

Mailed Jacob T. Rudolph Sr.
Rt. 2 Box 84
Yellow Springs WV

12-8-92

52917

RIGHT OF WAY AGREEMENT

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THIS RIGHT OF WAY AGREEMENT, made and entered into this 30th day of November, 1992, by and between Jacob T. Rudolph, Sr. and Ruth Rudolph, his wife, parties of the first part, and James R. Wilkins, Jr. and Veronica Wilkins, his wife, parties of the second part.

WHEREAS, James R. Wilkins is the owner of several tracts of real estate situate in Capon District of Hampshire County, West Virginia which he acquired by deed of Douglas S. Blaufarb, et ux, dated August 28, 1992 of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia in Deed Book No. 336 at Page 710 and access to said real estate from the public road is over and across an existing roadway crossing real estate owned by Jacob T. Rudolph, Sr., which he acquired by deed of Ralph W. Haines, trustee, dated May 27, 1958 and of record in the aforesaid Clerk's Office in Deed Book No. 140 at Page 335; and,

WHEREAS, said road has been used and recognized for many years as the sole access to the real estate which the said James R. Wilkins, Jr. acquired by the aforementioned deed, although no right of way or easement was ever expressly granted by the parties' predecessors in title and the parties hereto now desire to enter into this agreement for the purpose of specifically locating and granting a right of way over and across the Rudolph tract to the Wilkins lands as more particularly shown on the attached plat as prepared by Frank A. Whitacre, Licensed Land Surveyor.

NOW, THEREFORE, THIS RIGHT OF WAY AGREEMENT.

WITNESSETH: That for and in consideration of the covenants and agreements contained herein and the mutual benefits to the parties to be derived from this agreement, the said Jacob T. Rudolph, Sr. and Ruth Rudolph, his wife, do, for themselves, their heirs and assigns, hereby grant unto the said James R. Wilkins, Jr. and Veronica Wilkins, his wife, their heirs and assigns, the right to use an open right of way from West Virginia County Route 23/4, H. G. Brill Road, over and across a tract of real estate containing approximately 157.6 acres, more or less, which the said Jacob T. Rudolph, Sr. acquired by deed of Ralph W. Haines, trustee for Clyde W. LaFollette, dated May 27, 1958 and of record in the Office of the Clerk of the County Commission of

Hampshire County, West Virginia in Deed Book No. 140 at Page 335. The right of way herein granted shall be over and across the existing roadway which is visible on the ground and which has been used for many years as the access to the real estate owned by the predecessors in title of the said James R. Wilkins, Jr. and shall be 20' in width, being 10' on each side of the centerline as shown upon the attached plat as prepared by Frank A. Whitacre, Licensed Land Surveyor, dated the 30th day of November, 1992.

Neither party hereto, nor their heirs or assigns, shall be under any obligation or duty to make any improvements to said right of way or to perform any maintenance of the same or to contribute financially to any maintenance of said right of way, either for the benefit of themselves or any other parties. The parties hereto, their heirs or assigns, shall be free to make any such improvement or to perform any such maintenance but same shall inure to the benefit of all parties having the right to use said right of way without any contributions toward the costs of the same.

The parties hereto acknowledge that the said James R. Wilkins, Jr. and Veronica Wilkins have contracted to sell a portion of their real estate containing 13.053 acres, more or less, together with the dwelling house and other improvements situate thereon unto Margaret Smith and Peter Worland and acknowledge and agree that said right of way may be used by said parties, their heirs and assigns, as ingress and egress to the real estate to be conveyed to them, as well as other real estate of the said James R. Wilkins, Jr., et ux.

WITNESS the following signatures and seals:

Jacob T. Rudolph, Jr. (SEAL)
JACOB T. RUDOLPH, JR.

Ruth Rudolph (SEAL)
RUTH RUDOLPH

James R. Wilkins, Jr. (SEAL)
JAMES R. WILKINS, JR.

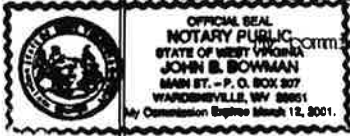
Veronica Wilkins (SEAL)
VERONICA WILKINS

STATE OF West Virginia

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COUNTY OF Hampshire, TO WIT:

The foregoing Right of Way Agreement was acknowledged before me
this 1st day of December, 1992, by JACOB T. RUDOLPH, SR. and RUTH
RUDOLPH, husband and wife.



My commission expires:

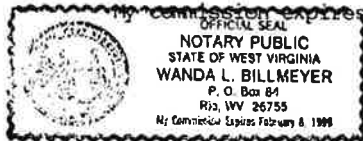
3-12-2001

John B. Bowman
NOTARY PUBLIC

STATE OF West Virginia

COUNTY OF Hampshire, TO WIT:

The foregoing Right of Way Agreement was acknowledged before me
this 2nd day of December, 1992, by JAMES R. WILKINS, JR. and VERONICA
WILKINS, husband and wife.

