

050018348

0034

DEED OF SUBDIVISION

THIS DEED OF SUBDIVISION is made as of August 9, 2005 by and between THE RYLAND GROUP, INC., a Maryland corporation, its successors and assigns (the "Owner"), Grantor; the FREDERICK COUNTY BOARD OF SUPERVISORS, a body corporate and politic, its successors and assigns (the "County"), Grantee; the FREDERICK COUNTY SANITATION AUTHORITY, its successors and assigns (the "Sanitation Authority"), Grantee; and HAMILTON COURT HOMEOWNERS ASSOCIATION (the "Association"), Grantee.

RECITALS:

A. The Owner is the owner of approximately 5.9652 acres of land (the "Property") located in Frederick County, Virginia, and shown on the plat entitled "FINAL PLAT OF SUBDIVISION, HAMILTON COURT", prepared by Painter-Lewis, P.L.C., dated May 9, 2005 and revised through June 14, 2005, which is attached hereto and incorporated herein by reference (the "Plat"), having acquired the Property by deed recorded as Instrument No. 050010261 among the land records of Frederick County, Virginia (the "Land Records").

B. It is the desire and intent of the Owner to subdivide the Property into lots and an Open Space parcel and to dedicate to public use the street as shown on the Plat.

C. It is the desire and intent of the Owner to grant and convey unto the County and the Sanitation Authority the easements in the locations shown on the Plat and as hereinafter provided.

D. It is the desire and intent of the Owner to grant and convey the Open Space parcel unto the Association.

SUBDIVISION

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Owner subdivides the Property to be known as **Lots 1 through 43 and the Open Space, HAMILTON COURT**, as more particularly shown and described on the Plat.

Prepared by and
return to:

O'Hara & O'Hara, PLC
131 E. Broad Street, Suite 208
Falls Church, Virginia 22046

Parcel 86-((A))-89

STREET DEDICATION

THIS DEED FURTHER WITNESSETH, that for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Owner conveys in fee simple, with Special Warranty of Title to the County, its successors and assigns, that portion of the Property containing 0.7411 acres of land labeled on the Plat as "50' R.O.W.", and hereby dedicates the same for public street purposes to be known as Hamilton Court.

COUNTY EASEMENTS

THIS DEED FURTHER WITNESSETH, that for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Owner grants and conveys unto the County, storm drain and stormwater detention easements for the purpose of constructing, operating, maintaining, adding to, altering or replacing present or future stormwater management facilities, stormwater detention facilities, storm drainage lines, storm sewer lines, or other drainage structures, including building connection lines, plus all necessary inlet structures, manholes, and appurtenances for the collection of storm waters, its detention and its transmission through and across the Property, said easements being more particularly bounded and described on the Plat, and subject to the following conditions:

1. All sewers, manholes, inlet structures, and appurtenant facilities which are installed in the easements shall be and remain the property of the County, its successors and assigns.
2. The County and its agents shall have full and free use of said easements for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the easements including the right of access to and from the easements and right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and further, this right shall not be construed to allow the County to erect any building or structure of a permanent nature on such adjoining land.
3. The County shall have the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the easements being conveyed, deemed by it to interfere with the proper and efficient construction, operation, and maintenance of said easements; provided, however, that the County, at its own expense, shall restore, as nearly as possible, the premises to their original condition. Such

restoration shall include the backfilling of trenches, the replacement of fences and shrubbery, the reseeding or resodding of lawns or pasture areas, and the replacement of structures and other facilities located without the easements, but shall not include the replacement of structures, trees, or other facilities located within the easements.

4. The Owner reserves the right to construct and maintain roadways over said easements to the extent not prohibited or restricted by ordinance and to make any use of the easements herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of said easements by the County for the purposes named; provided, however, that the Owner shall not erect any building or other structure, excepting a fence, on the easements without obtaining the prior written approval of the County.

5. The owner of fee title to any property on which easements are hereby granted for storm drainage and/or storm water management purposes shall be responsible for maintenance of storm drainage and storm water management facilities located within the easements conveyed hereby, unless such responsibility shall have been given to its successors or to an owner's association under the provisions of any declaration of covenants, conditions, and restrictions heretofore or hereafter recorded; it being intended that the responsibility of maintenance shall not be a personal obligation but shall run with the land.

SANITATION AUTHORITY EASEMENTS

THIS DEED FURTHER WITNESSETH, that for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Owner grants and conveys, unto the Sanitation Authority, with General Warranty of Title, permanent water and sanitary sewer easements in the locations shown on the Plat.

The permanent easements herein conveyed grant to the Sanitation Authority the perpetual right to install, lay and maintain water lines and sanitary sewer mains, including the right to go on, over and upon the said permanent easements for the purpose of installing, laying maintaining, repairing and replacing the same as needed.

Owners shall retain the right to use their land that is subject to the easements acquired herein in any manner that shall not interfere with the use and enjoyment of said rights by the Sanitation Authority. Owners shall at all times have the right to cross over and upon the said easements and to use the surface over the easements in such manner as will neither injure nor interfere with the construction, operation or

maintenance of the water lines and sanitary sewer mains, except that no building or other structure shall be erected over said permanent easements unless by mutual consent of the parties or their successors. Whenever the enjoyment of its rights hereunder requires the Sanitation Authority to disturb the surface of the ground, it shall be the obligation of the Sanitation Authority to restore the same to its condition prior to being so disturbed at the Sanitation Authority's expense.

CONVEYANCE

THIS DEED FURTHER WITNESSETH, that for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Owner grants and conveys the **Open Space, HAMILTON COURT** in fee simple unto the Association, with Special Warranty of Title.

THIS CONVEYANCE IS MADE SUBJECT TO all restrictions, rights-of-way, easements and conditions contained in the deeds forming the chain of title to this property and is exempt from recordation tax pursuant to Va. Code Sec. 58.1-811(D).

THIS DEED OF SUBDIVISION is made with the Owner's free consent and in accordance with its desires, and in accordance with the statutes of Virginia governing the platting of the land; the Plat having been duly approved by the proper authorities of Frederick County, Virginia, as evidenced by its endorsement thereon.

By their signatures hereto, all parties join in the execution of this Deed to acknowledge their consent to their terms and conditions herein expressed and their acceptance of the rights of way herein conveyed.

[SIGNATURE PAGES FOLLOW]

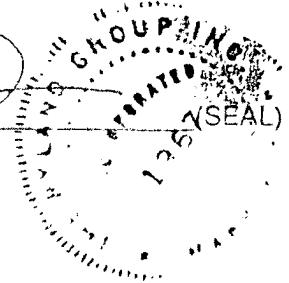
WITNESS the following signatures and seals:

THE RYLAND GROUP, INC.
a Maryland corporation

By: 

Name: John Dec

Title: Assistant Vice President



COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX, to-wit:

The foregoing instrument was acknowledged and sworn to before me this 9 day
of August, 2005 by John Dec as
Assistant Vice President of The Ryland Group, Inc.


