



Nelson County Board of Zoning Appeals

MEETING AGENDA:

April 7, 2026

7:00 P.M.

General District Courtroom
84 Courthouse Square, Lovingson, Virginia

- I. Call to Order
- II. Officer Elections
 - a. **Chair**
 - b. **Vice Chair**
 - c. **Secretary**
- III. Public Hearing
 - a. Appeal #250314 by Jason Harvey for Zoning Violation Determination dated September 12, 2025
- IV. Approval of Minutes
 - a. March 5, 2024
- V. Next meeting TBD



**NELSON COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

Case No.: 2022002

Applicant/Appellant: Jason Harvey

Property Owner of Record: Maxine Small

Tax Map ID: 22-A-20

Zoning District: Residential (R-1)

Meeting Date: April 7, 2026

Prepared by: Cody A. Barker, Planner

Reviewed by: Dylan M. Bishop, Planning & Zoning Director

I. REQUEST

The appellant, Mr. Jason Harvey, has filed an appeal of the Planning & Zoning Director's Official Determination of Violation dated September 12, 2025. The determination found that the subject property, located in the Residential (R-1) District, is being used for trucking operations, contractor equipment storage, and the stockpiling of asphalt millings. Mr. Harvey asserts that these activities constitute a lawful preexisting nonconforming use that predates the adoption of the Nelson County Zoning Ordinance on January 11, 1977, and therefore should not be subject to enforcement under the current ordinance.

II. BACKGROUND

The subject property is located along the Rockfish Valley Highway in Nellysford (see Attachment A) and is situated in the R-1 District, with nearby zoning districts including Agricultural (A-1), Business (B-1), Service Enterprise (SE-1), Residential Planned Community (RPC), and other R-1 parcels (see Attachment B). Surrounding uses include a mixture of agricultural, residential, and commercial activities, creating a diverse development pattern in the area.

This case originated from a complaint received in 2022 regarding potential zoning violations on the property. Historical aerial and street-level imagery indicates that the property was used in an agricultural manner from at least 2002 through approximately 2018. Although this use may not conform to the current R-1 zoning classification, it differs significantly from the current industrial activity observed on the property. Imagery from 2022 is the first to show the presence of heavy vehicles and material stockpiling consistent with industrial use, indicating a change in the nature of the property's use after 2018 (see attachment C).

Due to staff turnover, the complaint remained open and unresolved until 2025. On August 28, 2025, Planning & Zoning staff conducted a site inspection and observed multiple industrial vehicles, including nine dump trucks, several displaying “Jason Harvey Trucking” branding. A vehicle marked “Chris Neese Hauling & Excavating LLC” was also present at that time. Staff also observed a large pile of asphalt millings, which was visibly taller than the dump trucks and estimated to be approximately fifteen feet in height (see Attachment D). Based on the extent, character, and intensity of these observations, staff determined that the property was being used as a contractor’s storage yard and for material stockpiling consistent with a borrow pit, and a Notice of Violation was issued on September 12, 2025 (see Attachment E).

On September 15, 2025, Mr. Harvey visited the Planning and Zoning Office to discuss the Notice of Violation and confirmed receipt of the letter (see Attachment F). During this meeting, he stated that he believed the enforcement action was influenced by local political considerations. Staff explained that zoning enforcement actions are complaint-driven and administered in accordance with the Zoning Ordinance. Planning & Zoning Director Dylan Bishop joined the discussion and advised Mr. Harvey that rezoning would be required to permit the observed use of the property. Staff provided both a Board of Zoning Appeals appeal application and a rezoning application.

Mr. Harvey indicated that he did not intend to pursue rezoning and stated that the dump trucks located on the property were for personal use, despite displaying company branding. Staff reviewed relevant sections of the Zoning Ordinance with him and discussed applicable definitions and permitted uses. Mr. Harvey indicated that he intended to file an appeal of the determination and stated that he did not plan to remove the trucks or the asphalt millings from the property. At no point during this meeting did Mr. Harvey assert that the use of the property was a lawful nonconforming use.

On October 13, 2025, Mr. Harvey submitted a written appeal of the determination, in which he first asserted that the use of the property is a lawful nonconforming use and that he had received verbal permission for the use of a borrow pit and contractor’s storage yard. A follow-up site visit was conducted on October 22, 2025, at which time the vehicles associated with “Chris Neese Hauling & Excavating LLC” were no longer present on the property (see Attachment G).

III. SUMMARY OF RELEVANT ZONING REGULATIONS

Nelson County Code, Appendix A, Article 2, defines a borrow pit as a “sand, soil, and gravel operation of a temporary nature.” The Ordinance does not define a contractor’s storage yard. For context, the American Planning Association provides the following definitions:

“Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipes, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.”

“An establishment used for the outdoor repair, maintenance, or storage of a contractor’s vehicles, equipment, or materials.”

Nelson County Code, Appendix A, Article 5-1, lists the permitted uses in the R-1 Zoning District. Neither a borrow pit nor a contractor’s storage yard is included as a permitted use.

Nelson County Code, Appendix A, Article 9-1-12, provides that contractor and material storage yards are permitted by right in the Industrial (M-2) District. Article 9-1-4(a) requires a Special Use Permit for borrow pits within the M-2 district.

Nelson County Code, Appendix A, Article 11-1-4 governs nonconforming uses. The ordinance provides that a lawful use of land that existed at the time of adoption of the Zoning Ordinance, or any amendment thereto, and that is not permitted under current zoning regulations, may continue provided that it remains otherwise lawful. The ordinance further states that a nonconforming use shall not be expanded or enlarged in any manner that increases its nonconformity. If such use is discontinued for a period exceeding two years, any subsequent use of the property must conform to the regulations of the zoning district in which it is located.

IV. SUMMARY OF APPELLANT'S CLAIM AND SUBMITTED EVIDENCE

In his letter of appeal, Mr. Harvey asserts that his family has used the property for agricultural and equipment storage purposes since 1943 and argues that the current use of the property should be considered a lawful preexisting nonconforming use, as it predates the adoption of the Nelson County Zoning Ordinance in 1977 (see Attachment H). He emphasizes that the property has remained in continuous family ownership since that time and maintains that the present activities reflect a continuation of this longstanding pattern of use rather than the establishment of a new or expanded operation.

Mr. Harvey further states that the asphalt millings pile is not a borrow pit, but rather a stockpile of material retained from prior road projects for future use, and that the presence of this pile was verbally approved by a former County Administrator, Steve Carter. In addition, he clarifies that a truck belonging to his associate, Chris Neese, which was observed during the August 28, 2025 site visit, was only temporarily located on the property while awaiting repair and has since been removed. He also notes that there are no shipping containers located on the property.

As part of his appeal, Mr. Harvey submitted family property records, handwritten notes, and parcel information intended to demonstrate long-term ownership and historical use. Staff reviewed these materials and confirms that they document continuous ownership by the Small family since the 1940s, as well as general information regarding the property's history.

V. STAFF ANALYSIS

Based on multiple site inspections and a comprehensive review of the record, staff finds that the current use of the property is industrial in nature. Staff further notes that the Notice of Violation issued on September 12, 2025 referenced the presence of shipping containers on the property. Upon further review, this reference was included in error. To the best of staff's knowledge, no shipping containers are currently located on the property, and none were observed during subsequent site visits. This correction does not affect the overall determination of violation, which is based on the presence of commercial trucking operations, contractor equipment storage, and material stockpiling that have been clearly documented.

The observed presence of multiple commercial dump trucks, business branded vehicles, and large-scale stockpiling of asphalt millings is consistent with a contractor storage yard and borrow pit. These activities reflect a level of intensity and operational character that is distinct from residential or agricultural use.

In order to qualify as a lawful preexisting nonconforming use, the burden of proof rests with the appellant to demonstrate that the specific use lawfully existed prior to January 11, 1977, and has continued without substantial interruption or expansion. A nonconforming use must be established through clear and credible evidence demonstrating the same or a substantially similar use, and such a use may not be enlarged, intensified, or changed in character over time.

The materials submitted by the appellant do not include dated photographs, business records, tax documentation, or other forms of evidence that would demonstrate that the property was used for trucking operations, contractor

storage, or industrial activity prior to 1977. The documentation provided primarily reflects ownership history rather than evidence of a specific use. While the property may have historically been used for agricultural purposes and incidental equipment storage, the current scale, intensity, and character of use differ substantially from those prior activities. The transition from agricultural use to a contractor storage yard and large-scale material stockpiling represents a material change in use rather than a continuation of a prior lawful use.

