

BK 0259 PG 01946

Prepared by and return to:
Vogel & Cromwell, LLC
13245 B.F. Washington Hwy., Ste. B
Hardy, VA 24101

Title Insurance by: None
Consideration: None
Grantees' address: 1910 Old Mill Drive
Salem, VA 24153

This deed is exempt from recording - tax, pursuant to VA Code 58.1-812.09

Tax Map #52.10-31 and Portion of 52.-4.1

THIS DEED, made and entered into this 2nd day of February, 2009, by and between OPTIMA PROPERTIES - SMITH MOUNTAIN LAKE, LLC, a North Carolina Limited Liability Company, Grantor; and A. DALE BYINGTON and TRULA L. BYINGTON, husband and wife, Grantees.

W I T N E S S E T H

WHEREAS, the Grantees are the owners of Lot 31, The Coves at Smith Mountain Lake; and

WHEREAS, the Grantor wishes to convey a portion of its remaining property to the Grantees which shall be combined with Lot 31, The Coves at Smith Mountain Lake to create Lot 31A, The Coves at Smith Mountain Lake; and

WHEREAS, the Grantees consent to this conveyance and the creation of the said new Lot 31A.

NOW THEREFORE, IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash and other good and valuable consideration paid by the Grantees unto the Grantor, the receipt whereof is hereby acknowledged, the said Grantor does hereby BARGAIN, SELL, GRANT and CONVEY, with SPECIAL WARRANTY, unto the Grantees, A. DALE BYINGTON and TRULA L. BYINGTON, husband and wife, as tenants by the entirety with the right of survivorship as at common law and as recognized by Section 55-21 of the Code of Virginia 1950, as amended, all of that certain lot or parcel of land, with all the appurtenances

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thereunto belonging, lying and being in the COUNTY OF FRANKLIN, VIRGINIA, and more particularly described as follows, to-wit:

Lot 31A, as shown by the Plat of Re-Subdivision made for Optima Properties - Smith Mountain Lake, LLC, et al, creating LOTS 30-A, 31-A, 32-A, AND TRACT A-2-A, THE COVES AT SMITH MOUNTAIN LAKE, made by ACS Design, dated June 13, 2008 which is of record in the Clerk's Office of the Circuit Court of Franklin County, Virginia in Deed Book 954, page 631-1947; and

Being a portion of the same property conveyed unto the Grantor herein by deed dated September 19, 2005, from Standiford Bluffs, L.L.C., recorded in the aforesaid Clerk's Office in Deed Book 862, page 1360.

THERE IS FURTHER CONVEYED a non-exclusive easement over Coves Road, Cliffs Drive and Watersong Circle which are private roads and utility easements shown on the aforesaid plat, said easement being for ingress and egress to and from the above described property to Virginia Route 1440, Ivy Lane.

THERE IS FURTHER CONVEYED an easement appurtenant to the above described lot to pump waste water into the sanitary treatment plant and mass drainfields located on the designated drainfield area as shown on the aforesaid plat as Open Space Area E & Sanitary Sewer System Easement, along with an easement for a sewer line from the property herein conveyed to said easement area as said sewer line is presently located with the right to construct, maintain, repair and replace a sewer line to the easement area with ingress and egress thereto and to the said easement area, subject however to all of the terms, conditions and obligations as set forth in the aforementioned Declaration of Covenants, Conditions and Restrictions for The Coves at Smith Mountain Lake recorded in the aforementioned Clerk's Office in Deed Book 899, Page 1753. These easements are further subject to the terms and conditions set forth by the Office of the Franklin County Health Department and to any and all, rates, rules and/or regulations governing the provision of waste water treatment which are established by the Developer or any third party provider pursuant to the laws of the Commonwealth of Virginia.

THERE IS FURTHER GRANTED and assigned as an appurtenant easement to the lot herein conveyed for the exclusive use of the Grantees, their successors and assigns an individual boat slip to be designated for the property herein conveyed by The Coves at Smith Mountain Lake Owner's Association, Inc. pursuant to Declaration of Covenants, Conditions and Restrictions of The Coves at Smith Mountain Lake, along with a non-exclusive easement for ingress and egress thereto across the common areas of The Coves at Smith Mountain Lake as shown on the

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aforesaid plat. The aforesaid boat slip shall be an appurtenant easement to the lot hereinabove conveyed and shall not be conveyed, assigned or encumbered except as a part of a conveyance of the said lot herein conveyed.

THIS CONVEYANCE is made together with and subject to that 12' driveway easement for ingress and egress from lot 31 to Coves Road over and across Lots 32-A as shown on the aforementioned plat.

THIS CONVEYANCE is made together with and subject to all easements, all other matters, and all rights, benefits, privileges, and obligations as more particularly set forth in the aforementioned Declaration of Covenants, Conditions and Restrictions for The Coves at Smith Mountain Lake.

THIS CONVEYANCE is made subject to all effective easements, restrictions and conditions affecting the property herein conveyed.

WITNESS THE FOLLOWING SIGNATURE AND SEAL:

OPTIMA PROPERTIES - SMITH MOUNTAIN LAKE, LLC
a North Carolina Limited Liability Company

By: John D. Merritt Jr. (SEAL)

Its: Manager

STATE OF NC
CITY/COUNTY OF Wake, TO-WIT:

The foregoing instrument was acknowledged before me this 26th day of February, 2009, by John D. Merritt, Jr.

_____ of OPTIMA PROPERTIES - SMITH MOUNTAIN LAKE, LLC, a North Carolina Limited Liability Company.

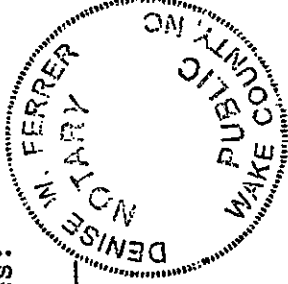
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Denise W. Ferrer
Notary Public

My commission expires:

2/13/13



A. Dale Byington (SEAL)
A. DALE BYINGTON

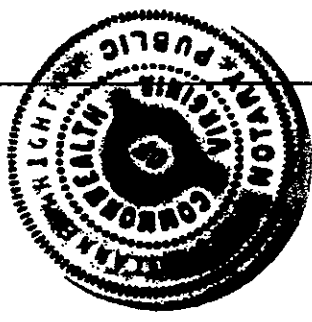
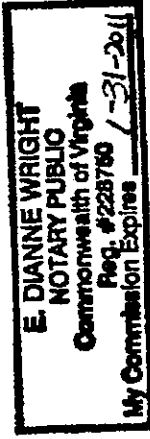
Trula L. Byington (SEAL)
TRULA L. BYINGTON, husband and wife,

STATE OF Virginia
CITY/COUNTY OF Salem, TO-WIT:

The foregoing instrument was acknowledged before me this _____
day of February, 2009, by A. DALE BYINGTON and TRULA L. BYINGTON,
husband and wife.

E. Dianne Wright
Notary Public

My commission expires:



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Roanoke VA

INSTRUMENT #070004071
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
MAY 11, 2009 AT 09:46AM

TERESA J. BROWN, CLERK
RECORDED BY: AMT