

JULIAS & BLATT, P. C.

57 SOUTH MAIN STREET, SUITE 1
HARRISONBURG, VIRGINIA 22801

TELEPHONE
(540) 434-7392
FACSIMILE
(540) 434-5987

WILLIAM A. JULIAS
[1934-1998]

STEVEN M. BLATT
sblattlaw@verizon.net

March 4, 2019

Board of Zoning Appeals
City of Harrisonburg, Virginia
409 South Main Street
Harrisonburg, Virginia 22801

HAND DELIVERED

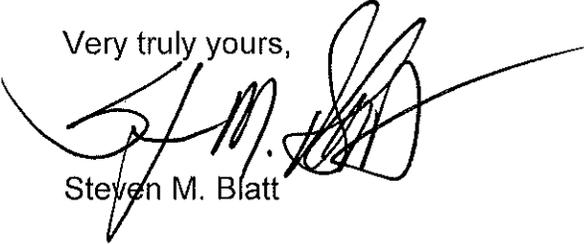
Re: BISAPACA, LLC, Appeal
for 501 South High Street
Harrisonburg, Virginia 22801

Dear Sir/Madam:

Please find enclosed herewith the original of the appeal of my client, BISAPACA, LLC, of the decision of Rachel Drescher, Zoning Inspector, dated February 22, 2019, inclusive of the appeal as executed together with my client's letter dated today in support of the appeal as well as two (2) deeds mentioned in the letter and the \$300.00, fee for the appeal. Please advise me of the place, date and time that the appeal will heard by the Board of Zoning Appeals.

I trust the above is clear, but if there are any questions, please contact me upon receipt hereof. With kindest regards, I remain

Very truly yours,


Steven M. Blatt

cc: Mr. William C. Riner

Case No: _____

Date Application & Fee Received By: 3/4/19

Application Fee: \$300

Reviewed By: Rachel [Signature]

Application for an Appeal Board of Zoning Appeals City of Harrisonburg, Virginia

<https://www.harrisonburgva.gov/variances-appeals>

An Appeal to the board may be taken by any person aggrieved or by an officer, department, board or bureau of the city affected by any decision of the administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter. Such an appeal shall be taken within 10 days for a notice of violation involving temporary or seasonal commercial uses, maximum occupancy limitation of a residential dwelling unit, keeping of inoperable vehicles and junk, or similar short term, recurring violations, or within thirty (30) days after the entry of any other decision appealed from by filing with the administrator, and with the board, a notice of appeal specifying the grounds thereof.

PROPERTY INFORMATION

| | |
|----------------------------|--|
| Location (Street Address): | 501 South High Street |
| Tax Map Number Sheet: | 024 Block: K Lot: 1 2 |
| Existing Zoning District: | R-2 |

PROPERTY OWNER INFORMATION

| | |
|--|---|
| Property Owner's Name BISAPACA, LLC | |
| Mailing Address: P.O. Box 1584 | Email: william.c.riner@gmail.com |
| City: Harrisonburg State: Virginia Zip: 22803 | |
| Telephone Work: (540) 478-3671 Fax: _____ | Mobile: (540) 478-3671 |

APPLICANT INFORMATION (IF DIFFERENT FROM PROPERTY OWNER)

| | |
|-------------------------------------|---------------|
| Applicant's Name _____ | |
| Mailing Address: _____ | Email: _____ |
| City: _____ State: _____ Zip: _____ | |
| Telephone Work: _____ Fax: _____ | Mobile: _____ |

NATURE OF APPEAL:

- An interpretation of Article _____ Section _____ of the Harrisonburg Zoning Ordinance.
- An interpretation of the Zoning Ordinance Map.
- An appeal of an administrative decision.

ATTACHMENTS:

- A letter from the applicant stating the nature of the appeal.
- Supporting materials such as a site plan, plat, topographic map, drainage map, building elevation, photos, etc.