Even if some level of equipment storage occurred historically, there is no evidence demonstrating that commercial trucking operations or industrial scale storage existed prior to 1977 or continued without interruption to the present. The appellant's claim that the property remains in agricultural use is not supported by current site conditions, which are characteristic of an industrial operation and are not incidental to agriculture.

The appellant's assertion that verbal approval was granted by a former County Administrator does not constitute legal authorization under the Zoning Ordinance. Zoning approvals must be formally issued in accordance with established procedures, and no documentation has been provided to substantiate this claim.

The Zoning Ordinance clearly distinguishes between residential and industrial uses. Contractor storage yards are permitted only within the M-2 District, and borrow pits require a Special Use Permit. These provisions confirm that the activities currently occurring on the property are industrial in nature and are not permitted within the R-1 District.

April 1, 2026, Site Visit Update

Staff conducted an additional site visit on April 1, 2026. At the time of this visit, most of the previously observed dump trucks had been removed. One dump truck remained on the property. Staff also observed a large semi-truck with a trailer carrying a separate vehicle bearing markings identifying it as associated with the Cumberland Volunteer Fire Department. The previously observed asphalt millings pile had been reduced to approximately two to three feet in height. While these changes indicate a reduction in the intensity of industrial activity, they do not alter the original observations that formed the basis for the Notice of Violation.

VI. STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Appeals uphold the Planning & Zoning Director's determination of violation for Case No. 2022002.

The appellant has not met the burden of proof required to establish a lawful preexisting nonconforming use. While the materials submitted confirm long term family ownership, they do not demonstrate that the current industrial activities existed prior to January 11, 1977, or that such activities have continued without interruption.

The presence of multiple heavy, commercial dump trucks and large-scale stockpiling of asphalt millings are uses that are industrial in nature and are not permitted within the R-1 District under Article 5-1 of the Nelson County Code. Upholding the determination of violation is necessary to ensure consistency with the Zoning Ordinance and to preserve the intended residential character of the R-1 District.

Staff recognizes the appellant's efforts to reduce the scale of industrial activity on the property. Going forward, staff is prepared to work collaboratively with Mr. Harvey to ensure ongoing compliance with the R-1 zoning requirements. This may include providing guidance on permissible uses, monitoring the property for adherence to zoning standards, and advising on steps that could bring the property fully into compliance without expanding or intensifying prohibited activities.

VII. ATTACHMENTS

Attachment A – Location Map of the Property

Attachment B – Zoning Map

Attachment C – Historic Context Photographs

Attachment D – Site Photographs (August 28, 2025)

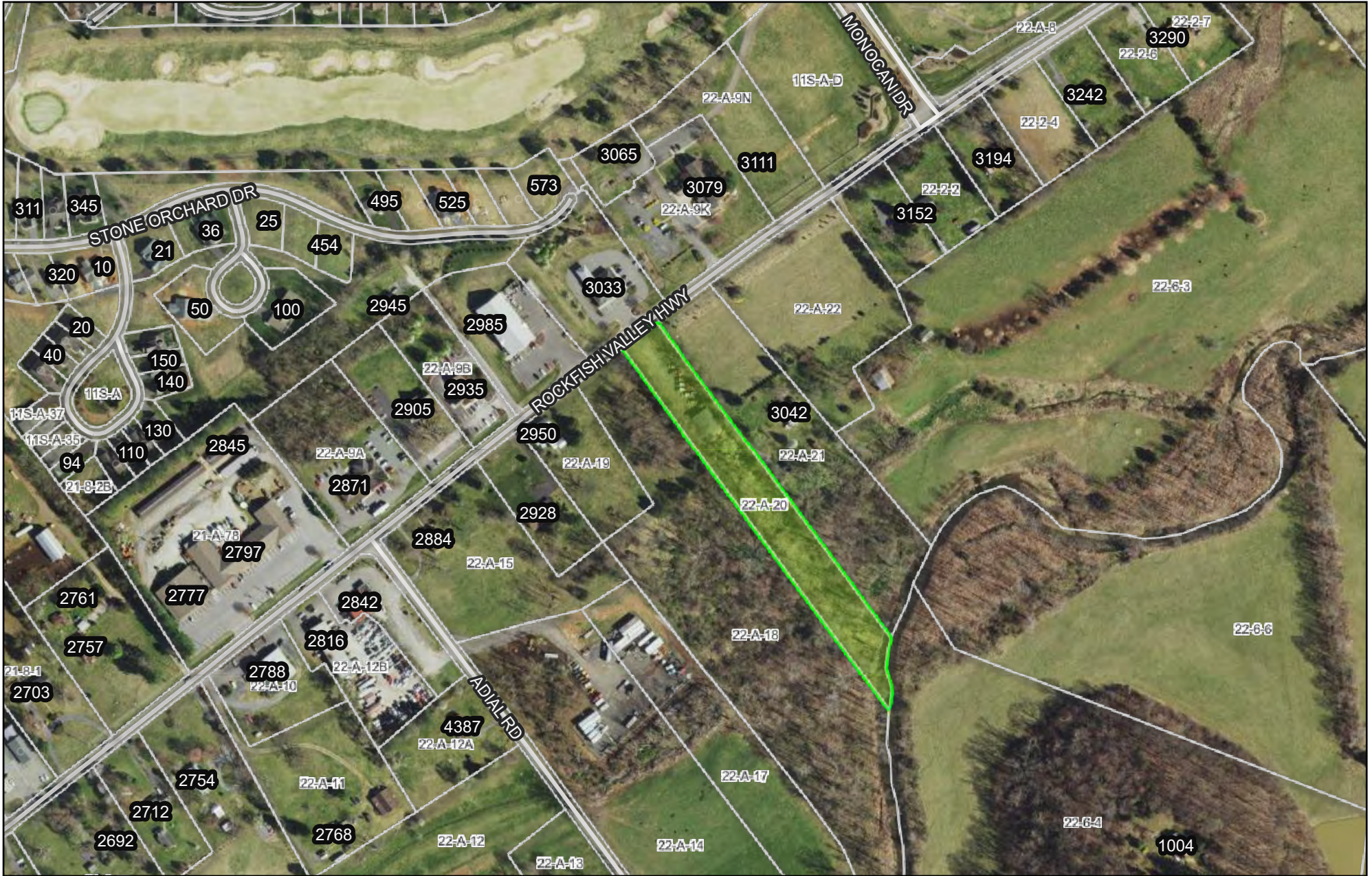
Attachment E – Notice of Official Determination of Violation (September 12, 2025)

Attachment F – Staff Meeting Notes (September 15, 2025)

Attachment G – Site Photographs (October 22, 2025)

Attachment H – Appellant’s Application and Supporting Materials

Attachment I – Site Photographs (April 1, 2026)

