

FOR REGISTRATION REGISTER OF DEEDS
WILLIE L. COVINGTON
DURHAM COUNTY, NC
2002 DEC 19 11:50:20 AM
BK:3699 PG:415-418 FEE:\$20.00
INSTRUMENT # 2002060909

**PREPARED BY AND AFTER
RECORDING, PLEASE RETURN TO:**

Michael F. King, Esq.
Kennedy Covington Lobdell & Hickman, LLP
434 Fayetteville Street Mall
Suite 1900
Raleigh, NC 27601

DECLARATION OF WITHDRAWAL

THIS DECLARATION OF WITHDRAWAL is made as of the 18th day of December, 2002, by CASWYCK-HVF, LLC, a Georgia limited liability company ("**Declarant**").

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of the parcel of land described on **Exhibit A** attached hereto and by this reference incorporated herein (the "**Property**"); and

WHEREAS, a thirty (30) foot sanitary sewer easement within the Property (the "Sewer Easement") was offered for dedication to the public pursuant to the plat recorded at Plat Book 156, Page 293, Durham County Registry; and

WHEREAS, sewer lines were never installed within the Sewer Easement; and

WHEREAS, the City has never accepted the offer of dedication and the Sewer Easement has not been used by the City or the public for any purpose; and

WHEREAS, the sewer line has been placed in another location and the Sewer Easement is no longer needed to provide sewer service to the Property or to any other property;


NOW, THEREFORE, in consideration of the provisions herein, the Declarant does hereby withdraw from the public the Sewer Easement.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Withdrawal as of the day and year first above written

DECLARANT:

CASWYCK-HVF, LLC,
a Georgia limited liability company

By: Cannon Advisory Partners, Inc., a Georgia corporation, its Sole Manager

By: 
D. Mitch Barron
Vice President

[CORPORATE SEAL]

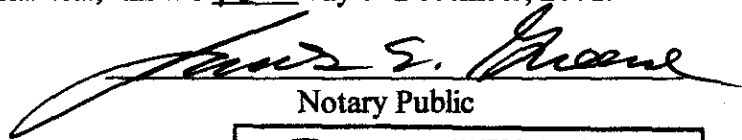
STATE OF North Carolina

COUNTY OF Wake

I, James E. Greene, a Notary Public of Wake County, North Carolina, certify that D. Mitch Barron personally came before me this day and acknowledged that he is Vice President of Cannon Advisory Partners, Inc., which corporation is serving and hereby acting as Manager of Caswyck-HVF, LLC, a Georgia limited liability company, and that he, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

WITNESS my hand and notarial seal, this the 18th day of December, 2002.

My commission expires:
7-10-2005


Notary Public

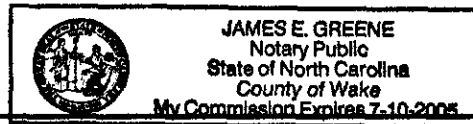
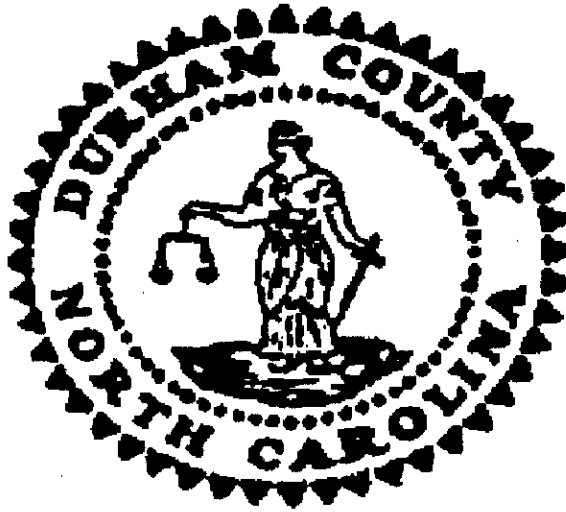


EXHIBIT A

ALL of that property located and being in Durham County, North Carolina described as follows:

BEING all of that certain tract or parcel of land identified as MM Phase IIA containing 1.62 acres as shown according to plat of survey entitled "Thaxton Place – Phase IIA, Subdivision and Easement Plat" dated October 15, 2002, last revised November 22, 2002, signed and sealed November 25, 2002, by Miles O. McCall, III, Professional Land Surveyor, of The John R. McAdams Company, Inc. and recorded in Plat Book 157, Pages 197 and 199, Durham County Registry.



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

Filed For Registration: 12/19/2002 11:50:20 AM
Book: RE 3699 Page: 415-418
Document No.: 2002060909
DECL 4 PGS \$20.00
Recorder: CAROL JENKINS

State of North Carolina, County of Durham

The foregoing certificate of JAMES E GREENE Notary is certified to be correct. This 19TH of December 2002

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: Carol Jenkins
Deputy/Assistant Register of Deeds



2002060909