

TAX MAP NO.: 52.9-56

BK 0941 PG 02548

DEED OF GRANTORS TO TRUSTEES

EXEMPT FROM TAX: VA. CODE SECTION 58.1-811(A)(12)

THIS DEED OF TRANSFER, made on January 10, 2007, by and between CECIL E. HODGES, JR. and AUDREY L. HODGES, husband and wife, hereinafter referred to as the "Grantors" and CECIL E. HODGES, JR. and AUDREY L. HODGES, Trustees, or their successors in trust, under the HODGES LIVING TRUST dated December 6, 2001, hereinafter referred to as the "Grantees," whose address is: 224 Limerick Lane, Union Hall, Virginia 24176.

WITNESSETH:

That for and in consideration of the benefits accruing to themselves and/or their heirs, executors and/or assigns, acknowledged by the Grantors herein to have value of TEN DOLLARS (\$10.00), cash-in-hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged at and before the signing, sealing and delivery of these presents, the Grantors hereby grant, sell, and convey with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the said Grantees, under Section 55-20.2 of the Virginia Code (1950), the following described property, to-wit:

All that certain lot or parcel of land, being Lot 56, containing 1.658 acres, (which includes well), of "THE RETREAT," lying and being situate, in the Union Hall Magisterial District of Franklin County, Virginia, and being more particularly described according to the plat and survey prepared by Philip W. Nester, L.S., dated August 21, 2002, of record in the Circuit Court of Franklin County, Virginia, in Deed Book 758, at Pages 592-598, reference to which is made for a more particular description.

ALSO CONVEYED HEREIN is a perpetual exclusive easement to the Grantees, their heirs and assigns, over that portion of the land adjoining the land hereby conveyed, and between the extension of the imaginary lot lines for the lot conveyed herein, in and to the waters of Smith Mountain lake, regardless of the water level as the same may rise and fall from time to time. And to exercise, hold and use that portion of land between the property hereby conveyed and Smith Mountain Lake for recreational purposes. Being the same rights granted and reserved in a certain Flowage Easement granted to Appalachian Power Company affecting the above described land which flowage easement is recorded in the aforesaid Clerk's Office.

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RESERVED HOWEVER, UNTO the Grantors, their successors and assigns, is all rights and obligations as set forth in the Restrictions, Covenants and Conditions of The Retreat, which are recorded in the aforesaid Clerk's Office in Deed Book 758, Page 599, and particularly as to the Grantor's right to locate and approve the boat docking facilities, which may or may not encroach over and across the imaginary lot lines as stated above.

ALSO CONVEYED HEREIN is an easement to use the drainfield for Lot 56 which is designated as DF C2 on Sheet 5 of 7 on the referenced survey and recorded in the aforesaid Clerk's Office in Deed Book 758, Pages 592-598, for the purpose of installing, repairing and maintaining sewer lines and the drainfield, together with the right of entry for the purposes of repairing and maintaining such sewer lines and drainfield, within and crossing the drainfield easement area and the streets and public utilities easements of the Retreat Subdivision.

ALSO RESERVED UNTO THE GRANTOR, its successors and/or assigns, and subject to, is an easement to improve and draw water from the well which is partially located on Lot 56, which includes the right to lay necessary pipelines, plumbing and electric cables, over, under and across Lot 55 for the purpose of drawing water from the well and the further right to enter upon said lands of the Grantees, to install, inspect, maintain and replace and repair said well, pipelines, plumbing and electric cables, and being more particularly described as follows:

BEGINNING at a set $\frac{1}{2}$ inch iron rebar on the boundary line of Lot 55 and Lot 56; thence leaving Lot 55 a curve with the following courses and distances: Delta Angle=176 degs. 37' 49"; Chord Bearing=S. 86 degs. 52' 04" W.; Tangent=1,699.80 feet; Radius=50.00 feet' Arc Length=154.14 feet and Chord=99.96 feet, to a set $\frac{1}{2}$ inch iron rebar on the boundary Lot of Lot 55 and Lot 56. (This describes the portion of the well which lies on Lot 56 only).

The rights and benefits reserved shall be appurtenant and running with the land.

THIS CONVEYANCE is subject to all easements, restrictions, covenants and conditions of record affecting the hereinabove described property, more specifically the Restrictions, Covenants and Conditions of The Retreat, recorded in the aforesaid Clerk's Office in Deed Book 758, Page 599, and the flowage easements to Appalachian Power Company, recorded in the aforesaid Clerk's

Office in Deed Book 173, Page 373, and in Deed Book 173, Page 319, and The Retreat Force Main Septic System Declaration recorded in the aforesaid Clerk's Office in Deed Book 758, Page 992.

BEING the same property conveyed unto the grantors herein as tenants by the entirety with the right of survivorship as at common law, by deed from AUDREY L. HODGES, dated January 10, 2007, and duly recorded in the Clerk's Office aforesaid on 8000 6.3 65 in Deed Book 241, Page 2544

TO HAVE AND TO HOLD the said property by the Trustees, CECL E. HODGES, JR. and AUDREY L. HODGES, with the appurtenances thereunto belonging upon the trusts and for the purposes set forth herein and, under the said Revocable Living Trust, and with the following rights, powers and privileges, in accordance with **Section 55-17.1 of the Code of Virginia**, as amended:

1. Trustees, including any Successor Trustee, according to the terms of the trust, shall have the power to sell, lease, encumber or otherwise dispose of the property herein described,
2. No one dealing with the Trustees, including any Successor Trustee, shall be required to make further inquiry as to the right of such Trustee to act,
3. No one dealing with the Trustees, including any Successor Trustee, shall inquire as to the disposition of any proceeds.

The Grantors hold title to the above described real property as Tenants by the Entireties as at common law, and wish to transfer title to said property to the Trustees of their Revocable Living Trust as Grantees, and retain the same immunity from the claims of their separate creditors as it would if it had remained a Tenancy by the Entireties property in accordance with the provisions of Virginia Code Section 55-20.2.

Whenever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

This deed is being transferred into a Revocable Living Trust for Estate Planning purposes and no title search of property has been done on this transfer.

The legal description and the names of the record title owners were provided by the parties, and the draftsman assumes no responsibility for their accuracy or correctness.

BK 0941 PG 02551

WITNESS the following signatures and seals:

Cecil E. Hodges, Jr. (seal)
CECIL E. HODGES, JR.

Audrey L. Hodges (seal)
AUDREY L. HODGES

STATE OF VIRGINIA
CITY/COUNTY OF Roanoke, to-wit:

I, Avram H. Zysman, a Notary Public in and for the State of Virginia, hereby certify that CECIL E. HODGES, JR. and AUDREY L. HODGES, Grantors, whose names are signed to the foregoing writing dated January 10, 2007, have acknowledged the same before me in my presence in the County and State aforesaid.

Given under my hand on January 10, 2007.



Avram H. Zysman
Avram H. Zysman, Notary Public

My commission expires: December 31, 2010



INSTRUMENT #080006366
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
JULY 9, 2008 AT 04:23PM

TERESA J. BROWN, CLERK
RECORDED BY: PEP

4 of 4