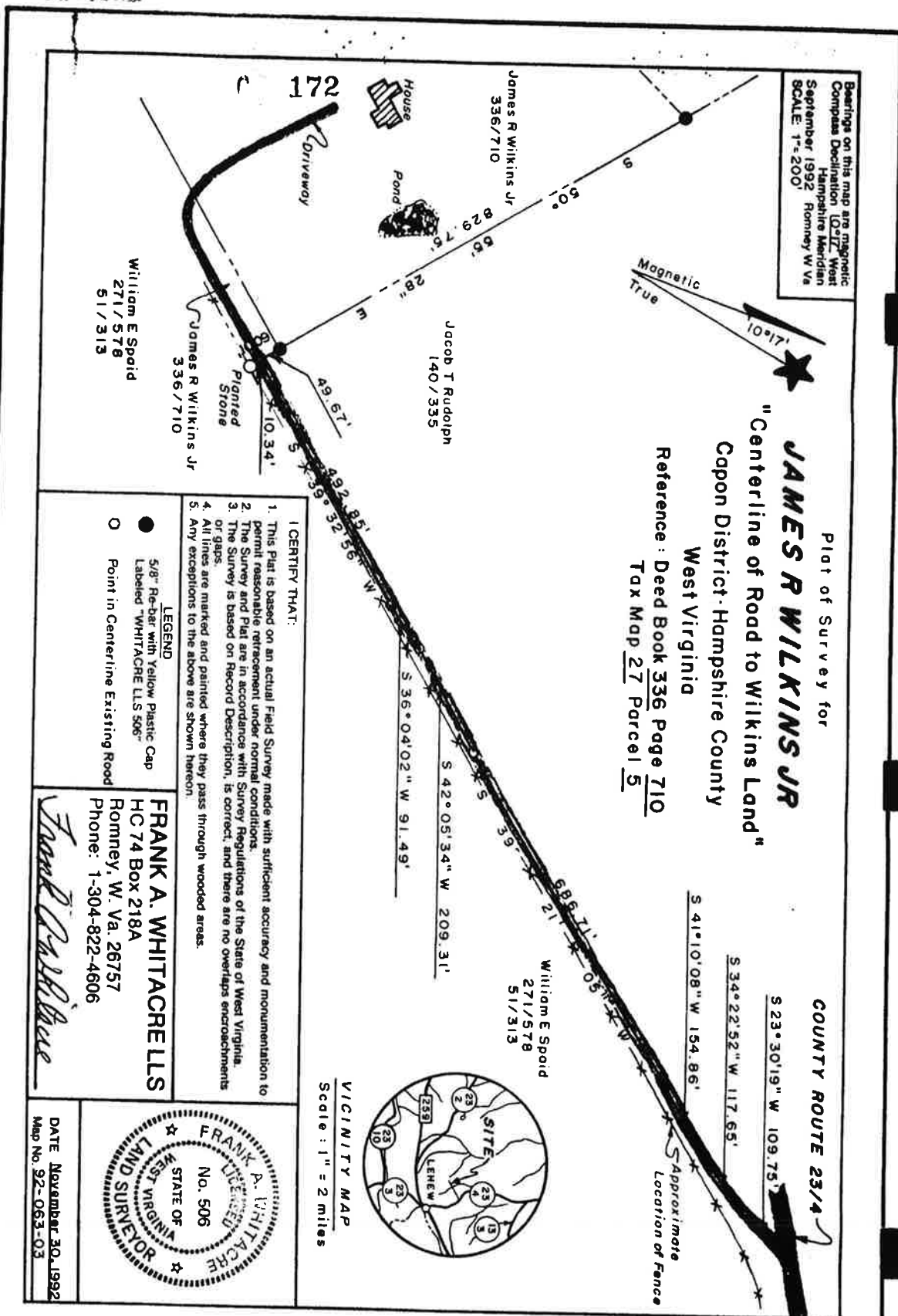


My commission expires: February 8, 1999

Wanda L. Billmeyer
NOTARY PUBLIC

This Agreement was prepared by Stephen W. Moreland, of Cookman and
Moreland, Attorneys at Law, Old Bank of Romney Building, Romney, West
Virginia 26757.

COOKMAN & MORELAND
ATTORNEYS AT LAW
OLD BANK
OF ROMNEY BLDG.
ROMNEY, WV 26757



STATE OF WEST VIRGINIA, County of Hampshire, to-wit: December 92, 1992 at 9:57 A.M.,
By it remembered that on the 3rd day of December, 1992, at 9:57 A.M.,
this R/W Agreement was presented in the Clerk's Office of the County Commission of said County
and with the certificate thereof annexed, admitted to record.

Attest Nancy C. Feller Clerk
County Commission, Hampshire County, W. Va.