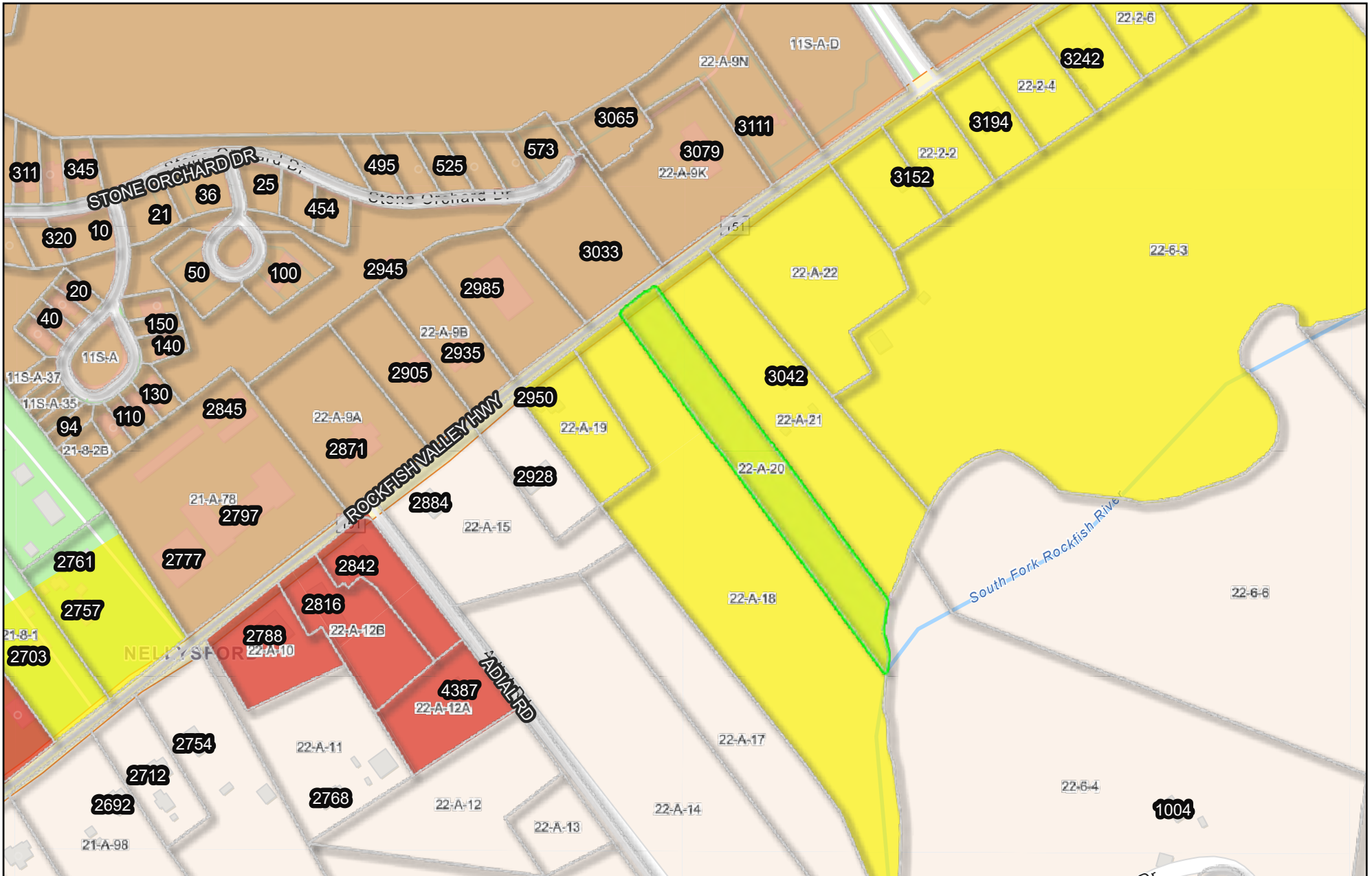


Nelson County, Virginia

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional.

Addresses

Roads



Nelson County, Virginia

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional.

Addresses	Business District B-1 (0)	Limited Industrial District M-1 (8)	Service Enterprise District SE-1(7)
Zoning	Business District B-2 (1)	Residential District R-1 (4)	Residential Planned Community RPC (6)
Agricultural District A-1 (2)	Conservation District C-1 (3)	Residential District R-2 (5)	Roads
	Industrial District M-2 (9)		

