

02-10-89
marked with
franchise deal

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THIS DEED AND AGREEMENT MADE THIS 5th day of January, 1989, by and between ANN C. GAYNOR, unmarried, hereinafter referred to as "GAYNOR" and/or the "Grantor", and GRACE W. TOMLIN, EXECUTOR OF THE ESTATE OF G. WILSON TOMLIN, SR., and in her own right, hereinafter collectively referred to as "TOMLIN" and/or the "Grantee",

W I T N E S S E T H :

That for and in consideration of the sum of \$10.00 and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby GRANT, BARGAIN, SELL and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, all that certain tract or parcel of land in Nelson County, Virginia, containing .542 acres, designated as Lot B on a plat of John W. McNair, Jr., dated June 5, 1985, most recently revised November 23, 1988, a copy of which plat is attached hereto and recorded herewith as a part of this deed and agreement, being a portion of the property conveyed to Gaynor by deed of Edith S. Landis, widow, dated October 1, 1980, of record in the Clerk's Office of the Circuit Court of Nelson County, Virginia in Deed Book 183, page 231, and by a boundary line agreement dated October 23, 1985, of record in said Clerk's Office in Deed Book 226, page 807, the metes and bounds description of said Lot B being more fully set forth on Exhibit A attached to this deed and made a part hereof.

As a part of the consideration of this conveyance, the parties further mutually agree as hereinafter set out with respect to various easements located on the property as follows:

1. A joint septic and drainfield has been placed upon the property herein conveyed, Lot B, a tract of land conveyed to G. Wilson Tomlin, Sr. and Grace Mae Wood Tomlin, husband and

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SIDE 4A

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wife, as tenants in common, by a deed of Edith S. Landis, widow, dated October 23, 1985, of record in said Clerk's Office in Deed Book 226, page 822, and on a tract having been conveyed to G. Wilson Tomlin, Sr. and Grace Mae Wood Tomlin, husband and wife, as tenants in common, by deeds of William S. Braunworth and wife, dated March 22, 1984 and April 12, 1984, respectively, of record in said Clerk's Office in Deed Book 211, page 496 and in Deed Book 213, page 420, respectively, (a portion of the drainfield straddles the area encompassed by the aforementioned boundary agreement dated October 23, 1985, of record in said Clerk's Office in Deed Book 226, page 807).

2. With respect to said joint septic and drainfield, there is a distribution box located on the plat attached hereto, designated as "Distribution Box (Approx. Location)", the plat further shows connecting lines running from the existing septic tank for Blue Ridge Terrace Apartments to said distribution box which line runs over and across some or all of Lot B and the other properties mentioned, owned by Tomlin, and from said distribution box a line runs to connect to the joint drainfield shown on said plat as "Drainfield (Approx. Location)". The said Ann C. Gaynor does hereby reserve as to Lot B and the said Grace W. Tomlin, in her own right and as Executor of the Estate of G. Wilson Tomlin, Sr., does hereby grant unto the said Ann C. Gaynor, her heirs and assigns, as an appurtenance to the property retained by Gaynor (Lot A) an easement over and across her lands above referred to for the continued exclusive use of the drain line running from the existing septic tank for Blue Ridge Terrace Apartments to the distribution box, a joint easement in common with Tomlin for the use of the line running from the distribution box to the drainfield and a joint easement in common with her for the use of said drainfield. It is understood that the property

of Ann C. Gaynor presently contains in the existing building a gift shop, and an antique shop numerous apartments and that the property of Tomlin is presently used as an antique shop, and it is agreed between the parties that there shall be no change by way of increase of useages to which the drainfield is presently being used without the express consent of Gaynor and Tomlin or their heirs and assigns.

3. The parties shall jointly maintain all those jointly used portions of the system, including the distribution box, all portions running from the distribution box to the drainfield and the drainfield, and it shall be the obligation of their heirs and assigns to likewise maintain same. Gaynor and Tomlin shall be individually liable to maintain the portions of said septic system lying north of the distribution box, the use of which inures to their sole benefit; provided, however, that any damage done by either of the parties to any portion of the system shall be repaired solely at the cost and expense of the party causing said damage.

4. The said Ann C. Gaynor is further granted an easement over and across the lands of Tomlin, as aforementioned, and does hereby reserve over Lot B an easement for ingress and egress upon the properties for the purpose of repairing and maintaining said septic and drainfield system and for the purpose of bringing such equipment on the property as is necessary for the repair thereof.

