

M/B

25967

BOOK

11291

PAGE

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AUG 14 2 37 PM '59

THIS AGREEMENT

Made this 3rd day of August A.D. 1959, by and between HAROLD D. JOHNSON and wife, CLARA M. JOHNSON, Tenants by the Entirety, parties of the first part; and THE NATIONAL BANK OF WASHINGTON, Trustee, party of the second part; and GURDON S. STRAUS and wife, MARGUERITE O. STRAUS, Tenants by the Entirety, parties of the third part.

WHEREAS, parties hereto of the first part are the owners of part of Lot numbered Ten (10) in F. W. Jones' subdivision of part of a tract of land called "Harlem", as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber Governor Shepherd at folio 127, and part of Lot numbered Six (6) in William A. Gordon, Trustee's subdivision of part of said tract called "Harlem", as per plat filed in Equity Cause No. 7860 in the Supreme Court of the District of Columbia, and described as follows: Beginning for the same at the end of three following courses and distances from a stone marked W.A.E in the South line of the parcel heretofore assessed as Parcel 17/17 (1) South 60° 22' East, 511.65 feet; (2) North 33° 40' East 25.06 feet to the Northerly line of Conduit Road, now MacArthur Boulevard, as established by proceedings in District Court Cause No. 1909 in the said Supreme Court, (3) North 60° 22' West, 29.86 feet and the beginning point of the land hereby described and running thence North 30° 51' East, 141.03 feet; thence North 60° 22' West, 24.98 feet; thence South 31° 56' West, 141.11 feet to the Northerly line of MacArthur Boulevard; thence South 60° 22' East 27.65 feet to the place of beginning; said land being now taxed as Lot 961 in Square 1363; and

WHEREAS, said above described property taxed as Lot 961 in Square 1363 is subject to a Deed of Trust to the party hereto of the second part, as Trustee, dated July 30, 1957, recorded in Liber 10893 at folio 531, among the Land Records of the District of Columbia, securing Home Federal Savings and Loan Association, an advance of \$10,000.00; and

WHEREAS, said parties hereto of the third part are the owners of part of Lot numbered Ten (10) in F. W. Jones' subdivision of part of

a tract of land called "Harlem", as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber Governor Shepherd at folio 127, and part of Lot numbered Six (6) in William A. Gordon, Trustee's subdivision of part of said tract called "Harlem", as per plat filed in Equity Cause No. 7860 in the Supreme Court of the District of Columbia, and described as follows: Beginning for the same at the end of the two following courses and distances from a stone marked W.A.E. in the South line of the parcel heretofore assessed as Parcel 17/17 (1) South  $60^{\circ} 22'$  East 511.65 feet, (2) North  $33^{\circ} 40'$  East 25.06 feet to the Northerly line of Conduit Road, now MacArthur Boulevard as established by proceedings in District Court Cause No. 1909 in said Supreme Court, and the beginning point of the land hereby described, and running thence North  $33^{\circ} 40'$  East, 141.35 feet; thence North  $60^{\circ} 22'$  West, 36.82 feet; thence South  $30^{\circ} 51'$  West 141.03 feet to the Northerly line of MacArthur Boulevard; thence South  $60^{\circ} 22'$  East, 29.86 feet to the place of beginning, as shown on plat of computation recorded in said Surveyor's Office in Survey Book 154 at page 39; said land being now taxed as Lot 962 in Square 1363; and

WHEREAS, the above described properties taxed as Lots 961 and 962 in Square 1363, are subject to a right of way over the North 12 feet of the same, said right of way having been reserved by deed dated April 1, 1929, recorded in Liber 6306 at folio 106 among said Land Records, for the use and benefit of land in the rear of said Lots 961 and 962; and

WHEREAS, the predecessors in title of said parties hereto of the first and third parts have used the aforesaid right of way as a means of ingress and egress to the rear of their respective properties, although there is no valid conveyance of record specifically creating a right of way over the rear 12 feet of said Lot 961 for the use and benefit of said Lot 962; and

WHEREAS, the parties hereto of the first part, at the request of parties hereto of the third part, desire to create said last mentioned right of way over Lot 961, and have requested the party hereto of the second part to join in these presents for this purpose.