**Historical Site Context
Case No. 2022002
Parcel ID 22-A-20**

Screenshots Prepared by Cody Barker

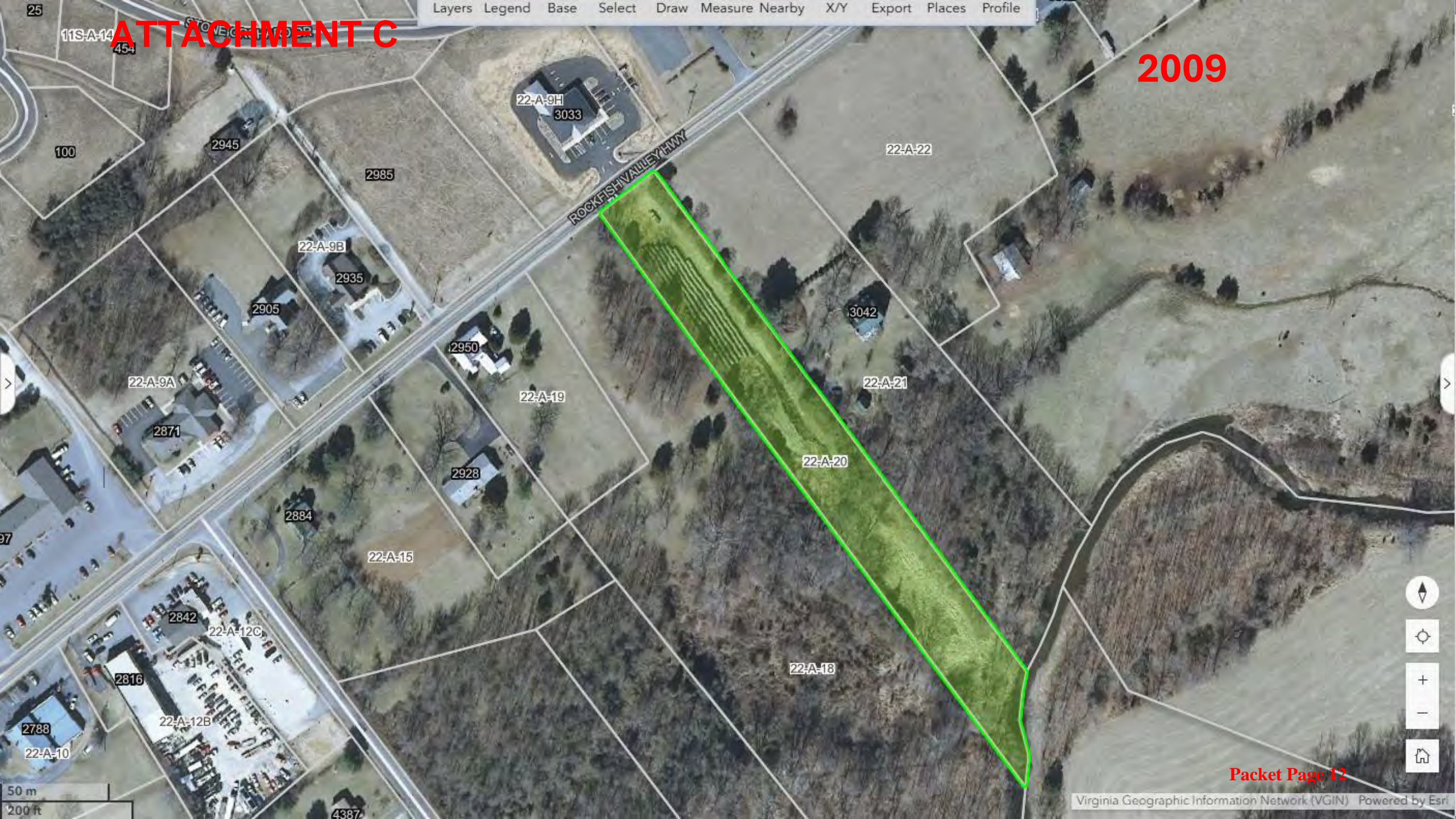
ATTACHMENT C

2007



ATTACHMENT C

2009



ATTACHMENT C

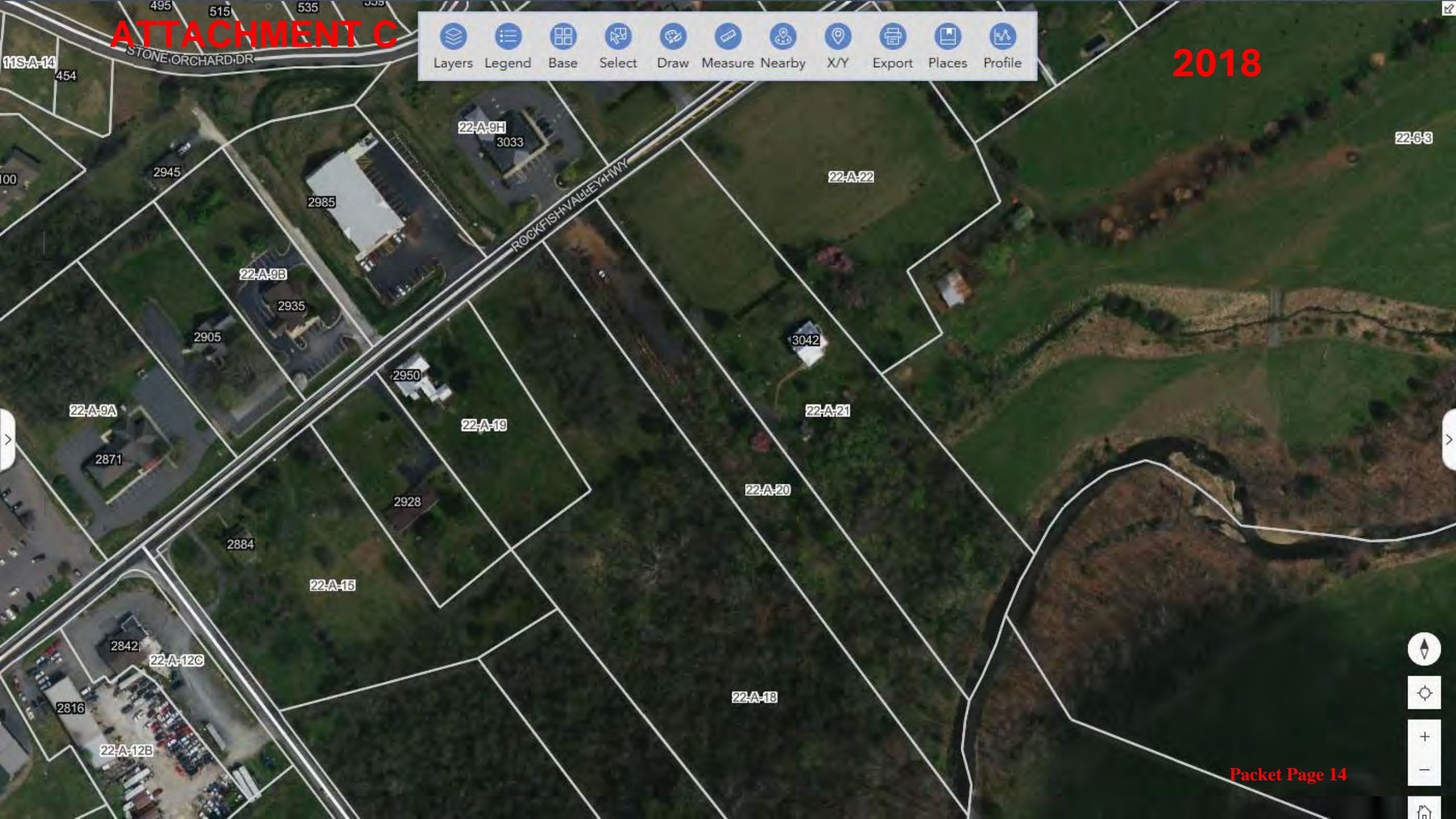
2013



ATTACHMENT C

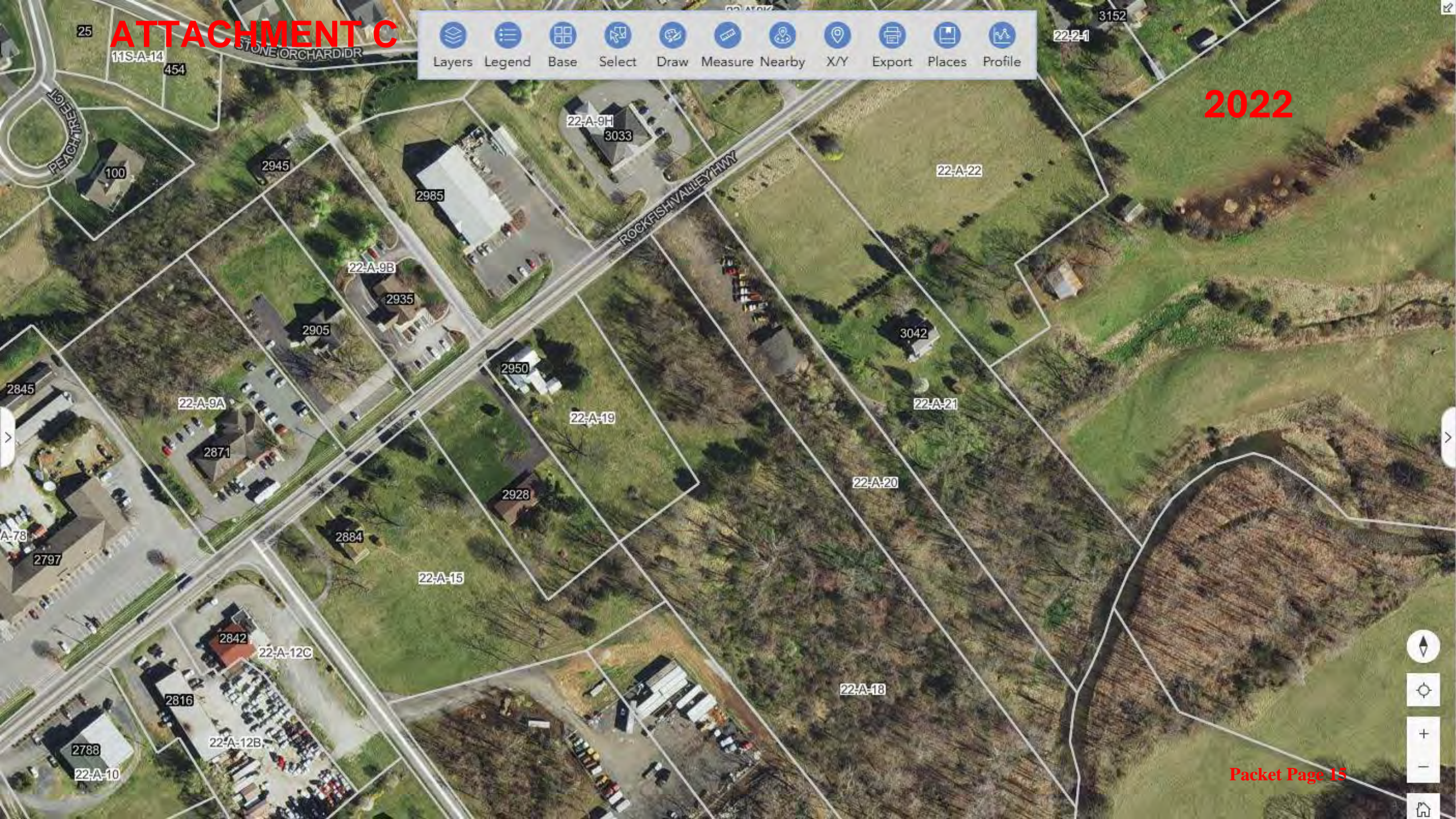
Layers Legend Base Select Draw Measure Nearby X/Y Export Places Profile

2018



ATTACHMENT C

Layers Legend Base Select Draw Measure Nearby X/Y Export Places Profile

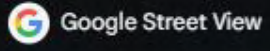


2022

ATTACHMENT C

3035 Rockfish Valley Hwy

Nellysford, Virginia



Nov 2007 [See latest date](#)

Share



November 2007

035 Rockfish Valley Hwy
Mellysford, Virginia

Google Street View

Oct 2015 [See latest date](#)

ATTACHMENT C

Share X



October 2015

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, and a close (X) button.

3035 Rockfish Valley Pkwy
Nellysford, Virginia

Google Street View

Sep 2023 See latest date

ATTACHMENT C

Share



September 2023

3035 Raccoon Valley Hwy
Nellysford, Virginia

Google Street View

Aug 2025 See latest date

Share

ATTACHMENT C



August 2025

Case No. 2022002

Parcel ID 22-A-20

August 28, 2025

Photos taken by Cody Barker









Jason
HARVEY
TRUCKING





ATTACHMENT E



NOTICE OF OFFICIAL DETERMINATION OF VIOLATION Nelson County Zoning Ordinance

The Date this Notice of Determination is given is September 12, 2025.

CASE #: 2022002

CERTIFIED MAIL # 7022 1670 0001 9383 9440

CERTIFIED MAIL # 7022 1670 0001 9383 9457

Maxine Small
P.O. Box 102
Nellysford, VA 22958

Jason Harvey Trucking
c/o Jason Harvey
10921 Rockfish Valley Hwy
Afton, VA 22920

CERTIFIED MAIL # 7022 1670 0001 9383 9464

Chris Neese Hauling & Excavating LLC
c/o Chris J. Neese
1135 Tanbark Dr
Afton, VA 22920

Property: Parcel ID 22-A-20

Zoning: Residential [R-1] District

Maxine Small
Owner of Record

To Maxine Small, Jason Harvey, and Chris Neese:

This notice is to inform you that the above property is in violation of the Nelson County Zoning Ordinance.

On **August 28, 2025**, Planning & Zoning staff observed excavation activity on the property, where soil and gravel had been moved, creating a borrow pit. Under the Nelson County Zoning Ordinance, a borrow pit is defined as “a sand, soil, or gravel operation of a temporary nature,” and it is not a permitted use in the Residential (R-1) Zoning District. Staff also observed the storage of multiple commercial dump trucks and excavating equipment on the property. The presence and staging of this type of heavy equipment is characteristic of a contractor’s storage yard, which likewise is not a permitted use in the Residential (R-1) Zoning District.

