

STATE OF NORTH CAROLINA

DECLARATION OF EASEMENTS

COUNTY OF NEW HANOVER

This Declaration of Easements is made and established as of this 14th day of August, 1996, by JOHN F. OWENS, JR. and wife, ALMA F. OWENS (hereinafter referred to as "Declarants").

WITNESSETH:

WHEREAS, the Declarants are the owners of two parcels of adjacent real property located on Bradley Creek Point Road, Bradley Creek Point Sub-Division, Harnett Township, New Hanover County, North Carolina; and

WHEREAS, the Declarants desire to establish certain easements for the benefit of one of the parcels of real property, which easements are for the use and benefit of the owners of the said real property, and their successors and assigns.

NOW, THEREFORE, for and in consideration of the foregoing and other valuable consideration, the Declarants, for themselves, their successors, their successors in title and assigns, hereby declare, establish, grant, convey, impose and provide as follows:

1. DEFINITIONS: As used herein the following terms shall have the following meanings:

000076

(a) Parcel No. 1: 20,158 square feet of real property located on Bradley Creek Point Road, Bradley Creek Point Sub-Division, Harnett Township, New Hanover County, North Carolina. A plot plan of the said property marked as Exhibit A, is attached hereto and incorporated herein by reference.

(b) Parcel No. 2: 20,468 square feet of real property located adjacent to Parcel No. 1 located on Bradley Creek Point Road, Bradley Creek Point Sub-Division, Harnett Township, New Hanover County, North Carolina. A plot plan of the said property marked as Exhibit A, is attached hereto and incorporated herein by reference.

2. ACCESS EASEMENT: Declarants impose on Parcel No. 1 for the benefit of Parcel No. 2, a non-exclusive easement for ingress and egress beginning at a point in the western line of Bradley Creek Point Road, said point also being the north end of curve #18 as shown on the map entitled "Bradley Creek Point" and recorded in Map Book 10 at Page 27 of the New Hanover County Registry. Running thence from said beginning point along said western line as it curves to the west to a point located South 36 degrees 51 minutes 42 seconds West 19.93 feet from the preceding point. Thence leaving said western line, North 54 degrees 20 minutes 40 seconds West 84.17 feet to point in the northern line of a tract of land described in Book 1123 at Page 1343 of said Registry. Thence along said northern line South 67 degrees 36 minutes East 86.9 feet to the point of beginning, and being a portion of tract described in Book 1123 at Page 1343 of said Registry.

3. **LANDSCAPE EASEMENT:** Declarants impose on Parcel No. 1 for the benefit of Parcel No. 2, a non-exclusive landscape easement beginning at a point in the northern line of a tract of land described in Book 1123 at Page 1343 of the New Hanover County Registry. Said point being located North 67 degrees 36 minutes West 86.9 feet from a point in the western line of Bradley Creek Point Road at the north end of curve #18 as shown on the map entitled "Bradley Creek Point" and recorded in Map Book 10 at page 27 of the Registry. Running thence from said beginning point South 21 degrees 38 minutes 44 seconds West 2.29 feet to a point. Thence North 67 degrees 46 minutes 59 seconds West 44.43 feet to a point. Thence North 22 degrees 24 minutes East 2.43 feet to a point in said northern line. Thence along said northern line South 67 degrees 36 minutes East 44.4 feet to the point of beginning. Same being part of the tract described in Book 1123 at Page 1343 of the Registry.

4. **AMENDMENTS:** This Declaration of Easements may be modified, amended, or it may be abrogated or rescinded in whole or part, from time to time by a written document executed by the owners of both Parcel No. 1 and Parcel No. 2. Such amendment shall be effective when recorded with the Register of Deeds of New Hanover County, North Carolina.

5. **EQUITABLE RELIEF:** In the event of a breach or attempted or threatened breach of the provisions of this instrument, the remedy at law available to enforce this instrument would in all likelihood be inadequate and, therefore, this instrument may be enforced by mandatory or prohibitory injunction or decree of specific performance upon the application of the owner of Parcel No. 1 and/or the owner of Parcel No. 2. In any action brought hereunder, the prevailing party shall be entitled to reasonable attorneys fees and costs.

6. **SUCCESSORS AND ASSIGNS:** The provision of this instrument shall be deemed to be held easements appurtenant to and running with the land and shall bind and enure to the benefit of the Declarants, their successors, successors in title, and assigns.

SIGNED, sealed and delivered as of the date first above written.

BY:  (seal)
JOHN F. OWENS, JR.

BY:  (seal)
ALMA F. OWENS

Prepared By and Return To: Miriam L. Mason
Zimmer and Zimmer, L.L.P.
Attorneys At Law
111 Princess Street
P.O. Box 2628
Wilmington, N.C. 28402

Description furnished by others; no title search or confirmation desired

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

'96 AUG 20 AM 11 52
RECORDED AND VERIFIED
MARY SUE OOTS
REGISTER OF DEEDS
NEW HANOVER CO. NC

I, Alice K. Gill, a Notary Public for said County and State, do hereby

certify that JOHN F. OWENS, JR. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 19th day of August, 1996.

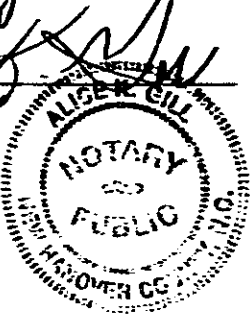
Alice K. Gill
Notary Public


My Commission Expires My Commission Expires August 4, 1998

I, Alice K. Gill, a Notary Public for said County and State, do hereby

certify that ALMA F. OWENS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 19th day of August, 1996.

