

Tax Parcel Numbers: 3004773, 3004775, 3004776,
3004774, 3004765, 3004766

Prepared by:
Lawrence G. Cumming (VSB No. 15820)
Kaufman & Canoles, P.C.
2236 Cunningham Drive
Hampton, VA 23666

After recording return to:
Office of the City Attorney
22 Lincoln Street
Hampton, VA 23669
Attn: BNB

PROFFER AGREEMENT

THIS PROFFER AGREEMENT ("Agreement") made as of June 24, 2015, by and between FRANCISCUS HOMES, INC., a Virginia corporation [index as a grantor]; ROSALIND M. SLATER [index as a grantor]; JAMES F. HUNSUCKER [index as a grantor]; JAMES F. HUNSUCKER, TRUSTEE of the HUNSUCKER FAMILY LIVING TRUST u/a/d October 22, 2001 [index as a grantor]; GLENN EUGENE HUDGINS [index as a grantor]; CELIA HUNSUCKER HUDGINS [index as a grantor]; SYLJAM LIMITED PARTNERSHIP [index as a grantor]; and THE CITY OF HAMPTON, a municipal corporation of the Commonwealth of Virginia [index as a grantee], with an address of 22 Lincoln Street, Hampton City Hall, Hampton, VA 23669.

RECITALS

A. Franciscus Homes, Inc. ("Franciscus") is the contract purchaser of six parcels of real property (the "Property") located in the City of Hampton, Virginia, more particularly described on Exhibit "A" attached hereto and as follows:

1. 1625 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004773, owned by Rosalind M. Slater (one-half interest), James F. Hunsucker (one-fourth interest), and

James F. Hunsucker, Trustee of the Hunsucker Family Living Trust u/a/d October 22, 2001 (one-fourth interest), currently zoned R-11.

2. 1633 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004775, owned by Glenn Eugene Hudgins and Celia Hunsucker Hudgins, husband and wife, currently zoned R-11.

3. 1633 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004776, owned by Rosalind M. Slater (one-half interest), James F. Hunsucker (one-fourth interest), and James F. Hunsucker, Trustee of the Hunsucker Family Living Trust u/a/d October 22, 2001 (one-fourth interest), currently zoned R-11.

4. 1635 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004774, owned by Glenn Eugene Hudgins and Celia Hunsucker Hudgins, husband and wife, currently zoned R-11.

5. W. Queen Street, Hampton, Virginia 23666, RPC 3004765, owned by Rosalind M. Slater (one-half interest) and Syljam Limited Partnership (one-half interest), currently zoned R-11.

6. W. Queen Street, Hampton, Virginia 23666, RPC 3004766, owned by Rosalind M. Slater (one-half interest), James F. Hunsucker (one-fourth interest), and James F. Hunsucker, Trustee of the Hunsucker Family Living Trust u/a/d October 22, 2001 (one-fourth interest), currently zoned R-11.

B. In connection with Franciscus' purchase of the Property, and with the consent of all of the current owners of the Property, as evidenced by their respective signatures below,

Franciscus has initiated a conditional amendment to the zoning map of the City of Hampton, Virginia (the "City"), by petition addressed to the City so as to change the zoning classification of the Property from R-11 to MD-2.

C. Franciscus has requested approval of this Proffer Agreement.

D. The policy of the City is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

E. Franciscus desires to offer the City certain conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.

F. The conditions outlined in this Agreement have been proffered by Franciscus and allowed and accepted by the City as a part of the amendment of the City Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of the City.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of this Proffer Agreement, Franciscus agrees that it will meet and comply with all of the following conditions in developing the Property. In the event the requested change of zoning classification is not granted by the City, these Proffers shall thereupon become null and void. Franciscus, its successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from the City or its governing

body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, make the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenant and agree that this declaration and the further terms of this Agreement shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through Franciscus, its successors and assigns, grantees and other successors in interest or title to the Property.

CONDITIONS

1. The only permitted use of the Property shall be as multifamily residences, together with all accessory uses.

2. The site shall be developed in substantial conformance with the conceptual site plan entitled "SCHEMATIC SITE PLAN FOR THE TIDES AT NEWMARKET CREEK", dated June 23, 2015, prepared by Hopke & Associates, Inc. (the "Conceptual Site Plan"), a copy of which is on file with the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Significant changes in the Conceptual Site Plan may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or site plan and subdivision approval requirements as required by law and subject to the approval of the Director of Community Development. A copy of the final approved Conceptual Site Plan shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previously filed conceptual site plan.