Accordingly, the following section(s) of the Nelson County Zoning Ordinance have been violated:

Nelson County Code, Appendix A, Article 5-1 (Permitted Uses)

ATTACHMENT E

This violation of the Nelson County Zoning Ordinance is unlawful. Pursuant to Article 15 of the Zoning Ordinance, any person, firm, or corporation who violates, causes, or permits the violation of this ordinance is guilty of a misdemeanor and may be subject to fines of not less than ten dollars (\$10.00) and not more than one thousand dollars (\$1,000.00) for each offense. Each day a violation remains uncorrected may constitute a separate offense. In addition, the court may order the violator to abate or remedy the violation within a time period established by the court.

You are hereby directed to immediately cease the activity or use described above and to remove or otherwise correct the violation no later than **October 13, 2025**. To correct this violation, you must:

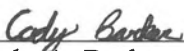
1. **Cease all unpermitted activity on the property and remove the borrow pit, shipping containers, heavy equipment, and materials, or obtain approval for a use that is permitted in the Residential (R-1) Zoning District.**
2. **Contact the Nelson County Planning and Zoning Department at (434) 263-7090 or cbarker@nelsoncounty.org to confirm that corrective action has been taken or to discuss an acceptable plan for compliance.**

You have the right to appeal this determination within thirty (30) days of the date of this notice, in accordance with Virginia Code § 15.2-2311 and Article 14-4 of the Nelson County Zoning Ordinance. An appeal may be filed by any person aggrieved by this determination, or by any officer, department, board, or bureau of the County affected, by submitting a written notice of appeal specifying the grounds for appeal to both the Zoning Administrator and the Board of Zoning Appeals. If an appeal is not filed within this period, this determination will become final and unappealable.

The filing of a proper appeal will stay all proceedings in furtherance of this determination unless the Zoning Administrator certifies that such a stay would cause imminent peril to life or property. An application for appeal may be obtained at the Planning & Zoning Office or online at: <https://www.nelsoncounty-va.gov/departments-offices/planning-zoning/forms-documents/>.



If you have any questions, please let me know.


Cody A. Barker, CZO
Planner
Nelson County Department of Planning & Zoning

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

STAFF MEETING NOTES

Case No.: 2022002

Subject: Discussion with Jason Harvey – Case No. 2022002

Date: September 15, 2025

Staff Present: Dylan M. Bishop, Planning & Zoning Director; Cody A. Barker, Planner

Location: Nelson County Planning & Zoning Office, 80 Front St, Lovingston, VA 22949

On September 15, 2025, Mr. Jason Harvey visited the Planning and Zoning Office to discuss the Notice of Violation dated September 12, 2025, confirming receipt of the notice.

During the meeting, Mr. Harvey stated that he believed the enforcement action was influenced by local political considerations. Staff explained that zoning enforcement actions are complaint-driven and administered in accordance with the Zoning Ordinance.

Planning & Zoning Director Dylan Bishop joined the discussion and informed Mr. Harvey that rezoning would be required to permit the observed use of the property. Staff provided both a Board of Zoning Appeals appeal application and a rezoning application. Mr. Harvey indicated that he did not intend to pursue rezoning.

Mr. Harvey stated that the dump trucks located on the property were for personal use, despite displaying company branding. Staff reviewed relevant sections of the Zoning Ordinance with Mr. Harvey and discussed applicable definitions and permitted uses.

Mr. Harvey indicated that he intended to file an appeal of the determination and stated that he did not plan to remove the trucks or the asphalt millings from the property.

Prepared by: Cody A. Barker, Planner

Reviewed by: Dylan M. Bishop, Planning & Zoning Director

**Case No. 2022002
Parcel ID 22-A-20
October 22, 2025**

Photos taken by Cody Barker



ATTACHMENT G









ATTACHMENT G



ATTACHMENT H

At the public hearing, County staff will present each agenda item to the BZA; the applicant or petitioner shall address the BZA; the BZA will conduct the hearing to receive public comments; and the BZA will then discuss the request and take action to approve, deny, approve with conditions, or postpone the agenda item.

Any decision of the BZA is final; however, any person or persons jointly or separately aggrieved by any decision of the BZA may file an appeal with the Clerk of the Circuit Court within thirty (30) days after the final decision of the BZA.

Attachments:

1. Application Checklist (below)
2. Application
3. Code of Virginia Excerpt

BOARD of ZONING APPEALS: APPLICATION CHECKLIST

Forms and Fees

- Completed Application
- Application Fee

Appeal Request

- For an appeal of an action by an administrative officer, include a complete justification statement describing the property or site (if applicable), background information, and the rationale for the appeal.
- For an appeal of a notice of violation, include a description of the alleged violation, appropriate drawings showing applicable setbacks and other dimensions associated with the structure or use that is the subject of the violation, and the rationale for the appeal.

Variance Request

- Drawing showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and any special conditions of the property that may justify the request.
- Justification statement describing how the request satisfies the criteria set forth in Code of Virginia - Section 15.2-2309 (provided in the Instruction Packet).

ATTACHMENT H

6. Please explain, in detail, why the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of Section 15.2-2309 (Code of Virginia) or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 (Code of Virginia) at the time of the filing of the variance application.

7. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Board of Zoning Appeals and County Staff to visit and view the subject property(s).

Signature: Maxine Small Printed Name: MAXINE SMALL

Signature: _____ Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

8. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

9. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Board of Zoning Appeals deferment.

----- TO BE COMPLETED BY PLANNING & ZONING STAFF -----

0 Completed application and fee (\$ _____) received on: _____

0 Legal Notice of Public Hearing published on: _____

0 Date of BZA Hearing: _____

BZA Action: _____

Nelson County Planning & Zoning Department
80 Front Street, Lovingson, Virginia | (Mailing Address) P.O. Box 558, Lovingson, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/board-of-zoning-appeals/>

ATTACHMENT H

Jason Harvey Trucking
10921 Rockfish Valley Highway
Afton, Va. 22920
434-981-8575 (Cell)

October 13, 2025

Nelson County Planning and Zoning Department
P. O. Box 558
Lovingsston, VA 22949

Attn.: Cody A. Barker

Re.: Case #2022002

Mr. Baker,

This letter is in response to the “Notice of Official Determination of Violation”, Case #2022002, served to Maxine Small, my grandmother, of Nellysford, my trucking business, and Chris Neese Hauling & Excavating, LLC, a friend of mine. The Small family has owned this property since February 17, 1943 and the property has been used for agricultural purposes and storage of equipment since that original purchase. My Grandfather, A. G. Small, used the property for storage of equipment, hay, stockpiles of soil, etc. from the time he bought the property from B. C. Small, my Great Grandfather, in 1965. There has been continuous use of the property as it is being used now since my family has owned it. I am currently using it for the same uses that my grandparents used it for and for that reason my use of the property should be grandfathered.

The milling pile on the property is not being used as a borrow pit. The milling pile is not “a sand, soil, or gravel operation of a temporary nature”. I am storing millings there that came from the upgrading of the roads within the Stony Creek Development and the pile has been there for more than 10 years. We use those millings on various projects that we work on and we will use up the remaining millings over the next couple of years. Once I utilize the millings that are currently on site, there will not be any additional millings brought to the site. The milling pile was approved by the past County Administrator, Steve Carter, in a verbal conversation with me over the phone.

Again, my family has used the property for the parking of dump trucks and excavating equipment since the Small family purchased the property, prior to the adoption of the Zoning Ordinance in 1977. It is being used as a staging area from time to time, as needed, but the property has been used for this for more than 45 years!

The truck you saw on the property of Neese Hauling was broken down and I allowed him to leave it on the property until he could get it repaired. The truck has since been repaired and moved off of the site.

There are no shipping containers on the property. I am not sure what you are speaking of there.

ATTACHMENT H

There is no borrow pit on the property, only storage of millings that are being removed. The soil stockpile you might have seen has been there for many years, as long as I can remember (40 years +) as evidenced by the very large trees growing in it.

I hope this will clarify our use of the property that predates the Zoning Ordinance of Nelson County.

If you need any additional information from me or the Small Family, please let me know. At this time we are not looking for a variance or a zoning change as the uses we are making of the property have been continuous for over 80 years!

Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read 'JH', followed by a long horizontal line extending to the right.