March 4, 2019

Board of Zoning Appeals
City of Harrisonburg, Virginia
409 South Main Street
Harrisonburg, Virginia 22801

Re: 501 South High Street
Harrisonburg, Virginia 22801

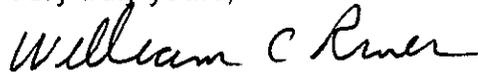
Dear Sir/Madam:

The undersigned is the Manager of BISAPACA, LLC, a Virginia limited liability company (the "Company"), which owns the above property which it acquired by a deed dated December 29, 1999, from my late wife, Sandra W. Riner and I and Phoenix Enterprises, a Virginia general partnership consisting of my late wife and I, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 1767, at page 150, a copy of which is attached (the "Property"), and the Company appeals the decision of Rachel Drescher, Zoning Inspector, dated February 22, 2019, that the number of apartments was illegally increased from three to four units.

However, the City's records indicate that the rental units, in addition to the main floor of the home which was then occupied by the owner of the Property, Richard M. Moore, were approved by John H. Byrd, Jr., then the City's Building Official and Zoning Administrator on August 11, 1975, and the Property has been in compliance with the City's Zoning Ordinances since then.

The Company has paid taxes to the City for the building or structure since it acquired the Property as stated above¹, a period in excess of 15 years. Thus the Company has a vested right to continue to rent the property as either a conforming use or as a nonconforming use under Virginia Code § 15.2-2307.

Very truly yours,



William C. Riner

Enclosures

cc: Steven M. Blatt, Esquire

G:\Core\Office\SMB\LANDUSE\BISAPACA 501 South High Street\BZA Appeal Letter 3.4.2019.wpd

¹ Phoenix Enterprises in turn bought the Property from James E. Snyder and Melva A. Snyder, husband and wife, by a deed dated July 30, 1993, recorded in Deed Book 1219, at page 332, a copy of which is also attached, and we also paid taxes on it to the City before we conveyed it to BISAPACA, LLC.

Certification: I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Signature: BISAPACA, LLC
By William C. Riser, manager 3-4-2019
Property Owner Date

Signature: _____
Applicant Date
(if different from Property Owner)

FOR BOARD OF ZONING APPEALS USE ONLY

Approved Denied Conditions Attached Withdrawn

Recording Secretary _____ Date: _____

Chairman _____ Date: _____

JULIAS & BLATT, P. C.

57 SOUTH MAIN STREET, SUITE 1
HARRISONBURG, VIRGINIA 22801

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WILLIAM A. JULIAS
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STEVEN M. BLATT
sblattlaw@verizon.net

March 4, 2019

Board of Zoning Appeals
City of Harrisonburg, Virginia
409 South Main Street
Harrisonburg, Virginia 22801

HAND DELIVERED

Re: BISAPACA, LLC, Appeal
for 501 South High Street
Harrisonburg, Virginia 22801

Dear Sir/Madam:

I wish to clarify a point implicit in my client's appeal in this case. Neither the prior determinations by the City in approving the building permits for my client's Property the determination made regarding the Barbara Hutchens complaint dated March 11, 2002, were ever appealed or otherwise disputed by the City and under the provisions of Virginia § 15.1-2311 (C), are final by their terms. Moreover, this case is one where the City now tries to impose an unconstitutional conditional condition prohibited by Virginia Code § 15.2-2208.1, and by the Constitutions of the United States and of Virginia.

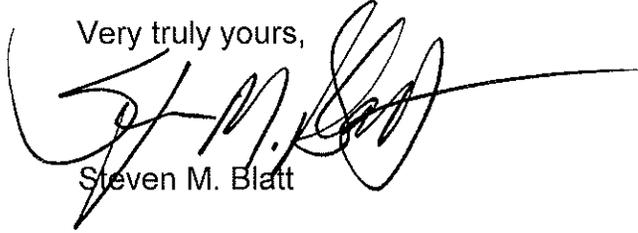
In sum, the City cannot now be heard to question its own decisions to the prejudice and detriment of my client by having Ms. Drescher, as a Zoning Inspector, now for the first time make a assertion of a violation of the City's Zoning Ordinance applicable to this Property which is contrary to the prior determinations made by the City.

