215 Va. 454

CLERK
SUPREME COURT OF VIRGINIA
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JUL 5 1974
RICHMOND, VIRGINIA

IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

Record No. 740287

GEORGE D. CONRAD,

Appellant,

v.

CHARLES O. STRICKLER,

and

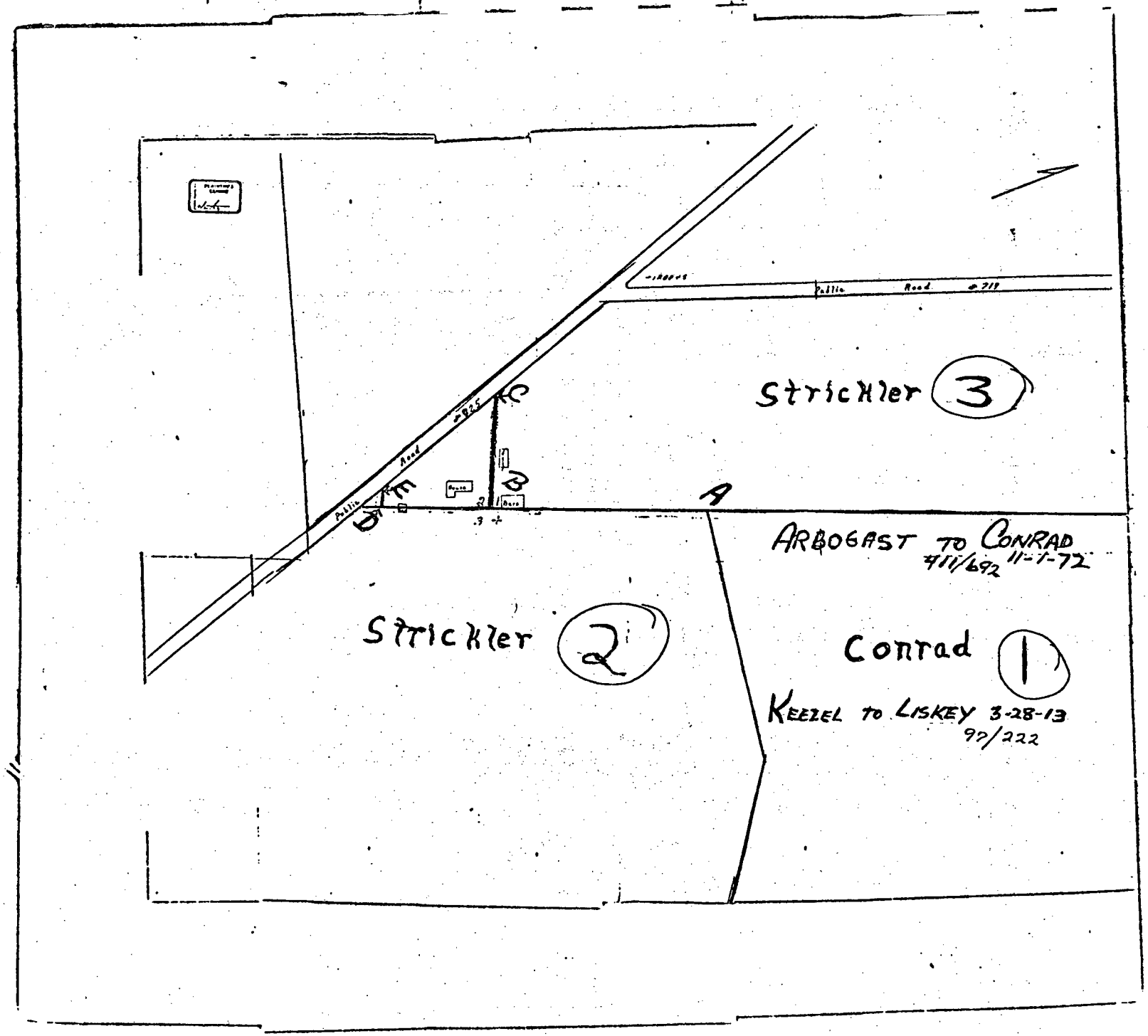
ROBERT H. STICKLER,

Appellees.

