

38,556

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Jan. 9, 1957

THIS AGREEMENT, made this 5th day of January, 1957, by and between JAMES N. THOMAS and FAYINE M. THOMAS, his wife, parties of the first part; BELBIN THOMAS and VIRGINIA E. THOMAS, his wife, parties of the second part; NELLIE E. CLENDANIEL and MESSFORD CLENDANIEL, her husband, ELIZABETH LEWIS and L. OWEN LEWIS, her husband, and MARY S. KERSEY, widow, parties of the third part; and AMOS HORNEY and MILDRED HORNEY, his wife, parties of the fourth part.

WHEREAS, the parties of the first part are the owners of a certain lot of land located on the Crab Alley Neck Road in the Fourth Election District of Queen Anne's County by virtue of a deed dated March 28, 1956, recorded among the land records of Queen Anne's County in Liber T.S.P. No. 27 folio 315, from Mary S. Kersey et al.; and

WHEREAS, the parties of the second part are the holders of a certain mortgage from the parties of the first part, dated August 1, 1956, recorded among the aforesaid land records in Liber T.S.P. No. 29 folio 361 on the aforesaid property; and

WHEREAS, the parties of the first part are about to execute these presents and have requested the parties of the second part to join in the same so that the lien of the mortgage now held by the parties of the second part shall be subordinated to the covenants, agreements, easements, rights and conditions made and granted in this agreement with and unto the parties of the third part and fourth part; and

WHEREAS, Nellie E. Clendaniel, Elizabeth Lewis and Mary S. Kersey are the owners of a lot of land adjoining the lot of the parties of the first part on the North, which came vested in them upon the death of their mother, Lela Ann Stallings, intestate, on the 20th day of July, 1954, as her only heirs at law; and

WHEREAS, the said Amos Horney is the owner of a lot of land adjoining the lot of the parties of the first part on the South, which became vested in him upon the death of his father, George W. Horney, intestate, in the year 1956, as his only child and heir at law; and

WHEREAS, the parties of the first part, the said Nellie E. Clendaniel, Elizabeth Lewis and Mary S. Kersey and Amos Horney have heretofore constructed and driven a deep well on the lot of the parties of the first part and have each connected their respective properties by pipes to the said deep well; and

WHEREAS, the owners of said properties desire to execute these presents in order that their agreements and understandings may be made a matter of public record and bind their respective properties.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, that in consideration of the premises and the sum of One Dollar (\$1.00), and of the mutual covenants herein contained, the parties covenant and agree as follows:

**THE PARTIES OF THE FIRST PART
COVENANT AND AGREE:**

(1) To grant and do hereby grant unto Nellie E. Clendaniel, Elizabeth Lewis and Mary S. Kersey forever, full right and liberty to tap and connect by pipe the aforesaid driven deep well on the property of the parties of the first part and to use said pipe or