Thus my client respectfully requests that this matter be resolved in its favor and dismissed.

Board of Zoning Appeals
March 4, 2019
Page 2

I trust the above is clear, but if there are any questions, please contact me upon receipt hereof. With kindest regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read 'S.M. Blatt', with a long horizontal line extending to the right.

Steven M. Blatt

cc: Mr. William C. Riner

G:\Core\Office\SMBLANDUSE\BISAPACA 501 South High Street\Appeal Letter Clarify 3.4.2019.wpd

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THIS DEED EXEMPT FROM TAXATION PURSUANT TO VIRGINIA
CODE SECTION 58.1- 811, made and entered into this 29th day of December, 1999,
by and between WILLIAM C. RINER and SANDRA W. RINER, husband and wife,
and PHOENIX ENTERPRISES, a Virginia general partnership, Grantors, and
BISAPACA, LLC, a Virginia limited liability company, Grantee,

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00),
cash in hand paid by the Grantee to the Grantors, and for other good, valuable and
sufficient consideration passing between the parties hereto, at and before the
execution and delivery of this deed, the receipt of all of which is hereby
acknowledged, they, the said Grantors have bargained and sold and do hereby grant
and convey with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE,
subject to easements, rights of way, restrictions, covenants and conditions of record
unto the said BISAPACA, LLC, a Virginia limited liability company, Grantee, the
following nine (9) tracts or parcels of land:

PARCEL ONE: All that certain tract or parcel of land together with
improvements thereon and all rights, privileges, appurtenances, easements and
rights-of-way thereunto belonging or in anywise appertaining, being a large brick
dwelling-apartment house, situate on the west side of South Mason Street in the City
of Harrisonburg, Virginia, and described in a prior deed dated July 1, 1992, from
Ralph I. Benke, Jr., and Patricia L. Benke, husband and wife, to William C. Riner
and Sandra W. Riner, husband and wife, as follows:

Beginning at a stake on the west side of South Mason
Street at the northeastern corner of the lot now owned
by Violetta David(s) Ryan; thence, in a westerly
direction, with the northern boundary line of the said
Ryan lot, a distance of approximately 150 feet to the

JULIAS & BLATT, PC
57 South Main Street,
Suite 1
P O Box 671
Harrisonburg, VA
22801

This instrument was prepared by Julias & Blatt, P.C.
57 South Main Street, Suite 1, Harrisonburg, VA 22801.

Tax Map or Parcel Identification Number (s): 26-O-9; 35-N-8;
34-V-19; 25-D-3; 24-K-12; 26-K-8; 26-O-10; 26-O-11

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line of George Galanis (formerly the Heneberger line); thence north along the Galanis line a distance of 34 feet to the property line of Frances W. Entwisle; thence in an easterly direction with said Entwisle's line a distance of 53 feet; thence north with the said Entwisle line a distance of 15 feet to Mary B. Deyerle's and Richard Yates' lines; thence with the said Deyerle and Yates line, in a easterly direction, a distance of 97 feet to the western side of Mason Street; and thence in a southerly direction with the western limits of Mason Street a distance of 60.5 feet to the place of beginning.

And being the identical property acquired by William C. Riner and Sandra W. Riner, husband and wife, two of the Grantors herein, by deed dated July 1, 1992, from Ralph I. Benke, Jr., and Patricia L. Benke, husband and wife, which said deed is duly of record in the Clerk's Office of the Circuit court of Rockingham County, Virginia, in Deed Book 1144, at page 489.