5. Ann C. Gaynor has previously been the recipient of various easements and agreements relating to septic systems and it is the intention of this agreement to terminate the easements previously conveyed to her as they affect the lands of Tomlin insofar as such easements or rights are specifically hereinafter enumerated and terminated as follows:

(a) All those rights and easements conveyed and

set forth in a deed of easement dated July 18, 1985, from Edith S. Landis, widow, to Ann C. Gaynor, of record in said Clerk's Office in Deed Book 225, page 526, and referred to in a deed from Edith S. Landis, widow, to G. Wilson Tomlin, Sr. and Grace Mae Wood Tomlin, husband and wife, dated October 23, 1985, of record in the aforesaid Clerk's Office in Deed Book 226, page 822, are hereby terminated.

(b) The rights of Ann C. Gaynor to fill an old well on the property granted by an unrecorded letter agreement of September 5, 1985 and referred to in the aforementioned deed from Edith S. Landis, widow, to G. Wilson Tomlin, Sr. and Grace Mae Wood Tomlin, husband and wife, dated October 23, 1985, of record in said Clerk's Office in Deed Book 226, page 822, are hereby terminated.

(c) The rights of Ann C. Gaynor to utilize a septic tank designated as a "Dry Septic Tank" on a plat of John McNair and Associates, dated June 5, 1985, revised October 18, 1985, attached to the above referred to boundary line agreement dated October 23, 1985, of record in said Clerk's Office in Deed Book 226, page 807, as set forth in an unrecorded letter agreement between Edith S. Landis and Tomlin, dated October 25, 1985, are hereby terminated. Said dry septic tank has been removed.

(d) By the aforementioned boundary line agreement dated October 23, 1985, of record in said Clerk's Office in Deed Book 226, page 807, Ann C. Gaynor was granted a non-exclusive easement across the lands of Tomlin for the purpose of ingress and egress to State Route 151 running from the south end of the property of Gaynor (now Lot B) out to State Route 151, being 20 ft. in width and lying 10 ft. either side of a centerline designated as "S 7° 11' 10" E", and as more accurately shown on

the plat attached to said boundary line agreement. All rights of Ann C. Gaynor in said easement are hereby terminated; provided, however, that this termination shall not conflict with the rights of Ann C. Gaynor, her successors and assigns to have access to the lands of Tomlin and Lot B herein conveyed for the purpose of servicing the septic and drainfield system easements granted by this deed and as set forth in paragraph 4 above.

The properties of Tomlin hereinabove described were owned as tenants in common by G. Wilson Tomlin, Sr. and Grace Mae Wood Tomlin, also known as Grace W. Tomlin. G. Wilson Tomlin, Sr., also known as Goldie Wilson Tomlin, Sr., is now deceased, and pursuant to his Will spread in the aforesaid Clerk's Office in Will Book 14, page 472, Grace W. Tomlin was named as Executor with the power to sell realty, qualified as Executor thereon on February 23, 1988, and accordingly signs this deed in her own right and as Executor of said estate.

Witness the following signatures and seals.

Ann C. Gaynor (SEAL)
Ann C. Gaynor

Grace W. Tomlin, Executor (SEAL)
Grace W. Tomlin, Executor of the
Estate of G. Wilson Tomlin, Sr.

Grace W. Tomlin (SEAL)
Grace W. Tomlin, In Her Own Right

STATE OF VIRGINIA AT LARGE
IN THE CITY/COUNTY OF Nelson, to-wit:

The foregoing instrument was acknowledged before me
this 12th day of January, 1989, by Ann C. Gaynor.

Joseph B. Youngman
NOTARY PUBLIC

My Commission expires December 23, 1991.

STATE OF VIRGINIA AT LARGE Nelson, to-wit:
IN THE CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me
this 12th day of January, 1989, by Grace W. Tomlin as Executor
of the Estate of G. Wilson Tomlin, Sr. and in her own right.

Joseph W. Tomlin

NOTARY PUBLIC

My Commission expires December 23, 1991.