3. There shall be a maximum of twenty-five (25) buildings, with each building containing a maximum of five (5) units, for a total maximum of one hundred twenty-five (125) units.

4. The buildings shall be constructed in substantial conformance with the elevations entitled, "FRONT & LEFT ELEVATIONS, THE TIDES AT NEWMARKET CREEK", "REAR & RIGHT ELEVATIONS, THE TIDES AT NEWMARKET CREEK", and "4 CORNER ELEVATIONS, THE TIDES AT NEWMARKET CREEK", dated June 22, 2015, made by Franciscus Design Group, Inc., copies of which are on file with the Community Development Department and have been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning action.

5. The exteriors of all four (4) sides of the buildings will be constructed primarily of premium vinyl siding, with panel thickness of .044" on the lap siding, .048" on the board and batten siding, and .100" on the shingle siding and with wind ratings from 180 mph to 210 mph. Such premium vinyl siding shall be installed to minimize seams or bowing and shadowing at the seams. The roofs of the buildings will be constructed of thirty (30) year architectural shingles and standing seam metal.

6. Courtyard focal points between buildings (designated as "A" on the Conceptual Site Plan) and the three (3) locations (designated as "B" on the Conceptual Site Plan) overlooking the storm water management feature shall contain seating, together with either a fire pit, a fountain or a sculpture. Other similar amenities intended to provide a communal focal point may be provided in place of those previously listed with the approval of the Planning Director.

7. A pool and pool house will be provided as shown on the Conceptual Site Plan.

8. Franciscus (including its successors, assigns, or agents) shall make a good faith effort to install a walkway, constructed of concrete or decking, together with a kayak launch at its termination, in the area between the developed portion of the site and Newmarket Creek. For purposes of this Agreement, a good faith effort shall mean that, prior to issuance of the first certificate of occupancy for a unit intended for sale to a third party, Franciscus shall prepare and submit bona fide plans for the walkway and kayak launch to all federal, state, and local agencies as may be necessary to comply with environmental and other development regulations. A good faith effort shall also mean that if its plans are rejected and can be remediated, Franciscus shall redesign the walkway and/or kayak launch so that it complies with all laws or regulations that were the basis of the rejection and resubmit plans for approval. If the walkway and/or kayak launch are not legally permissible under any circumstance due to applicable environmental and other development regulations Franciscus shall not be considered to be in violation of this Agreement if the walkway and/or kayak launch are not installed. A copy of all plans prepared and submitted for approval by Franciscus pursuant to this condition shall be provided to the City upon request.

9. All exterior lighting, both site and building, shall comply with the "City of Hampton Outdoor Lighting Policy and Procedures", and shall consist of full cut-off fixtures that are directed downward and inward to the site.

10. Subject to the approval of the Public Works Department, a dedicated left turn lane from Power Plant Parkway into the development shall be constructed, and shall be completed

prior to the issuance of a certificate of occupancy for the first unit to be sold to a third party (specifically excluding any model units).

11. A sidewalk will be constructed along the Easterly boundary of the Property along Power Plant Parkway which will extend the full length of the street frontage and will tie into the sidewalk located at the bridge to the South. The sidewalk will be set back from the curb a sufficient distance to accommodate street trees, which will be planted between the sidewalk and the curb. The sidewalk shall be a minimum of five feet (5') in width.

12. All phases of the proposed development shall comply with all ordinances of the City of Hampton.

13. Franciscus acknowledges that further lawful conditions and restrictions on the Property may be required by the City during the detailed site plan review and administration of applicable codes and regulations of the City by all appropriate agencies and departments of the City, which shall be observed or performed by Franciscus. Franciscus further acknowledges that additional further lawful conditions or restrictions may be imposed by the City as a condition of approvals, including, but not limited to, final site plan approval.

14. All references to zoning districts and the regulations applicable thereto, refer to the City Zoning Ordinance of the City of Hampton, in force as of the date the conditional rezoning amendment is approved by the City.