Notary Public

My commission expires: October 31, 2008

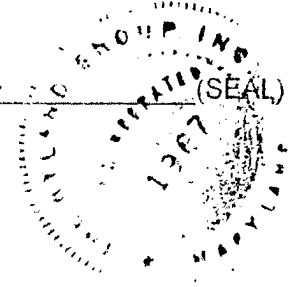


HAMILTON COURT HOMEOWNERS ASSOCIATION
a Virginia non-stock corporation

By: David A. Ostrander

Name: David A. Ostrander

Title: President

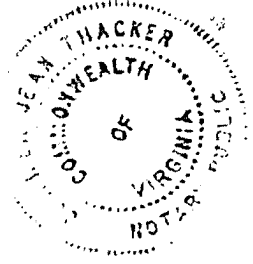


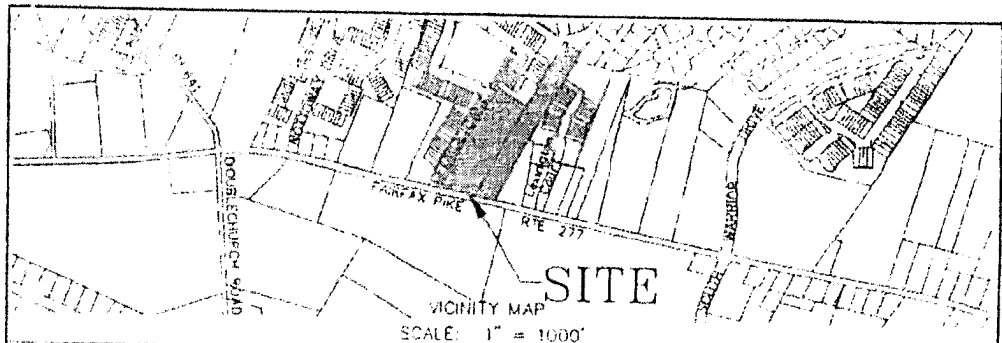
COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX, to-wit:

The foregoing instrument was acknowledged and sworn to before me this 9 day of August, 2005 by David A. Ostrander as President of Hamilton Court Homeowners Association.

Verifed Jean Thacker
Notary Public

My commission expires: October 31, 2008





APPROVED BY

FREDERICK COUNTY SANITATION AUTHORITY John J. Whitener DATE 13 JUN 05
 VIRGINIA DEPARTMENT OF TRANSPORTATION Joe A. Cobb DATE 5/23/05
 FREDERICK COUNTY SUBDIVISION ADMINISTRATOR Mark E. [Signature] DATE 16 AUG 05

OWNER'S CONSENT

THE ABOVE AND FOREGOING SUBDIVISION OF THE LAND OF THE RYLAND GROUP, INC. AS APPEARS IN THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES, IF ANY.

[Signature]
 RYLAND HOMES, INC.
 THE RYLAND GROUP, INC.

June 20, 2005
 DATE

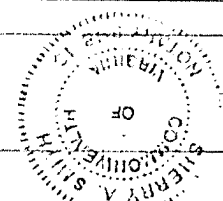
NOTARY PUBLIC

STATE OF Virginia
 CITY/COUNTY OF Fairfax

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON June 20, 2005

BY [Signature]
 ON BEHALF OF RYLAND HOMES, INC. THIS RYLAND GROUP, INC.

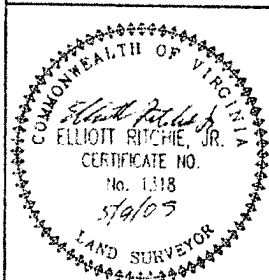
NOTARY [Signature]
 MY COMMISSION EXPIRES October 31, 2008



(THE RYLAND GROUP, INC.) SURVEYOR'S CERTIFICATE

I, HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS SUBDIVISION IS THE LAND CONVEYED TO RYLAND HOMES, INC. BY DEED DATED MAY 10, 2005, AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF FREDERICK COUNTY, VIRGINIA, INSTRUMENT NUMBER

Elliott Ritchie, Jr.
 ELLIOTT RITCHIE, JR.