PARCEL TWO: All that certain lot or parcel of land, together with the improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, situate and lying on the north side of West Wolfe Street and east side of Chicago Avenue, in the City of Harrisonburg, Virginia, and being more particularly described as containing approximately 0.175 of an acre, more or less, according to a plat and survey thereof made by Robert L. Shiflet, L.S., dated April 20, 1987, in a prior deed of assumption dated July 1, 1992, from Ralph I. Benke, Jr., and Patricia L. Benke, husband and wife, to William C. Riner and Sandra W. Riner, husband and wife, as follows:

Beginning at a corner of T. R. Clatterbuck, Sr., in the north boundary of West Wolfe Street, set a 3/4" iron rod; thence with the north boundary of West Wolfe Street N. 71 51 42 W. 69.80 feet to a point at the intersection of the north boundary of West Wolfe Street with the east boundary of Chicago Avenue; thence with the east boundary of Chicago Avenue, N 18 55 09 E. 109.81 feet to a corner of Harold A. Roberts in east boundary of Chicago Avenue, set a 3/4"

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iron rod; thence with a line of Harold A. Roberts S. 71 15 45 E. 69.48 feet to a corner of T. R. Clatterbuck, Sr., in Harold A. Roberts line, set a 3/4" Iron rod; thence with a line of T. R. Clatterbuck, Sr., S. 18 45 19 W. 109.08 feet to the beginning, containing 0.175 acre.

And being the identical property acquired by William C. Riner and Sandra W. Riner, husband and wife, two of the Grantors herein, by deed of assumption dated July 1, 1992, from Ralph I. Benke, Jr., and Patricia L. Benke, husband and wife, which said deed is recorded in the Clerk's Office aforesaid in Deed Book 1144, at page 501.

PARCEL THREE: All that certain lot or parcel of land, together with the improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, situate and fronting 53 feet on the eastern side of Broad Street, in the northeastern section of the City of Harrisonburg, Virginia, known as 70 Broad Street, and designated on as LOT NO. SIX (6) on a plat of the GARBER & GARBER ADDITION to the Town of Harrisonburg, Virginia, which said plat is duly of record in the Clerk's Office aforesaid in Deed Book 73, at page 352.

And being the identical property acquired by William C. Riner and Sandra W. Riner, husband and wife, two of the Grantors herein, by deed of assumption dated July 1, 1992, from Ralph I. Benke, Jr., and Patricia L. Benke, husband and wife, which said deed is recorded in the Clerk's Office aforesaid in Deed Book 1144, at page 505.

PARCEL FOUR: An undivided two-thirds (2/3rds) interest in and to that certain lot or parcel of land, together with the improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on the west side of South High Street in the City of Harrisonburg, Virginia and known and designated as a portion of LOT NO. 33 in LOWENBACH'S ADDITION TO THE CITY OF HARRISONBURG, VIRGINIA, as described in a prior deed dated November 21, 1986, from Mark P. Milam and Sarah S. Milam, his wife, to Gregory E.

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Moats and Melody M. Moats, husband and wife, duly of record in the Clerk's Office aforesaid in Deed Book 818, at page 473.

And being the identical interest in property acquired by Phoenix Enterprises, a Virginia general partnership, one of the Grantors herein, by deed dated May 10, 1993, from Gregory E. Moats and Melody M. Moats, husband and wife, which said deed is duly of record in the Clerk's Office aforesaid in Deed Book 1201, at page 375.

PARCEL FIVE: All that certain lot or parcel of land, together with the improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on the northern side of South High Street and on the western side of Dixie Avenue in the City of Harrisonburg, being the residue of Lots 1 and 2, Block 2 of the Homeland Addition. The property is described by metes and bounds according to a survey thereof made by Robert F. Jellum, C.L.S. dated October 24, 1989 in a previous deed dated July 30, 1993 from James E. Snyder and Melva A. Snyder, husband and wife, to Phoenix Enterprises, a Virginia general partnership, containing approximately 16,420 square feet, more or less, as follows:

Beginning at an iron pin, a corner with F. Norman Heintz in the west line of Dixie Avenue, thence with said Avenue S 26° 52' 00" E 108.30' to a stake, thence with South High Street the following 2 courses S 31° 12' 44" W 17.97'; thence S 63° 08' 00" W 124.75' to a corner with Lot 3, Block 2, Homeland Addition, thence with said Lot 3, N 26° 52' 00" W 117.80' to an iron pin, a corner with F. Norman Heintz, thence with said Heintz, N 63° 08' 00" E 140.00' to the beginning, and enclosing an area of 16,420 square feet.