15. Franciscus covenants and agrees that (a) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, to administer and enforce the foregoing

conditions and restrictions specified in this Agreement, including (i) the authority to order correction of any noncompliance with such conditions, and (ii) the authority to bring legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (b) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and (c) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attached to the zoning of the subject Property on the Map and that the ordinance and conditions are readily available and accessible for public inspection in the office of the Zoning Administrator and in the Planning Department; and (d) this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia and indexed in the names of Franciscus Homes, Inc., Rosalind M. Slater, James F. Hunsucker, James F. Hunsucker, Trustee of the Hunsucker Family Living Trust u/a/d October 22, 2001, Glenn Eugene Hudgins, Celia Hunsucker Hudgins, Syljam Limited Partnership, and the City of Hampton.

WITNESS the following signature and seal:

FRANCISCUS HOMES, INC.,
a Virginia corporation

By: Gary L. Werner
Gary L. Werner, President

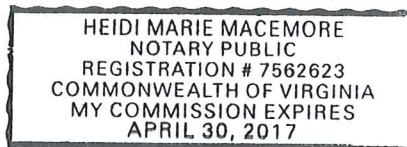
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Virginia Beach, to wit:

The foregoing instrument was acknowledged before me this 14 day of July, 2015, by Gary L. Werner, President of Franciscus Homes, Inc., a Virginia corporation, for and on behalf of the corporation. The said Gary L. Werner ☒ is personally known to me or ☐ has produced satisfactory evidence of identity.

Heidi Marie Macemore

Notary Public

My Commission expires: April 30, 2017
Registration number: 7562623
[Affix Notarial Stamp]



WITNESS the following signature and seal:

Rosalind M. Slater
Rosalind M. Slater

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 14th day of July, 2015, by Rosalind M. Slater ☐ who is personally known to me or ☒ who has produced satisfactory evidence of identity.


Tamara J. Buchli
Notary Public

My Commission expires: October 31, 2018
Registration number: 7351360
[Affix Notarial Stamp]



Tamara J. Buchli
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7351360
My Commission Expires
October 31, 2018

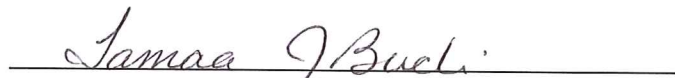
WITNESS the following signature and seal:


James F. Hunsucker

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 14th day of July, 2015, by James F. Hunsucker ☐ who is personally known to me or ☒ who has produced satisfactory evidence of identity.


Notary Public

My Commission expires: October 31, 2018

Registration number: 7351360

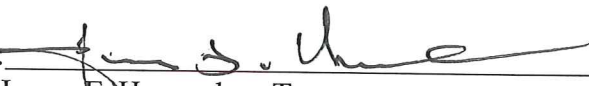
[Affix Notarial Stamp]



Tamara J. Buchli
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7351360
My Commission Expires
October 31, 2018

WITNESS the following signature and seal:

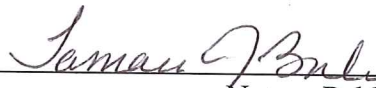
HUNSUCKER FAMILY LIVING TRUST
u/a/d October 22, 2001

By: 
James F. Hunsucker, Trustee

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 14th day of July, 2015, by James F. Hunsucker, Trustee of the Hunsucker Family Living Trust u/a/d October 22, 2001, for and on behalf of the Trust. The said James F. Hunsucker ☐ is personally known to me or ☒ has produced satisfactory evidence of identity.


Notary Public

My Commission expires: October 31, 2018

Registration number: 7351360

[Affix Notarial Stamp]



Tamara J. Buchli
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7351360
My Commission Expires
October 31, 2018

WITNESS the following signature and seal:

Glenn Eugene Hudgins
Glenn Eugene Hudgins

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 14th day of July, 2015, by Glenn Eugene Hudgins ☐ who is personally known to me or ☒ who has produced satisfactory evidence of identity.

Tamara J. Buchli
Notary Public

My Commission expires: October 31, 2018

Registration number: 7351360

[Affix Notarial Stamp]



Tamara J. Buchli
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7351360
My Commission Expires
October 31, 2018

WITNESS the following signature and seal:

Celia Hunsucker Hudgins
Celia Hunsucker Hudgins

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 14th day of July, 2015, by Celia Hunsucker Hudgins ☐ who is personally known to me or ☒ who has produced satisfactory evidence of identity.