Jason Harvey
Owner Jason Harvey Trucking
Grandson of Maxine Small

Attachments: Copies of deeds from the land records of Nelson County

ATTACHMENT H

C. H. Martin et. ux.

To) Deed (445)

B. C. Small, et. ux.

THIS DEED, made and entered into this the 17th day of February, 1943, between C. H. Martin and Laura E. Martin, his wife, parties of the first part, B. C. Small and Annie C. Small, his wife, parties of the second part, and S. T. Rodes, and C. H. Martin, Administrator of C. L. Martin, late trustee, parties of the third part,

- WITNESSETH -

That for and in consideration of the sum of \$1948.50, of which \$200.00 was heretofore paid and the balance of \$1748.50 is cash in hand paid, the receipt of all of which is hereby acknowledged, the said parties of the first part do GRANT AND CONVEY, with general warranty of title, unto the said parties of the second part, as tenants in common in equal moieties, all that certain lot, or parcel, of land containing 12.99 acres, the sale thereof being by the acre at the price of \$150.00 per acre lying in the Rockfish Magisterial District of Nelson County, Virginia, near Nelly's Ford and on the public road leading from Nelly's Ford to Wintergreen, formerly known as State Highway Route No. 315 and now designated as State Highway Route No. 151, bounded by the right of way for the said highway, the lot of 8.44 acres now owned by the said Annie C. Small, by the lands of Rockfish Valley Land Corporation (formerly Kistler, Lesh and Company), and the other lands of the said C. H. Martin and more particularly described on a plat thereof made by T. W. Saunders, Surveyor of Nelson County, from a survey of January 20, 1943, a blue print copy of which is hereto annexed as a part of this deed to which reference is made for a more particular description.

The real estate hereby conveyed is a part of the tract of 30-93/160 acres conveyed by C. G. Loving, Trustee, and others to C. H. Martin and S. T. Rodes by deed dated April 14, 1915, of record in the Clerk's Office of Nelson County, Virginia, in Deed Book 40, page 159, the plat of which is recorded at page 160, the one-half interest of the said Rodes therein having been conveyed by him to C. H. Martin by deed dated April 19, 1919, of record in said Clerk's Office in Deed Book 43, page 584; which said tract was conveyed by C. H. Martin and wife to John R. Campbell and others by deed dated October 6, 1919, of record in the said Clerk's Office in Deed Book 44, page 323, and re-conveyed by said Campbell and others to C. H. Martin by deed dated December 13, 1927, recorded in the said Clerk's Office in Deed Book 54, page 546, to which said deeds reference is made.

WHEREAS, by deed dated April 19, 1919, recorded in said Clerk's Office in Deed Book 43, page 584, C. H. Martin and wife conveyed unto C. L. Martin, Trustee, and undivided one-half interest in the said tract of 30-93/160 acres to secure S. T. Rodes the payment of the unpaid purchase money for the interest in said tract of land conveyed by him unto the said C. H. Martin, and represented by certain bonds described in the said deed of trust, on which bonds various payments have been made, and

WHEREAS, C. L. Martin, the Trustee in said deed of trust, departed this life many years ago and the said C. H. Martin qualified as his administrator, and no new trustee having been appointed, the said administrator is, under the statute, the trustee therein, and

ATTACHMENT H

WHEREAS, the said S. T. Rodes, the holder and owner of the unsatisfied portion of the debt secured by the said deed of trust, is willing that the above described parcel of 12.99 acres should be released from the lien of the said deed of trust, and has directed the said administrator to unite in the release thereof, as is evidenced by his joinder herein:

NOW, THEREFORE, in consideration of the premises and for the further consideration of the sum of Five Dollars (\$5.00), cash in hand paid, the receipt of which is hereby acknowledged, the said parties of the third part do hereby release the lien of the said deed of trust as to the said parcel of 12.99 acres and do GRANT AND CONVEY, with special warranty of title, unto the said parties of the second part all of their right, title and interest in and to the said parcel of 12.99 acres herein described.

The parties of the first part covenant with the parties of the second part that they are seized in fee simple of the said real estate; that they have done no act to encumber the same; that they have the right to convey the same to the grantees; that the grantees shall have quiet and peaceable possession thereof, free from all encumbrances; and that they will execute such other and further assurances as may be requisite.

Witness the following signatures and seals:

C. H. Martin (SEAL)	Laura E. Martin (SEAL)
S. T. Rodes (SEAL)	C. H. Martin (SEAL) Administrator of C. L. Martin, deceased, late trustee.

State of Virginia) (To-Wit:
County of Nelson)

I, Edgar G. Lane, a notary public in and for the County aforesaid, in the State of Virginia, do certify that C. H. Martin, whose name in his own right, and whose name as administrator of C. L. Martin, deceased, late trustee, and Laura E. Martin and S. T. Rodes, whose names are signed to the foregoing writing bearing date on the 17th day of February, 1943, have acknowledged the same before me in my County aforesaid.

Given under my hand this the 24 day of Feby., 1943.
My commission expires on the 15 day of March, 1944.

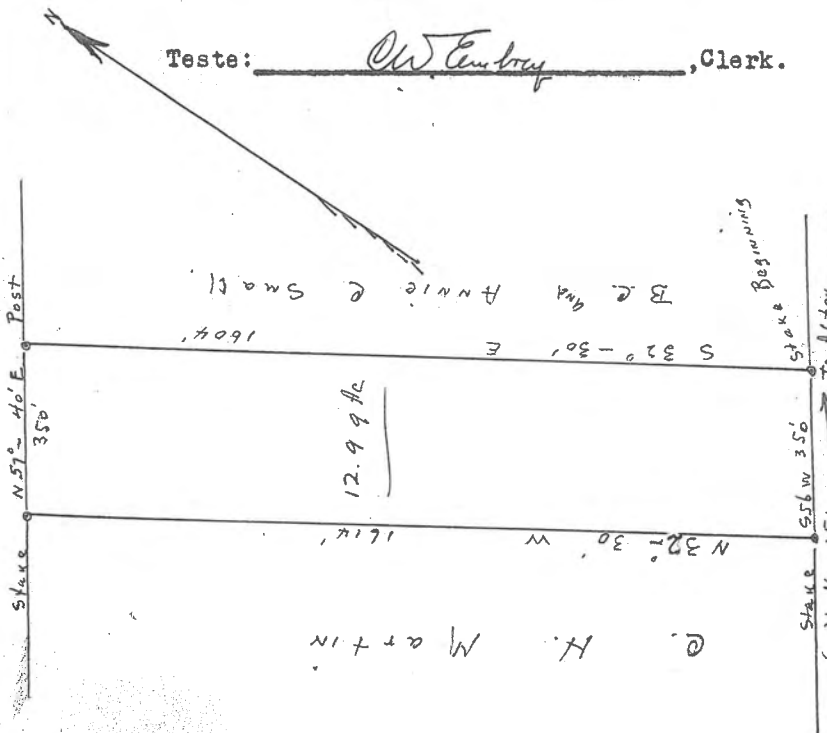
Edgar G. Lane, Notary Public.

Virginia:

In the Circuit Court Clerk's Office of Nelson County, Virginia, on the 30 day of March, 1943.

The foregoing instrument of writing was presented in said office and, with the certificate of acknowledgement thereto annexed, admitted to record at 1:50 o'clock P.M., and with a \$2.20 U. S. Documentary Stamp duly affixed and cancelled.

Teste: *C. W. Embrey* , Clerk.



P L A T

Showing tract of land situated at Nelly's Ford, Nelson County Va.

Surveyed Jan 20, 1943 for
B. C. & Annie C. Small

Scale 1" = 300' T. W. Saunders S.N

Magnetic Bearings

Property
 See Plat Cabined 8,
 Slide 23 F
 Landward

ATTACHMENT H

This conveyance is made subject to the easement of Appalachian Electric Power Company for its power line.

Subject to the provisions hereof, the parties of the first part covenant with the party of the second part that they are seized in fee simple of the said real estate; that they have done no act to encumber the same; that they have the right to convey the same to the grantee; that the grantee shall have quiet and peaceable possession thereof, free from all encumbrances; that they will execute such other and further assurances of said land as may be requisite.

Witness the following signatures and seals:

George W. Phillips (SEAL)

Alice Phillips (SEAL)

State of Virginia)
(To-Wit:
County of Nelson)

I, Violet B. Payne, a notary public in and for the County aforesaid in the State of Virginia, do certify that George W. Phillips and Alice Phillips, whose names are signed to the writings above, bearing date on the 2nd day of August, 1957, have acknowledged the same before me in my County aforesaid. My commission expires on the 8th day of February, 1958. Given under my hand this the 7th day of August, 1957.

(Notarial Seal) Violet B. Payne, Notary Public.

VIRGINIA: In the Clerk's Office of the Circuit Court of Nelson County: The foregoing instrument of writing was presented in said office and, upon the certificate of acknowledgment thereto annexed, admitted to record at 4:30 o'clock P. M., on August 16th, 1957.