DRAWN BY: DMJ

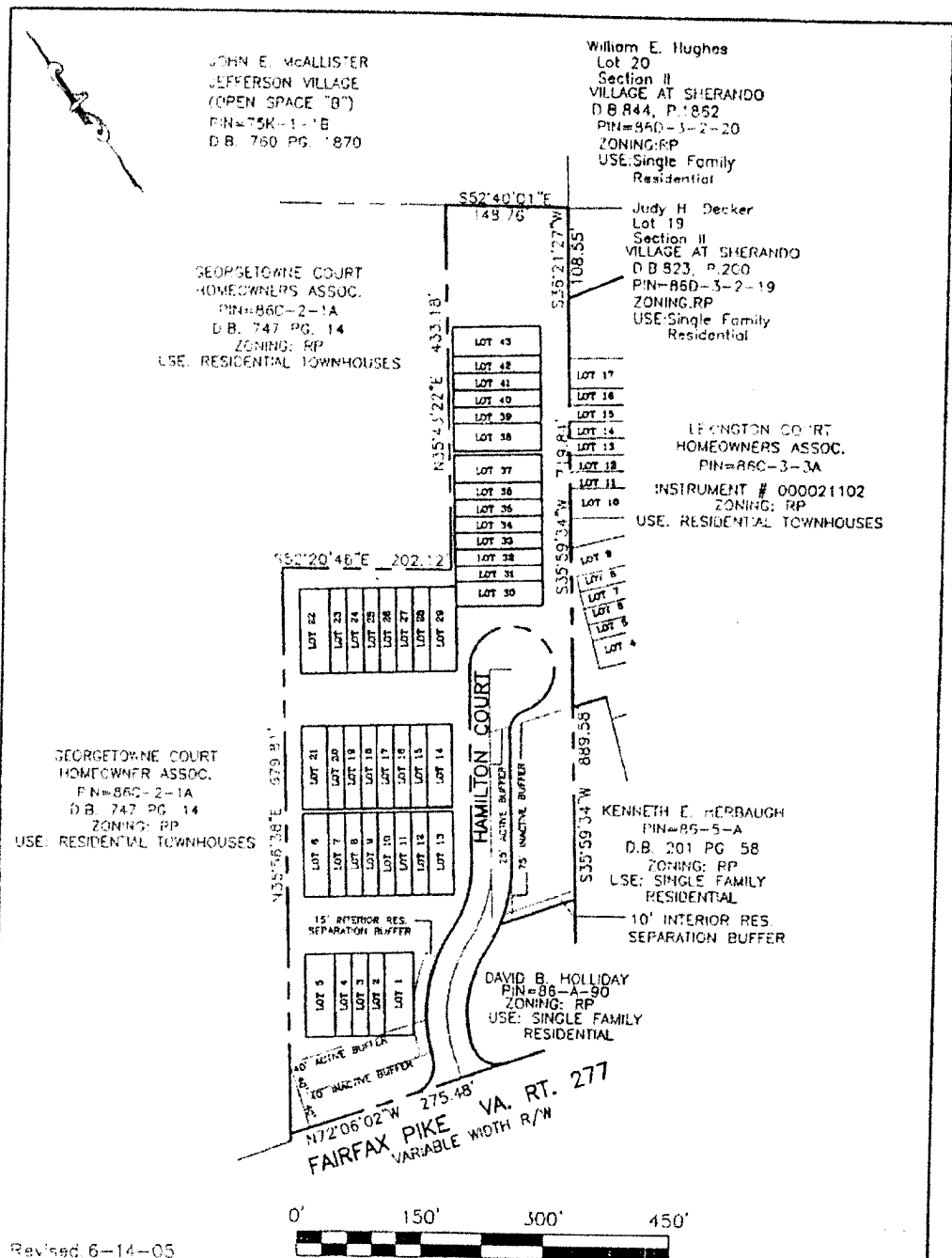
JOB NO.: 0305028

FINAL PLAT OF SUBDIVISION
HAMILTON COURT
 OPEQUON MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

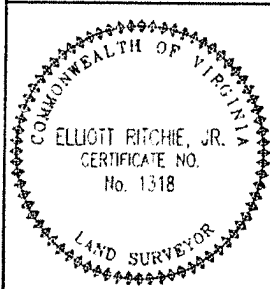
DATE: 09 MAY 2005 COVER SHEET SHEET 1 OF 15

PAINTER-LEWIS, P.L.C.

116 SOUTH STEWART STREET
 WINCHESTER, VIRGINIA 22601
 540-662-5792



Revised 6-14-05



DRAWN BY: DMJ

JOB NO.: 0305028

FINAL PLAT OF SUBDIVISION
HAMILTON COURT
 OPEQUON MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: 09 MAY 2005

SCALE: 1"=150'

SHEET 2 OF 15

PAINTER-LEWIS, P.L.C.

116 SOUTH STEWART STREET
 WINCHESTER, VIRGINIA 22601
 540-662-5792

ORIGINAL PIN : 86-A-89
 ZONING: RP (RESIDENTIAL PERFORMANCE)

AREA IN HAMILTON COURT TO BE DEDICATED TO THE COMMONWEALTH OF VIRGINIA	0.7411 ACRES
AREA IN TOWNHOUSE LOTS	2.3709 ACRES
AREA IN PARKING	0.7605 ACRES
AREA IN OPEN SPACE	2.0927 ACRES
<hr/> TOTAL AREA SUBDIVIDED	<hr/> 5.9652 ACRES

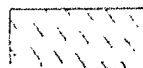
DENSITY ALLOWED: 8 UNITS PER ACRE
 DENSITY PROVIDED: 7.208 UNITS PER ACRE

MINIMUM SETBACK REQUIREMENTS (TOWNHOUSE):
 MINIMUM FRONT SETBACK = 20' FROM PARKING AREA
 AND PRIVATE ROAD
 MINIMUM ON-SITE BUILDING SPACING = 30' SIDE
 = 50' FRONT OR REAR
 PERIMETER BOUNDARY SETBACK = 30' SIDE
 = 50' REAR

NOTE: NO ACCESSORY STRUCTURES OR FENCES SHALL
 BE LOCATED WITHIN THE INACTIVE BUFFER AREA.
 ALL PROPERTY CORNERS TO BE SET WITH
 AN IRON PIN.



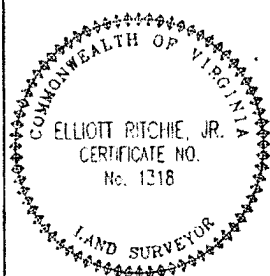
-20' SANITARY SEWER EASEMENTS



-20' DRAINAGE EASEMENTS



-20' WATER LINE EASEMENTS



DRAWN BY: DMJ

JOB NO.: 0305028

FINAL PLAT OF SUBDIVISION
HAMILTON COURT
 OPEQUON MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

Revised: 6-14-05

DATE: 09 MAY 2005

SCALE: NONE

SHEET 3 OF 15

PAINTER-LEWIS, P.L.C.

116 SOUTH STEWART STREET
 WINCHESTER, VIRGINIA 22601
 540-662-5792

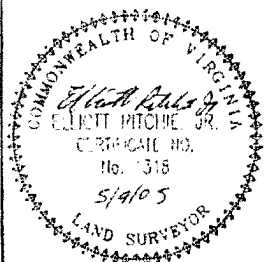
0013

CURVE TABLE

CURVE	ARC	DELTA ANGLE	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	64.58'	89°21'38"	35.00'	34.61'	S 64°25'10" W	49.22'
C2	45.91'	15°59'01"	175.00'	24.56'	N 27°43'51" E	48.66'
C3	13.12'	35°16'12"	175.00'	55.83'	N 53°21'28" E	106.03'
C4	78.35'	35°00'00"	125.00'	39.41'	S 53°29'34" W	75.17'
C5	219.17'	252°37'13"	52.00'	70.75'	S 17°41'49" E	83.80'
C6	31.98'	72°37'13"	25.00'	18.37'	N 72°18'11" E	29.60'
C7	73.10'	23°56'01"	175.00'	37.09'	S 47°57'35" W	72.57'
C8	47.06'	17°56'35"	150.00'	23.72'	N 26°44'34" E	46.86'
C9	32.33'	35°16'12"	150.00'	47.68'	N 53°21'28" E	90.88'
C10	91.62'	35°00'00"	150.00'	47.29'	S 53°29'34" W	90.21'
C11	33.80'	11°03'59"	175.00'	16.95'	S 85°27'35" W	33.74'
C12	76.34'	35°16'12"	125.00'	39.73'	N 53°21'28" E	75.73'
C13	33.01'	15°07'52"	125.00'	16.60'	N 28°09'25" E	32.91'
C14	55.88'	91°29'31"	35.00'	35.32'	N 25°09'15" W	50.13'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 35°43'22" E	3.17'
L2	N 70°59'34" E	5.27'
L3	S 35°59'34" W	235.41'
L4	N 35°59'34" E	161.92'
L5	N 17°44'47" E	29.12'
L6	N 35°43'22" E	3.17'
L7	N 70°59'34" E	5.27'
L8	S 35°59'34" W	235.41'
L9	S 54°00'26" E	27.00'
L10	S 70°59'34" W	5.27'
L11	S 35°43'22" W	3.17'



