 acres, more or less, by deed dated March 4, 2005, of record in the aforesaid Clerk's Office in Deed Book No. 285, at page 34, and in that deed the party of the first part herein reserved a right of way over that 7.13 acres by stating, "The Grantor and Party of the First Part further reserves a right-of-way for purposes of access to other property reserved by the Grantor."

WHEREAS, the party of the second part herein is the owner of a tract of land containing 80.06 acres, more or less, lying and being situate in Moorefield District, Hardy County, West Virginia, which it acquired by deed of Brenda E. Dill, dated December 10, 2014, and of record in the aforesaid Clerk's Office in Deed Book 333 at Page 299, and which is depicted on the 2014 Hardy County Land Books as District 03, Tax Map 229, Parcel 14; and

WHEREAS, a 30' wide access road, having been in existence for many years, and also being the same road over which the party of the first part reserved a right-of-way in the aforesaid Persinger deed, is used for ingress and egress to and from the real estate of the party of the second part, crosses the aforesaid real estate of the party of the first part, and also the Tract B, containing 7.13 acres, more or less previously owned by the party of the first part, the centerline of said access road being described by Description of Survey prepared by Dick A. Heavner, Professional Surveyor, dated February 16, 2015, attached hereto and by this reference made a part hereof as if set out in full; and which 30' existing access road is shown on those certain plats prepared by Dick A. Heavner, dated February 16, 2015, showing the real estate of the party of the second part subdivided into a 50.00 acre tract and a 30.07 acre tract, said plats to be recorded in the aforesaid Clerk's Office contemporaneously herewith; and

WHEREAS, the party of the second part has requested, and the party of the first part has agreed, to formally convey a right of way for the use of said 30' existing access road for ingress and egress to and from the property of the party of the second part.

NOW, THEREFORE, THIS RIGHT OF WAY AGREEMENT, TO WIT:

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, receipt whereof being hereby acknowledged, the said party of the first part does, by these presents, grant and convey unto the said party of the second part, its successors and assigns, a right of way over the existing roadway located as shown on the aforesaid plats prepared by Dick A. Heavner, Professional Surveyor, recorded in the aforesaid Clerk's Office contemporaneously herewith, located over the existing roadway as same is presently located, for purposes of ingress and egress from County Route 8 (Needmore Road) to the 80.06 acre tract of grantee herein; the centerline of said right of way is more particularly described by Description of Survey attached hereto and by this reference made a part hereof as if set out in full.

Said right of way shall be non-exclusive, and may be used by all parties having the legal right to do so.

This agreement shall in no way obligate the party of the first part nor the party of the second part to maintain said right of way.

WITNESS the following signature and seal:



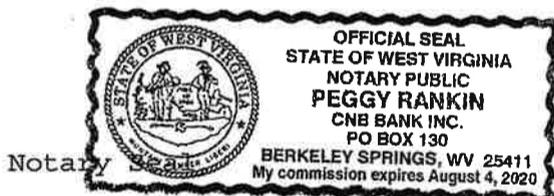
BRENDA E. DILL (SEAL)

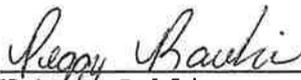
STATE OF West Virginia,

COUNTY OF Morgan, TO WIT:

I, Peggy Rankin, a Notary Public within and for the county and state aforesaid, do hereby certify that BRENDA E. DILL, whose name is signed to the foregoing instrument dated the 2nd day of March, 2015, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this _____ day of March, 2015.





Notary Public

This instrument was prepared by W. Joseph Milleson, Jr., Attorney at Law, Romney, West Virginia.

Z:\Frankie\Rights of Way\Mountains&More from Brenda Dill I-E.wpd

**DESCRIPTION OF SURVEY
FOR
MOUNTAINS AND MORE, LLC**

CENTERLINE OF A 30' WIDE RIGHT-OF-WAY

A right-of-way running from Needmore Road, (County Route 8), into a 50.00 acre tract of land, lying in Moorefield District of Hardy County, West Virginia and more particularly described as follows:

Beginning at a point in the center of Needmore Road, located N 10° 47' 26" E 196.49' from a 5/8" rebar in a pine stump, south of the Country Creek Road, (formerly Poland Hollow Road), being the beginning corner of a 95.63 acre tract conveyed to Brenda Dill by Deed recorded in Deed Book 252, Page 578, and which said 95.63 acre tract was the parent tract of the 80.06 acre tract recently conveyed to Mountains and More, LLC, and also to Tract A – 8.44 acres, and Tract B – 7.13 acres, (see Plat Book 7, Page 63). Said beginning point is located within Tract A, presently owned by Brenda Dill. Thence leaving the Needmore Road and running out the center of an existing access road and with the center of a 30' wide right-of-way, first through said Tract A, thence through Tract B, and then through a portion of the 80.06 acre tract into the 50.00 acre tract recently surveyed off the 80.06 acre tract. (Note; this property was surveyed in 1999 and 2004 by L & W Enterprises, Inc. A plat of that survey is recorded in the Hardy County Clerk's office in Plat Book 7 at Page 63. The bearings shown on the present survey have been adjusted to the 1999 bearings as shown on said plat.)