Tamara J. Buchli
Notary Public


My Commission expires: October 31, 2018
Registration number: 7351360
[Affix Notarial Stamp]



Tamara J. Buchli
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7351360
My Commission Expires
October 31, 2018

WITNESS the following signature and seal:

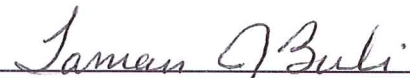
SYLJAM LIMITED PARTNERSHIP

By: 
James F. Hunsucker, General Partner

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF York, to wit:

The foregoing instrument was acknowledged before me this 15th day of July, 2015, by James F. Hunsucker, General Partner of Syljam Limited Partnership, for and on behalf of the Partnership. The said James F. Hunsucker ☐ is personally known to me or ☒ has produced satisfactory evidence of identity.


Notary Public

My Commission expires: October 31, 2018

Registration number: 7351360

[Affix Notarial Stamp]



Tamara J. Buchi
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7351360
My Commission Expires
October 31, 2018

Exhibit A

Legal Description

1625 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004773

Those certain three tracts, pieces or parcels of land, with the improvements thereon, located at New Market, Wythe District, Elizabeth City County (now the City of Hampton), State of Virginia, containing in the aggregate thirty-four and eighty-one one hundredths (34.81) acres, each of said tracts of land being described as Lot No. FOUR (4) as shown on a certain Plat entitled "A plat of the farm of Allen Davis, deceased, and partitioned among his heirs" made by E. A. Semple, C.E., January 10th, 1908, recorded in Deed Book No. 49, pages 47 and 48, of the Clerk's Office of the County Court of Elizabeth City County, (now the City of Hampton), Virginia, the said land being more particularly bounded and described as follows:

1. All that certain lot or parcel No. Four, containing ten acres of arable land bounded North and East by the main County Road; South by Lot No. Four on said plat next herein described (marsh land) and West by Lot No. Three on same plat.
2. All that certain lot or parcel of land No. Four, containing five and twenty-five one hundredths (5.25) acres marsh land; Bounded on the North by Lot No. Four hereinbefore described, East by main County Road, South by a Creek and West by Lot No. Three on said plat.
3. All that certain lot or parcel of land No. Four, containing nineteen and fifty-five one hundredths (19.55) acres of wood land; Bounded North and East by lands of Truehart, Tucker, Jones and Watts, South by Truehart and on the main County Road and on the West by Lot No. Three on same plat.

LESS AND EXCEPT THE FOLLOWING PROPERTIES CONVEYED OUT:

- a. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to Minnie Cohen, dated November 14, 1939 and recorded in Deed Book 102, at page 230.
- b. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Commonwealth of Virginia, dated February 25, 1942 and recorded in Deed Book 113, at page 200.
- c. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to D. H. Wright and Angie Thomas Wright, husband and wife, dated April 21, 1948 and recorded in Deed Book 154, at page 6.

- d. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Hillard N. Marshall and Margaret S. Marshall, husband and wife, dated November 1, 1951 and recorded in Deed Book 189, at page 12.
- e. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Kenneth M. Slater and Rosalind M. Slater, husband and wife, dated September 23, 1952 and recorded in Deed Book 198, at page 490.
- f. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to John E. Bradshaw, dated March 17, 1954 and recorded in Deed Book 215, at page 272.
- g. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to Ellsworth L. Ketchum and recorded in Deed Book 244, at page 211.
- h. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to James F. Hunsucker and Sylvia M. Hunsucker, husband and wife, dated March 8, 1955 and recorded in Deed Book 228, at page 99.
- i. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Neville A. Marshall and Hazel K. Marshall, husband and wife, dated March 8, 1957 and recorded in Deed Book 257, at page 412.
- j. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Commonwealth of Virginia, dated September 17, 1956 and recorded in Deed Book 258, at page 16.
- k. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Edwin H. White, Jr. and Honora K. White, husband and wife and recorded in Deed Book 258, at page 99.
- l. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to James F. Hunsucker and Sylvia M. Hunsucker, husband and wife, dated November 8, 1957 and recorded in Deed Book 267, at page 374.
- m. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to Ellsworth L. Ketchum and Grace T. Ketchum, husband and wife, dated August 27, 1959 and recorded in Deed Book 285, at page 485.
- n. Deed from Hazel K. Marshall, a widow, to the City of Hampton, dated November 7, 1961 and recorded in Deed Book 315, at page 164.
- o. Deed from Hazel K. Marshall, widow, to Sherman L. Pittman and Mamie D. Pittman, husband and wife, dated January 15, 1964 and recorded in Deed Book 344, at page 747.

