

4855

THIS DEED OF EASEMENT, made this 20th day of DECEMBER, 1977, between Elizabeth Merrill Furness, widow, herein called "Grantor," and the Virginia Historic Landmarks Commission, herein called "Grantee,"

WITNESSETH:

WHEREAS, Chapter 11 of Title 10 of the Code of Virginia, entitled "Virginia Historic Landmarks Commission" (1966, c.632) §§ 10-135 to 10-145, was enacted to preserve historic landmarks in the Commonwealth of Virginia, and created the Virginia Historic Landmarks Commission to receive properties and interest in properties for the purpose, among other things of the preservation of such landmarks and their settings; and

WHEREAS, the Grantor is the owner of an historic manor house, known as "Waverly" which the parties hereto desire to have preserved and maintained, with its setting, for its historic value;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee a perpetual easement in gross, and right in perpetuity to restrict the use of

A certain historic manor house, known as "Waverly," in Scott Magisterial District, Fauquier County, Virginia, located on Rt. 626, 3 miles south of Middleburg, Virginia, and the grounds immediately surrounding the manor house, which grounds shall be deemed to mean all that area within 300 feet of the manor house, all of the foregoing being a part of that tract described in a Deed dated 11/18, 1950, of record in the Clerk's Office of the Circuit Court of Fauquier County, Deed Book 173, at page 453-454.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy as set forth in Acts 1966 c.532, to preserve historical properties in the Commonwealth of Virginia, and the acts which the Grantor, her heirs, successors and assigns so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. The "Waverly" manor house and the immediate grounds as defined above, will maintained and preserved in their present state as nearly as practicable, though improvements, additions, alterations or structural changes, as would not in the opinion of the Grantee fundamentally alter the historic character or setting of the manor house may be made by the owner, provided that the prior written approval of the Grantee to such improvement, addition, alteration or structural change shall have been obtained. Normal maintenance and repairs, the installation of heating and cooling units and storm windows and doors may be accomplished without prior written approval of the Grantee.

2. No sign, billboard or other outdoor advertising structure shall be maintained or displayed on the manor house other than signs not exceeding 16 square feet in area for the following purposes: (i) to state the name of the property and the name and address of the occupant, (ii) to advertise the property for sale or rental, (iii) to display the fact that the manor house has been registered as a Virginia Historic Landmark; provided, however, this paragraph shall not limit the Grantee's right to display on the house a small marker or sign evidencing ownership of the easement granted herein.

3. Owner agrees that the manor house or grounds may be opened to the public, for one day from 10:00 a.m. to 5:00 p.m. every five years beginning with the fifth year from the date of this Deed and in succeeding five-year intervals, upon the request of the Grantee as provided herein. The Grantee shall make any request for such opening in writing no later than February 1 in any such year. The scheduling of the date of any such opening shall be by mutual consent; provided, however, that in the event Owner and the Grantee are unable to agree on such date it shall be the Friday of that week known as "Historic Garden Week," as designated by the Garden Club of Virginia, or, in the event that there is no week, then designated as such, the date shall be the first Friday in May. Any such public admission may be subject to restrictions, mutually agreed upon as reasonably designed for the protection and maintenance of such property and Grantee on request of Owner shall furnish such guides as may be reasonably necessary or desirable for such restrictions. Public admission may also be subject to a reasonable fee, if any, as may be applicable by the Grantee. Provided, further, that the house or grounds shall not be required to be open to the public during the lifetime of the Grantor herein.

4. The Grantee and its representatives may enter the property (i) from time to time for the purpose only of inspection and enforcement of the terms of the easement granted herein, and (ii) in its discretion to erect a single marker or sign, not exceeding two feet by two feet, which states the name of the Grantee and advises that the Grantee owns the easement granted herein.

Nothing in this easement ~~in~~ gross shall be construed to convey to the public any right of access to or use of the property except under the conditions stated in paragraph 3

above, and the grantor, her heirs, successors, and assigns

shall retain exclusive right to access and use of the property.

It is the intention of the grantor and the grantee that

the easement ~~ingross~~ herein shall be deemed to be a binding

servitude which shall run with the property in perpetuity.

By accepting this easement, the Commission designates

the property described above as a Certified Landmark.

WITNESS the following signature and seal.

*Elizabeth Merrill Furness*  
Elizabeth Merrill Furness

STATE OF VIRGINIA

County of Loudoun, to wit:

I, Robin M. Muga, a Notary Public in and for

the State of Virginia, aforesaid do

hereby certify that Elizabeth Merrill Furness, whose name is

signed to the foregoing deed bearing date on the 20th day

of December, 1977, has acknowledged the same before me

in my State of Virginia aforesaid.

Given under my hand this 20th day of December

1977.

My Commission Expires:

May 4, 1980

Filed in the Clerk's Office of Fairfax Circuit Court, 22 Dec 1977  
This instrument was this day received in said Office at 12:13 PM  
and with certificate admitted to record at 12:13 PM  
Exposed in Section 23.54(b) Paid  
Notary Clerk

Notary Public