Appendix II

INDEX

	Page No.
Plaintiff's Exhibit 1	1
Plaintiff's Exhibit 2	2
Plaintiff's Exhibit 3	5
Plaintiff's Exhibit 4A	7
Plaintiff's Exhibit 5	9
Plaintiff's Exhibit 6	14
Defendants' Exhibit 1	17


Pallin Road #719
Pallin Road #825
House
House
A
B
C
D
Strickler 3
Strickler 2
Conrad 1
ARBOGAST TO CONRAD
411/692 11-1-72
KEEZEL TO LISKEY 3-28-13
97/222

PLAINTIFF'S EXHIBIT
3
8/26/73

#11 | 692

THIS DEED, MADE THIS 1ST DAY OF NOVEMBER, 1972, BY AND BETWEEN OLIE M. ARBOGAST AND ELSA L. ARBOGAST, HUSBAND AND WIFE, PARTIES OF THE FIRST PART, AND GEORGE D. CONRAD, PARTY OF THE SECOND PART,

WITNESSETH THAT:

For and in consideration of Ten Dollars ($10.00), cash in hand, and other valuable consideration paid by the party of the second part to the parties of the first part, receipt acknowledged, the parties of the first part have bargained and sold and do hereby grant and convey with English Covenants of title unto GEORGE D. CONRAD, party of the second part, all that certain tract or parcel of land consisting of 199.173 acres, more or less, together with all improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on both sides of the Keezletown Road, about one-half mile north of Keezletown in Central District, Rockingham County, Virginia, and more particularly described and bounded according to a survey made by A. R. Myers, S.R.C., dated December 7, 1943, a plat of which is recorded in the Clerk's Office of said County in Deed Book 228, at page 356, as follows:

> "Beginning at a post in E. B. Yancey's line J. M. Armstrong's corner; thence with Armstrong's lines, N. 27-1/2° W. 238.08 poles, crossing the Keezletown Road and the Chesapeake Western Railway to a stake S. 16-1/2° W. 34.6 poles to a stake N. 77-1/4° W. 47.82 poles to a stone, J. W. Hall's corner; thence with Hall's lines N. 23° E. 94.56 poles to a stone S. 72° E. 37.6 poles N. 16-1/2° E. 13.5 poles to a post between two white oak stumps, Hall and Mrs.

Katherine Lineweaver's corner; thence with Mrs. Lineweaver's lines, S. 72-3/4° E. 40 poles to a stake, N. 45° E. 83.6 poles to a stake, a new corner and corner to David H. Barnhart's 129.752 acre tract; thence, with David H. Barnhart and the line of Leaffy Liskey S. 72-1/2° E. 145.32 poles, crossing the Chesapeake Western Railway, passing Leaffy Liskey's corner to said Barnhart, to the center of the Keezletown Road, in the line of the Frank Coffman estate; thence with the Coffman line, S. 20-1/2° W. 75.72 poles, passing a corner between the Coffman land and Mrs. Doris R. Ball's property and with Mrs. Ball's line with the road, to a point in the center of the road Mrs. Ball's corner, thence with another of Mrs. Ball's lines S. 72-1/2° E. 13.2 poles to a post, Mrs. Ball's corner and in E. B. Yancey's line, thence with Yancey's lines S. 17° W. 9.12 poles to a stake; S. 9-3/4° E. 25 poles to a post; and thence S. 26-1/2° W. 37.8 poles to the beginning, containing 199.173 acres."

The real estate herein conveyed is the identical real estate acquired by Olie M. Arbogast and Elsa L. Arbogast, husband and wife, the grantors herein, by deed dated January 16, 1958, from John A. Barnhart and wife, which deed is of record in the Clerk's Office of said County in Deed Book 264, at page 294.

This conveyance includes all of the right, title and interest of the grantors in an easement of right of way fifteen (15) feet wide extending from the southwestern corner of the property hereby conveyed across the land of Robert H. Strickler and Charles O. Strickler, along the line of property formerly owned by J. W. Hall, to the Keezletown and Harrisonburg road (State Route 925), which easement was conveyed to J. M. Liskey (a former owner of part of the land hereby conveyed) by George B. Keezell and wife by deed dated March 28, 1913, recorded in Deed Book 97, at page 222. For further description of and particulars regarding said right of way reference is made to a deed from James Layman and George B. Keezell to Emma Rinker and Minnie A. Rinker, dated May 19, 1894, recorded in Deed Book 49, at page 207 and to a plat made by A. R. Myers, S.R.C., dated April 24, 1936, which is recorded with a deed from N. H.

Keezell and wife to J. W. Hall (predecessor in title to the Stricklers) dated July 16, 1936, recorded in Deed Book 165, at page 375.

WITNESS the following signatures and seals.

Olie M. Arbogast (SEAL)

OLIE M. ARBOGAST

Elsa L. Arbogast (SEAL)

ELSA L. ARBOGAST

LAW OFFICES
CONRAD,
ITTEN AND SIPE

C/jar/0+1
10/30/72
72-

STATE OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 1ST day of November, 1972, by OLIE M. ARBOGAST and ELSA L. ARBOGAST, husband and wife.

My commission expires September 16, 1975.

Jo Ann Randolph
NOTARY PUBLIC

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing instrument was this day presented in the office aforesaid, and is, together with the certificate of acknowledgment annexed, admitted to record this 1st day of November, 1972, at 11:40 A.M. I certify that taxes were paid when applicable: Section 58-54-$ 114.00, Section 58-54.1-$ 7.00.

TESTE: George W. Kemper Clerk.