49 \$0.75 Tax Pd.

Teste: Justin E. Eubank Clerk.

B. C. Small, et ux.
TO: DEED (329)
A. G. Small

THIS DEED, made and entered into this the 14th day of August, 1957, by and between B. C. Small and Annie C. Small, husband and wife, parties of the first part; and A. G. Small, their son, party of the second part:

-W I T N E S S E T H-

That for and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said parties of the first part do hereby grant, bargain, sell and convey, with general warranty of title, unto the said party of the second part, the following described real estate;

All that certain lot of land, containing 1.81 acres, lying at Nelly's Ford, fronting for a distance of 167 feet on the northwesterly side of Highway No. 151, in the Rockfish Magisterial District of Nelson County, Virginia, designated and shown as Lot No. 1 on the plat hereto attached as a part of this deed, to be recorded herewith, made by T. W. Saunders, Surveyor of Nelson County, from a survey of July 16th, 1957, and being a portion of the tract of land containing 12.99 acres which was conveyed to the parties of the first part from G. H. Martin, et als., by deed dated February 17th, 1943, of record in the Clerk's Office of said County in Deed Book 71, page 393, with which deed is recorded a plat thereof on page 394. The lot hereby conveyed is a short distance southwest of the home of the parties of the first part, on which lot hereby conveyed is located the newly constructed dwelling house of the party of the second part.

DB 91 pg. 195

BOOK 105 PAGE 125

THIS DEED, made and entered into this 9th day of April, 1965 by and between B. C. Small and Annie C. Small, husband and wife, parties of the first part; and A. G. Small, party of the second part:

*Mailed to
Grantee
Nelly's Ford, Va
4-27-65*

- W I T N E S S E T H -

That for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, cash in hand paid, the receipt of all of which is hereby acknowledged, the said parties of the first part do hereby Grant and Convey with General Warranty of Title unto the said A. G. Small, party of the second part, the following described real estate:

All that certain lot of land containing 1.9 acres, more or less, lying in the Rockfish Magisterial District of Nelson County, Virginia at Nelly's Ford, fronting for a distance of 167 feet on the northwesterly side of State Highway No. 151, and shown designated as Lot No. 2 on the survey and plat thereof, dated July 16, 1957, made by T. W. Saunders, Surveyor of Nelson County, recorded in the Clerk's Office of said County in Deed Book 91, page 196, and being a portion of the 12.99 acres conveyed by C. H. Martin and others to the parties of the first part by deed dated February 17, 1943, recorded in said Clerk's Office in Deed Book 71, page 393.

Reference is here made to said plat and deed for a more particular description of the real estate hereby conveyed and the chain of title thereto.

The parties of the first part hereby covenant that they are seized in fee simple of the real estate hereby conveyed, that they have the right to convey the same unto the party of the second part, that they have done no act to encumber the same, that the

ROBERT C. GOAD
ATTORNEY AT LAW
LOVINGSTON, VA.

BOOK 105 PAGE 126

party of the second part shall have quiet and peaceable possession thereof free from all encumbrances, and that the parties of the first part shall execute all such further assurances of the title thereto as may be required.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

B. C. Small (SEAL)
B. C. Small

Annie C. Small (SEAL)
Annie C. Small

STATE OF VIRGINIA
 Amherst To-wit:
COUNTY OF NELSON

I, Karl P. Brown, a Notary Public in and for the County aforesaid in the State of Virginia do hereby certify that B. C. Small and Annie C. Small, whose names are signed to the foregoing writing dated April 9, 1965, have each this day personally appeared before me in my said County and acknowledged the same.

My commission expires on the 12 day of Aug 1968.

Given under my hand this the 13 day of Apr 1965.

Karl P. Brown
NOTARY PUBLIC

VIRGINIA: In the Clerk's Office of the Circuit Court of Nelson County: The foregoing instrument of writing was presented in said office and, upon the certificate(s) of acknowledgment(s) thereto annexed, admitted to record at 9:20 o'clock A.M., on April 14, 1965.
Clerk: Justin Anthony

ROBERT C. GOAD
ATTORNEY AT LAW
LOVINGSTON, VA.

Nellysford,

BOOK 133 PAGE 218

THIS DEED OF EXCHANGE, made this 6th day of August, 1973, by and between B. C. Small and Annie C. Small, husband and wife, parties of the first part; and A. G. Small and Maxine H. Small, husband and wife, parties of the second part; and Zane G. Snead, Trustee, party of the third part; and The Fidelity National Bank, a Virginia corporation, party of the fourth part;

- W I T N E S S E T H -

WHEREAS, the said parties of the first part and said parties of the second part, as evidenced by their joining in and executing this Deed, have agreed to an exchange of certain properties hereinafter described, situated near Nellysford in the Rockfish Magisterial District of Nelson County, Virginia.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, including the foregoing premises, the said parties of the first part do hereby grant and convey, with General Warranty and English Covenants of Title, unto the said parties of the second part, husband and wife, jointly as tenants by the entireties with the right of survivorship as at common law, the following described property:

All that certain lot or parcel of land containing 0.26 of an acre, more or less, together with any buildings and improvements thereon and appurtenances thereunto belonging, situated near Nellysford in the Rockfish Magisterial District of Nelson County, Virginia, adjoining other lands of B. C. Small and Annie C. Small, other lands of A. G. Small and Maxine H. Small, and a lot designated Lot No. 1 of 0.95 of an acre, more or less, to be conveyed to B. C. Small, Jr.. The property hereby conveyed is more particularly described by a Plat thereof, being designated Lot No. 2, 0.26 of an acre, more or less, on said Plat, dated May 17, 1973, made by Paul M. Saunders, C.L.S., a copy of which Plat is attached hereto and to be recorded herewith.

SAM D. EGGLESTON, JR.
ATTORNEY-AT-LAW
LOVINGSTON, VIRGINIA

BOOK 133 PAGE 219

Being a portion of the property conveyed by C. H. Martin and others to B. C. Small and Annie C. Small by Deed dated February 17, 1943, recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia, in Deed Book 71, page 393, with a survey and Plat thereof dated January 20, 1943, recorded in said Clerk's Office in said Deed Book at page 394.

FURTHERMORE, that for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, including the foregoing premises, the said receipt of which is hereby acknowledged, the said parties of the second part do hereby grant and convey with General Warranty and English Covenants of Title unto the said parties of the first part, husband and wife, jointly as tenants by the entireties with the right of survivorship as at common law, the following described property:

All that certain lot or strip of land containing 0.25 of an acre, more or less, together with any buildings and improvements thereon and appurtenances thereunto belonging, situated near Nellysford in Rockfish Magisterial District of Nelson County, Virginia, adjoining Mrs. Christine Cooley tract, Lot No. 1 of 0.95 of an acre, to be conveyed to B. C. Small, Jr., Lot No. 2 herein conveyed and now owned by A. G. Small and Maxine H. Small, other lands of B. C. Small and Annie C. Small, fronting for a distance of 22 feet along the northwesterly edge of State Route 151. The property hereby conveyed is more particularly described by a Plat thereof, being designated Lot No. 3, 0.25 of an acre, more or less, on said Plat, dated May 17, 1973, made by Paul M. Saunders, C.L.S., a copy of which Plat is attached hereto and to be recorded with this Deed.

Being a portion of a lot originally containing 1.90 acres, conveyed to A. G. Small by B. C. Small and Annie C. Small, husband and wife, by Deed dated August 14, 1957, recorded in the aforesaid Clerk's Office in Deed Book 91, page 195, with a Plat thereof recorded in said Clerk's Office in Deed Book 91, page 196.

The foregoing two conveyances are subject to all easements, rights-of-way, restrictions, or conditions of record, if any, affecting the respective lots herein conveyed and constituting constructive notice thereof.

SAM D. EGGLESTON, JR.
ATTORNEY-AT-LAW
LOVINGSTON, VIRGINIA

BOOK 133 PAGE 220

WHEREAS, by Deed of Trust dated March 1, 1966, duly recorded in the Clerk's Office of the Circuit Court of Nelson county Virginia in Deed Book 107, at page 521, the said parties of the first part did convey unto Robert C. Goad and Zane G. Snead, Trustees, either or both of whom may act, the above referred property, being said lot designated Lot No. 2, 0.26 of an acre, more or less, herein, which Lot No. 2 was a part of Tract No. 2 originally containing 9.28 acres, more or less, conveyed in the aforesaid Deed of Trust together with other property therein described, in order to secure the payment of an original indebtedness of FORTY-FIVE THOUSAND DOLLARS (\$45,000.00), evidenced by a Note; and,

WHEREAS, the said parties of the first part have sold the property hereinafter described and have requested the release of the lien of said Deed of Trust as to said property hereinabove described and designated as Lot No. 2 of 0.26 of an acre, more or less, but with the specific understanding that the lien of said Deed of Trust is retained and reserved as to the remaining tracts not heretofore released, as set forth in said Deed of Trust; and,

WHEREAS, the party of the fourth part is the holder of the Note secured by said Deed of Trust and has agreed that the party of the third part should execute this Release as requested and as is evidenced by the said party of the fourth part and the said party of the third part joining in this Release.

