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THIS DEED, made this 5th day of November, 1978, by and ⁴⁴⁶ between RICHARD G. EBY, by his attorney-in-fact, and BARBARA B. EBY, his wife, parties of the first part, and BARBARA B. EBY, party of the second part.

WHEREAS, the parties of the first part acquired the hereinafter described property as tenants by the entireties with the right of survivorship as at common law by deed recorded in the Clerk's Office of the Circuit Court of the County of Henrico in Deed Book 1380, page 230, and

WHEREAS, on November 11, 1977 Barbara B. Eby returned to her home and opened a letter from her husband Richard G. Eby stating that he was leaving her (copy attached hereto and made a part hereof), and

WHEREAS, pursuant to the second sentence of paragraph two of said letter which reads "Everything that is ours, in my name or in both our names is now yours to do with as you please. This is also my authorization to you from me to sign in my name anything that may need my signature", Barbara B. Eby, as attorney-in-fact for Richard G. Eby, and Barbara B. Eby, wife of Richard G. Eby, do hereby grant and convey with General Warranty and English Covenants of Title unto the party of the second part as her sole and separate equitable estate, as hereinafter set forth, the following described real estate, to-wit:

All that certain lot, piece or parcel of land, with all the improvements thereon and appurtenances thereunto belonging, lying and being in Henrico County, Virginia, and designated as Lot 3, Block A, Rocky Branch Farms, Section E, as shown on plat prepared by J. K. Timmons, Surveyor, dated August 18, 1965, and recorded in the Clerk's Office, Circuit Court of Henrico County, Virginia, in Plat Book 36, page 19, reference to which plat is hereby made for a more particular description of the said lot.

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Being the same real estate conveyed to Richard G. Eby and Barbara B. Eby, his wife, by deed from J. L. Stinson, A.M., incorporated, dated January 18, 1969, recorded February 3, 1969 in Deed Book 1380, page 230 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.

This conveyance is made subject to such restrictive covenants, easements and conditions as may be of record and applicable to the said land.

This conveyance is also made subject to the liens of the following deeds of trust from the parties of the first part to

(1) John H. Randolph, Jr. and R. W. Gunn, Jr., Trustees, dated January 24, 1969, recorded February 3, 1969, Deed Book 1380, page 232, in the aforesaid Clerk's Office, given to secure \$24,000.00 and interest, upon which remains an unpaid balance of approximately \$ 212,478 , which the said party of the second part assumes and agrees to pay as the same matures as evidenced by her signing and sealing this deed.

(2) W. C. Hutchison and H. W. Godwyn, Jr., and Ruffin R. Bailey, Trustees, dated January 31, 1975, recorded February 4, 1975, Deed Book 1631, page 645, given to secure \$10,150.00 and interest of \$7,106.00 upon which there remains an unpaid balance of approximately \$ 10,641.20 , which the said party of the second part assumes and agrees to pay as the same matures as evidenced by her signing and sealing this deed.

(3) Carter F. Yeatman and B. B. Taylor, Jr., dated May 12, 1976, recorded May 30, 1976, Deed Book 1678, page 941, given to secure \$4,310.28 and interest, upon which there remains an unpaid balance of approximately \$ - 0 - , which the said party of the second part assumes and agrees to pay as the same matures as evidenced by

1765/48

11/237

her signing and sealing this deed.

449

The property hereinafore described is to be held and owned by the said Barbara B. Eby, in her own right as her separate equitable estate, for her sole and separate use and benefit, free from the control and marital rights of any present or any future husband, the right of curtesy of any future husband in and to the aforesaid property being hereby expressly excluded, with full and complete power in and toward the said Barbara B. Eby, to sell, convey and encumber by a deed of trust or otherwise; or otherwise dispose of said property by deed or other instrument during her lifetime, without the necessity of any present or future husband uniting in any such deed, deed of trust or other instrument, and with full and complete power in and toward the said Barbara B. Eby, to devise or otherwise dispose of said property by her last will and testament.

WITNESS the following signatures and seals.

Richard G. Eby
 Richard G. Eby, by *his attorney-in-fact* (SEAL)

Barbara B. Eby
 Barbara B. Eby (SEAL)

Barbara B. Eby
 Barbara B. Eby (SEAL)

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

I, the undersigned Notary Public in and for the City aforesaid, in the State of Virginia, certify that Richard G. Eby, by his attorney-in-fact, whose name is signed to the foregoing deed dated November 5, 1978, acknowledged the same before me in my

1765/1446
11/237

City and State aforesaid.

My commission expires: *November 13, 1981* 449

Given under my hand this *16th December* day of *November*, 1978.

Charles W. Baly
Notary Public

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

I, the undersigned Notary Public in and for the City aforesaid, in the State of Virginia, certify that Barbara B. Eby, whose name is signed to the foregoing deed dated November 5, 1978, acknowledged the same before me in my City and State aforesaid.

My commission expires: *November 13, 1981*

Given under my hand this *16th December* day of *November*, 1978.

Charles W. Baly
Notary Public

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Dear Barbara,

This is a very hard letter to write and probably (55)
much harder for you to read. When you read this I will
be gone. I have left Rome. I have found things up again
and I have left because I don't want to face up to I. I
have been terminated (fired) by J. M. because I was not
doing my job well enough and a lion audit is
imminent and the books will not balance. Since the
fault is not yours, if I am not around you won't have
to live me down.

I know this is a shock and probably hurts you very
much, but as I see it, my being here will not make the
best any less and it may soften some. Everything that is
ours, in my name or in both our names is now yours
to do with as you please. This is also my authorization
to you from me to sign any in my name anything that
may need my signature.

I know this is a very poor way to break up a 24 yr.
marriage but probably it wasn't a very fair marriage
because you were always giving and I was always taking
and giving very little in return. You can have a much
better life for yourself now and you have a great big
(I hope there should be a big help) and good family and
friends to help you out. And don't try to take any of my
actions as your responsibility. They are mine, some what
may.

I am not doing this to abandon you (there is no other
person) but so removing a "mill stone" from around
your neck. You are young, vibrant, God loving, bright
and with a good career. You can have a happier and
much filled life now than with me around.

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11/23/77

As has happened before I have made a unilateral ⁵⁵¹ decision and it may be a bad one but I have made it. I feel like hell.

Dick

P.S. There are no hidden papers, all are in lock box
on my desk.

P.S.S.

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

This day personally appeared before me, a Notary Public in and for the City aforesaid William S. Dewhirst and

453

Carolyn T. Dewhirst, who made oath as follows:

1. That they have no interest in 2404 Raymond Avenue, designated as Lot 3, Block A, Rocky Branch Farms, Section E.


2. That they are well acquainted with Richard G. Eby and familiar with his handwriting; that the said undated paper writing (attached immediately prior hereto), together with the signature thereto, is wholly in the handwriting Richard G. Eby; that on November 11, 1977 Barbara B. Eby brought the attached letter to us and stated she had received it that day.

3. That we have not seen or communicated with Richard G. Eby after November 11, 1977.


Affiant (SEAL)


Affiant (SEAL)

Subscribed and sworn to before me this 16th day of December, 1978.


Notary Public

My commission expires: November 13, 1981

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, Dec. 19, 1978 THIS DEED WAS PRESENTED AND WITH THE CERTIFICATE ANNEXED, ADMITTED TO RECORD AT 8:10 o'clock P. M.

State Tax Paid \$ 1.50
County Tax Paid _____
Taste: Margaret B. Baker Clerk

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