A TRUE COPY.

ATTESTE: Marian B. Pierson Deputy Clerk.

This Deed made this 28th day of March 1913 between George B.Keezell and Bello C. Keezell his wife, parties of the first part and James M.Liskey party of the second part, all of the County of Rockingham and State of Virginia,

Witnesseth:- That the parties of the first part for and in consideration of the sum of Twelve hundred and twenty four and 95/100 Dollars ($1224.95) cash in hand paid the receipt whereof is hereby acknowledged, have sold and by these presents grant and convey with general warranty to the party of the second part a certain tract of land lying and being about one and one half miles north west of the village of Keezeltown adjoining the lands of James M.Liskey, John W.Hall and George B.Keezell and bounded as follows. Beginning at a white oak tree, J.W.Hall's corner; thence with his line S.72, E.37.60 poles to a planted stone Hall's corner in J.M.Liskey's line; thence with said line S.16½ W.90.06 to a planted stone his corner; thence with said Keezell's line N.77¼ W.47.82 poles to a stone on the west side of a right of way in said Hall's line, and thence with same, N.23 E.94.56 poles to the beginning; containing 24 acres 1 Rood and 39.86 poles by survey of J.G.Myers S.R.C. made March 1st 1913. The said parties of the first part grant to the party of the second part a right of way over the lands of the parties of the first part along the Hall line to the Harrisonburg road upon the same location used by J.W.Hall, Jas. Layman, Emma and Minnie Rinker and more particularly described in deed of James Layman and George B.Keezell to Misses Emma and Minnie Rinker bearing date of May 19,1894, recorded in Deed Book 49 Page 27 to which reference is made, party of first part reserves wood upon said land worked up ready for hauling and stacked lumber, all to be removed so as not to interfere with use of land by party of second part. Taxes for 1913 upon said land to be paid by party of first part, The land hereby conveyed is a part of the "Dutch Land" tract and descended by inheritance to said Geo.B.Keezell. The parties of the first part covenant that they have a right to convey said land, that they have done nothing to encumber same, and that they will execute such further assurances as may be necessary to insure to the party of the second part quiet and peaceful possession of same. In witness whereof the parties have set their hands and seals this 28th day of March 1913.

AB 97/222

Geo. B. Keezell (SEAL)

Bello C.Keezell (SEAL)

Virginia, County of Rockingham to-wit:-
This day personally appeared before me J.F.Blackburn Commissioner in Chancery for the Circuit Court of Rockingham in my County aforesaid, George B.Keezell and Belle C.Keezell whose names are signed to the writing above bearing date of March 28th 1913 and acknowledged same to be their act and deed. Given under my hand this 28th day of March 1913.

J.F.Blackburn Commissioner in Chancery.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. May 31, 1913
THIS DEED from Geo.B.Keezell & wife to James M.Liskey was this day presented in the office aforesaid, and is, together with the certificate of acknowledgment annexed admitted to record.

Teste, ...Clerk.

A TRUE COPY.

ATTESTE: Marion P. Rawson Deputy Clerk.

PLAINTIFF'S EXHIBIT
4-A
8/30/73

RIGHT OF WAY DESCRIPTION

DEED dated May 19, 1894 from James Layman and George B. Keezell to Emma Rinker and Minnie Rinker, Deed Book 49, at page 207:

....."The parties of the first part do grant and convey with General Warranty unto the parties of the second part and to their vendees and assigns forever a certain right and use of roadway, as follows, to-wit: Beginning at a small white oak on the line between the lands of the parties of the second part and Layman's 14 acre Peale lot, thence through said lot S. 54 1/2 W. 18.8 poles S. 30 1/2 W. 32 poles along Laymans roadway, thence along and near Keezell's line S. 62 1/2 W. 3 poles and N. 72 3/4 W. 8 poles to the corner of said 14 acres lot, thence on Layman's Koontz land on the west side of Keezell's line S. 21° 40' W. about 75 or 80 poles to near the north side of Layman's pond, thence diagonally across the line on to Keezell's land above said pond and near the corner of his woods, thence wholly on Keezell's land along his and Layman's line and following the present roadway to the Keezletown and Harrisonburg road, with the privilege to the parties of the first part to fence said roadway or not fence it as they respectively may elect, and also to put gates across said roadway at such points at they may desire. In consideration of this conveyance by the said Keezell, the said Layman hereby releases unto them and to their heirs and assigns forever all their right, title and interest in and to a roadway through the said Keezell's land from the said 14 acres Peale lot to near the north side of Layman's pond where

the roadway described above is to pass on the said Keezell's land, the said Layman and wife retain their road right from said point near the pond out to the said Keezletown and Harrisonburg road as heretofore. It is further understood by the parties hereto that the right of way hereby granted to the parties of the second part is for the use of their farm over whose line said roadway begins and for no other purpose said roadway is to be sufficiently wide to wagon over but shall not at any point exceed fifteen (15) feet. Nothing in this deed shall be construed to give the parties of the second part any right or use of said lands for other purposes than that of roadway to and from said farm. It is also understood as part of the consideration in this transaction that the said roadway from the pond out to the Harrisonburg and Keezletown road is to follow the present roadway on Keezell's land to the south end of Layman's lot and then pass across the point of said lot as at present and not pass entirely out to the said Harrisonburg and Keezletwon road on the Keezell line and then the said Keezell is to have the use of this the same as the said Rinkers."

