

BOOK 440 PAGE 166

THIS AGREEMENT, made and entered into this 17th day of January, 1996, by and between GARLAND HENRY DAVIS, JR. ^{aka} and G. HENNEN DAVIS, JR. ROBERT B. DAVIS, Grantors, parties of the first part, and MABEL E. AED W. BARHAM, CYNTHIA B. PEAK, J. DANIEL BARHAM and JOANNE E. BARHAM (devisees under the will of D. D. Barham, Jr., as their interests are more fully hereinafter set forth), whose address is 22598 Main Street, Capron, Virginia 23829, Grantees, parties of the second part:

WHEREAS, the grantees are the owners of certain real estate in Capron Magisterial District, Southampton County, Virginia (the particular tract being currently designated on the tax records of the Commissioner of Revenue of Southampton County, Virginia, as Parcel No. 59-6 and hereinafter referred to as the "Barham Land"); and

WHEREAS, the parties of the first part are the owners of a tract of land adjacent to the Barham land (Tax Parcels No. 56-39 and 39A, hereinafter referred to as the Davis land) which separates the Barham land from Route 651 (now known as Indiantown Road); and

WHEREAS, for many years access between the Barham land and Route 651 has been over an existing right of way and the path thereon, extending over the Davis land between the Barham land and Route 651; and

WHEREAS, to the best knowledge of the parties hereto the easement for access between the Barham land and Route 651, over the Davis land, is prescriptive and the parties hereto wish to establish the mutual rights of the parties relative hereto.

NOW, THEREFORE, WITNESSETH: That in consideration of the premises and the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, to them cash in hand at and before the signing, sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the parties of the first part do hereby grant unto the parties of the second part, their heirs and assigns, a perpetual non-exclusive easement for ingress and egress over the Davis land between the Barham land and Route 651. Said easement shall be fifty (50) feet in width, extending twenty-five (25) feet on each side of the center line of the existing path as now located on said right of way, and shall be used for access of all purposes, including but not limited to use for removal of timber and sand and other minerals.

Said easement shall be owned by the parties of the second part in the same proportion as to which they own the aforesaid Tax Parcel No. 59-6, which is to say that the said Mabel N. Barham shall have a life right in said easement, with the remainder interest being therein owned equally by Cynthia B. Peak, J. Daniel Barham and Joanne B. Barham (but with the rights of the remaindermen being currently exercisable during the life of the life tenant).

WITNESS the following signatures and seals:


Garland Hennen Davis, Jr.,
aka G. Hennen Davis, Jr.

Robert E. Davis
Robert E. Davis

Mabel N. Barham
Mabel N. Barham

Cynthia B. Peak
Cynthia B. Peak

J. Daniel Barham
J. Daniel Barham

Joanne E. Barham
Joanne E. Barham

STATE OF Alabama

CITY/COUNTY OF Montgomery, to-wit:

The foregoing instrument was acknowledged before me this
12th day of November, 1998, by Garland Hennen
Davis, Jr., aka G. Hennen Davis, Jr.

JOHN DANIEL GRAY
NOTARY PUBLIC, ALA. STATE AT LARGE
MY COMMISSION EXPIRES AUG. 9, 1999

My commission expires _____

[Signature]
Notary Public

STATE OF Virginia

CITY/COUNTY OF Franklin, to-wit:

The foregoing instrument was acknowledged before me this
14th day of November, 1998, by Robert E.
Davis.

cc

My Commission expires _____
My Commission Expires November 30, 2000

Paul D. Ray
Notary Public 3

STATE OF VA

CITY/COUNTY OF Southampton, to-wit

The foregoing instrument was acknowledged before me this
26th day of December, ¹⁹⁹⁷~~1996~~, by Mabel N. Barham.

My commission expires 5-31-98

Mae M. Butler
Notary Public

STATE OF VIRGINIA

~~CITY~~/COUNTY OF SOUTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this
1st day of December, 1996, by Cynthia B. Peak.

My commission expires July 31, 1998

Charles B. Peak
Notary Public

STATE OF VIRGINIA

~~CITY~~/COUNTY OF SOUTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this
1st day of December, 1996, by J. Daniel Barham.

My commission expires July 31, 1998

Charles B. Peak
Notary Public

BOOK 440 PAGE 170

STATE OF VIRGINIA

~~CITY~~/COUNTY OF SOUTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this
1st day of December, 1996, by Joanne E. Barham.

My commission expires July 31, 1998.

C. Charles B. Bar
Notary Public

VIRGINIA: In the Clerk's Office of the Circuit Court of Southampton County,
the 27th day of January, 1998. This Easement Agreement was presented and with
certificate annexed, admitted to record at 11:42 o'clock a.m.

Fee \$17.00

Teste: Wayne M. Cook Clerk