FINAL PLAT OF SUBDIVISION
HAMILTON COURT
 OPEQUON MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: 09 MAY 2005

SCALE: NONE

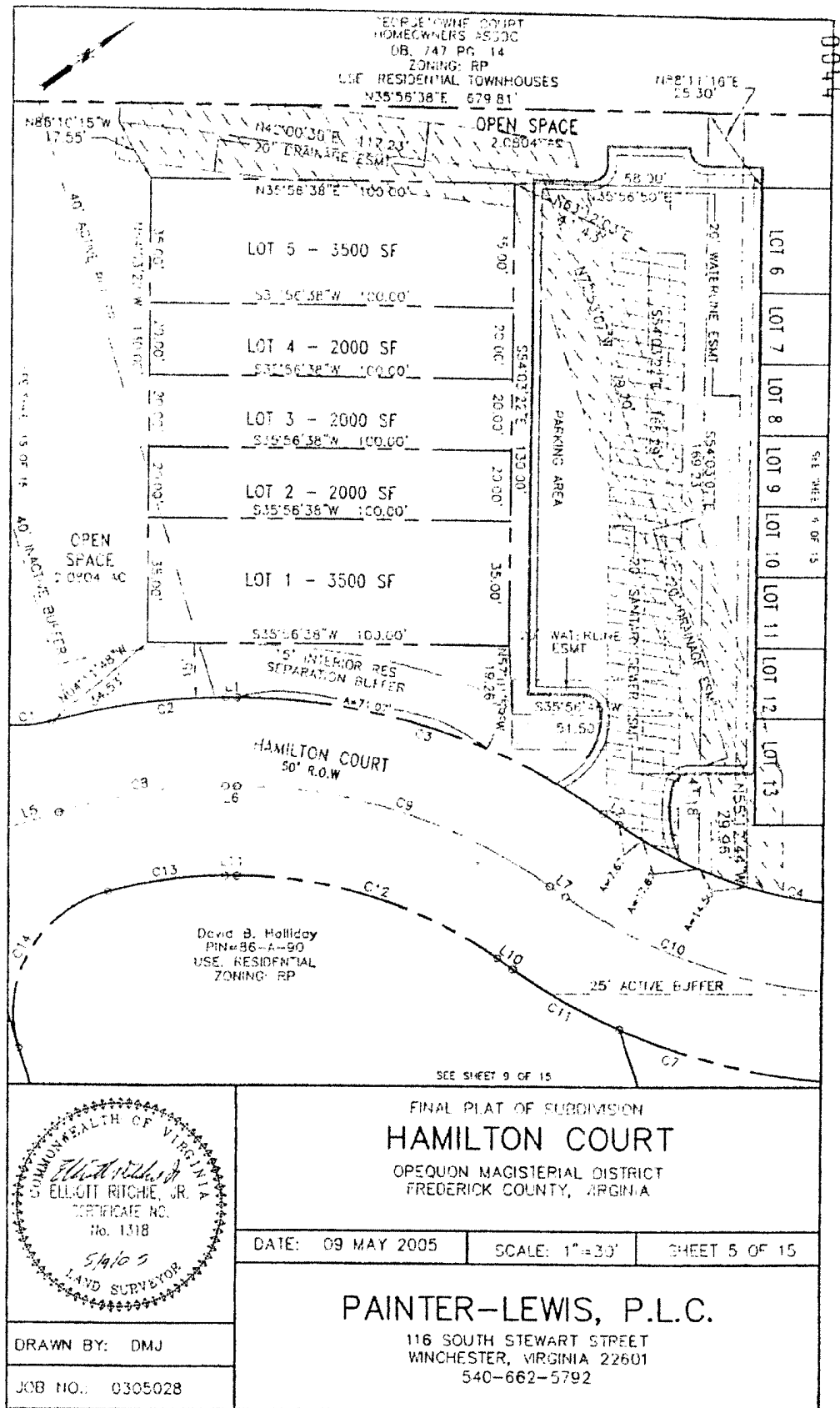
SHEET 4 OF 15

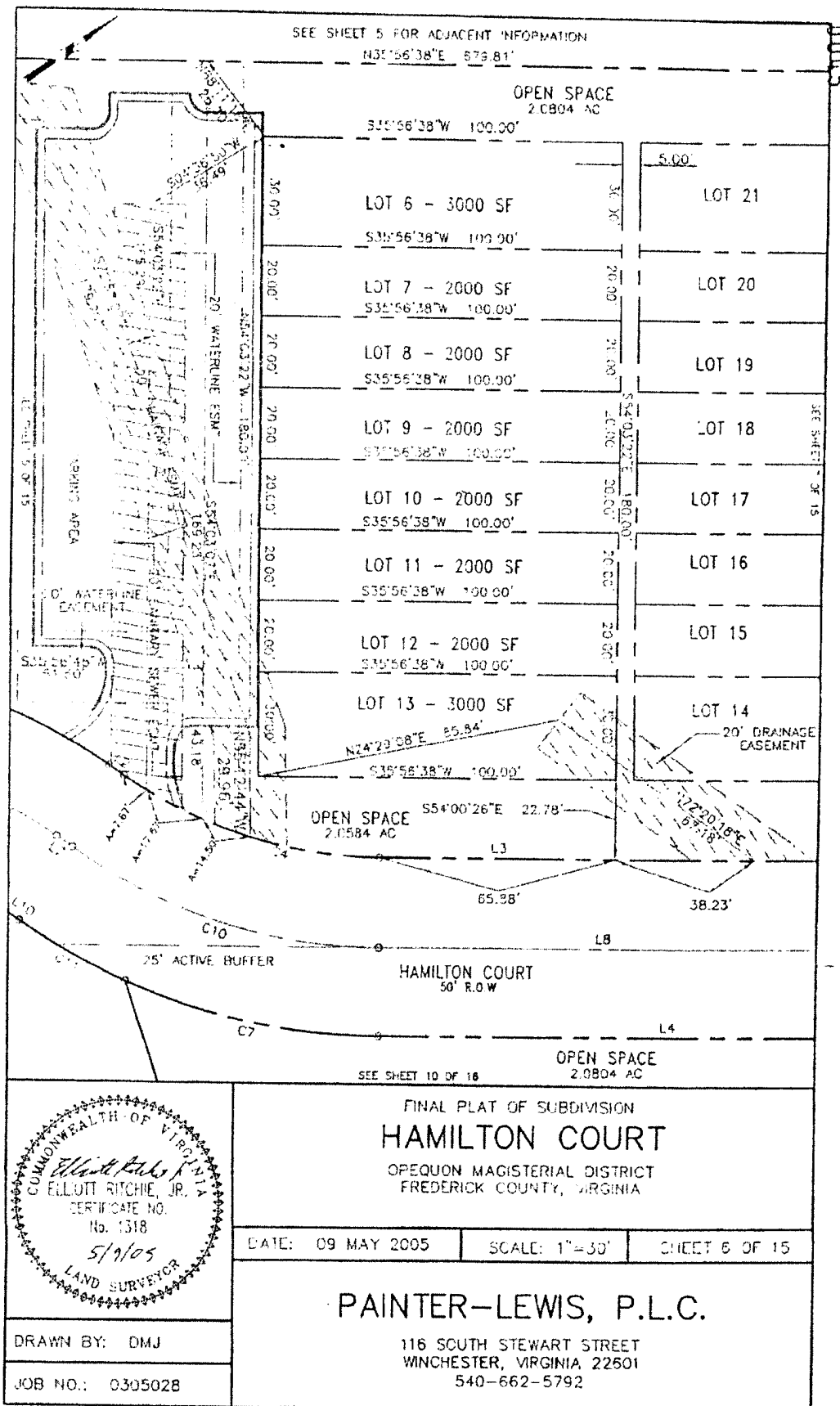
PAINTER-LEWIS, P.L.C.