LAW OFFICES
CONRAD,
TTEN AND SIPE

-/jar/0+
10/30/72

PLAINTIFF'S EXHIBIT
5
8/30/73

EXAMINED
DEC 15 1964
Deed to
Wharton, Aldhizer
Warner
Nancy Hampton

THIS DEED made this 27th day of November, 1964, by and between SALLIE CRIDER HALL (sometimes called Sallie E. Hall), party of the first part, and ROBERT H. STRICKLER and CHARLES O. STRICKLER, parties of the second part,

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid by the parties of the second part to the parties of the first part, and other good and valuable considerations, receipt whereof is hereby acknowledged, at and before the sealing and delivery of this deed, said party of the first part does hereby grant and convey unto said Robert H. Strickler and Charles O. Strickler, parties of the second part, the following three adjacent tracts or parcels of land situate about 3-1/2 miles east of Harrisonburg, on the Harrisonburg-Keezletown Road (Virginia State Highway No.925) of which James W. Hall died seised and possessed in the year 1960:

FIRST: All that certain tract or parcel of land containing 65 acres, and 2 roods, more or less, constituting the residue of a tract of 83 acres, 1 rood and 24 poles in which an undivided one-half interest was conveyed unto said James W. Hall by deed of Isaac B. Hall and Mabel Hall, his wife, dated April 20, 1933, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 154, page 366, and in which said James W. Hall, inherited the remaining one-half undivided interest by the will of his mother, Sallie Ann Hall, duly of record in the Clerk's Office aforesaid, in Will Book 12, page 84, and by the will of his father, John T. Hall, duly of record in the Clerk's Office aforesaid, in Will Book 12, page 192. Said parcel of 83 acres 1 rood and 24 poles being bounded in the aforesaid deed from Isaac B. Hall and wife, as follows:

Beginning at a large white oak, Clatterbuck's corner, and running thence S. 24 W. 192.48 poles with lines of Clatterbuck and Keezell, crossing the State Highway, and, thereafter, with a line of the two acre tract of the grantee, James W. Hall, to an iron pin at locust post in Argenbright's line; thence, with the Argenbright line, N 71-1/4 W 24.6 poles to a stone, Bryant corner in line of the land of the estate of Dr. J. F. Wright; thence, with the lines of Bryant and others, N 23-1/4 E 348 poles (first, with a line of a Bryant tract, then crossing State Highway, continuing in a public road, and finally, with a line of a Gaither tract), to an iron pin at a post in Spitzer's line; thence, with said line, S 88-3/4 E 8.04 poles to a point in the middle of said public

road; thence (for the major portion of the distance with said road) N 30-3/4 E 75.44 poles to a stone east of and near the eastern side of said road, corner with Layman; thence, with aline of the Layman land, S 72-1/2 E 20 poles to a large chestnut post, Lineweaver's corner in the Layman line; thence, with lines of the Lineweaver property, S 27-1/2 W 114.2 poles to a stone on the west side of the Lineweaver orchard, S 5 W 108 poles to a white oak stump, Lineweaver's corner; thence, with lines of Clatterbuck, S 17-3/4 W 13.64 poles to a stone, corner with Clatterbuck, and N 71-1/2 W 37.76 poles to a large white oak at the point of beginning.

LESS, HOWEVER, two tracts or parcels conveyed therefrom, the one containing 16.10 acres, more or less, and the other containing 1.80 acres, more or less, which were conveyed by deed from Sallie C. Hall to Clayton B. Burkholder and Annis Burkholder, husband and wife, dated October 26, 1960, recorded in the Clerk's Office aforesaid, in Deed Book 282, page 307.

