

After recording return to:

Settlement Department
Linowes and Blocher LLP
7200 Wisconsin Avenue, Suite 800
Bethesda, MD 20814-4842

25079 656

03050
2 of 2

DEED OF TRANSFER OF DEVELOPMENT RIGHTS (TDR)

THIS TRANSFER OF DEVELOPMENT RIGHTS (TDR), made this 15th day of May, 2003, by and between WALTER M. PRICHARD, whose address is 21710 Peach Tree Road, Dickerson, Maryland 20842, hereinafter "Grantor", and TOLL MD II LIMITED PARTNERSHIP, whose address is 7164 Columbia Gateway, Suite 230, Columbia, MD 21046 hereinafter "Grantee".

RECITALS:

Chapter 59 of the Montgomery County Code defines "Development Right" as: "The potential for the improvement of a parcel of real property, measured in dwelling unit or units of commercial or industrial space, existing because of the zoning classification of the parcel," and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land.

Chapter 59 of the Montgomery County Code defines "Development Right" as: "The potential for the improvement of a parcel of real property, measured in dwelling unit or units of commercial or industrial space, existing because of the zoning classification of the parcel," and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land. An easement granted to Montgomery County, Maryland, pursuant to Chapter 59 of the Montgomery County Code and recorded among the Land Records of Montgomery County, Maryland this 2nd day of September, 2003, immediately prior hereto, restricts the number of one-family dwellings that may be constructed, occupied or maintained on property, hereinafter described and situate in the Rural Density Transfer Zone, Planning Area No. 12, Montgomery County, Maryland, and thereby authorizes the conveyance of Development Rights.

NOW, THEREFORE, in consideration of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does grant and convey to Grantee, its successors and assigns, twelve (12) Development Rights, numbered 12-7240 through and including 12-7251, originally attached to property situate in the Rural Density Transfer Zone, Planning Area No. 12, Montgomery County, Maryland, described as 75.282 acres of real property, more or less, as more particularly described on Exhibit A.

AND Grantor covenants that Grantor will warrant specially the property hereby conveyed, that Grantor will execute such further assurances of said property as may be requisite and that Grantor has the right to convey the property.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal on the day and year above written.

[SIGNATURE PAGES FOLLOW]

HEREBY CERTIFY THIS PROPERTY HAS BEEN REGISTERED
ON THE MONTGOMERY COUNTY ASSESSMENT BOOKS FOR
TDR INCL. 12-7240

MAR (NO CAR) 2003
TRANSFER CLERK ASSESSMENT DEPARTMENT

IMANAGE:327226 v.1 01976.0001 Curr: 04/06/03 01:41pm
Orig: 4/6/03 2:40:50 PM Ed: 4/6/03

AGRICULTURE TRANSFER TAX IN THE
AMOUNT OF \$ N/A
SIGNATURE MAR 9-2-03

20.00
20.00
40.00
Rcpt # 500
Bk # 1005
12:34 PM

25079 657

WITNESS:

Jan Muller

GRANTOR:

Walter M. Prichard
Walter M. Prichard


STATE OF *Maryland*
COUNTY OF *Montgomery*

*
*
* to wit:

I HEREBY CERTIFY that on this 11 day of April, 2003, before me, a Notary Public in and for the State and County aforesaid, personally appeared Walter M. Prichard, known to me (or satisfactorily proven) to be the person whose names are subscribed to the foregoing and annexed instrument and acknowledged that said individuals executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Shirley T. Ricketts
Notary Public

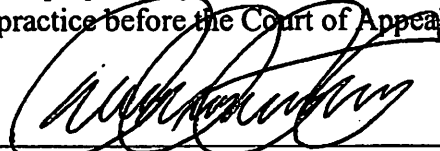
My Commission Expires: *July 1, 2006*

[Notary Seal]

25079 658

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the foregoing document was prepared by or under the supervision of the undersigned, an attorney duly licensed to practice before the Court of Appeals of Maryland.



William M. Hoffman, Jr.