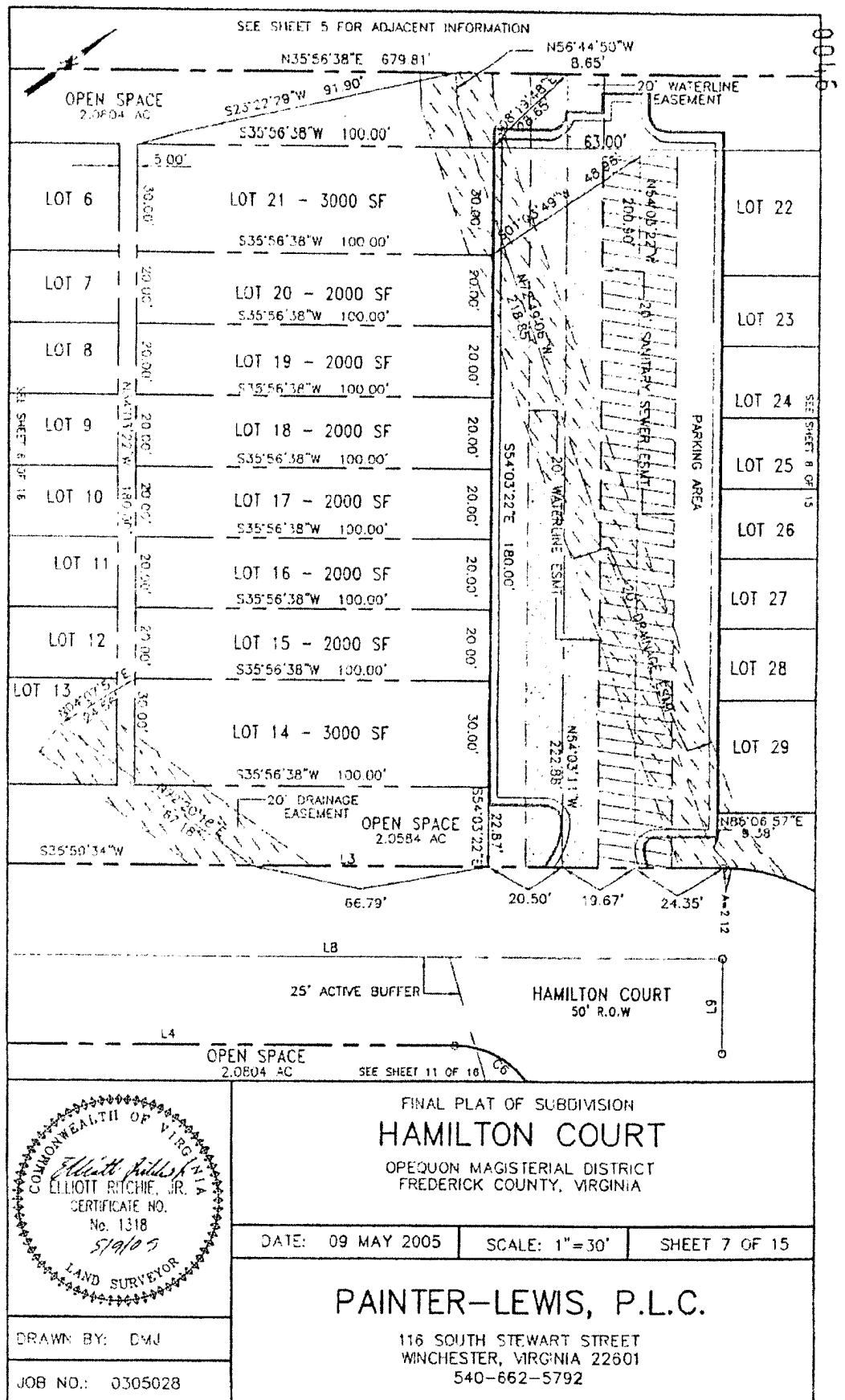
116 SOUTH STEWART STREET
 WINCHESTER, VIRGINIA 22601
 540-662-5792