And being the identical property acquired by Phoenix Enterprises, a Virginia general partnership, on of the Grantors herein, by deed dated July 30, 1993,

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from James E. Snyder and Melva A. Snyder, husband and wife, which said deed is duly of record in the Clerk's Office aforesaid in Deed Book 1219, at page 332.

PARCEL SIX: All that certain lot or parcel of land, together with the improvements thereon, and all rights, privileges, easements, appurtenances, and rights-of-way, thereunto belonging or in anywise appertaining, situate on the southern side of Franklin Street, in the City of Harrisonburg, Virginia, improved by a brick apartment house of seven apartments and other improvements, and bounded, according to a survey made by A.R. Myers, Surveyor, October 19, 1933, as follows:

Beginning at an iron pin in the South line of Franklin Street, and in the West line of a fifteen foot alley at the intersection of the same; thence, with the West line of said alley, S. 11° 58' W. 37 feet to an iron pin, Mrs. T. N. Thompson's corner; thence, with Mrs. Thompson's line, N. 78° 39' W. 110 feet, to a post, in Mrs. Thompson's line, Florence Kemper's corner; thence with Kemper's line, N. 11° 58' E. 37 feet, to an iron pin, Florence Kemper's corner and in the south line of Franklin Street; and thence, with the South line of said Street, S. 78° 39' E. 110 feet to the beginning.

And being the identical property acquired by Phoenix Enterprises, a Virginia general partnership, one of the Grantors herein, by deed dated June 4, 1996, from Lucy R. Deyerle, Warwick D. Tomfohr and Henry P. Deyerle, Jr., Trustees for the Deyerle Land Trust, UAD December 30, 1972, and for the Evelyn Byrd Deyerle Trust, which said deed is duly of record in the Clerk's Office aforesaid in Deed Book 1426, at page 261.

PARCEL SEVEN: A ten (10) foot permanent easement described in a prior deed of easement dated September 20, 1996 from Lucy R. Deyerle, Warwick D. Tomfohr and Henry P. Deyerle, Jr., Executors of the Estate of Henry P. Deyerle, to Phoenix Enterprises, a Virginia general partnership, as follows:

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"... thence, with Mrs. Thompson's line, N. 78° 39' W. 110 feet to a post, in Mrs. Thompson's line, Florence Kemper's corner; thence with Kemper's line, N. 11° 58' E. 37 feet, to an iron pin, Florence Kemper's corner and in the south line of Franklin Street;..."

And being the identical interest in property acquired by Phoenix Enterprises, a Virginia general partnership, one of the Grantors herein, by a deed of easement dated September 20, 1996, from Lucy R. Deyerle, Warwick D. Tomfohr and Henry P. Deyerle, Jr., Executors of the Estate of Henry P. Deyerle, which said deed is duly of record in the Clerk's Office aforesaid in Deed Book 1495, at page 149.

PARCEL EIGHT: All that certain lot or parcel of land, together with the improvements thereon and all rights, privileges, appurtenances, easements and right-of-way thereunto belonging or in anywise appertaining, situate on the northwest side of South Mason Street, approximately 200 feet south of its intersection with Campbell Street, in the City of Harrisonburg, Virginia, and being more particularly described in a deed dated November 20, 1997 from John R. Edge and Margaret Ann Edge, husband and wife, to Phoenix Enterprises, a Virginia general partnership, and a plat and survey thereof, made by Charles E. Winegard, Land Surveyor, dated November 5, 1997, as follows:

Beginning at a found iron pin on the western side of South Mason Street at the northeastern corner of the land of Barry K. Kelley, Rebecca A. Messerly and Peter C. Fellows; thence N. 63-37-48 W. 148.11 feet to a found iron pipe in the eastern line of the land of Anthie S. Pappas; thence N. 27-07-49 E. 69.04 feet to an iron pin set at the southwestern corner of the 5,847 sq. ft. lot; thence S. 63-37-48 E. 147.30 feet to a found iron pipe on the western side of South Mason Street; thence S. 26-27-43 W. 69.03 feet to the beginning and enclosing an area of 10,196 square feet, more or less.

