

OCT 25 9 11 AM '83

DRAWN BY: ROBERT CALDER, ATTORNEY

STATE OF NORTH CAROLINA:

DECLARATION

COUNTY OF NEW HANOVER :

THIS DECLARATION, made by MONTCLAIR COMPANY, A PARTNERSHIP; and
QUAIL FOREST ASSOCIATES, A LIMITED PARTNERSHIP;

WITNESSETH:

2 That Montclair Company caused to be recorded on May 17, 1968 in Map
Book 10 at Page 14 in the New Hanover County Registry map of Section
"A" of Montclair Subdivision located in the city of Wilmington, in
New Hanover County, North Carolina, which said Map showed a street
or road known as Montclair Drive; and

WHEREAS Montclair Company was then the owner of the
property adjoining said Section "A" on the North and contemplated
a possible extension of said Montclair subdivision to the North,
said property now being owned by QUAIL FOREST ASSOCIATES; and

WHEREAS said recorded Map shows a portion of Montclair Drive making
a turn to the East at its North end and running in an Eastward
direction along the Northern line of Lot 34 in Section "A" as shown
on said map; and

WHEREAS said Montclair Drive has been opened and used by the owners
of property in Montclair Subdivision and the public for a distance
of approximately 899.9 feet from the North right of way line of
Wilshire Boulevard or to a point opposite the Northwest corner of
Lot 34 in said Section "A" of Montclair Subdivision; and

WHEREAS no portion of Montclair Drive North of a line extended West-
wardly and at right angles to the Eastern line of Montclair Drive
from the Northwestern corner of said Lot 34 has ever been opened
and used by the public or any other persons and more than 15 years
have passed since said Map and any proposed Dedication of said
Northern most portion of said Montclair Drive, and since said
proposed Dedication thereof neither the public nor any member
thereof has claimed the right to use this area as a street or way,

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either public or private, and there is now no necessity nor any public benefit to be derived from the dedication of this area as a street or road, and such area is not necessary to afford convenient ingress or egress to any Lot or Parcel of land sold and conveyed by the proposed Dedicator of such proposed street or road, and neither the public or any member thereof will suffer any injury or loss by the withdrawal of said area from the public or private use to which it may have been dedicated or claim to have been dedicated by the recording of and reference to said Map or Plat of Section "A" of Montclair Subdivision; and

WHEREAS said area or portion of Montclair Drive above referred to has never been accepted by the city of Wilmington as a public street or road of said city; and

WHEREAS said area or portion of Montclair Drive above referred to is now conclusively presumed to have been abandoned by the public pursuant to the provisions of Section 96 of Chapter 136 of the General Statutes of North Carolina;

NOW THEREFORE, MONTCLAIR COMPANY former owner of said Tract or Parcel of land upon which said proposed portion of Montclair Drive is located does hereby make Declaration withdrawing said area from the public or private use to which it may have been heretofore dedicated by the recording of and reference to said Map or Plat of Montclair Subdivision, Section "A" which is recorded in Map Book 10 at Page 14 in the New Hanover County Registry and any prior or succeeding Maps or Plats made or revised and recorded in the office of the Register of Deeds of New Hanover County, said area, tract, piece or parcel of land lying and being in the city of Wilmington, in New Hanover County, North Carolina and more particularly described as follows:

All of that portion of Montclair Drive as shown on Map of Section "A" of Montclair Subdivision recorded in Map Book 10 at Page 14 in the New Hanover County Registry that lies North of the Northern line of Lot 34 in said Section "A" and a line drawn Westwardly and at right angles to the Eastern line of said Montclair Drive as shown on said Map and running Westwardly a distance of 60' to the Western line of said Montclair Drive.

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IN WITNESS WHEREOF, MONTCLAIR COMPANY has caused this Declaration to be executed this the 9th day of October, 1983 and QUAIL FOREST ASSOCIATES has joined in the execution thereof.

MONTCLAIR COMPANY

BY J.R. Reaves (SEAL)
J.R. REAVES, Partner

QUAIL FOREST ASSOCIATES

BY K. Neal Hunt (SEAL)
K. NEAL HUNT, General Partner

STATE OF NORTH CAROLINA:

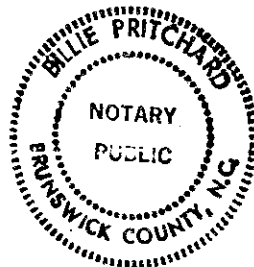
COUNTY OF Brunswick :

The undersigned Notary Public of New Hanover County, North Carolina certifies that J.R. REAVES in his capacity as a Partner in Montclair Company personally appeared before me this day and acknowledged the due execution of the foregoing Declaration.

This the 9th day of October, 1983

Billie Pritchard
Notary Public

My commission expires: 8-14-84



STATE OF NORTH CAROLINA:

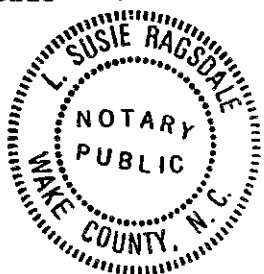
COUNTY OF

The undersigned Notary Public of Wake county, North Carolina certifies that K. NEAL HUNT in his capacity as a General Partner in Quail Forest Associates personally appeared before me this day and acknowledged the due execution of the foregoing Declaration.

This the 19th day of October, 1983

L. Susie Ragdale
Notary Public

My commission expires: 2-13-88



STATE OF NORTH CAROLINA:

COUNTY OF NEW HANOVER :

The foregoing Certificate(s) of Billie Pritchard and L. Susie Ragsdale
Notary Publics

is/are certified to be correct. This instrument and this certificate are
duly registered at the date and time and in the Book and Page shown on the
first page hereog.

REBECCA P. TUCKER Register of Deeds for New Hanover County

By Mary Sue Oates, Adm. Deputy