

Instrument No.

14-360

Date:

7/2/14

Plat transferred to Cabinet 2

Slide 28

Prepared by and delivered to:
John C. Singleton
P.O. Box 116
Warm Springs, VA 24484

**THIS DEED WAS PREPARED WITHOUT
THE BENEFIT OF A TITLE EXAMINATION
BY ITS PREPARER.**

TAX MAP NO. 71-4 (45 acres) and 81-1A (200.49 acres)

THIS DEED, exempt from recording tax pursuant to §58.1-811(A)(10) of the Code of Virginia (1950, as amended), made and entered into this 2nd day of July, 2014, by and between PHANTOM EAGLE, LLC, a Virginia limited liability company, Grantor, and CHATEAU DONZE LLC, a Virginia limited liability company, 9530 Sam Snead Highway, Hot Springs, VA 24445, Grantee.

- WITNESSETH -

NOW, THEREFORE, for no consideration, the Grantor does hereby GRANT and CONVEY unto the Grantee in FEE SIMPLE with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, all of the following described property:

PARCEL A

All of that certain tract or parcel of land situate in the Cedar Creek Magisterial District of Bath County, Virginia, near Callison, containing 45 acres, more or less, and being generally bounded by the lands now or formerly owned by the United States Forest Service, Virginia Hot Springs, Inc. and/or The Nature Conservancy and J. C. Snead. This being the same tract or parcel of real property conveyed unto the Grantor herein by deed dated the 31st day of October, 2008, of record in the Office of the Clerk of the Circuit Court of Bath County, Virginia, as Instrument No. 08-982.

PARCEL B

All that certain tract or parcel of land containing 200.49 acres, more or less, together with the improvements thereon and all rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, and being situate in Cedar Creek Magisterial District, Bath County, Virginia, as shown on that certain plat of survey entitled "Survey Plat for Chateau Donze, LLC, Cedar Creek Magisterial District, Bath County, Virginia," dated June 3, 2014 and prepared by Gregory E. Vess, L.S., of Vess Surveying, Inc., which plat is of record in the Clerk's Office of the Circuit Court of Bath County, Virginia (the "Clerk's Office") in Plat Cabinet 2, Slide 28. This being the same property conveyed unto the Grantor herein by deed dated the 9th day of November, 2012, recorded in the Clerk's office aforesaid as Instrument No. 12-686.

TOGETHER WITH, that certain easement of right of way, thirty (30) feet in width running from the property herein conveyed to State Route 687, which easement of right of way is subject to the terms of that certain Mutual Easement Agreement for Roadways, Utilities and Stormwater Drainage dated March 8, 2002 among Virginia Hot Springs, Incorporated, a Virginia corporation, and others, of record in the Clerk's Office in Deed Book 182, Page 210. By accepting the aforementioned deed recorded as Instrument No. 12-686, Phantom Eagle, LLC released and quitclaimed unto The Nature Conservancy all other easements or rights of way upon or crossing the residual tract containing 781.54 acres, more or less. Furthermore, the easement of right of way granted to Phantom Eagle, LLC's predecessor in title by instrument dated July 24, 2006 and of record in the Clerk's Office as Instrument No. 06-849 shall be deemed merged into the property herein conveyed.

SUBJECT TO, *inter alia*: (a) that certain Amended and Restated Trails Easement dated March 8, 2002 among Virginia Hot Springs, Incorporated, a Virginia corporation ("VHS"), The Homestead, L.C., a Virginia limited liability company ("Homestead"), the Nature Conservancy ("Conservancy"), The Owners Club at the Homestead, Inc., a Delaware corporation ("Owners Club"), and The Owners Club at the Homestead, L.P., a Virginia limited partnership ("Owners Club LP") of record in the Clerk's Office in Deed Book 182, Page 134; (b) that certain Mutual Easement Agreement for Roadways, Utilities and Stormwater Drainage dated March 8, 2002 among VHS, Homestead, the Conservancy, Owners Club, Owners Club LP, and The Homestead Water Company, L.C., a Virginia limited liability company, of record in the Clerk's Office in Deed Book 182, Page 210, and (c) that certain Declaration of Restrictive Covenants dated October 4, 1993 made by VHS, of record in the Clerk's Office in Deed Book 139, Page 362, and as amended by the First Amendment to Declaration of Restrictive Covenants dated March 8, 1993 among VHS, Homestead, the Conservancy, Owners Club and Owners Club LP, of