SECOND: All that certain tract or parcel of land containing 86.024 acres, more or less, which was conveyed unto said James W. Hall by deed from N. H. Keezell and Helen Keezell, his wife, dated July 16, 1936, recorded in Deed Book 165, page 374, and described therein as being bounded as follows:

WHARTON, ALDHIZER & WEAVER
ATTORNEYS AT LAW

"BEGINNING at a stone in a line of other land owned by the grantee herein, M. W. Clatterbuck's corner; thence, with said Clatterbuck's line, S 76 3/4 E 47.82 poles, to a locust stake, Clatterbuck's and N. H. Keezell's corner; thence, making new lines through the Keezell farm, S 43-1/2 E 86 poles, crossing a steep hill, to a post at the south side of a roadway; S. 30-1/2 W 60.5 poles, to a large locust tree; S 34 W 15.92 poles, to a post; S 42 W 14.4 poles, to a walnut tree; S 31-1/2 W 28.92 poles, to a stake in the head of a gully, Keezell's and S. L. Chapman's corner; thence, with said Chapman's line, S 52 W 28.3 poles, passing through about the middle of a large spring in a sink hole, to a point in the north side of the Harrisonburg and Keezletown road, Chapman's and Argenbright's corner; thence, with lines of the lands of Argenbright and of the J. F. Wright Estate, and again of Argenbright, and in the road, N 39 W 44.84 poles, to a point in the southside of road; thence, continuing in the road, and with line of Argenbright, N 7-1/2 W 57.84 poles, to a stake on the north side of road, Argenbright's and J. W. Hall's corner; thence, with said Hall's line, N 12-1/2 W 38.08 poles to a point in the middle of road; and thence, with another line of J. W. Hall, N. 22-1/4 E 66.24 poles, to the BEGINNING - crossing road and passing the east side of a 15 foot right of way, leading into the lands of M. W.

Clatterbuck, at 11.72 poles, the west side of right of way at 15.4 poles, and thence with the west side of the right of way;"

THIRD: All that certain tract or parcel of land, containing 2 acres more or less, which was conveyed unto J. W. Hall by deed of George B. Keezell and Belle C. Keezell, his wife, dated July 9, 1914, recorded in the Clerk's Office aforesaid, in Deed Book 100, page 363, and described therein as being bounded as follows:

WHARTON, ALDHIZER & WEAVER

Beginning at a stone on the northeast side of the Harrisonburg or Brocks Gap Road, a corner of the land of Mrs. Ada Argenbright and running with her line in a westerly direction to a stone in said line, corner of the Keezell land and the land owned by John T. Hall, formerly owned by Abram Koontz and with the line of said land in a northeasterly direction to a point in the center of the Harrisonburg or Brocks Gap Road, where said line crosses said road and thence with the general direction of said road to the beginning;

together with all the rights, privileges, appurtenances, easements and rights of way unto said tracts or parcels, or either of them, belonging or in anywise appertaining.

The real estate conveyed hereby was acquired by Sallie C. Hall, by will of James W. Hall, duly of record in the Clerk's Office aforesaid, in Will Book 19, page 356.

The grantor herein convenants and agrees that she is seised in fee simple of the land herein conveyed; that she has the right to convey said land to the grantees;;that the grantees shall have quiet possession of said land, that she has done no act to encumber the said lands; and that she will execute all such further assurances of said land as may be requisite.

WITNESS the following signatures and seals.

Sallie Crider Hall (SEAL)
Sallie Crider Hall
(sometimes called Sallie E. Hall)

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, To-Wit:

I, Grace F. Rolston, a notary public in and for

- 4 -

the County aforesaid, in the State of Virginia, whose commission expires on the 28 day of July, 1965, hereby certify that Sallie Crider Hall, whose name is signed to the foregoing writing bearing date on the 27th day of November, 1964, has this day personally appeared before me in my said County and acknowledged the same.

Given under my hand this 30 day of November, 1964.

Gene T. Rubert
Notary Public

A TRUE COPY.

ATTESTE:

Marlin B. Pearson Deputy Clerk.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing Deed of Bargain and Sale was this day presented in the office aforesaid and is together with the certificate of acknowledgement annexed, admitted to record this 30th day of November, 1964 at 10:55 A.M.

