

IVAN B. DOVE  
TAMMY A. DOVE

TO: RIGHT OF WAY AGREEMENT

LYLE W. DAUGHERTY  
BRENDA P. DAUGHERTY

This Right of Way Agreement, made this 16<sup>th</sup> day of October, 2017, by and between IVAN B. DOVE and TAMMY A. DOVE, husband and wife, parties of the first part (Dove herein), Grantors, and LYLE W. DAUGHERTY and BRENDA P. DAUGHERTY, husband and wife, (Daugherty herein) Grantees, parties of the second part.

WHEREAS, Dove are the owners of a certain tract of land lying and being situate in Capon District, Hardy County, West Virginia, containing 6.129 acres, more or less, which they acquired by deed dated March 28, 1988, from Lyle W. Daugherty, et ux, of record in the Office of the Clerk of the County Commission of Hardy County, West Virginia, in Deed Book 199 at Page 129; said parcel is depicted on the 2017 Hardy County Land Books as District 01, Tax Map 211, Parcel 4; and

WHEREAS, Daugherty are the owners of a tract of land lying and being situate partly in Capon District, Hardy County, West Virginia, and partly in Sherman District, Hampshire County, West Virginia, containing 25.582 acres, more or less, as shown on the plat of survey prepared by Richard L. Moreland, Professional Surveyor, dated June 6, 2017, to be recorded in the Offices of the County Commissions of Hampshire County and Hardy County, West Virginia, contemporaneously herewith, which they acquired by deed of Edgel H. Souder, et ux, dated June 24, 1987, of record in the Hardy County Clerk's Office in Deed Book 195 at Page 119, and by deed of H. Charles Carl, III and William C. Keaton, Substitute Trustees, dated September 29, 2009, of record in the Hampshire County Clerk's Office in Deed Book 487 at Page 104; said parcel is depicted on the 2017 Hampshire County Land Books as District 09, Tax Map 17,

Parcel 3 (20.961 acre portion), and on the 2017 Hardy County Land Books as District 01, Tax Map 211, Part of Parcel 4.3 (4.621 acre portion); and,

WHEREAS, said tracts are contiguous, and access to the property of Daugherty is by means of a private road over the property of Dove, as is shown on the aforesaid plat, designated thereon as "Existing Road"; and,

WHEREAS, the parties wish to formally grant a right of way for the use of the said private road, subject to the conditions contained herein.

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 grantors do, by these presents, grant and convey unto the grantees, their heirs, successors, and assigns, a fifteen foot (15') wide right of way over the existing roadway located on the property of the grantors herein, as the same is presently located, for purposes of ingress and egress to and from West Virginia County Route 53 (Ford Hill Road), and for utilities, as said right of way is depicted on that certain Plat of Survey prepared by Richard L. Moreland, Professional Surveyor, to be recorded contemporaneously herewith.

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

The parties of the first part herein are under no obligation to maintain said right of way.

The parties of the first part do reserve the right to place a locked gate on this right of way, however, a key or combination would be provided to the parties of the second part, their heirs, successors, or assigns.

TO HAVE AND TO HOLD said right of way unto the Grantees, their heirs and assigns.

KEATON,  
FRAZER,  
& MILLESON,  
P.L.L.C.  
ATTORNEYS AT LAW  
66 E. MAIN STREET  
ROMNEY, WV 26757

WITNESS the following signatures and seals:

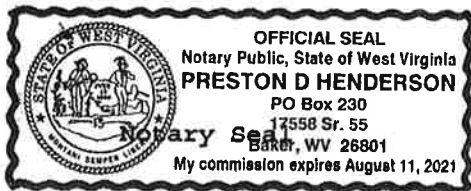
Ivan B. Dove (SEAL)  
IVAN B. DOVE

Tammy A. Dove (SEAL)  
TAMMY A. DOVE

STATE OF West VIRGINIA,  
COUNTY OF HARDY, TO WIT:

I, Preston D Henderson, a Notary Public within and for the county and state aforesaid, do hereby certify that IVAN B. DOVE and TAMMY A. DOVE, his wife, whose names are signed to the foregoing instrument dated the 16<sup>th</sup> day of October, 2017, have this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 17<sup>th</sup> day of January, 2017.



Preston D Henderson  
Notary Public

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

Z:\Frankie\Rights of Way\Daugherty from Dove IE.wpd

KEATON,  
FRAZER,  
& MILLESON,  
P.L.L.C.  
ATTORNEYS AT LAW  
56 E. MAIN STREET  
ROMNEY, WV 26757

Eric W Strite  
HARDY County 02:34:30 PM  
Instrument No 184954  
Date Recorded 02/01/2018  
Document Type ROW  
Pages Recorded 3  
Book Page 547-814-816  
Recording Fee \$5.00  
Additional \$6.00