

**THIS DEED OF PARTITION AND SELF-TO-SELF TRANSFER OF LAND** made this 14<sup>th</sup> day of July, 2003, exempt from recordation tax as provided by Section 58.1-810(3) of the Code of Virginia, 1950, as amended, by and between **TERRY M. FERTITTA** and **DIANNE R. FERTITTA**, husband and wife, parties of the first part, Grantors, and **TERRY M. FERTITTA** and **DIANNE R. FERTITTA**, husband and wife, parties of the second part, Grantees.

**WITNESSETH:**

**WHEREAS**, the Grantors herein, are the owners of all of that certain real estate identified as a parcel containing **21,702 square feet and Residue Parcel** on a survey entitled **DIVISION OF THE TERRY M. & DIANNE R. FERTITTA PROPERTY**, Ashby Magisterial District, Rockingham County, Virginia, dated October 26, 2000, updated May 6, 2003, made by Robert F. Jellum, C.L.S., said survey, together with a metes and bounds description of said 21,702 square foot parcel, to be attached and recorded herewith; and,

**WHEREAS** the parcel containing 21,702 square feet as identified on the aforesaid survey has an existing home, an existing septic and drain field, and an existing entrance to Osceola Springs Road; and,

**WHEREAS** Terry M. Fertitta and Dianne R. Fertitta desire to **PARTITION** said real estate into two (2) separate lots or parcels, as identified on the aforesaid survey:

**NOW THEREFORE** and in consideration of Ten Dollars (\$10.00) cash in hand paid by the Grantees to the Grantors, and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey with Special Warranty, subject to all easements, conditions, covenants, restrictions and reservations of record, unto the said Terry M. Fertitta and Dianne R.

Tax Map #  
Portion of  
125 - A - 51C

Kenneth R. Moran  
Attorney at Law  
6072 Spotswood Trail  
Penn Laird, Virginia  
22846

Fertitta, husband and wife, as tenants by the entirety with the right of survivorship as at common law, all those two (2) lots or parcel of lands, identified as a parcel containing **21,702 square feet**, and **Residue Parcel**, on the aforesaid survey, together with the improvements thereon and all rights, privileges, appurtenances, easements and rights of way, hereunto belonging, or in anywise appertaining, located approximately eight miles east of the City of Harrisonburg in Stonewall District, Rockingham County, Virginia.

Together with an easement for the existing drain field for the sewerage system as shown on the aforesaid survey plat, said easement to include the right of ingress and egress for the inspection and utilization of said easement.

This conveyance is a self-to-self transfer from the Grantors, as permitted under 16(b)(5) of the Rockingham County Ordinances such that one self division is permitted on any parent tract owned, subject to the condition that the parent tract and the parcel divided from the parent tract shall not be given further grantor-to-self division rights and that the land being conveyed herein is zoned A-2 and a waiting period of five (5) years must be met between grantor to self division on other parcels owned.

The above combined parcels being the remaining portion of the property acquired by Terry M. Fertitta and Dianne R. Fertitta , husband and wife, the Grantors herein, by deed dated April 11, 1988, from Linda E. Bailey and John Michael Barrows, her husband, which said deed is duly of record in the Clerk's Office of the Circuit Court of Rockingham County, in Deed Book 897, at page 754.

The parcel containing 21,702 square feet is being divided from a larger parcel and is currently zoned A-2 and is being subdivided as permitted by the County of

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Rockingham, Virginia, Subdivision of Land Ordinance 16-9. The parent tract has not been the subject of a previous division in the last three years.

This deed is made expressly subject to easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by limitation of time contained therein, or otherwise become ineffective.

Reference is hereby made to the aforesaid deed and survey for more particular description and derivation of title to the property herein conveyed.

WITNESS the following signatures and seals:

Terry M. Fertitta  
TERRY M. FERTITTA, Grantor  
Dianne R. Fertitta  
DIANNE R. FERTITTA, Grantor

STATE OF VIRGINIA:  
COUNTY of ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 11<sup>th</sup> day of August, 2003, by Terry M. Fertitta and Dianne R. Fertitta, husband and wife, the Grantors herein.