record in the Clerk's Office in Deed Book 182, Page 281. Notwithstanding the foregoing, there are no primary or secondary trails located on the above-described property pursuant to that certain Amendment to Amended and Restated Trails Easement dated November 9, 2012 entered into by the Conservancy and recorded in the Clerk's Office as Instrument No. 12-683.

Also conveyed with, and for the benefit of the two (2) above described parcels, is that certain easement from State Route 687 across lands now owned by Jesse C. Snead as more particularly described in that DEED OF EASEMENT made and entered into on June 19, 2013 and of record in the aforesaid Clerk's Office as Instrument No. 13-386.

FURTHER SUBJECT to that Deed of Gift of Conservation Easement dated the 9th day of November, 2012, recorded as Instrument No. 12-689.

This conveyance is made expressly subject to the 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 hereby conveyed which have not expired by the limitation of time contained therein or otherwise become ineffective.

Witness the following signature and seal.

PHANTOMEAGLE, LLC
By Robert J. Donze (SEAL)
Robert J. Donze
Chief Operating Officer

STATE OF VIRGINIA, AT LARGE, to-wit:

The foregoing Deed was duly acknowledged before me in the City/County of Bath, Virginia, this 2nd day of July, 2014, by Robert J. Donze, Chief Operating Officer of Phantom Eagle, LLC.