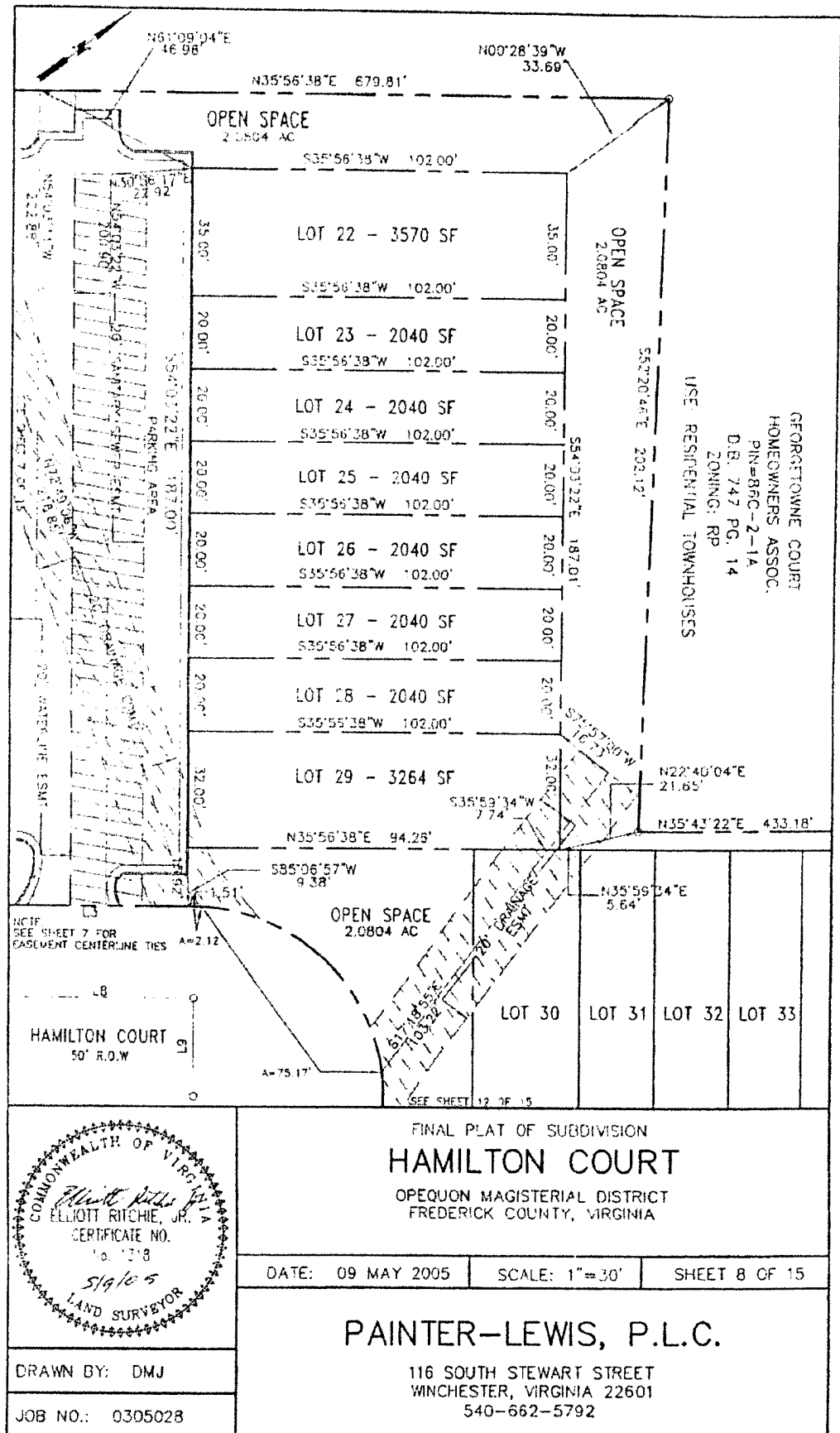
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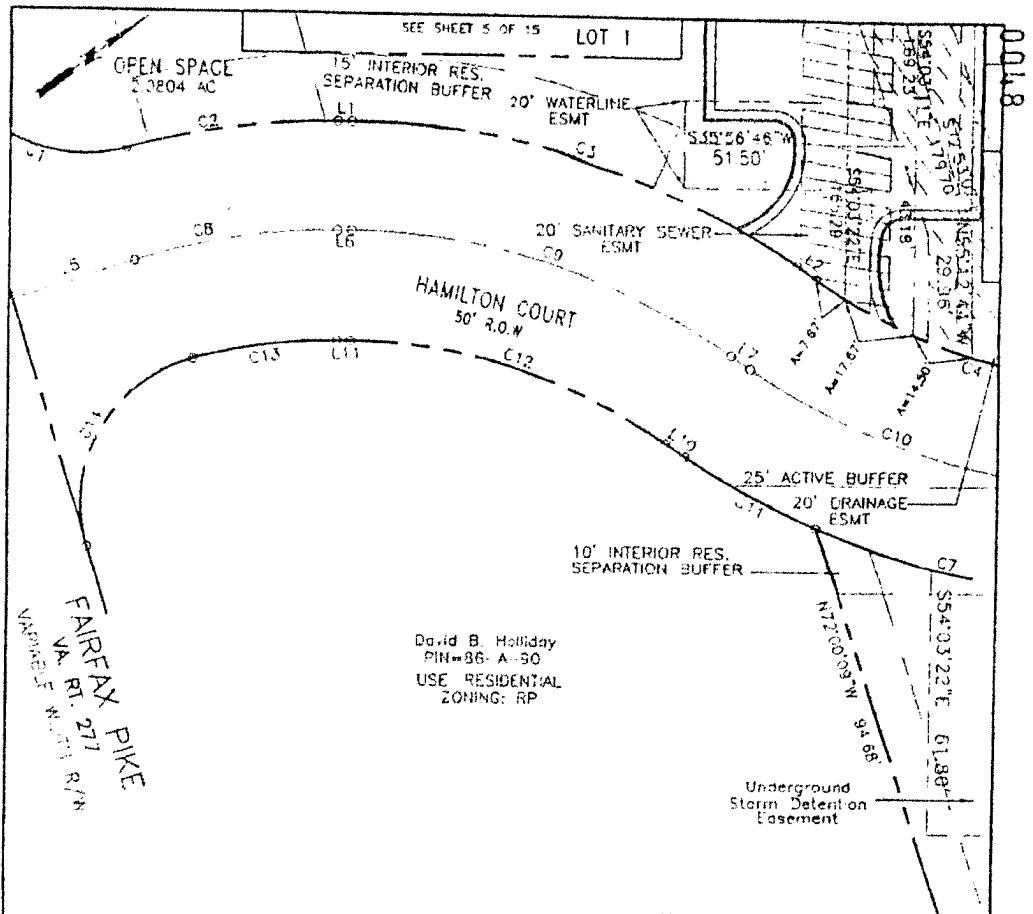
JOB NO.: 0305028