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00) cash in hand paid, and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said party of the third part, at the direction of the said party of the fourth part, being the legal holder of the aforesaid Note, does hereby grant, convey, and release, with Special Warranty of Title, unto the said

SAM D. EGGLESTON, JR.
ATTORNEY-AT-LAW
LOVINGSTON, VIRGINIA

BOOK 133 PAGE 221

parties of the second part, husband and wife, jointly as tenants by the entireties with the right of survivorship as at common law, the above referred property herein designated Lot No. 2 of 0.26 of an acre, more or less, and more particularly described on the survey and Plat thereof attached hereto and to be recorded with this Deed.

IN WITNESS WHEREOF, The Fidelity National Bank has caused these presents to be executed in its behalf by Zane G. Smead ^{vice}, its President and its corporate seal to be affixed and attested by William R. Jones Jr. ^{Ass't}, Senior Vice-President and Cashier and also witness the signatures and seals of the said parties of the first part, parties of the second part, and party of the third part.



THE FIDELITY NATIONAL BANK

By: Zane G. Smead (SEAL)
Its President
^{vice}

AFFIX OFFICIAL SEAL

ATTEST:

William R. Jones Jr. (SEAL)
Its Senior Vice-President
and Cashier

B. C. Small (SEAL)
B. C. Small

Annie C. Small (SEAL)
Annie C. Small

A. G. Small II (SEAL)
A. G. Small

Maxine H. Small (SEAL)
Maxine H. Small

Zane G. Smead (SEAL)
Zane G. Smead
Trustee

SAM D. EGGLESTON, JR.
ATTORNEY-AT-LAW
LOVINGSTON, VIRGINIA

BOOK 133 PAGE 222

STATE OF VIRGINIA

To-wit:

CITY OF LYNCHBURG,

The foregoing Deed of Exchange was acknowledged before me this 15th day of October, 1973, by Zane G. Shead V.P. President and William R. Jones Jr. Asst. Senior Vice-President and Cashier, respectively, of The Fidelity National Bank.

My commission expires: August 1, 1976
Karl L. Latham
Notary Public

STATE OF VIRGINIA

To-wit:

COUNTY OF NELSON,

The foregoing Deed of Exchange was acknowledged before me this 18 day of Sept, 1973, by B. C. Small and Annie C. Small, husband and wife.

My commission expires: My Commission Expires April 24, 1975
Eileen M. Campbell
Notary Public

STATE OF VIRGINIA

To-wit:

COUNTY OF NELSON,

The foregoing Deed of Exchange was acknowledged before me this 18 day of Sept, 1973, by A. G. Small and Maxine H. Small, husband and wife.

My commission expires: My Commission Expires April 25, 1975
Eileen M. Campbell
Notary Public

STATE OF VIRGINIA

To-wit:

COUNTY OF AMHERST,

The foregoing Deed of Exchange was acknowledged before me this 15 day of October, 1973, by Zane G. Shead, Trustee.

My commission expires: August 1, 1976
Karl L. Latham
Notary Public

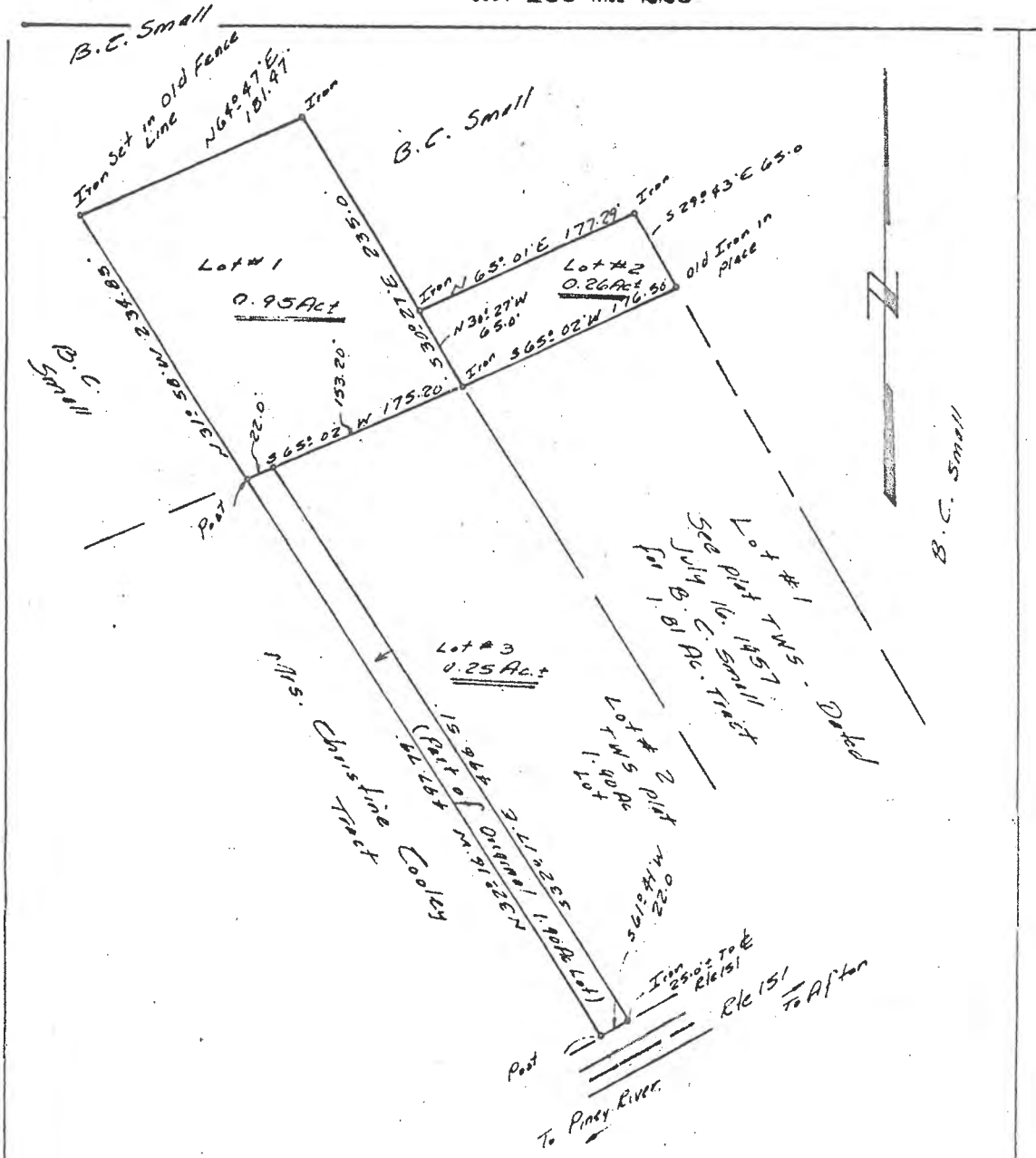


SAM D. EGGLESTON, JR.
ATTORNEY-AT-LAW
LOVINGSTON, VIRGINIA

VIRGINIA: In the Clerk's Office of the Circuit Court of Nelson County -5-
October 30 1973. This writing was admitted to record at
9:20 o'clock A.M. and the tax imposed by Sec. 53-54.1 of
the Code in the amount of \$ Exempt has been paid.

TESTE: Rosemary J. Davis, Deputy Clerk

State Tax 101 \$.15
Co. Tax 204A \$.05
State Tax 120 \$ Exempt
Co. Tax 220A \$



Plat showing three lots of land situated near Nellysford in Rockfish District of Nelson County, Virginia. The lots of land shown hereon were surveyed at the request of B. C. Small.



Scale 1" = 100'
May 17, 1973

Magnetic Bearings
Paul M. Saunders, CLS

Plat File # 2104
F. B. # 99, p.27

Case No. 2022002

Parcel ID 22-A-20

April 1, 2026

Photos taken by Cody Barker





ATTACHMENT I







ATTACHMENT I



ATTACHMENT I



ATTACHMENT I



ATTACHMENT I



ATTACHMENT I