TEST: George W. Kemper Clerk

165/374

STRICKLER CHAIN OF TITLE

Teste: PLAINTIFF'S EXHIBIT 6 8/30/73 , Clerk

THIS DEED, made this 16th day of July, 1936, by and between N. H. Keezell and Helen Keezell, his wife, parties of the first part, and J. W. Hall, party of the second part, all of Rockingham County, Virginia, W I T N E S S E T H : That for and in consideration of the sum of SIX THOUSAND FOUR HUNDRED FIFTY ONE DOLLARS and EIGHTY CENTS ($6,451.80), all of which is cash in hand paid by the party of the second part to the parties of the first part, the receipt whereof is hereby acknowledged at and before the execution and delivery of this deed, they, the said parties of the first part, do hereby bargain and sell, grant and convey, with Covenant of General Warranty, unto the said J. W. Hall, all that certain tract or parcel of land, containing 86.024 acres, together with all rights, privileges and appurtenances thereunto belonging or in any wise appertaining, situate and lying on the east side of the Harrisonburg - Keezletown Road, about three and one-half (3 1/2) miles east of Harrisonburg, in Central District, Rockingham County, Virginia, adjoining other lands of the said N. H. Keezell and J. W. Hall, grantor and grantee herein, respectively, and being a portion of that larger tract of 335.994 acres of land, known as the George B. Keezell Home Farm, which was devised to the said N. H. Keezell, in the name of Nathaniel H. Keezell, by the terms of clause fourth of the will of George B. Keezell, deceased, which said will was duly admitted to probate in the Clerk's Office of Rockingham County, Virginia, on the 25th day of June, 1931, and recorded therein in Will Book No. 11, at page 552, special reference to which is hereby made; the said tract or parcel hereby conveyed being the western portion of said George B. Keezell Home Farm, and being bounded as follows, to-wit: BEGINNING at a stone in a line of other land owned by the grantee herein, M. W. Clatterbuck's corner; thence, with said Clatterbuck's line, S. 76 3/4 E. 47.82 poles, to a locust stake, Clatterbuck's and N. H. Keezell's corner; thence, making new lines through the Keezell farm, S. 43 1/2 E. 86 poles, crossing a steep hill, to a post at the south side of a roadway; S. 30 1/2 W. 60.5 poles, to a large locust tree; S. 34 W. 15.92 poles, to a post; S. 42 W. 14.4 poles, to a walnut tree; S. 31 1/2 W. 28.92 poles, to a stake in the head of a gully, Keezel's and S. L. Chapman's corner; thence, with said Chapman's line, S. 52 W. 28.3 poles, passing through about the middle of a large spring in a sink hole, to a point in the north side of the Harrisonburg and Keezletown road, Chapman's

and Argenbright's corner; thence, with lines of the lands of Argenbright and of the J. F. Wright Estate, and again of Argenbright, and in the road, N. 39 W. 44.84 poles, to a point in the south side of road; thence, continuing in the road, and with line of Argenbright, N. 7 1/2 W. 57.84 poles, to a stake on the north side of road, Argenbright's and J. W. Hall's corner; thence, with said Hall's line, N. 12 1/2 W. 38.08 poles, to a point in the middle of road; and thence, with another line of J. W. Hall, N. 22 1/4 E. 66.24 poles, to the BEGINNING, - crossing road and passing the east side of a 15 foot right of way, leading into the lands of M. W. Clatterbuck, at 11.72 poles, the west side of right of way at 15.4 poles, and thence with the west side of the right of way; a recent plat of which said tract of 86.024 acres of land, as herein conveyed, and as made by A. R. Myers, S. R. C., on April 24th, 1936, is attached hereto and made a part hereof. Witness the following signatures and seals:

N. H. Keezell (SEAL)

$6.50 in stamps. Helen Keezell (SEAL)

State of Virginia, County of Rockingha, to-wit:

I, Wilda Garber, a Notary Public in and for the County aforesaid, in the State of Virginia, do certify that N. H. Keezell and Helen Keezell, his wife, whose names are signed to the writing above, bearing date the 16th day of July, 1936, have acknowledged the same before me this day in my said County. My Commission expires the 25th day of November, 1937. Given under my hand, this 17th day of July, 1936.

Wilda Garber, N. P.