Title Insurer: None

Parcel Identifier:

Parcel I.D. No. 11-1-916437

All that lot or parcel of land situate, lying and being in the Barnesville District, Montgomery County, Maryland, being parts of tracts of land called "HAPPY CHOICE" and etc., more particularly described as follows:

BEGINNING for the same at a Post on the Easterly line of the Lands as conveyed by John Augustus Hersberger et al., to John Augustus Hersberger and recorded among the Land Records of Montgomery County, Maryland in Liber 996 at Folio 150, said Post being also the end of the 4th line of 82 Acres 2 roods and 36 square perches of land as conveyed to William W. Darby and recorded among said Land Records in Liber J. A. No. 1 at folio 174, thence along the easterly line of Hersberger and 5th line of Darby, now the lands of William D. Pyles South 69° 22' 25" West 1362.42 feet to a Maple Tree, thence with the 6th line of the 82 Acres 2 roods and 36 square perches tract and 1st line of the 20.00 Acres Tract described in said conveyance South 20° 30' 10" West 1398.19 feet to a post on the Northeast corner of a Right of Way fifteen feet wide described in a conveyance from Bridget Knott et al., to William W. Darby and recorded among said Land Records in Liber J. A. No. 13 at folio 452, thence along the northerly line of said Right of Way now called HILLRISE LANE, North 63° 47' 10" West 751.24 feet to the southeast corner of Robert W. E. Woods Property as described in Liber 1514 at folio 215, thence leaving HILLRISE LANE and along the Easterly line thereof North 21° 16' 40" West 193.75 feet to a post on the Easterly side of the Barnesville Road - Maryland Route #109, thence along said road on a curve to the left having a radius of 2092.85 feet for a distance of 243.00 feet chord bearing and distance North 19° 29' 25" East 242.87 feet, thence North 16° 09' 50" East 120.00 feet, thence on a curve to the right having a radius of 1430.00 feet for a distance of 299.50 feet chord bearing and distance North 22° 09' 50" East 298.95 feet, thence North 28° 09' 50" East 846.02 feet, thence on a curve to the left having a radius of 3060.00 feet for a distance of 569.23 feet chord bearing and distance North 22° 50' 05" East 568.41 feet, thence North 17° 30' 20" East 805.48 feet to an iron pipe set the end of the first line of a conveyance to William B. Hilton for 21,367 square feet of land and recorded among said Land Records in Liber 492 at folio 77, thence leaving said Barnesville Road with the 2nd and 3rd lines of said conveyance South 76° 25' 45" East 178.95 feet to a stone found in place thence North 20° 25' 25" East 202.37 feet to an iron pipe thence North 63° 42' 05" East 104.36 feet to an iron pipe found in place end of the 3rd line of a conveyance to Beverly M. Thomas and recorded in Liber 1108 at folio 163, and described in Liber J. A. No. 6 at folio 164, thence with the 3rd and 2nd lines thereof reversed South 34° 57' 25" East 1058.21 feet to a fence post thence North 71° 29' 40" East 838.43 feet to a nail and washer in a fence post the end of the 10th line of a conveyance to W. M. Waddell for 50.00 Acres of Land and recorded among said Land Records in Liber 3878 at folio 731, thence with said line reversed South 18° 10' 20" West 1025.65 feet to the PLACE OF BEGINNING, containing 85.5434 acres of land, as prepared by R. K. Maddox County Surveyor December 17, 1970.

BEING all and the same real estate which was conveyed unto Walter M. Prichard by a Deed from Charles H. Boehne, Personal Representative of the Estate of Theodore L. Heitmuller, Deceased, dated March 12, 2002, and recorded among the Land Records of Montgomery County, Maryland, in Liber 21874, folio 091.

EXHIBIT "A"

EXHIBIT "A"
(Continued)

SAVING AND EXCEPTING THE FOLLOWING:

Description of part of a tract of land called "HAPPY CHOICE" as described in a deed for 85.5434 acres of land from Charles H. Boehne, Personal Representative of the Estate of Theodore L. Heitmoller to Walter M. Prichard recorded in Liber 21874 at Folio 091 lying within the Town Limits of Barnesville, Maryland:

Beginning at a point on the 10th line of the description contained in the above mentioned deed, thence running with the remainder of said 10th line along the easterly side of Barnesville Road - Maryland Route #109
N17° 30' 20"E for 468.00 Feet, thence departing said easterly side of Barnesville Road - Maryland Route #109 and running with the 11th through the 14th lines of said description.
S76° 25' 45"E for 178.95 Feet; thence
N20° 25' 25"E for 202.37 Feet; thence
N63° 42' 6"E for 104.36 Feet; thence
S34° 57' 25"E for 1058.21 Feet to a point at the end of the 14th line of the aforementioned description; thence the departing the outlines of said tract of land and running so as to cross and include a part thereof with the line demarcating the limits of the Town of Barnesville, Maryland
N78° 10' 55"W for 1108.72 Feet to the point of beginning containing 10.258 acres of land.

