

to the same person, namely, the said A. J. Ponder.

The Court further finds that title to the whole tract of land owned by the said A. J. Ponder was, after his death, severed by conveyance of a part to the predecessors in title to the plaintiffs and their class and of a portion to the predecessors in title to the defendants and therefore both the plaintiffs and the defendants claim from a common source different parts of the same integral tract of acreage of land. The Court finds and concludes that the roadway leading from said Jug Factory Road or Wingo Road through property owned or claimed by the defendants to the said seventy-five (75) acre tract owned by the plaintiffs is necessary for access to the said seventy-five (75) acre tract and for the usage and enjoyment of that land.

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The Court finds further that the said roadway running from Jug Factory Road (Wingo Road) through property owned or claimed by the defendants to the seventy-five (75) acre tract owned by the plaintiffs has been in continuous use for over one hundred (100) years and has been recognized by the defendants and their predecessors in title as being a roadway necessary to and actually serving the said seventy-five (75) acre tract of land. The Court further finds and concludes that the predecessors in title to the plaintiffs lived on the said seventy-five (75) acre tract of land, maintained their homes thereon, and used the said roadway on a continuous and daily basis. The Court further finds and concludes that there exists no other reasonable and convenient way to reach the said seventy-five (75) acre tract except along and over the roadway which runs through the property owned or claimed by

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