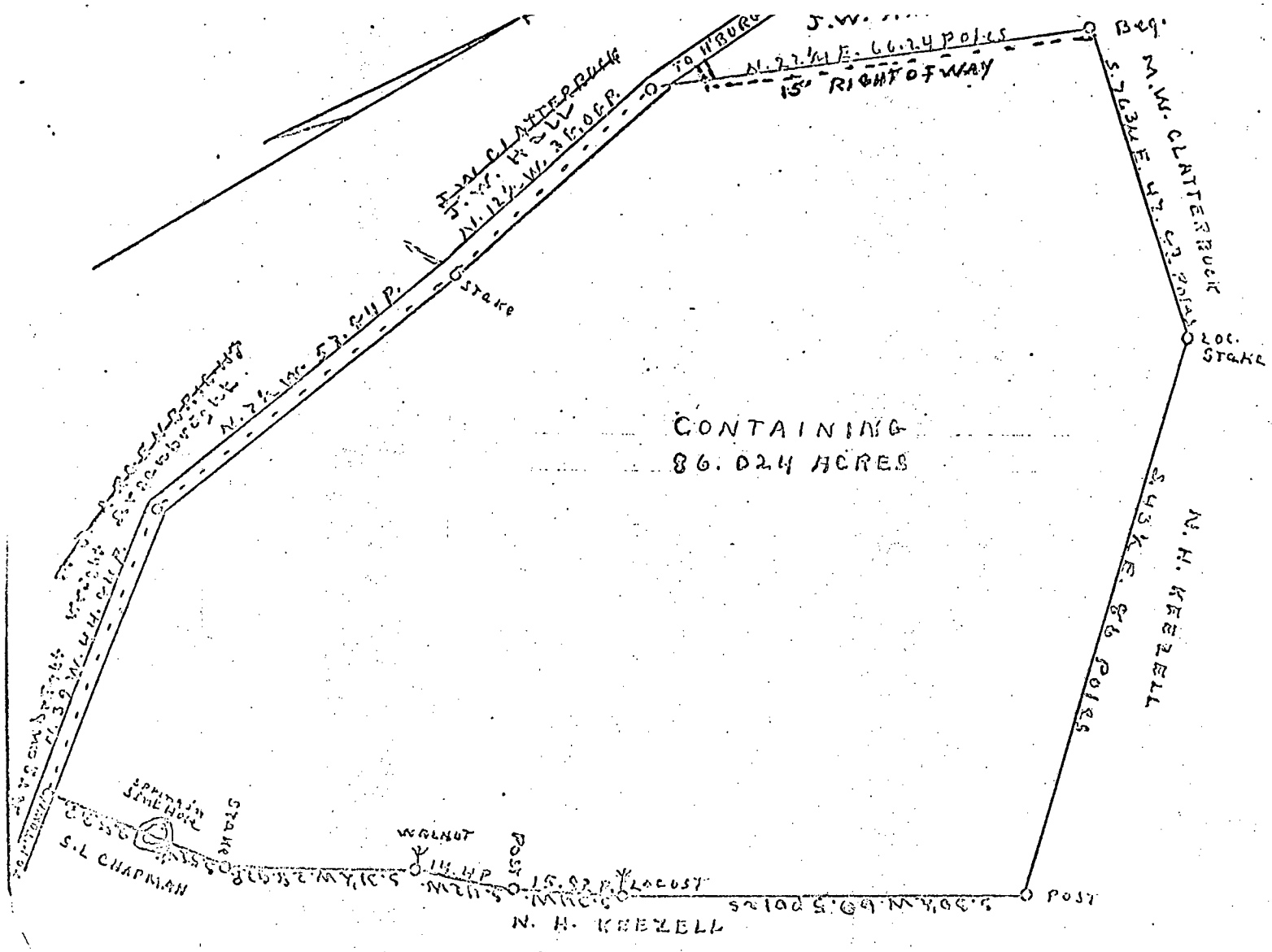
VIRGINIA: In the Clerk's office of the Circuit Court of Rockingham County. The foregoing deed of BARGAIN & SALE was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 17th day of July, 1936, 10:25 A. M.

Teste: J. Robert Switzer, Clerk

A TRUE COPY.

ATTESTE: Malone B. Farmer Deputy Clerk.

THIS DEED, made this 16th day of July, 1936, by and between James W. Hall



PLAT

OF LAND TO BE CONVEYED TO J.W. HALL BY N.H. KEEZELL

SURVEYED AUG. 18, 1931 & APRIL 24-1936 SCALE 1" = 20 POLES A.R. MYERS S.R.C.

My commission expires 4-19-52 Thelma Vaine Hoke, Notary Public

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Bargain & Sale was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 11th day of June, 1951, 2:20 P. M.

228/356

DEFENDANT'S EXHIBIT 8/30/73

Teste: [illegible], Clerk.

THIS DEED made this 1st day of June, 1951, by and between D. W. Earman and Frances O. Earman, his wife, parties of the first part, and John A. Barnhart and David H. Barnhart, brothers, parties of the second part, W I T - N E S S E T H : That for and in consideration of the sum of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) paid and to be paid as follows: Seven Thousand Dollars ($7,000.00) cash in hand paid by the parties of the second part to the parties of the first part, receipt whereof is hereby acknowledged, and the balance, Eighteen Thousand Dollars ($18,000.00), being evidenced by eleven Homestead Waiver bonds executed by the parties of the second part, of even date herewith, due and payable to D. W. Earman, or order, as follows: one bond for Five Hundred Dollars ($500.00) due on or before December 31, 1951, One Thousand Dollars ($1,000.00) due on or before December 31, 1952, One Thousand Dollars ($1,000.00) due on or before December 31, 1953, One Thousand Dollars ($1,000.00) due on or before December 31, 1954, One Thousand Dollars ($1,000.00) due on or before December 31, 1955, One Thousand Dollars ($1,000.00) due on or before December 31, 1956, One Thousand Dollars ($1,000.00) due on or before December 31, 1957, One Thousand Dollars ($1,000.00) due on or before December 31, 1958, One Thousand Dollars ($1,000.00) due on or before December 31, 1959, One Thousand Dollars ($1,000.00) due on or before December 31, 1960, and Eighty-five Hundred Dollars ($8500.00) due on or before December 31, 1961, all of said bonds bearing interest from date at five per cent per annum, the first instalment of interest to be paid on December 31, 1951, and interest thereafter on all of said bonds payable semi-annually from that date, and to secure the payment of all of said bonds a deed of trust is executed cotemporaneously herewith by the parties of the second part, their wives uniting, to Charles E. Earman, Jr., Trustee;-they, the said parties of the first part, do hereby grant and convey with general warranty of title unto the said John A. Barnhart and David H. Barnhart, parties of the second part, in equal interests, all that certain farm

