

FOR REGISTRATION REGISTER OF DEEDS  
WILLIE L. COVINGTON  
DURHAM COUNTY, NC  
2003 MAY 28 09:56:59 AM  
BK:3923 PG:25-27 FEE:\$17.00  
INSTRUMENT # 2003033048

cl

Prepared by: William M. Browning, Attorney at Law  
NORTH CAROLINA

DURHAM COUNTY

**DECLARATION OF  
EASEMENT**

This Declaration of Easement, made and entered into this the \_\_\_\_\_ day of May, 2003, by and between **SOLITE PARK, LLC** (hereinafter "Grantors") and **GREEN GARDENS HOMEOWNERS ASSOCIATION, INC.** (hereinafter "Grantee").

**W I T N E S S E T H**

THAT WHEREAS, Grantor is the owner of a certain lot located on the western side of Fayetteville Road, Durham, North Carolina, being known as Lot 1 of GREEN GARDENS SUBDIVISION as described in Plat Book 156 at pages 275 and 277 in the Office of the Register of Deeds of Durham County; and

WHEREAS, Grantee desires to acquire an easement for the repair and maintenance of improvements consisting of a fence, landscaping and signage serving as an entryway to Green Gardens Subdivision, which improvements are located on the property of Grantor; and

WHEREAS, Grantor is agreeable to granting such an easement to Grantee as is necessary for this purpose.

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable considerations paid to Grantors by Grantee, the receipt of which is hereby acknowledged, Grantor does hereby give, grant and convey to Grantee, its heirs, successors and assigns, at the place and to the extent as hereinafter described, a perpetual easement for landscaping and for the repair and maintenance of any improvements or vegetation on the property of Grantor, this easement being more particularly described as follows:

There is hereby granted to the Grantee the nonexclusive right and easement, but not the obligation, to enter upon Lot 1 to maintain and repair any fences and vegetation located on said lots serving as an entryway to Green Gardens Subdivision and to construct and replace any fences or vegetation, when so required. The Grantee, its successors, assignees and designees shall have an access easement over and across Lot 1 to the extent reasonably

necessary to exercise their rights as hereinabove granted.

And Grantor does further grant and convey unto Grantee and its heirs, successors and assigns, the right, privilege and easement to go upon the land above described whenever the same is reasonably necessary for the purpose of inspection, maintaining and repairing and improvements or vegetation located on said easement;

PROVIDED, however, that in constructing, repairing and maintaining said easement and improvements located thereon that Grantee, its heirs, successors and assigns, shall interfere as little as is reasonably possible with any improvements upon the property of Grantor and with the rights and privileges incident to the enjoyment of the use and ownership of said lands by Grantor, its heirs, successors and assigns.

TO HAVE AND TO HOLD said rights, privileges, and easements as aforesaid in, along, upon and through said premises unto the said Grantee, its heirs, successors and assigns, it being agreed that the rights, privileges and easements hereby granted are perpetual and in gross to and run against the land now owned by Grantor, all as described above.

IN TESTIMONY WHEREOF, Grantor has caused this instrument to be executed, this the day and year first above written.

Solite Park, LLC

By: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

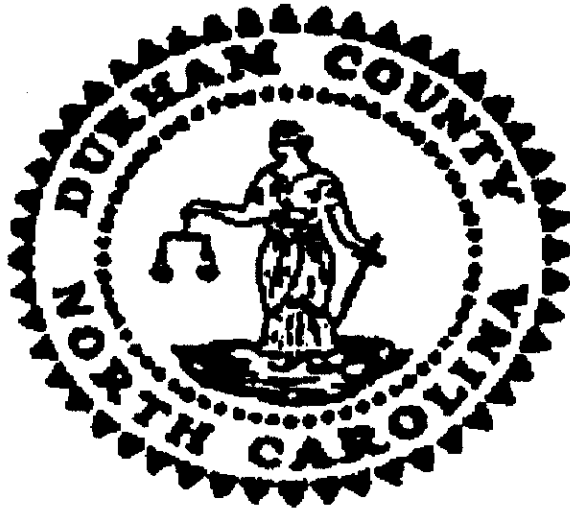
I, a notary public of the County and State aforesaid, do hereby certify that Lawrence A. Thomas personally appeared before me this day and acknowledged that he is manager of Solite Park, LLC, and that he, as manager, being duly authorized to do so, executed the foregoing instrument on behalf of the limited liability company.

Witness my hand and official seal this the 27<sup>th</sup> day of May, 2003.

My commission expires: 9-30-2006  
(Notarial Seal)

William W. Browning  
Notary Public

**WILLIAM W. BROWNING**  
NOTARY PUBLIC  
DURHAM COUNTY, N. C.



WILLIE L. COVINGTON  
REGISTER OF DEEDS , DURHAM COUNTY  
DURHAM COUNTY COURTHOUSE  
200 E. MAIN STREET  
DURHAM, NC 27701

\*\*\*\*\*

Filed For Registration: 05/28/2003 09:56:59 AM

Book: RE 3923 Page: 25-27

Document No.: 2003033048

DECL 3 PGS \$17.00

Recorder: CYNTHIA Y FRAZIER

\*\*\*\*\*

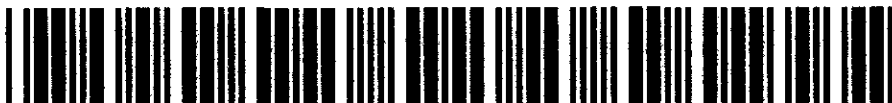
State of North Carolina, County of Durham

The foregoing certificate of WILLIAM W BROWNING Notary is certified to be correct. This 28TH of May 2003

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: Cynthia Y Frazier  
Deputy/Assistant Register of Deeds

\*\*\*\*\*



2003033048