NOW THEREFORE, THIS AGREEMENT WITNESSETH:

That for and in consideration of the premises and of the sum of \$1.00 by each to the other paid, the said parties hereto of the first part do hereby create and establish, and do hereby grant unto the parties hereto of the third part, their heirs and assigns, a perpetual right of way for driveway purposes over the North 12 feet of the above described land taxed as Lot 961 in Square 1363, for the use and benefit of the owners and occupants of said above described land taxed as Lot 962 in Square 1363.

AND the said party hereto of the second part hereby agrees and consents to the creation of the above described right of way over said Lot 961 in Square 1363 and hereby subjects the above mentioned deed of trust under which it is the Trustee to said right of way, which shall be conveyed by said party of the second part in the event of a sale for default under the terms of said deed of trust.

IN WITNESS WHEREOF, on the day and year first hereinbefore written, the parties hereto of the first part hereunto set their hands and seals, and the said party hereto of the second part has caused these presents to be signed in its corporate name by

P. BAXTER DAVIS its TRUST OFFICER attested by  
R B KEINEIZ its VICE PRES & CASHIER, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint  
P. BAXTER DAVIS its true and lawful Attorney in fact for it and in its name to acknowledge and deliver these presents as its act and deed, as Trustee.

WITNESS:  
George M. Carpenter

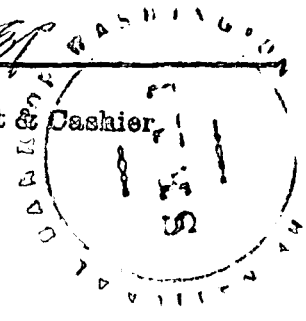
Harold D. Johnson (SEAL)  
Harold D. Johnson  
Clara M. Johnson (SEAL)  
Clara M. Johnson

THE NATIONAL BANK OF WASHINGTON, Trustee

By P. Baxter Davis TRUST OFFICER

Attest: P. B. Fleming  
Vice President & Cashier

We assent:  
HOME FEDERAL SAVINGS AND LOAN ASSOCIATION  
By Alvin C. [Signature]



DISTRICT OF COLUMBIA

} TO WIT:

*J. Paul Donovan*

a Notary Public in and for the said

District, do hereby certify that **P. BAXTER DAVIS** who is personally well known to me as the person named as Attorney in fact in the foregoing and annexed Deed, bearing date on the *3rd* day of *August* A. D. 1959, to acknowledge the same, personally appeared before me in said District, and as Attorney in fact as aforesaid, and by virtue of the authority vested in him by said Deed, acknowledged the same to be the act and deed of The National Bank of Washington, Trustee

the corporation-grantor therein, and delivered the same as such.



Given under my hand and seal this *6th* day of *August* A. D. 1959

NOTARY PUBLIC  
WASHINGTON, D. C.  
MY COMMISSION EXPIRES DEC. 14, 1962

*J. Paul Donovan*  
Notary Public.

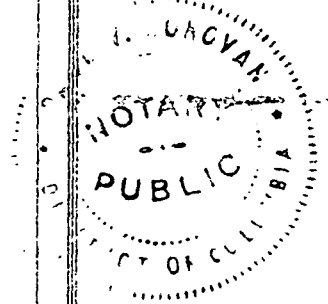
DISTRICT OF COLUMBIA, To wit:

*J. Paul Donovan*

a Notary Public in and for the

said District of Columbia, do hereby certify that Harold D. Johnson and Clara M. Johnson, parties to and who are personally well known to me as the persons who executed the foregoing and annexed Agreement bearing date on the *3rd* day of *August* A.D. 1959 personally appeared before me in said District, and acknowledged the same to be their act and deed.

GIVEN under my hand and seal this *3rd* day of *August* A.D. 1959.



*J. Paul Donovan*  
Notary Public

*My Comm expires  
Dec 14, 1962*

NOTARY PUBLIC  
WASHINGTON, D. C.  
MY COMMISSION EXPIRES DEC. 14, 1962

417204 1 of 3

AGREEMENT

25967

Harold D. Johnson  
et ux Clara M.

and

The National Bank of Washington

AUG 14 2 37 PM '59

RECEIVED FOR RECORD OF THE  
day of August 1959  
at Washington  
D.C.  
Records of the District of Columbia

Recorder

The District Title Insurance Company  
The Lawyers Title Insurance Company  
The Washington Title Insurance Company  
1413 EYE STREET, N. W.  
Washington, D. C.

M.J.G.

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