EXHIBIT A

Deed Description

Lot B, Division of Land of
Ann C. Gaynor

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Beginning at an iron near the north side of State Route 151 approximately 1800 feet southwest from the intersection of State Route 151 and U. S. Route 250, said iron being corner to Ann C. Gaynor, E. O. Rothacker and G. Wilson Tomlin, Sr. lands; thence, along the east Tomlin line, N 45°-52'-18" W 240.69 feet to an iron; thence, N 58°-13'-40" E 85.40 feet to an iron; thence, along a curve to the left having an angle of 7°-21'-09", a radius of 331.19 feet, and a chord bearing of N 33°-05'-40" W, 42.50 feet to an iron; thence, N 54°-27'-55" E 20.00 feet to an iron; thence, N 19°-00'-41" W 124.59 feet to an iron at the south corner of Lot A; thence, along the south line of Lot A, N 71°-27'-57" E 58.91 feet to an iron at the southeast corner of Lot A and on the west line of G. Wilson Tomlin, Sr. land; thence, along the west Tomlin line, S 9°-28'-06" E 172.00 feet to an iron; thence, S 17°-45'-56" E 188.80 feet to an iron; thence, S 7°-11'-10" E 47.19 feet to the point of beginning, containing 0.542 acres.

Certified Correct:

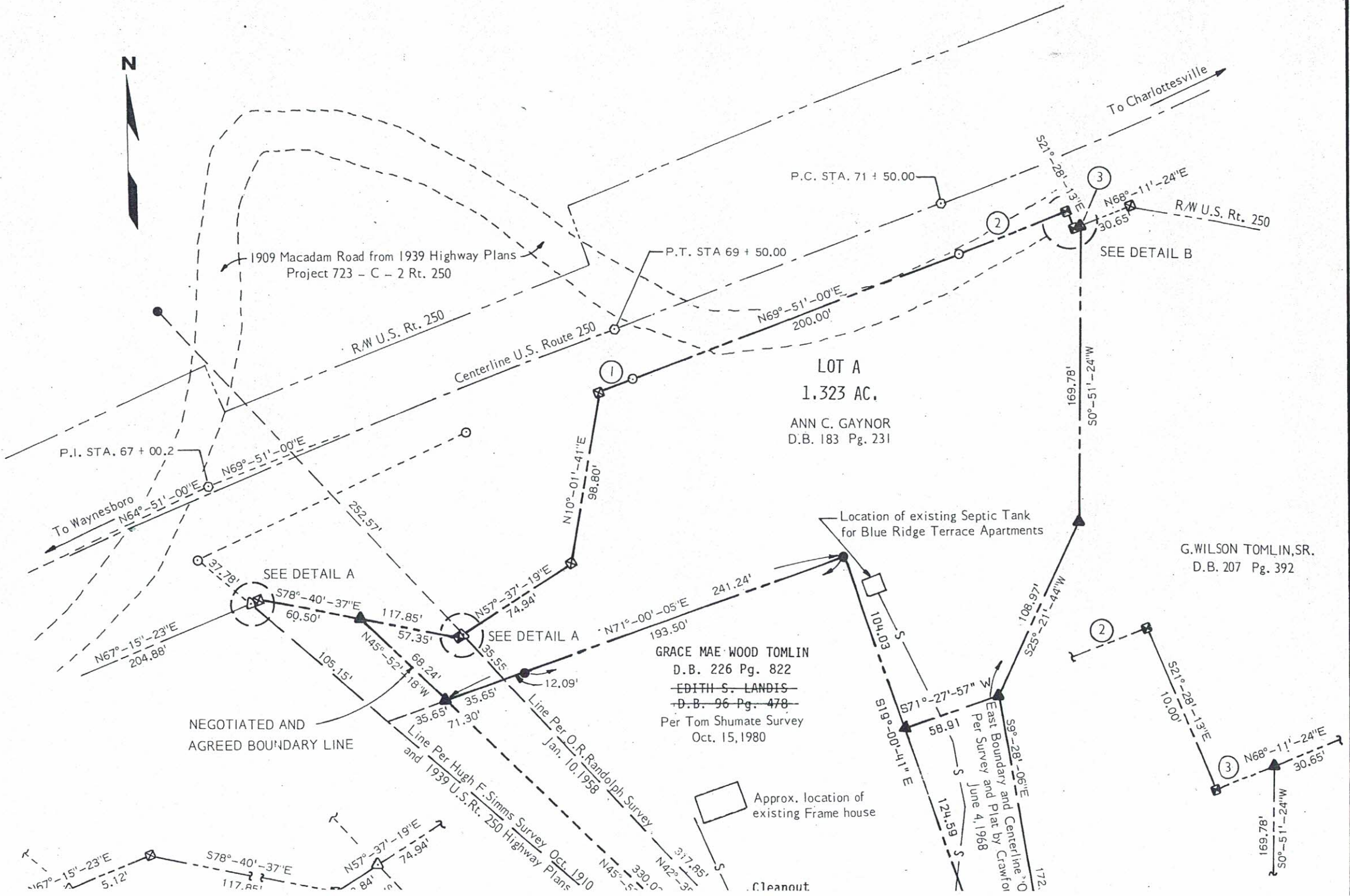
J. W. McNair, Jr.
John W. McNair, Jr.
LLS 650