And being the identical property acquired by Phoenix Enterprises, a Virginia general partnership, one of the Grantors herein, by deed dated November 20,

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1997, from John R. Edge and Margaret Ann Edge, husband and wife, which said deed is duly of record in the Clerk's Office aforesaid in Deed Book 1536, at page 626.

PARCEL NINE: All that certain lot or parcel of land, together with the improvements thereon and all rights, privileges, appurtenances, easements and right-of-way thereunto belonging or in anywise appertaining, containing approximately 5,847 square feet, more or less, situate on the northwest side of South Mason Street, approximately 200 feet south of its intersection with Campbell Street, in the City of Harrisonburg, Virginia, and being more particularly described survey and plat thereof made by Charles E. Winegard, Land Surveyor, dated November 5, 1997, as follows:

Beginning at a found iron pin on the western side of South Mason Street at the northeastern corner of the 10,196 sq. ft. lot; thence, N. 63-37-48 W. 147.30 feet to an iron pin set in the eastern line of the land of Anthie S. Pappas; thence N. 27-07-49 E. 25.00 feet to an iron pin set at the southwestern corner of the land of William C. Riner and Sandra W. Riner; thence S. 74-58-25 E. 149.99 feet to a nail set in a concrete walk on the western side of South Main Street; thence S. 26-27-43 W. 54.50 feet to the beginning and enclosing an area of 5,847 square feet, more or less.

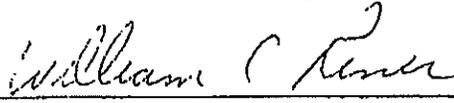
And being the identical property acquired by Phoenix Enterprises, a Virginia general partnership, one of the Grantors herein, by deed dated December 4, 1997, from John R. Edge, married, and Margaret Ann Edge, unmarried, which said deed is duly of record in the Clerk's Office aforesaid in Deed Book 1539, at page 351.

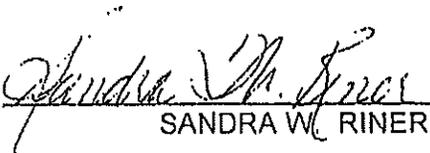
Reference to the aforesaid surveys, plats and deeds is hereby expressly made for a more particular description of the property conveyed herein and derivation of title thereto.

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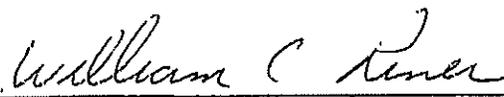
WITNESS the following signatures and seals; and

IN WITNESS WHEREOF, PHOENIX ENTERPRISES, a Virginia
general partnership, has caused this instrument to be executed on its behalf by
WILLIAM C. RINER and SANDRA W. RINER , its general partners.

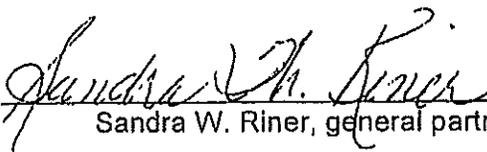

_____(SEAL)
WILLIAM C. RINER


_____(SEAL)
SANDRA W. RINER

PHOENIX ENTERPRISES,
a Virginia general partnership

By: 

William C. Riner, general partner



Sandra W. Riner, general partner

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COMMONWEALTH OF VIRGINIA, AT LARGE

CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me this 30th day of December, 1999, by WILLIAM C. RINER and SANDRA W. RINER, husband and wife.

My commission expires: September 30, 2001

Cynthia A. Wood
Notary Public

COMMONWEALTH OF VIRGINIA, AT LARGE

CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me by WILLIAM C. RINER and SANDRA W. RINER, on behalf of Phoenix Enterprises, a Virginia general partnership, this 30th day of December, 1999.