Alice K. Gill
Notary Public


My Commission Expires My Commission Expires August 4, 1998

STATE OF NORTH CAROLINA
New Hanover County
The Foregoing / Annexed Certificate(s) of

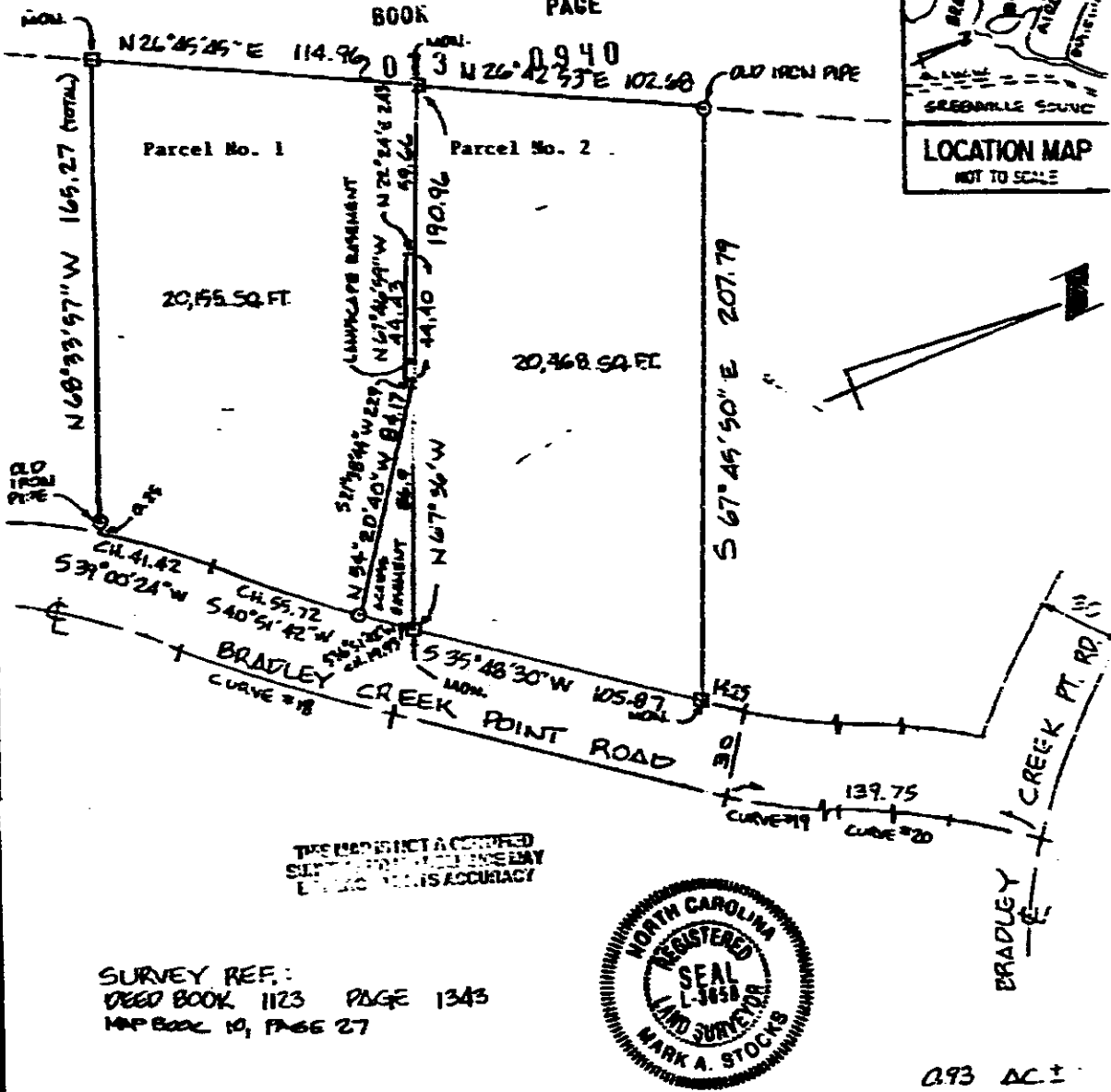
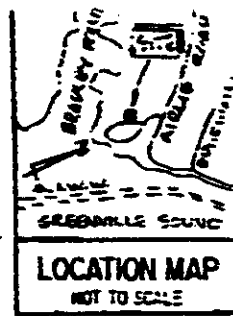
Alice K. Gill

Notary (Notaries) Public is/ are certified to be correct.

This the 20 day of Aug, 1996

by Mary Sue Oots, Register of Deeds
Tammy Donahue
Deputy/Assistant

BOOK PAGE



THIS MAP IS NOT A CERTIFIED SURVEY AND SHOULD BE USED ONLY FOR GENERAL INFORMATION ACCURACY



SURVEY REF.: DEED BOOK 1123 PAGE 1343 MAP BOOK 10, PAGE 27

0.93 AC ±

PLOT PLAN for

JOHN F. OWENS & WIFE, ALMA F. OWENS

LOT SECTION SUBDIVISION BRADLEY CREEK POINT HARNETT TOWNSHIP NEW HAMOVER CO. N.C.

SCALE 1" = 50'

MARK A. STOCKS N.C. Registration No. L-3658

DATE 7-3-76