



2004053135

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 OCT 04 12:17:33 PM
BK: 4515 PG: 849-851 FEE: \$17.00

INSTRUMENT # 2004053135

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

**DECLARATION OF ABANDONMENT
AND WITHDRAWAL
OF PINE AVENUE**

THIS DECLARATION, Made and entered into this 4th day of October, 2004, by **CARL I. CARLSON, JR.** and **ANNE D. CARLSON**, residents of Guilford County, in the State of North Carolina;

WITNESSETH:

WHEREAS, J. O. Reilly caused a map of Santa Maria Subdivision to be recorded in Map Book 4 at Page 28 in the Office of the Register of Deeds of New Hanover County; and,

WHEREAS, said map was recorded on June 16, 1943 in said Register of Deeds; and,

WHEREAS, said map depicted Pine Avenue as a road running from Santa Maria Avenue to the waters of Everetts Creek; and,

WHEREAS, Pine Avenue was never opened or used by the public nor was it accepted for public use by either New Hanover County or the North Carolina Department of Transportation; and,

WHEREAS, J. O. Reilly subsequently conveyed a tract or parcel of land which included fee simple title to Pine Avenue to Minna I. Reilly by Deed recorded in Book 233 at Page 421 in the Office of the Register of Deeds of New Hanover County; and,

WHEREAS, Minna I. Reilly subsequently conveyed fee simple title to the property including Pine Avenue to C. I. Carlson by Warranty Deed dated November 5, 1945 in Book 3850 at Page 50 in the Office of the Register of Deeds of New Hanover County; and,

WHEREAS, Carl I. Carlson, Jr. and Anne D. Carlson are successors in interest to C. I. Carlson and his wife, Laurinda Carlson by inheritance; and,

WHEREAS, North Carolina General Statute Section 136-96 provides that any strip, piece or parcel of land which shall have been at any time dedicated to public use as a road, highway, street, avenue or for any other purpose whatsoever, by deed, grant, map, plat or other means, which shall not have been actually opened and used by the public within fifteen (15) years from and after the dedication thereof shall thereby be conclusively presumed to have been abandoned by the public for the purposes for which the same shall have been dedicated; and,

WHEREAS, more than fifteen (15) years have passed since the above-referenced map was recorded and Pine Avenue was not and has not been opened or used by the public; and,

RETURNED TO

WHEREAS, Carl I. Carlson, Jr. and Anne D. Carlson, successors in interest to J. O. Reilly, execute this instrument for the purpose of confirming the abandonment and withdrawal from dedication of said portion of said road from public use.

NOW, THEREFORE, the undersigned do hereby declare that Pine Avenue as described above has not been opened or used by the public to date and hereby confirms the abandonment and withdrawal of Pine Avenue from public use.

IN WITNESS WHEREOF, Carl I. Carlson, Jr. and Anne D. Carlson have hereunto set their hands and affixed their seals effective the date and year first above written.

Carl I. Carlson Jr. (SEAL)
CARL I. CARLSON, JR.

Anne D. Carlson (SEAL)
ANNE D. CARLSON

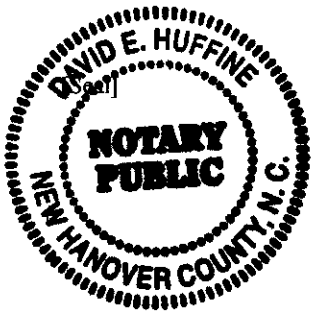
STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, DAVID E. HUFFINE, a Notary Public for the State of North Carolina, County of New Hanover, do hereby certify that CARL I. CARLSON, JR. and ANNE D. CARLSON, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the 4th day of October, 2004.

David E. Huffine
Notary Public

My Commission Expires: 2-4-06





REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 10/04/2004 12:17:33 PM
Book: RE 4515 Page: 849-851
Document No.: 2004053135
DECL 3 PGS \$17.00
Recorder: JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of DAVID E HUFFINE Notary is certified to be correct. This 4TH of October 2004

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: 
Deputy Assistant Register of Deeds

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

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