My commission expires: September 30, 2001

Cynthia A. Wood
Notary Public

09 DEC 30 11 59 29
ROCKINGHAM COUNTY
L. WAYNE HARRITT, CLERK

031885

CURRENT BUSINESS OR RESIDENCE ADDRESS OF GRANTEE(S) OR A DESIGNATED AGENT
950 Circle Drive
Harrisonburg, VA 22801

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County
The foregoing instrument was this day presented in the office of the Clerk of the Circuit Court of Rockingham County with the certificate of acknowledgment annexed, admitted to record on this 30 day of Dec, 19 99 at 9:26 A.M. 1999.
taxes were paid or applicable
Sec. 53-54 - State _____
Sec. 53-54.1 - State _____ County _____ City _____ Transfer _____
Recording 21.00 TESTE

G:\Coren\Suite8\SMB\REAL\EST\BISAPACA\Deed.wpd

JULIAS & BLATT, PC
57 South Main Street,
Suite 1
P.O. Box 671
Harrisonburg, VA
22801

L. WAYNE HARRITT
CLERK

Deed Book No 1707 Page 150

81219P332

THIS DEED is made this 30th day of July, 1993, by and between **JAMES E. SNYDER** and **MELVA A. SNYDER**, husband and wife, **Grantors**, and **PHOENIX ENTERPRISES**, a Virginia general partnership, **Grantee**.

That for and in consideration of Ten Dollars (\$10.00) cash in hand and other valuable consideration paid by the Grantee to the Grantors, receipt acknowledged, Grantors have bargained and sold and hereby grant and convey with General Warranty and English Covenants of Title, subject to all covenants, easements, restrictions and stipulations of record, unto **PHOENIX ENTERPRISES**, as specific partnership property, all that certain lot or parcel of land, together with the improvements thereon and all rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, situate on the northern side of South High Street and on the western side of Dixie Avenue, in the City of Harrisonburg, Virginia, being the residue of Lots 1 and 2, Block 2 of the Homeland Addition. The property is described by metes and bounds according to a survey thereof made by Robert F. Jellum, C.L.S. dated October 24, 1989, as follows:

Beginning at an iron pin, a corner with F. Norman Heintz in the west line of Dixie Avenue, thence with said Avenue S 26° 52' 00" E 108.30' to a stake, thence with South High Street the following 2 courses S 31° 12' 44" W 17.97'; thence S 63° 08' 00" W 124.75' to a corner with Lot 3, Block 2, Homeland Addition, thence with said Lot 3, N 26° 52' 00" W 117.80' to an iron pin, a corner with F. Norman Heintz, thence with said Heintz, N 63° 08' 00" E 140.00' to the beginning, and enclosing an area of 16,420 square feet.

The parcel herein conveyed is the identical real estate acquired by the Grantors by deed dated October 30, 1989, from D. Craig Smith and Sue W. Smith, husband and wife, which deed is recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 986, page 361.

B1219P333

Reference is made to the above deed for further description and derivation of title.

WITNESS the following signatures and seals.

James E. Snyder (SEAL)
James E. Snyder

Melva A. Snyder (SEAL)
Melva A. Snyder

STATE OF VIRGINIA
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 6th day of August, 1993, by James E. Snyder and Melva A. Snyder, husband and wife.

My commission expires June 30, 1995.

Brenda H. Supplina
NOTARY PUBLIC

MAIL DEED TO GRANTEE:

P.O. BOX 572
HARRISONBURG, VA 22801

012857

'93 AUG 9 PM 2
RHAM CO. CIRCUIT COURT
L. WAYNE HARPER, CLERK

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 acknowledgment annexed, admitted to record on 9 day of August, 1993 at 2:41 P.M. I certify that taxes were paid when applicable:
Sec. 58-54 - State 262.50 County 82.50
Sec. 58-54.1 - State 82.50 County 82.50 Parcel 00
Recording 13.00 TESTE

L. WAYNE HARPER
CLERK

Deed Book No. 1219 Page 332