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STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

DECLARATION

THIS DECLARATION, made and entered into this the 11th day of June, 1996, by JERE L. LEGWIN and wife, BARBARA P. LEGWIN, hereinafter referred to as LeGwin and Wife,

000052

WITNESSETH:

WHEREAS, LeGwin and Wife are the developers of the subdivision known as Mendenhall, and are now the owners of all of Lot 38 of Section 5 of Mendenhall, as shown upon that map of said subdivision recorded in the New Hanover County Registry in Map Book 35 at Page 38, and are also the owners of that tract lying Southwest of said Lot 38 and labeled "Future Development" on said map; and

WHEREAS, it has been suggested that a portion of said "Future Development" tract should be set apart as a nitrification field for the use and benefit of said Lot 38, until such time as public sewer services are available to said Lot 38;

NOW THEREFORE, the undersigned LeGwin and Wife do hereby declare that an easement, for the installation and maintenance and use as a nitrification field for the use and benefit of said Lot 38, is hereby established over all of that tract described in the attached Exhibit A, and that a non-exclusive access easement, for access to said nitrification field, is hereby established over all of that tract described in the attached Exhibit B; and that both of said easements are hereby made appurtenant to said Lot 38.

For further information concerning the location of the easements hereby established, see the attached Exhibit C.

The easements hereby established shall automatically terminate if and when public sewer services become available to said Lot 38.

RETURNED TO

Barbara Legwin
686-7224

RECORDED AND VERIFIED
MARY SUE OOTS
REGISTER OF DEEDS
NEW HANOVER CO. NC
'96 JUN 27 AM 9:56

427045

IN TESTIMONY WHEREOF, the undersigned Jere L. LeGwin and Wife have hereunto set their hands and seals, this the day and year first above written.

Jere L. LeGwin (SEAL)
Jere L. LeGwin

Barbara P. LeGwin (SEAL)
Barbara P. LeGwin

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

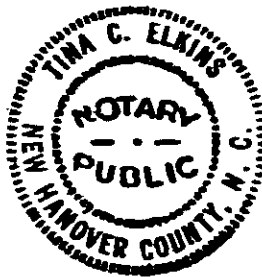
I, Tina C. Elkins, a Notary Public in and for the State and County aforesaid, do hereby certify that Jere L. LeGwin and wife, Barbara P. LeGwin, personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal or stamp, this the 11th day of June, 1996.

Tina C. Elkins
Notary Public

My commission expires:

September 5, 1999



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

TINA C. ELKINS

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

This the 27 day of JUNE 1996

by Jacqueline Nelson
Mary Sue Oots, Register of Deeds
Deputy / Assistant

EXHIBIT AS2958
5/28/96**EASEMENT AREA FOR
NITRIFICATION FIELD TO SERVE
LOT 38, SECTION 5
MENDENHALL**

BEGINNING at an iron pipe, said iron pipe located by courses of south 73 degrees 06 minutes 51 seconds west 10.45 feet, south 30 degrees 01 minute 39 seconds west 122.66 feet, and south 50 degrees 29 minutes 54 seconds east 92.00 feet from the northwestern corner of Lot 38, Section 5, Mendenhall, as shown on map recorded in Map Book 35, Page 38, New Hanover County Registry, running thence from said Beginning south 50 degrees 29 minutes 54 seconds east 46.00 feet to an iron pipe; thence south 39 degrees 30 minutes 06 seconds west 80.00 feet to an iron pipe; thence north 50 degrees 29 minutes 54 seconds west 46.00 feet to an iron pipe; thence north 39 degrees 30 minutes 06 seconds east 80.00 feet to the Point of BEGINNING, subject to a common easement 10.0 feet in width adjacent southwestward of the northeastern line of this described tract.



CENTURY/von Oesen
Consulting Engineers & Planners
Wilmington, North Carolina

**ACCESS EASEMENT AREA TO
NITRIFICATION FIELD EASEMENT AREA
TO SERVE LOTS 36, 37, AND 38
SECTION 5, MENDENHALL**

BEGINNING at the northwestern corner of Lot 38, Section 5, Mendenhall, as shown on map recorded in Map Book 35, Page 38, New Hanover County Registry; running thence from said Beginning with the western line of Lot 38 south 19 degrees 33 minutes 17 seconds east 30.03 feet to a point; thence south 30 degrees 01 minute 39 seconds west 110.75 feet to a point; thence south 50 degrees 29 minutes 54 seconds east 108.42 feet to a point; thence south 39 degrees 30 minutes 06 seconds west 5.00 feet to the easternmost corner of the proposed nitrification field easement area to serve Lots 36, 37, and 38, Section 5, Mendenhall; thence with the northeastern line of said easement area north 50 degrees 29 minutes 54 seconds west 138.00 feet to its northernmost corner; thence north 30 degrees 01 minute 39 seconds East 122.66 feet to a point; thence north 73 degrees 06 minutes 51 seconds east 10.45 feet to the Point of BEGINNING.



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