consisting of 32[illegible].925 acres, together with all improvements thereon and appurtenances thereunto belonging situate on either side of the Keezletown Road, about one-half mile north of Keezletown in Central District, Rockingham County, Virginia, adjoining the lands of Dr. Ernest Miller, James W. Hall, J. M. Armstrong, et als, and according to survey of A. R. Myers, made December 7, 1943, is bounded as follows: Beginning at a post in E. B. Yancey's line, J. M. Armstrong's corner; thence, with Armstrong's lines, N 72½ W 23[illegible].08 poles, crossing the Keezletown road, the Chesapeake Western Railway, to a stake; S 16½ W 3[illegible].6 poles, to a stake; N 77¼ W 47.02 poles, to a stake, Armstrong and J. W. Hall's corner; thence, with Hall's lines, N 23 E 9[illegible].56 poles, to a white oak tree; S 72 E 37.6 poles, to a stone; N 16½ E 13.5 poles, to a post between 2 white oak stumps, Hall and Mrs. Katherine Lineweaver's corner; thence, with Mrs. Lineweaver's lines, S 72 3/4 E 40 poles, to a stake; N 45 E 11[illegible].32 poles, to a stone; N 20 3/4 E 112.6 poles, to a post, Mrs. Lineweaver's corner and in C. C. Layman's line; thence, with Layman's lines, S 72¼ E 8.24 poles, to a stake; N 29 E 87.64 poles, to a stake in the southern limits of the Chesapeake Western Railway, said stake being 50 feet, at right angles from the center of the main track; thence, with the southern and western limits of said railway, keeping a uniform distance of 50 feet from the center of main track, with a curve to the right, S 30 E 8.16 poles; S 28½ E 10.16 poles; S 27¼ E 11.12 poles; S 25¼ E 12.36 poles; N 60 E 1 pole to a point 33 feet from the center of the main track; thence, continuing with the curve to the right and keeping a uniform distance of 33 feet from the center of the track, S 23½ E 13.4 poles; S 20 3/4 E 12.28 poles; S 19 E 12.36 poles; S 16¼ E. 13.6 poles; S 10½ E 11.94 poles; S 3 3/4 E 12.76 poles; S 3 W 12.04 poles; S 4 W 68 poles; S 11 W 10.72 poles; S 14 W 11.72 poles; S 22¼ W 12.82 poles; thence, S 24 W 22.8 poles, to a post in the western limits of said railway; thence, crossing the railway, S 72½ E 13.2 poles, passing Leaffy Liskey's corner at four poles, and with her line to a point in about the center of the Keezletown road, Mrs. Liskey's corner and a line of the Frank Coffman Estate; thence, with the Coffman line, S 20½ W 75.72 poles, passing a corner between the Coffman land and Mrs. David R. Ball's property, and, with Mrs. Ball's line, with the road, to a point in the middle of the road, Mrs. Ball's corner; thence, with another of Mrs.

Hall's lines, S 72½ E 13.2 poles, to a post, Mrs. Hall's corner and in E. B. Yancey's line; thence, with Yancey's lines, S 1, W [illegible].12 poles, to a stake; S 9 3/4 [illegible] poles, to a post; and thence, [illegible] W 37.[illegible] poles, to the beginning." The Chesapeake Western Railway right of way has been excluded from this survey and is not included in the acreage of this farm. A plat of said farm is attached to this deed and made a part hereof. The said D. W. Earman acquired title to the said farm by the following deeds: (1) Deed from W. C. Earman and wife dated January 23, 1939, of record in the County Clerk's Office of Rockingham County, Virginia in Deed Book 176, page 15; (2) Deed from Elizabeth White, single, et als, dated March 27, 1939, of record in said Clerk's Office in Deed Book 176, page 295; (3) Deed from Elizabeth White, single, et als, dated May 2, 1940, of record in said Clerk's Office in Deed Book 179, page 593; and (4) Deed from A. D. Bertram, et als, dated June 26, 1940, of record in the said Clerk's Office in Deed Book 180, page 286; and (5) Deed from Walter S. Bertram, et als, dated March 4, 1942, of record in said Clerk's Office in Deed Book 186, page 249. Witness the following signatures and seals.

D. W. Earman (SEAL)

Frances O. Earman (SEAL)

$27.50 Paid in Stamps.

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

I, Pauline M. Andrus, a notary public in and for the county aforesaid, in the State of Virginia, whose commission expires March 1, 1952, do certify that D. W. Earman and Frances O. Earman, his wife, whose names are signed to the foregoing writing bearing date June 1, 1951, have personally appeared before me in my said county and acknowledged the same. Given under my hand this 1st day of June, 1951.

Pauline M. Andrus, Notary Public.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Bargain & Sale was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 11th day of June, 1951, 2:35 P. M.

Teste: [illegible] Clerk.