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2013042510

FOR REGISTRATION REGISTER OF DEED  
TAMMY THEUSCH BEASLEY  
NEW HANOVER COUNTY, NC  
2013 DEC 09 02:54:57 PM  
BK:5787 PG:13-19 FEE:\$26 00

INSTRUMENT # 2013042510

Prepared by.  
and Returned  
To:

Kenneth A Shanklin  
SHANKLIN & NICHOLS, LLP  
214 Market Street  
Post Office Box 1347  
Wilmington, NC 28402-1347  
Telephone: (910) 762-9400  
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Brief Description for Index: Lots 5R and 6R of The Mason Harbour Yacht Club Development

**STATE OF NORTH CAROLINA**  
**COUNTY OF NEW HANOVER**

**DECLARATION OF WITHDRAWAL OF  
10-FOOT WIDE PEDESTRIAN EASEMENT**

**THIS DECLARATION OF WITHDRAWAL OF 10-FOOT WIDE  
PEDESTRIAN EASEMENT** ("Withdrawal Declaration") made and entered into this 9<sup>th</sup> day  
of December, 2013, by **TCRK PROPERTIES, LLC**, a North Carolina limited liability company  
("Declarant"), party of the first part, and **THE MASON HARBOUR YACHT CLUB  
ASSOCIATION, INC.**, a non-profit corporation for the homeowners in The Mason Harbour  
Yacht Club Development, formerly known as the Mason Landing Yacht Club ("Association"),  
party of the second part

**WITNESSETH**

**WHEREAS**, Declarant is the current developer and owner of a majority of property in The Mason Harbour Yacht Club Development, formerly known as the Mason Landing Yacht Club Development;

**WHEREAS**, Mason Landing Yacht Club, LLC, as the former declarant, executed and filed a Declaration of Easements, Covenants, Conditions and Restriction for Mason Landing Yacht Club Phase One recorded in Book 5326 at Pages 1817-1869 of the New Hanover County Registry (the "Declaration"), by which Phase One of Mason Landing Yacht Club ("Phase One") was submitted to the Declaration, which Phase One Map is recorded in Map Book 52 at Page 321 of the New Hanover County Registry (the "Phase One Map"),

**WHEREAS**, on September 25, 2008, Mason Landing Yacht Club, LLC, as the then declarant, executed the First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions for Mason Landing Yacht Club recorded on September 26, 2008, in Book 5348 at Pages 2843-2854 of the New Hanover County Registry (the "First Amendment"), by which Phase Two was annexed as Additional Property, Phase Two consisted of those seventeen (17) residential lots designated as Lots 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 ("Phase Two") on that map entitled Mason Landing Yacht Club, Phase Two, prepared by Michael Underwood & Associates and recorded in Map Book 53 at Page 202-203 of the New Hanover County Registry ("Phase Two Map");

**WHEREAS**, additionally, the Phase Two Map revised Lots 5 and 6 of Phase One and redesignated these lots as Lot 5R and Lot 6R;

**WHEREAS**, subsequent to the filing of the Declaration, the Development was foreclosed upon by David T. Phillips, Substitute Trustee (11 SP 0563; New Hanover County),

who recorded his Notice of Foreclosure of Deed of Trust Pursuant to N.C GEN. STAT. § 45-38 on July 20, 2011 in Book 5575 at Pages 1215-1217 of the New Hanover County Registry;

**WHEREAS**, by that certain Substitute Trustee's Deed dated July 20, 2011 and recorded July 20, 2011 in Book 5575 at Pages 1209-1214 of the New Hanover County Registry, David T Phillips, Substitute Trustee, conveyed the Development and all rights associated with the Development to TCRK Properties, LLC;

**WHEREAS**, pursuant to N.C. GEN. STAT. § 47F-3-104, TCRK Properties, LLC is now the developer and recognized Declarant of the development and shall be referred to hereinafter as Declarant;

**WHEREAS**, TCRK Properties, LLC as the new Declarant has changed the name of Mason Landing Yacht Club to The Mason Harbour Yacht Club (hereinafter referred to as the "Development");

**WHEREAS**, on August 20, 2012, TCRK Properties, LLC as the new Declarant caused Articles of Amendment to be recorded in the Office of the North Carolina Secretary of State to change the name of Mason Landing Yacht Club Association, Inc. to The Mason Harbour Yacht Club Association, Inc. (hereinafter referred to as the "Association" or "Master Association"),

**WHEREAS**, pursuant to Article II of the Declaration, Declarant has submitted the Marina Property and its riparian areas of the Development to a Boatslip Condominium regime with the filing of a Declaration of Condominium for The Mason Harbour Boatslip Condominium on October 8, 2012, in Book 5678 at Pages 1059-1157 of the New Hanover County Registry (the "Boatslip Declaration"),

