

73702

BOOK 477 PAGE 319

**BRISTOL SPRINGS, LLC,  
A WV LLC**

**TO: DEED OF RIGHT OF WAY  
AGREEMENT**

**DONALD E. MCINTIRE**

This Deed Right of Way Agreement,  
made this 26th day of June, 2008, by  
and between Bristol Springs, LLC, a WV  
LLC, grantor, party of the first part,  
and Donald E. McIntire, grantee, party  
of the second part,

WHEREAS, the party of the first part herein is the owner of that  
certain tract of real estate containing 135.73 acres, more or less,  
situate in Gore District, Hampshire County, West Virginia, which was  
conveyed unto it by deed dated March 28, 2007, and of record in the  
Office of the Clerk of the County Commission of Hampshire County, West  
Virginia, in Deed Book No. 463, at page 683, and which said parcel is in  
the process of being developed as Bristol Springs Subdivision; and,

WHEREAS, the party of the second part herein is the owner of that  
certain adjoining tract of real estate containing 52 acres, more or less,  
which was conveyed unto him by deed dated September 12, 1975, and of  
record in the Office of the Clerk of the County Commission of Hampshire  
County, West Virginia, in Deed Book No. 213, at page 178; and,

WHEREAS, the party of the second part has a right of way over the  
real estate of the party of first part, which said right of way was  
granted unto Donald E. McIntire in that certain deed of record in the  
Office of the Clerk of the County Commission of Hampshire County, West  
Virginia, in Deed Book No. 213, at page 178, as follows:

"There is also conveyed a right of way over the grantor's  
remaining land 20 feet wide from the paved road to the  
property over the existing road. This right of way is 10 feet  
in either direction from the center of the existing road, and  
Dottie L. Baker joins in the execution of this deed for the  
express purposes of conveying said right of way over the lands  
which she owns," and,

WHEREAS, the parties hereto do now wish to execute this right of way  
agreement for purposes of defining where said right of way shall be,  
under the following terms, stipulations, and conditions:

NOW, THEREFORE, THIS DEED 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,  
and other good and valuable consideration deemed valid at law, the said  
party of the first part does, by these presents, confirm unto the said  
party of the second part, his heirs, successors, and assigns, a twenty  
(20) foot wide right of way over the real estate now owned by Bristol  
Springs, LLC, a WV LLC, over Bristol Way, as shown on that certain plat

of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Map Book No. 11, at page 105, and then over Bristol Court, also as shown on said plat, and then running between Lot Nos. 37 and 38 of Bristol Springs Subdivision, all as shown on that certain plat prepared by H. Bruce Edens, Professional Surveyor, which said plat is dated August 25, 2008, and is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Map Book No. 11, at page 105. Said right of way is to be used for ingress and egress to and from the public highway and the real estate of Donald E. McIntire, in a like manner as the party of the second part has been using said right of way over the past years.

Said right of way shall be 20 feet in width, and shall extend for 10 feet in either direction from the center of the above set forth subdivision roads, and shall be 20 feet in total width as same runs between Lot Nos. 37 and 38 of Bristol Springs Subdivision.

The grantor shall construct the roadway over said right of way from Bristol Court to the real estate of the grantee, and shall put a culvert of at least 18 inches in diameter under the ground where the 20 foot wide right of way exits Bristol Court, and said roadway shall be built of shale sufficient to hold said roadway for a reasonable amount of time. The grantor shall be responsible for the costs associated with same.

TO HAVE AND TO HOLD, the aforesaid right of way unto the grantee herein, his heirs, successors, and assigns, for the consideration aforesaid.

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, as this is a confirmation and location of that certain right of way granted unto the party of the second part herein by the terms of that certain deed dated September 12, 1975, and of record in said Clerk's Office in Deed Book No. 213, at page 178.

WITNESS the following signatures and seals:

BRISTOL SPRINGS, LLC,  
a West Virginia LLC

By:  (SEAL)  
Charles D. Hogendorf, Jr., member

By: Betty J S Hogendorp (SEAL)  
Betty J S. Hogendorp, member  
Donald E. McIntire (SEAL)  
Donald E. McIntire

STATE OF MARYLAND,  
COUNTY OF CARROLL, TO WIT:

I, E. Phyllis Myers, a Notary Public within and for the county and state aforesaid, do hereby certify that Charles D. Hogendorp, Jr., and Betty J.S. Hogendorp, members of Bristol Springs, LLC, a WV LLC, whose names are signed to the foregoing instrument dated the 28th day of June, 2008, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 30 day of June, 2008.

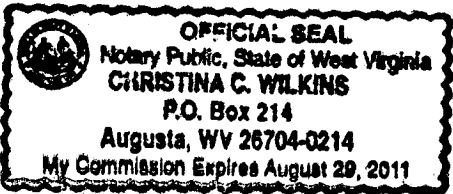
E. Phyllis Myers  
Notary Public

SEAL

STATE OF West Virginia  
COUNTY OF Hampshire, TO WIT:

I, Christina Wilkins, a Notary Public within and for the county and state aforesaid, do hereby certify that Donald E. McIntire, whose name is signed to the foregoing instrument dated the 26th day of June, 2008, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 15<sup>th</sup> day of August, 2008.



Christina C. Wilkins  
Notary Public

SEAL

This instrument was prepared by William C. Keaton, Attorney at Law, Romney, West Virginia.  
njhRightsofway/6-26-08  
wck/Bristol Springs to McIntire

SHARON H. LINK  
HAMPSHIRE COUNTY 11:09:19 AM  
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CARL, KEATON  
& FRAZER, PLLC  
ATTORNEYS AT LAW  
56 E. MAIN STREET  
ROMNEY, WV 26757

STATE OF WEST VIRGINIA, Hampshire County Commission Clerk's Office 8/28/08 11:09 AM  
The foregoing Instrument, together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

Teste Sharon H. Link Clerk.