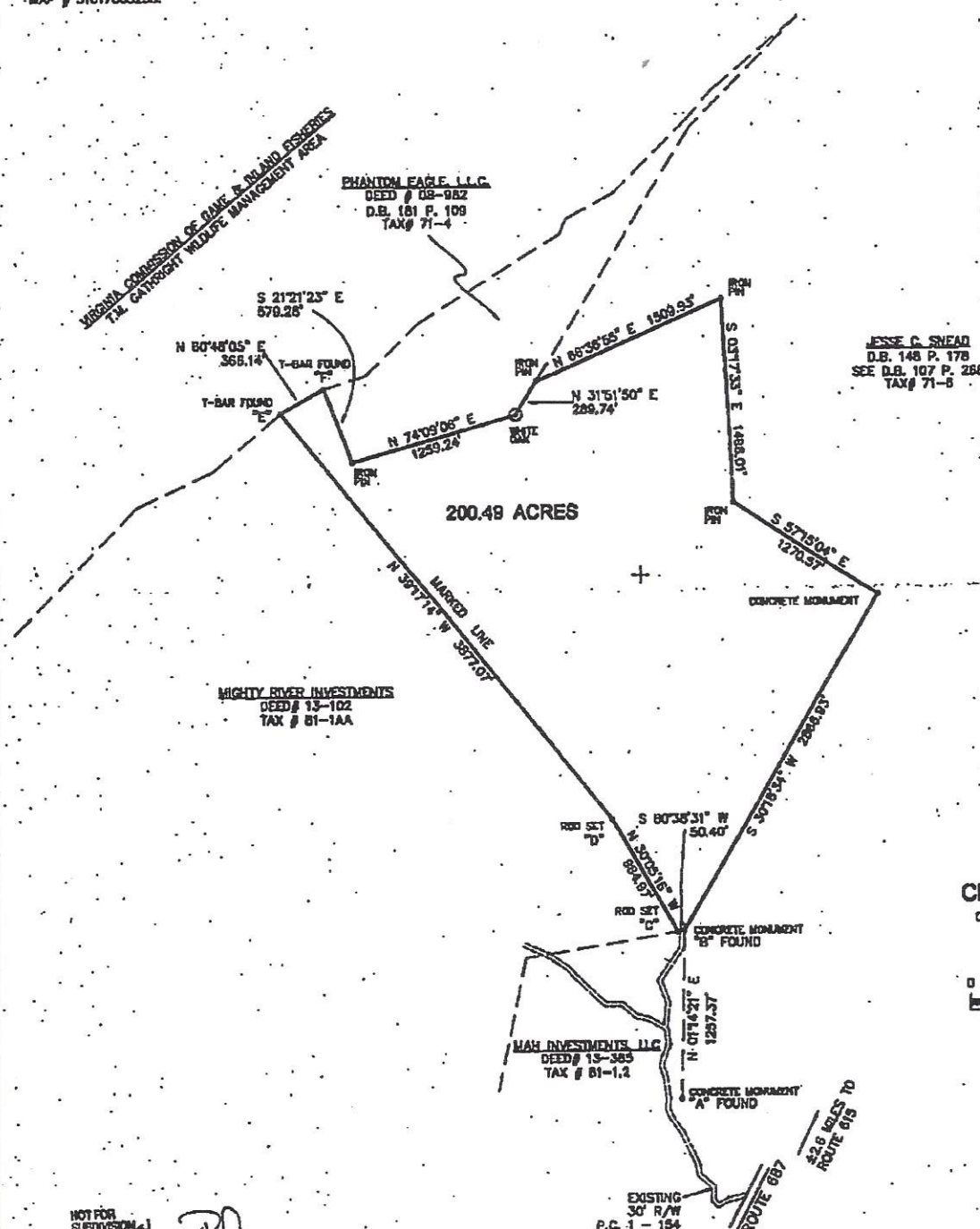
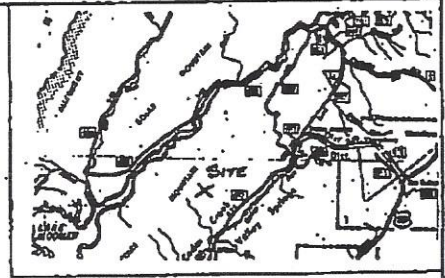
My commission expires: 2-28-2018
Registration #: 108474



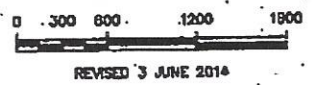
Julie L. Brinkley
Notary Public

NOTES

- 1) THIS PLAT WAS PREPARED IN PART FROM A CURRENT FIELD SURVEY AND IN PART FROM EXISTING RECORDS. BOUNDARIES A-B-C-D-E-F ARE FROM A CURRENT FIELD SURVEY. ALL OTHER BOUNDARIES ARE DRAWN FROM RECORDS. BOUNDARIES F TO B (CLOCKWISE) WERE ADJUSTED FOR CLOSURE.
- 2) THIS PLAT IS INTENDED TO REPRESENT THE 200.49 ACRE TRACT CONVEYED BY THE NATURE CONSERVANCY TO PHANTOM EAGLE, LLC BY DEED # 12-898, TAX # 81-1A.
- 3) THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY. UNWRITTEN RIGHTS NOT ADDRESSED.
- 4) PROPERTY NOT LOCATED IN A FEMA DESIGNATED FLOOD HAZARD ZONE PER FEMA FLOOD MAP # 5101700325B.



SURVEY PLAT FOR CHATEAU DONZE, LLC
 CEDAR CREEK MAGISTERIAL DISTRICT
 BATH COUNTY, VIRGINIA
 SURVEYED 23 JULY 2012
 SCALE 1" = 800'



Vess Surveying, Inc.

132 North Maple Avenue - P.O. Box 1112
 Covington, VA 24428
 phone (540) 982-3600 - fax (540) 982-3870

4791-1	3	2	KBV
JOB NO.	DATE	REV.	DRAWN BY

NOT FOR SUBDIVISION APPROVAL
 7-2-14

See Instrument # 14-360