My Commission Expires: 2/29/2004  
(SEAL) Barbara A. Heatwole

Commissioned as: Commission Expires:  
Barbara A. Heatwole February 29, 2004

UPON RECORDATION RETURN  
TO GRANTEE'S ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

DIVISION OF LAND APPROVED THIS 24<sup>th</sup> DAY OF July 2003  
UNDER AUTHORITY OF ROCKINGHAM COUNTY CODE SECTION 16-9  
DEFINITION OF SUBDIVIDE, SUBPARAGRAPH (b)(5) - zoned A2

Dorain Cobb Stults AGENT  
ROCKINGHAM COUNTY BOARD OF SUPERVISORS

**DIVISION OF THE TERRY M. & DIANNE R. FERTITTA PROPERTY**  
 ASHBY MAGISTERIAL DISTRICT  
 ROCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 50'  
 DATE: 26 OCT 00

THE SURVEYED LOT IS A PORTION OF TAX PARCEL # 125-A-51C. IT IS ZONED A2. THIS DIVISION IS MADE UNDER COUNTY PROVISION 16-9(B). THERE ARE NO BUILDINGS WITHIN 35' OF NEW PROPERTY LINES EXCEPT AS SHOWN.

LOT 1, MARY KATHERINE BAILEY  
 DIVISION - 897/759

OVER 10 ACRES IN RESIDUE PARCEL  
 EMSEMENT FOR EXISTING FIELD  
 FOR SEPTIC 1.25E

587°06'03"E  
 153.94 1/2'

OUTBLDG.

TERRY M. & DIANNE R. FERTITTA - 897/754  
 T.M. # 125-A-51C

N06°40'33"E  
 143.17'

66.2'

47.5'

500°51'38"W  
 124.28'

SPRING HOUSE

EXISTING HOUSE

58'

± 143' TO E OF AUTUMN LAKE

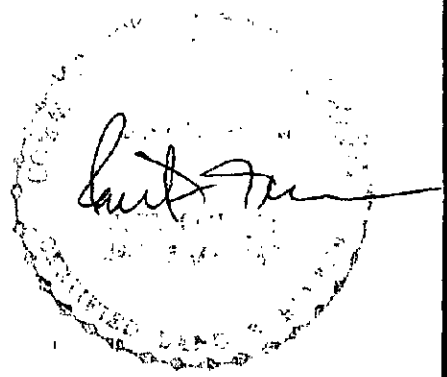
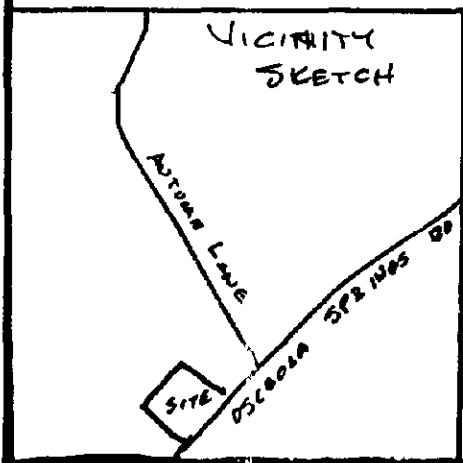
21,702#

R = 1644.00'  
 L = 168.90'  
 CB = 586°33'13"W  
 CH = 168.83'

OSCEOLA SPRINGS ROAD

HOUSE IS SERVED BY CENTRAL WATER.

FERTITTA GAVE LAND TO WIDEN OSCEOLA SPRINGS ROAD @ 947/606.



B 2333P121

The following is the metes and bounds description of a 21,702 Square Foot Parcel located on the north side of Osceola Springs Road approximately 143' west of the junction of Osceola Springs Road and Autumn Lane in Ashby District, Rockingham County, Virginia.

Beginning at an iron pin set in the northern line of Osceola Springs Road, a new corner with Terry and Dianne Fertitta, thence with said Fertittas the following 3 new lines

N 06° 40' 33" E 143.17'  
to an iron pin set, thence  
S 87° 06' 03" E 153.94'  
to an iron pin set, thence  
S 00° 51' 38" W 124.28'

to an iron pin set in the north line of Osceola Springs Road, thence with said road with a curve to the right having a radius of 1644.00' and an arc distance of 168.90'

chord S 86° 33' 13" W 168.83'  
to the beginning and enclosing at area of 21,702 Square Feet.

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 acknowledgement annexed, admitted to record this  
13 day of Aug, 20 03 at 11:05 A.M. I certify that  
taxes were paid when applicable.

Sec. 58-54 - State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_  
Sec. 58-54.1 - State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_ Transfer 1.00  
Recording 19.00 Copies 2.50 TESTE

L. WAYNE HARPER  
CLERK 22.50

Deed Book No 2333 Page 117

03 AUG 11 11:05

CLERK

027211

1587-1