

BRIAN D. MALCOLM and  
STEPHANIE R. MALCOLM,  
his wife

THIS DEED RIGHT OF WAY, made this 25<sup>th</sup> day  
of January, 2012, by and between Brian D.  
Malcolm and Stephanie R. Malcolm, his wife,  
grantors, parties of the first part, and FNB  
Bank, Inc., grantee, party of the second part.

TO: DEED RIGHT OF WAY

FNB BANK, INC.

WHEREAS, grantors and parties of the first part herein, Brian D. Malcolm and Stephanie R. Malcolm, his wife, are the owners of a certain tract or parcel of real estate containing 5.35 acres, more or less, situate on the south side of West Virginia County Numbered Route 3 in Springfield District, Hampshire County, West Virginia (see Deed Book 480, at page 359; Deed Book 479, at page 649; Tax Map 17, Parcel 175), and being more particularly described by metes and bounds as shown on that certain "Plat of Survey for James L. Kinnamon" as prepared by Gary A. Hedrick, WVPS #516, dated November 5, 2008, which is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia in Deed Book 479, at Page 649, and which Plat also includes and shows the location of the 40' wide and 30' wide right of way conveyed herein; and which said deeds and plat of survey are by reference made a part hereof for all pertinent and proper reasons; and,

WHEREAS, party of the second part, FNB Bank, Inc., is the owner of a certain tract or parcel of real estate lying south of and adjacent to the property of the grantors herein, containing 1.024 acres, more or less (see Deed Book 487, at page 795; Deed Book 448, at page 173; Tax Map 17, Parcel 172), and being more particularly described by metes and bounds as shown on that certain "Plat of Survey for James L. Kinnamon" as prepared by Gary A. Hedrick, WVPS #516, dated June 9, 2005, and of record in the aforesaid Clerk's Office in Deed Book 448, at Page 173, and which Plat also includes and shows the location of the intersection of the 30' wide right of way with the 1.024 acre tract of grantee herein; and which said deed and plat of survey are by reference made a part hereof for all pertinent and proper reasons; and,

WHEREAS, the right of way serving the 1.024 acre parcel owned by parties of the second part herein is served by a right of way over and upon the 5.35 acre parcel owned by parties of the first part, leading from Hampshire County Route 3, thence traveling in a southwesterly direction along the northwest/western boundary line of said 5.35 acre tract and being forty feet in width and known and designated as "Billie

Drive" to the western corner of said 5.35 acre tract wherein said 40' wide right of way over "Billie Drive" then intersects with a thirty feet wide right of way traveling along the southwest/western boundary line of the 5.35 acre tract in a southeasterly direction to its intersection with the western boundary line of the 1.024 acre tract of FNB Bank, Inc.; and which said right of way is a forty feet wide right of way known as Billie Drive, and thence becomes a thirty feet wide right of way along the southern boundary line of said tract to its intersection with the 1.024 acre tract of FNB Bank, Inc.; and

WHEREAS, it is the purpose and intention of this Deed Right of Way for parties of the first part herein to grant and convey unto the party of the second part, its successors and assigns, the aforescribed forty (40) feet wide right of way known as "Billie Drive" lying along the northwest/western boundary of their real estate leading from Hampshire County Route 3, thence continuing over and upon a thirty (30) foot right of way along the southwest boundary of their real estate, for purposes of providing ingress and egress, utilities and all general purposes from West Virginia County Numbered Route 3, over the grantors' property to the 1.024 acre property owned by the grantee herein; and,

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

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash paid in hand, receipt whereof being hereby acknowledged, and other good and valuable consideration deemed valid at law, the said grantors, do, by these presents, grant and convey unto the grantee, its successors and assigns, with General Warranty of Title, all that certain forty (40) foot right leading from Hampshire County Route 3 over a right of way known as "Billie Drive" along the northwest boundary of their real estate approximately 496.95', thence continuing over and upon a thirty (30) foot wide right of way along the southwest boundary of grantor's 5.35 acre tract of real estate approximately 272.33' to its intersection with the grantee's 1.024 acre tract, and to be for purposes of providing ingress and egress, utilities and all general purposes, from West Virginia County Numbered Route 3, over the grantors' property to the 1.024 acre property owned by the grantee herein. In addition to the aforesaid plats of record, the 40' wide known as Billie Drive and 30' wide right of way herein conveyed is more particularly bounded and described as shown on that certain "Plat of Survey for FNB Bank, Inc.", as prepared by Richard L. Moreland, Professional Surveyor, dated August

10, 2011, of record in the aforesaid Clerk's Office in Map Book 12, at page 38, and by reference is incorporated herein for all pertinent and proper reasons, including a more particular metes and bounds description of said right of way. Said right of way shall be perpetual, and may be used for ingress, egress, utilities, and any and all other pertinent and proper reasons.

TO HAVE AND TO HOLD, the aforesaid right of way unto the grantee herein, its successors and assigns, and which said right of way shall be considered appurtenant to the real estate.

We hereby certify under penalties as prescribed by law that the actual consideration paid for the interest in real estate conveyed by the foregoing and attached Deed is \$10.00.

WITNESS the following signatures and seals:

Brian D. Malcolm (SEAL)  
Brian D. Malcolm

Stephanie R. Malcolm (SEAL)  
Stephanie R. Malcolm

STATE OF WEST VIRGINIA,  
COUNTY OF HAMPSHIRE, TO WIT:

I, Mary M. Moreland, a Notary Public, in and for the county and state aforesaid, do hereby certify that Brian D. Malcolm and Stephanie R. Malcolm, his wife, whose names are signed and affixed to the foregoing instrument dated on the 25<sup>th</sup> day of January, 2012, have each this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 31<sup>st</sup> day of January, 2012.

Mary M. Moreland

Notary Public

Notary Public

This instrument was prepared by W. Joseph Milleson, Jr.,  
Attorney at Law, 56 East Main Street, Romney, West Virginia.  
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RL, KEATON,  
FRAZER,  
MILLESON,  
PLLC  
ATTORNEYS AT LAW  
56 EAST MAIN STREET  
ROMNEY, WV 26757

State of West Virginia  
Hampshire County Commission Clerk's Office

1-31-12 3:03 PM  
The foregoing instrument, together with the  
certificate of its acknowledgement, was this  
day presented in said office and admitted  
to record.

Eric W. Smith  
Clerk

Eric W. Smith  
Hampshire County 03:03:55 PM  
Instrument No 138007  
Date Recorded 01/31/2012  
Document Type ROW  
Pages Recorded 3  
Book-Page 504-96  
Recording Fee \$3.00  
Additional \$6.00