- p. Deed from Hazel K. Marshall, widow, to Anthony H. Andrews and Mamie P. Andrews, husband and wife, dated February 4, 1964 and recorded in Deed Book 347, at page 508.
- q. Deed from Hazel K. Marshall, a widow, to James F. Hunsucker and Sylvia M. Hunsucker, husband and wife, dated January 15, 1965 and recorded in Deed Book 358, at page 745.
- r. Deed from Hazel K. Marshall, a widow, to Kenneth M. Slater and Rosalind M. Slater, husband and wife, dated December 15, 1976 and recorded in Deed Book 498, at page 207.
- s. Deed from Hazel K. Marshall, a widow, to Hilliard N. Marshall, dated March 1, 1983 and recorded in Deed Book 648, at page 357.
- t. Deed from Hazel K. Marshall to Neville Investment Company, dated December 30, 1986 and recorded in Deed Book 813, at page 313 and as Corrected by deed dated December 31, 1986 and recorded in Deed Book 839, at page 552.

1633 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004775

All that certain lot, piece or parcel of land shown, designated and described as follows: Beginning at a point which is coincident with the westerly side of Queen Street, the northeasterly corner of the property hereby conveyed and the southeasterly corner of that parcel owned by James F. and Sylvia M. Hunsucker, acquired by Deed of Hazel K. Marshall dated January 15, 1965 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia in Deed Book 358, page 745, and from the point of beginning thus established running thence along the westerly side of Queen Street on a chord bearing of South 21° 48' 06" East a chord distance of 109.65 feet to a point; running thence North 87° 35' 00" West a distance of 162.85 feet to a point; running thence North 2° 25' 00" East a distance of 100 feet to an iron pipe; running thence South 87° 35' 00" East a distance of 117.87 feet to the point or place of beginning.

1633 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004776

All that certain lot, piece or parcel of land, with all improvements thereon and appurtenances thereunto belonging, situate and being in the City of Hampton, Virginia, fronting on the west side of Queen Street a distance of 27.63 feet, and being shown and designated as PARCEL B on a certain plat entitled, "Plat showing PARCEL - A; Property of Hilliard N. Marshall & PARCEL - B; Property of Hazel K. Marshall," made by William M. Sours, Surveyor, dated December 22, 1982, a copy of which said plat is attached to deed dated March 1, 1983 and recorded in Deed Book 648, at page 357 and to which reference is hereby made for a more detailed description of said property.

1635 Power Plant Parkway, Hampton, Virginia 23666, RPC 3004774

All that certain lot, piece or parcel of land with privileges and appurtenances thereunto belonging situate on the southerly side of West Queen Street in the City of Hampton, Virginia, and being shown and designated as "14665 sq. ft." on a certain plat entitled "Plat of the Property of James F. Hunsucker", dated 8/5/64, made by Reynolds and Miller, C.L.S., which said plat is recorded in Deed Book 358, page 745 to which plat reference is hereby made for a more detailed description.

W. Queen Street, Hampton, Virginia 23666, RPC 3004765

All those two certain tracts or parcels of land situate and being in the City of Hampton, Virginia, and being contiguous and being designated by the letter "A" and the letter "B" and containing respectively approximately three and two-thirds (3-2/3) acres and five and one quarter (5-1/4) acres, as shown on a map recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 161, at page 9, entitled "Plat of J. T. Walker's Land Showing Part Sold to Neville A. Marshall, Being Part of Lot #2 of Robert Allen Davis Estate as per Semple's Plat in Deed Book 49-47," to which said plat reference is here made for a more particular description of the property.