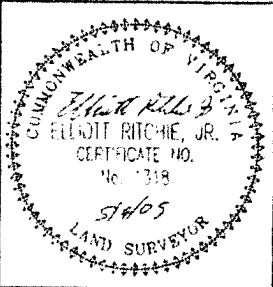






David B. Holliday
PIN=86-A-50
USE RESIDENTIAL
ZONING: RP

KENNETH E. HERBAUGH
PIN=86-5-A
D.B. 201 PG. 58
ZONING: RP
USE: SINGLE FAMILY
RESIDENTIAL



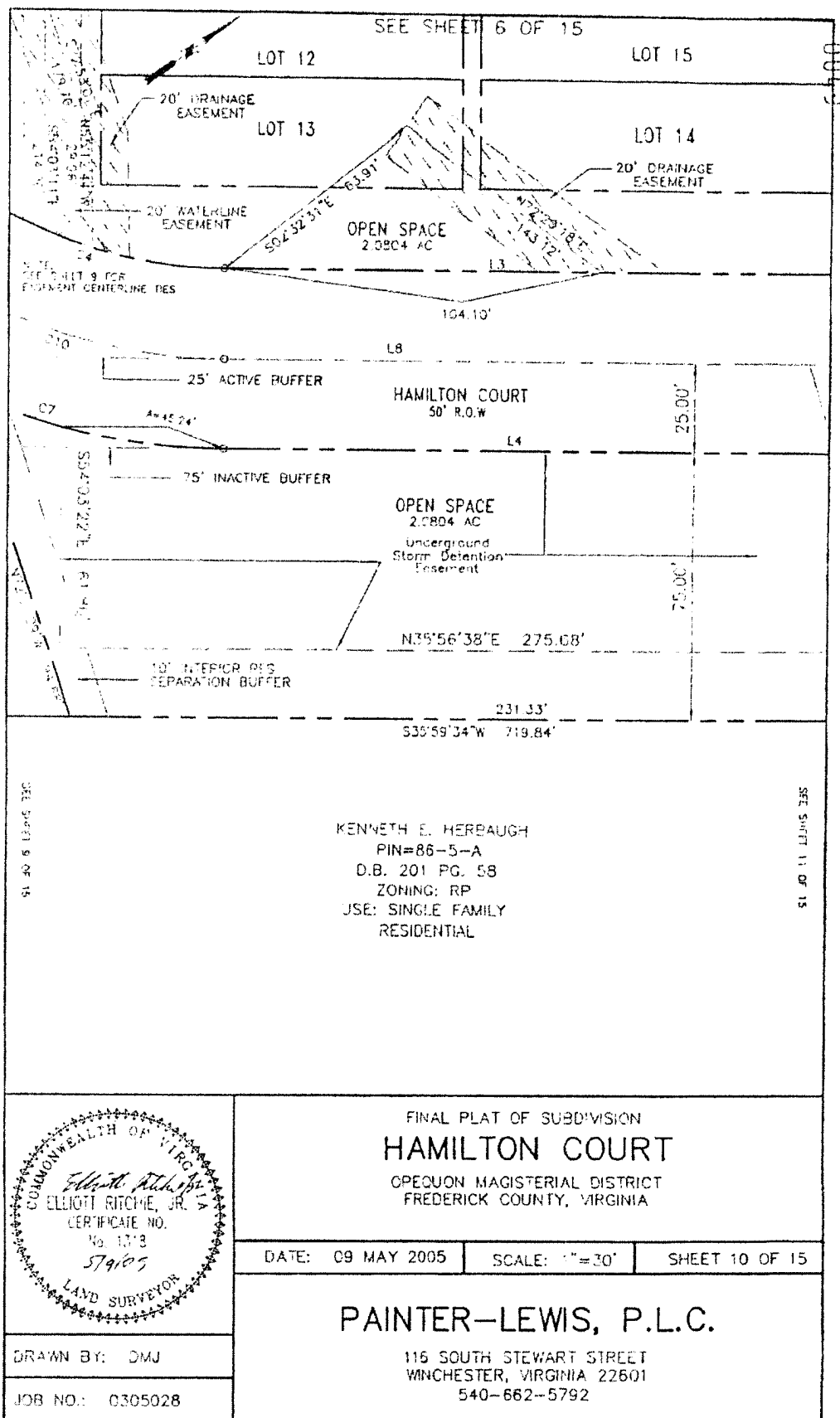
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JOB NO.: 0305028

FINAL PLAT OF SUBDIVISION
HAMILTON COURT
OPEQUON MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DATE: 09 MAY 2005 SCALE: 1"=30' SHEET 9 OF 15

PAINTER-LEWIS, P.L.C.

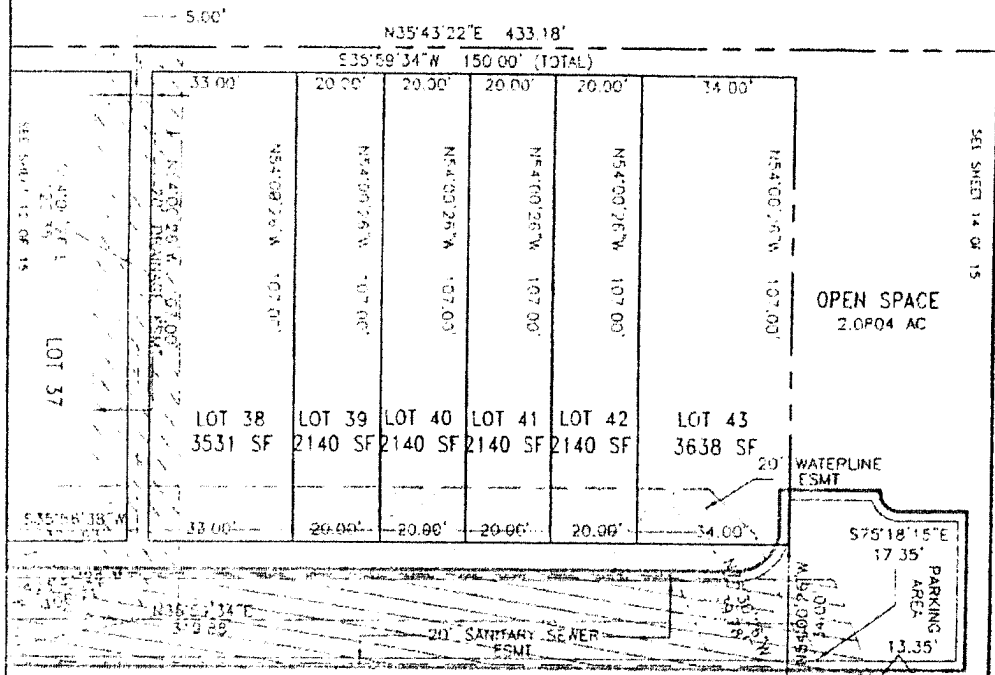
116 SOUTH STEWART STREET
WINCHESTER, VIRGINIA 22601
540-662-5792



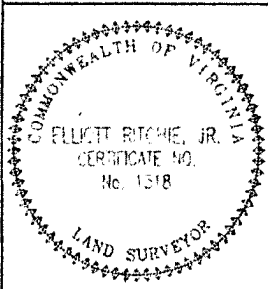
[illegible]

0052

GEORGETOWNE COURT
HOMEOWNERS ASSOC.
PIN=86C-2-1A
O.B. 747 P.C. 14
ZONING: RP
USE: RESIDENTIAL TOWNHOUSES



LEXINGTON COURT
HOMEOWNERS ASSOC.
PIN=86C-3-3A
INSTRUMENT # 000021102
ZONING: RP
USE: RESIDENTIAL TOWNHOUSES



DRAWN BY: DMJ
JOB NO.: 0305028

FINAL PLAT OF SUBDIVISION
HAMILTON COURT
OPEQUON MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

Revised: 6-14-05

DATE: 09 MAY 2005

SCALE: 1"=30'

SHEET 13 OF 15

PAINTER-LEWIS, P.L.C.