**WHEREAS**, , on October 23, 2012, TCRK Properties, LLC, as the Declarant, executed the Second Amendment to Declaration of Easements, Covenants, Conditions and Restrictions for

The Mason Harbour Yacht Club recorded on October 23, 2012, in Book 5682 at Pages 828-840 of the New Hanover County Registry (the "Second Amendment");

**WHEREAS**, Lot 5 was conveyed to MLYC Residential, LLC prior to the above referenced foreclosure and was subsequently foreclosed upon and is now owned by The East Carolina Bank pursuant to that certain Trustee's Deed recorded in Book 5510 at Page 2511 of the New Hanover County Registry, and,

**WHEREAS**, The East Carolina Bank as the owner of Lot 5, pursuant to the Phase One Map, has requested the removal or withdrawal of the 10-foot wide pedestrian easement and walking trail (the "Pedestrian Easement") applicable to Lots 5R and 6R as depicted upon the Phase Two Map,

**WHEREAS**, Declarant and the Association have agreed to this request and by this instrument withdraw and remove of record the Pedestrian Easement.

**NOW, THEREFORE**, the Declarant hereby withdraws from the public record the Pedestrian Easement impacting Lots 5R and 6R as depicted on the Phase Two Map and regardless of the reference to Lot 5 or 5R or to Lot 6 or 6R, no property owner in The Mason Harbour Yacht Club Development shall have any rights to use or access the Pedestrian Easement shown upon Lots 5R and 6R. The Association joins in this instrument for purposes of consenting to this act of withdrawal.

IN WITNESS WHEREOF, the Declarant and the Association have hereunto caused this instrument to be signed and their names and seals affixed, all as of the day and year first above written.

**[SEPARATE SIGNATURE AND ACKNOWLEDGEMENT PAGES ATTACHED]**

**SIGNATURE PAGE FOR DECLARANT**

IN TESTIMONY WHEREOF, the undersigned THE MASON HARBOUR YACHT CLUB ASSOCIATION, INC. has caused this Agreement to be executed by its President, under seal, as of the day and year first above written



**THE MASON HARBOUR YACHT CLUB  
ASSOCIATION, INC.,**  
a North Carolina Nonprofit Corporation

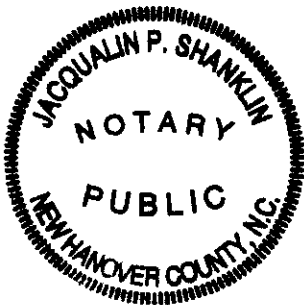
By: *M. Craig Quinn*  
M. CRAIG QUINN  
President

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**NORTH CAROLINA, NEW HANOVER COUNTY**

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:  
**M. CRAIG QUINN, as President of The Mason Harbour Yacht Club Association, Inc., a North Carolina Nonprofit Corporation**

*Place Official  
Seal below this  
line*



Use Blue Ink

Date: December 9, 2013

*Jacquelin P. Shanklin*  
Official Signature of Notary Public

(Please sign exactly as Commissioned)

Print Name exactly as Commissioned

Jacquelin P. Shanklin

My Commission expires 11/23/2017

**SIGNATURE PAGE FOR DECLARANT**

**TCRK PROPERTIES, LLC,**  
a North Carolina Limited Liability Company

By: *M. Craig Quinn* (SEAL)  
M. CRAIG QUINN  
Member/Manager

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**NORTH CAROLINA, NEW HANOVER COUNTY.**

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

**M. CRAIG QUINN, Member/Manager of TCRK PROPERTIES, LLC, a North Carolina Limited Liability Company**

Date: December 9, 2013

*Jacquelin P. Shanklin*  
Official Signature of Notary Public

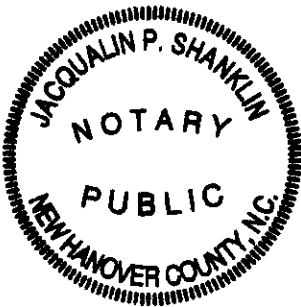
(Please sign exactly as Commissioned)

Print Name exactly as Commissioned:

Jacquelin P. Shanklin

My Commission expires: 11/23/2017

*Place Official Seal below this line*



Use Blue Ink

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**CONCLUSION OF WITHDRAWAL DECLARATION**



TAMMY THEUSCH BEASLEY  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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Filed For Registration: 12/09/2013 02:54:57 PM

Book: RE 5787 Page: 13-19

Document No.: 2013042510

7 PGS \$26.00

Recorder. JOHNSON, CAROLYN

State of North Carolina, County of New Hanover

PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.

**\*2013042510\***

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