N 83° 09' 51" E 88.54' to a point in the center of the existing road and 30' wide right-of-way

N 87° 41' 20" E 94.32' to a point in the center of the existing road and 30' wide right-of-way

N 80° 55' 39" E 56.27' to a point in the center of the existing road and 30' wide right-of-way

N 76° 41' 51" E 74.01' to a point in the center of the existing road and 30' wide right-of-way

N 85° 35' 24" E 45.84' to a point in the center of the existing road and 30' wide right-of-way

S 78° 08' 23" E 30.90' to a point in the center of the existing road and 30' wide right-of-way

S 70° 30' 37" E 63.66' to a point in the center of the existing road and 30' wide right-of-way

S 78° 08' 35" E 36.46' to a point in the center of the existing road and 30' wide right-of-way

N 89° 09' 27" E 41.24' to a point in the center of the existing road and 30' wide right-of-way

N 62° 41' 58" E 28.76' to a point in the center of the existing road and 30' wide right-of-way

N 19° 59' 17" E 37.23' to a point in the center of the existing road and 30' wide right-of-way

N 01° 59' 09" W 78.33' to a point in the center of the existing road and 30' wide right-of-way

N 17° 49' 51" E 44.21' to a point in the center of the existing road and 30' wide right-of-way

N 45° 05' 38" E 52.92' to a point in the center of the existing road and 30' wide right-of-way

N 28° 54' 42" E 33.85' to a point in the center of the existing road and 30' wide right-of-way

N 09° 05' 54" E 45.67' to a point in the center of the 30' wide right-of-way and about 6.5' west of the center of the existing road, in a line between the 7.13 acre tract owned by Dechaine Family Trust, (Deed Book 327, Page 356), and shown as Tract B of the plat recorded in Plat Book 7 at Page 63, and Tract A – 8.44 acres, located S 23° 51' 15" E 20.29' from a 5/8" rebar at a corner between the two said lots and a corner also to Pamela Lynn McGaha, (Deed Book 331, Page 726), thence continuing with the center of the 30' wide right-of-way, and running parallel to and 15' right of the property line between Tract B and McGaha, (note; the existing road meanders somewhat along this line and does not follow the center of the right-of-way)

N 23° 49' 01" E 296.71' to a point in the center of the 30' wide right-of-way, about 9' northwest of the center of the existing road, near a gate, said point is located S 64° 29' 56" E 15.05' from a 5/8" rebar found at a corner between Dechaine's Tract B and the 80.06 acre tract, thence continuing with the center of the 30' wide right-of-way

N 40° 25' 14" E 81.53' to a point in the center of the existing road and 30' wide right-of-way, thence continuing with or near the center of the existing road

N 32° 20' 56" E 425.60' to a point in the center of the existing road and 30' wide right-of-way

N 26° 31' 11" E 84.91' to a point in the center of the existing road and 30' wide right-of-way

N 32° 38' 41" E 167.41' to a point in the center of the existing road and 30' wide right-of-way

N 29° 06' 35" E 61.26' to a point in the center of the 30' wide right-of-way and in a line of the 50 acre tract which this road and right-of-way serves, being about 4' southeast of the center of the existing road and located S 58° 10' 58" E 15.00' from a 5/8" rebar and small stone pile found, being the centerline of a 30' wide right-of-way running from the Needmore Road into a 50 acre tract, (part of an 80.06 acre tract), and passing through an 8.44 acre tract owned by Brenda Dill, a 7.13 acre tract owned by Dechaine Family Trust, and a part of the 80.06 acre tract.

In the original out conveyance of the 7.13 acre tract, (Deed Book 285, Page 34), the right-of-way was described as "said right-of-way is more particularly described on the aforesaid Plat of Survey", referring to the plat recorded in Plat Book 7, Page 63. On said plat, the right-of-way is "sketched in", but not described by surveyed lines. It is this surveyor's belief that the location detailed in this description is the same as the intended location shown on the plat.



Dick A. Heavner
Feb. 16, 2015