SEE PLAT
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State Tax 039	\$ 4.35
County Tax 213	\$ 1.45
Transfer Fee	\$.
Clerk's Fee	\$ 13.00
Plats	\$ 10.00
State Tax 038	\$.
County Tax 220	\$.
Total	\$ 28.80

VIRGINIA: In the Clerk's Office of the Circuit Court of Nelson County, Jan 13 19 89. This writing was admitted to record at 11:03 o'clock A.M. and the tax imposed by Sec. 58.1-802 of the Code in the amount of \$ 28.80 has been paid.

TESTE: ROSEMARY F. DAVIS Clerk
By J. W. McNair, Jr. Deputy Clerk



P.C. STA. 71 + 50.00

P.T. STA 69 + 50.00

SEE DETAIL B

1909 Macadam Road from 1939 Highway Plans
Project 723 - C - 2 Rt. 250

R/W U.S. Rt. 250
Centerline U.S. Route 250

LOT A
1.323 AC.
ANN C. GAYNOR
D.B. 183 Pg. 231

P.I. STA. 67 + 00.2

G. WILSON TOMLIN, SR.
D.B. 207 Pg. 392

GRACE MAE WOOD TOMLIN
D.B. 226 Pg. 822
EDITH S. LANDIS
D.B. 96 Pg. 478
Per Tom Shumate Survey
Oct. 15, 1980

Approx. location of
existing Frame house

Cleanout

SEE DETAIL A

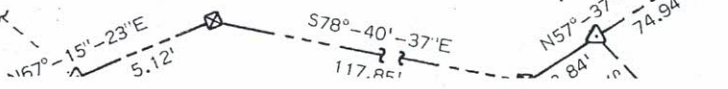
SEE DETAIL A

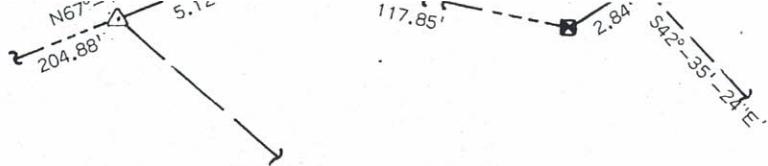
NEGOTIATED AND
AGREED BOUNDARY LINE

Line Per Hugh F. Simms Survey Oct. 1910
and 1939 U.S. Rt. 250 Highway Plans

Line Per O.R. Randolph Survey
Jan. 10, 1958

East Boundary and Centerline
Per Survey and Plat by Crawford
June 4, 1968





DETAIL A
SCALE: 1" = 5'

CURVE DATA TABLE

CURVE NO.	Δ	RAD.	TAN.	ARC	CHD.	CHD. BRG.
1	0°-12'-36"	5699.65'	10.45'	20.89'	20.89'	N69°-44'-42"E
2	1°-19'-12"	2894.93'	33.35'	66.69'	66.69'	N69°-11'-24"E
3	0°-04'-32"	2904.93'	1.92'	3.83'	3.83'	N68°-11'-24"E
4	7°-21'-09"	331.19'	21.28"	42.50'	42.47'	S33°-05'-40"E

NOTE: Bearing control for this Plat is based on the 1939, U.S.RT. 250 Highway Plans, Project No. 723-C-2 RT. 250 Sheet 3 of 9

NPC 2-419

Revised February 24, 1988
to show division into Lots A and B

Physical survey made on November 23, 1988
to locate septic system.

I hereby certify that this boundary survey, to the best of my knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects, and is based on a current field survey.

John W. McNair, Jr.

VA.C.L.S.No.650

G.WILSON TOMLIN, SR.
D.B. 213 Pg. 430

LAND AREA TABLE

Landis per Randolph line = 0.92 Ac.
Landis per Simms line = 1.26 Ac.

Gaynor per Randolph line = 1.79 Ac.
Gaynor per Simms line = 1.97 Ac.

REVISED LAND AREA

Landis Land = 1.09 Ac.
Gaynor Land = 1.86 Ac.