116 SOUTH STEWART STREET
WINCHESTER, VIRGINIA 22601
540-662-5792

GEORGETOWNE COURT
HOMEOWNERS ASSOC.
PIN=360-2-1A
D.B. 747 PG. 14
ZONING: RP
USE: RESIDENTIAL TOWNHOUSES

N35°43'22"E 433.18

33° 49' 35" N
74° 03'

N33°11'21"E 143.77'

LOT 43

OPEN SPACE
2.0804 AC

JOHN E MCALLISTER
JEFFERSON VILLAGE
(OPEN SPACE "B")
PIN= 5K-1-15

32° 15' 38" N
122° 53' W

WATERLINE
EASEMENT

20' SANITARY SEWER
EASEMENT

S 75° 18' 15" E
17.35'

6351934W 714.28

536°21'27"W 108.55

JUDY H. DECKER
Lot 19
Section II
VILLAGE AT SHERANDO
D.B.923, P.200
PIN=86D-3-2-19
ZONING: RP
USE:Single Family Residential

William E. Hughes
Lot 20
Section II
VILLAGE AT
SHERAWOOD
D.B. 344, P. 1862
PIN=860-3-2-20
ZONING: RP
USE: Single Family

LEXINGTON COURT
HOMEOWNERS ASSOC.
PIN: 86-1-3-3A
INSTRUMENT # 000021102
ZONING: RP
USE: RESIDENTIAL TOWNHOUSES

FINAL PLAT OF SUBDIVISION
HAMILTON COURT

CPEQUON MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

Revised: 6-14-05

DATE: 09 MAY 2005

SCALE: 1"=30'

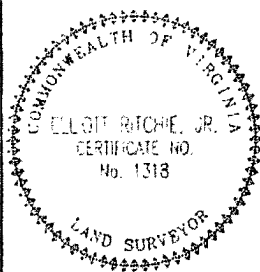
SHEET 14 OF 15

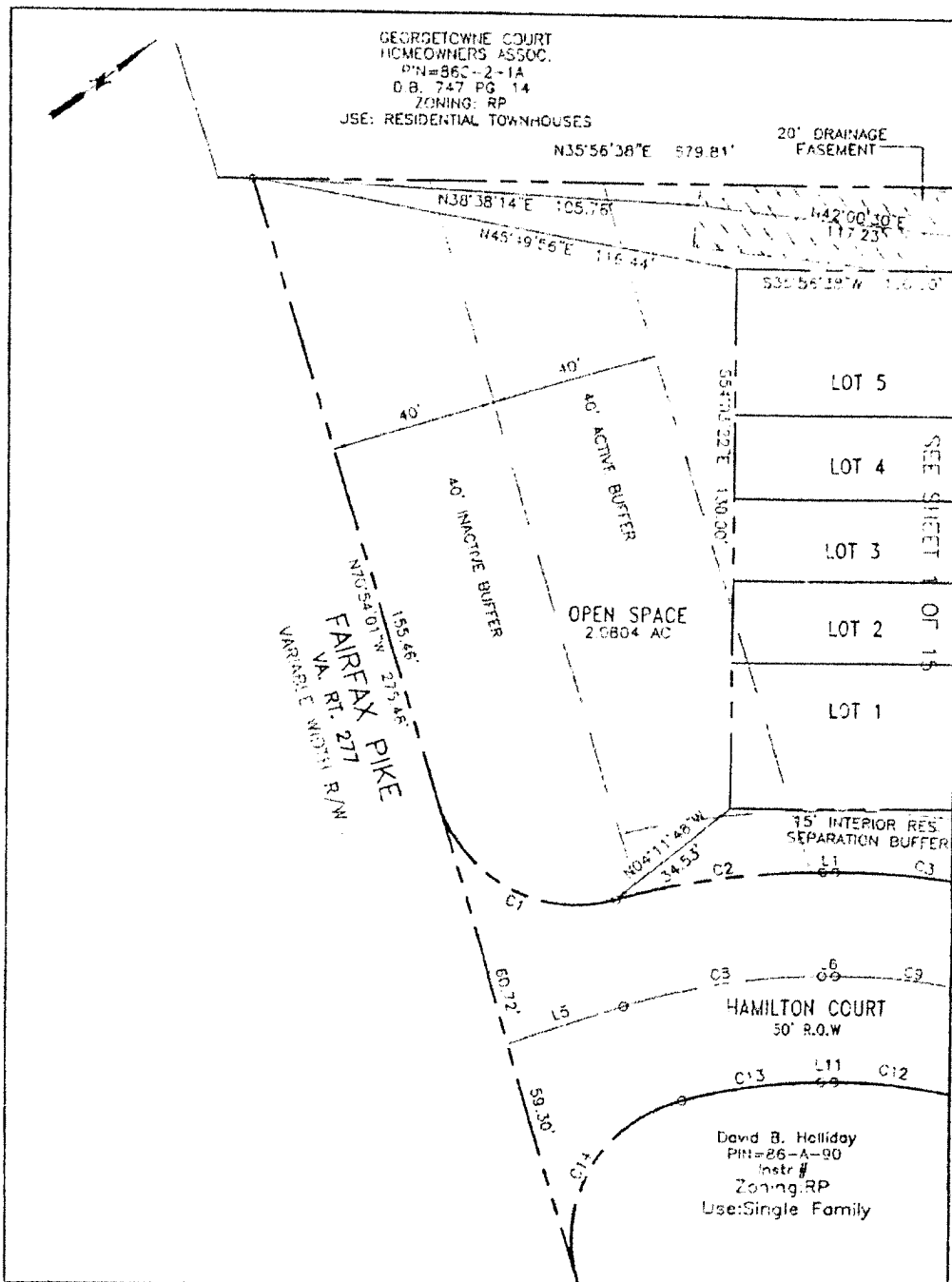
PAINTER-LEWIS, P.L.C.

116 SOUTH STEWART STREET
WINCHESTER, VIRGINIA 22601
540-662-5792

DRAWN BY: DMJ

JOB NO.: 0305028





COMMONWEALTH OF VIRGINIA

Elliott Ritchie, Jr.

ELLIOTT RITCHIE, JR.
CERTIFICATE NO.
No. 1318
5/14/05

LAND SURVEYOR

DRAWN BY: DMJ

JOB NO.: 0305028

FINAL PLAT OF SUBDIVISION

HAMILTON COURT

OPEQUON MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DATE: 09 MAY 2005	SCALE: 1"=30'	SHEET 15 OF 15
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PAINTER-LEWIS, P.L.C.

116 SOUTH STEWART STREET
WINCHESTER, VIRGINIA 22601
540-662-5792