

Prepared by and
mailed to:
Vogel & Cromwell
13245 B.T. Washington
Hardy VA 24101

BK 0969 PG 01939

Grantees Address:
1302 Ashley Ave.
High Point, NC 27262

PG 01939

THIS DEED IS EXEMPT FROM TAXATION PURSUANT TO VIRGINIA CODE §58.1-811(D).

Tax Map# 52 9-37

THIS DEED OF GIFT, made and entered into this 5th day of October, 2009, by and between JASON S. EARLES and LLOYD E. MILKS, IV, Grantor; and JASON S. EARLES and BRANNON C. EARLES, husband and wife, as tenants by the entirety with the right of survivorship, Grantees.

: W I T N E S S E T H :

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) cash, the said Grantors do hereby GIVE, GRANT and CONVEY, with GENERAL WARRANTY and MODERN ENGLISH COVENANTS OF TITLE, unto JASON S. EARLES and BRANNON C. EARLES, 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 thereunto belonging, lying and being in the COUNTY OF FRANKLIN, VIRGINIA, and more particularly described as follows, to-

wit:

ALL that certain lot or parcel of land, being Lot 37, containing 2.428 acres, 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, and revised on September 23, 2002, of record in the Franklin County Circuit Court Clerk's Office in Deed Book 758, at Pages 592-598, reference to which is made for a more particular description.

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Rossmore VA

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ALSO CONVEYED herein is a perpetual exclusive easement to the Grantees, his 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.

RESERVED, HOWEVER, unto Plyler Development, Inc., a Virginia corporation, its successors and assigns, are 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, at Page 599, and particularly as to the right of said Plyler Development, Inc. 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 37 which is designated as DF 53C on Sheet 7 of 7 on the referenced survey recorded in the aforesaid Clerk's Office in Deed Book 758, at Pages 592-598.

ALSO RESERVED UNTO Plyler Development, Inc., its successors and/or assigns, is an easement to improve and draw water from the well located on Lot 37, which includes laying necessary pipelines, to the well located on Lot 37, which well is more particularly shown on the survey by Philip W. Nester, L.S., dated August 21, 2002, and revised on September 23, 2002, recorded in the aforesaid Clerk's Office in Deed Book 758, at Pages 592-598.

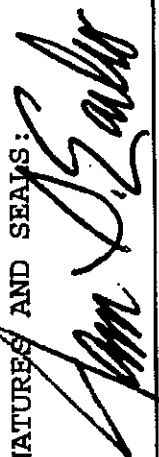
BEING the same property conveyed unto the Grantors by deed from Virginia B. Brammer, dated September 10, 2004, and recorded in the aforesaid Clerk's Office in Deed Book 829, Page 1615.

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Roanoke VA

THIS CONVEYANCE is made subject to all effective easements, restrictions and conditions of record affecting the property herein conveyed, and specifically subject to the Restrictions, Covenants and Conditions of The Retreat, of record in the aforesaid Clerk's Office in Deed Book 758, at Page 599, and the flowage easements to Appalachian Power Company recorded in the aforesaid Clerk's Office in Deed Book 173, at Page 373, and in Deed Book 173, at Page 319, and The Retreat Force Main Septic System Declaration recorded in the aforesaid Clerk's Office in Deed Book 758, at Page 992.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:


JASON S. EARLES (SEAL)

STATE OF Virginia
COUNTY OF Franklin, TO-WIT:

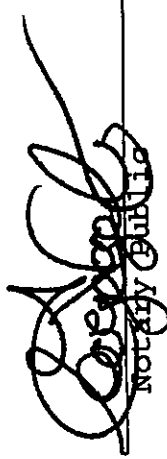
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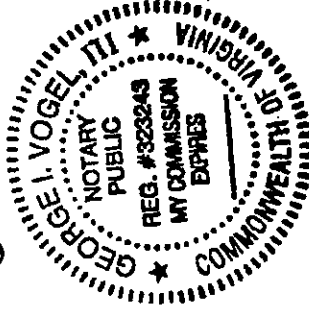
The foregoing instrument was acknowledged before me this 23rd day of October, 2009, by JASON S. EARLES.

My commission expires:

4/30/10

Reg. No. _____


Notary Public



Vogel &
Cromwell, L.L.C.

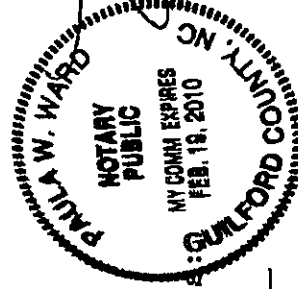
Roanoke VA

BK 0969 PG 01942

STATE OF N.C.

COUNTY OF Guilford, TO-WIT:

The foregoing instrument was acknowledged before me this
15 day of October, 2009, by LLOYD E. MILKS, IV.



My commission expires: 02-19-2010

Reg. No. _____

Notary Public

Vogel &
Cromwell, L.L.C.

Roanoke VA

INSTRUMENT #090009418
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
OCTOBER 23, 2009 AT 04:43PM

TERESA J. BROWN, CLERK
RECORDED BY: PEP