Plat Showing

Lands of ANN C. GAYNOR, D.B. 183; Pg. 231
and

Lands of EDITH S. LANDIS, D.B. 96; Pg. 478

Near Afton

Rockfish District, Nelson County, Virginia

June 5, 1985

PLAT REVISED

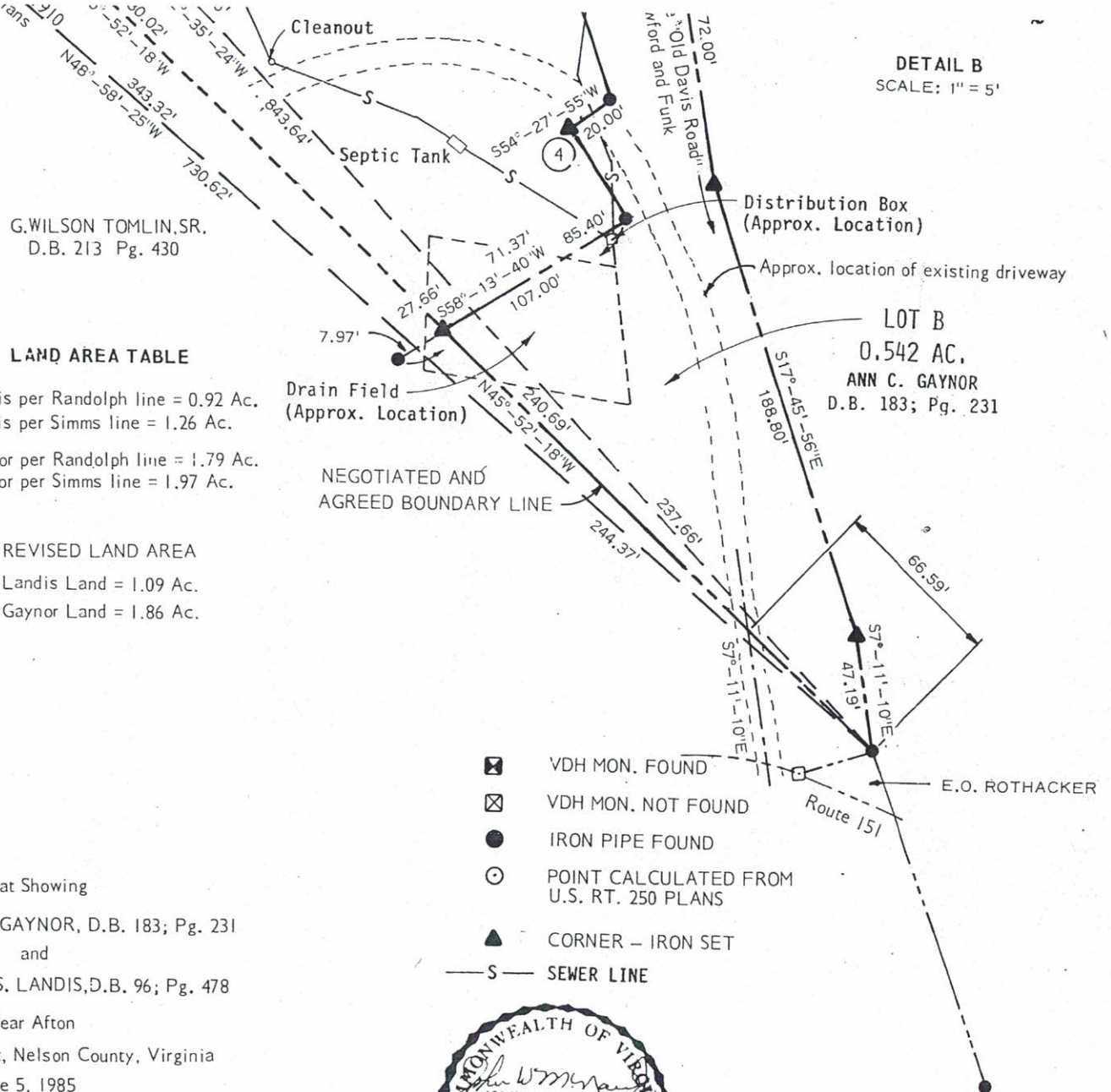
October 18, 1985

Revised: February 24, 1988

Revised: November 28, 1988

John McNair and Associates
Consulting Engineers
Waynesboro, Virginia

DETAIL B
SCALE: 1" = 5'



- ☒ VDH MON. FOUND
- ☒ VDH MON. NOT FOUND
- IRON PIPE FOUND
- POINT CALCULATED FROM U.S. RT. 250 PLANS
- ▲ CORNER - IRON SET
- S- SEWER LINE



VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NELSON COUNTY Jan 13 19 89 THIS PLAT WAS ADMITTED TO RECORD AT 11:03 O'CLOCK A.M.
John W. McNair, Jr.