W. Queen Street, Hampton, Virginia 23666, RPC 3004766

That certain tract, piece, lot or parcel of land, with the privileges and appurtenances thereto belonging or in anywise appertaining, containing Thirty-Four and Eight-Tenths (34.8) Acres, situate and being in Wythe Magisterial District, Elizabeth City County (now the City of Hampton), Virginia, being the same land allotted to Missouri P. Williams in the division of the estate of her father, the late R. A. Davis, deceased, and designated as Number Three (3) in the Partition Deed and Plat of the farm of the said R. A. Davis, deceased, which deed and plat is duly recorded in the County Clerk's Office of the County of Elizabeth City, (now the City of Hampton), Virginia, in Deed Book Volume 49, on Pages 45, 46, 47, and 48, which land is described as containing 5.25 acres of marsh, 10 acres of arable land, and 19.55 acres of wood land, excepting from this conveyance a certain lot, piece or parcel of land, on which the residence of the said Minnie Cohen is located, containing 1.07 acres, which is retained by the said Minnie Cohen and is fully described on the plat attached to deed recorded in Deed Book 102 page 228. The said tract of land being the same that was conveyed unto Minnie Cohen by deed of Blanche W. Gandy, a widow, dated March 1, 1935, and of record in said Clerk's Office in Deed Book 91, page 364.

LESS AND EXCEPT THE FOLLOWING PROPERTIES CONVEYED OUT:

- a. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to Minnie Cohen, dated November 14, 1939 and recorded in Deed Book 102, at page 230.

- b. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Commonwealth of Virginia, dated February 25, 1942 and recorded in Deed Book 113, at page 200.
- c. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to D. H. Wright and Angie Thomas Wright, husband and wife, dated April 21, 1948 and recorded in Deed Book 154, at page 6.
- d. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Hillard N. Marshall and Margaret S. Marshall, husband and wife, dated November 1, 1951 and recorded in Deed Book 189, at page 12.
- e. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Kenneth M. Slater and Rosalind M. Slater, husband and wife, dated September 23, 1952 and recorded in Deed Book 198, at page 490.
- f. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to John E. Bradshaw, dated March 17, 1954 and recorded in Deed Book 215, at page 272.
- g. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to Ellsworth L. Ketchum and recorded in Deed Book 244, at page 211.
- h. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to James F. Hunsucker and Sylvia M. Hunsucker, husband and wife, dated March 8, 1955 and recorded in Deed Book 228, at page 99.
- i. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Neville A. Marshall and Hazel K. Marshall, husband and wife, dated March 8, 1957 and recorded in Deed Book 257, at page 412.
- j. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Commonwealth of Virginia, dated September 17, 1956 and recorded in Deed Book 258, at page 16.
- k. Deed from Neville A. Marshall and Hazel K. Marshall, his wife, to Edwin H. White, Jr. and Honora K. White, husband and wife and recorded in Deed Book 258, at page 99.
- l. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to James F. Hunsucker and Sylvia M. Hunsucker, husband and wife, dated November 8, 1957 and recorded in Deed Book 267, at page 374.
- m. Deed from Neville A. Marshall and Hazel K. Marshall, husband and wife, to Ellsworth L. Ketchum and Grace T. Ketchum, husband and wife, dated August 27, 1959 and recorded in Deed Book 285, at page 485.

- n. Deed from Hazel K. Marshall, a widow, to the City of Hampton, dated November 7, 1961 and recorded in Deed Book 315, at page 164.
- o. Deed from Hazel K. Marshall, widow, to Sherman L. Pittman and Mamie D. Pittman, husband and wife, dated January 15, 1964 and recorded in Deed Book 344, at page 747.
- p. Deed from Hazel K. Marshall, widow, to Anthony H. Andrews and Mamie P. Andrews, husband and wife, dated February 4, 1964 and recorded in Deed Book 347, at page 508.
- q. Deed from Hazel K. Marshall, a widow, to James F. Hunsucker and Sylvia M. Hunsucker, husband and wife, dated January 15, 1965 and recorded in Deed Book 358, at page 745.
- r. Deed from Hazel K. Marshall, a widow, to Kenneth M. Slater and Rosalind M. Slater, husband and wife, dated December 15, 1976 and recorded in Deed Book 498, at page 207.
- s. Deed from Hazel K. Marshall, a widow, to Hilliard N. Marshall, dated March 1, 1983 and recorded in Deed Book 648, at page 357.
- t. Deed from Hazel K. Marshall to Neville Investment Company, dated December 30, 1986 and recorded in Deed Book 813, at page 313 and as Corrected by deed dated December 31, 1986 and recorded in Deed Book 839, at page 552.