

ADMINISTRATIVE RECORDS  
BOOK \_\_\_\_\_  
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MAR 12 1 53 PM '76

STATE OF NORTH CAROLINA :  
COUNTY OF NEW HANOVER :

DECLARATION

REGISTERED  
NEW HANOVER CO., N.C.

THIS DECLARATION, Made this the 11<sup>th</sup> day of March, 1976, by Daniel Webster Trask and wife, Julia C. Trask, of the County of New Hanover and State of North Carolina, hereinafter referred to as the DECLARANTS,

WITNESSETH :

THAT WHEREAS on the 28th day of March, 1972, the DECLARANTS conveyed to B.C.R. OF WILMINGTON, INC., a North Carolina corporation, a lot of land situated in a subdivision known as Weaver Acres, this deed of conveyance being recorded March 29, 1972, in Book 933, at page 21, of the New Hanover County Registry,

AND WHEREAS said deed of conveyance, after describing the land therein conveyed, set forth as follows:

TOGETHER with a 60-foot right of way for ingress and egress leading to and from the above described lands over Shaw Drive and Blount Drive.

After the foregoing words it set forth a description of Shaw Drive and also a description of Blount Drive.

AND WHEREAS the description of Blount Drive set forth that the beginning was in the northern right of way line of Gordon Road and that said point was located North 74 degrees 10 minutes West 200.0 feet from the Southeast corner of Lot 25, Section 1, Weaver Acres subdivision, as recorded in Map Book 7, at page 44, of the New Hanover County Registry.

AND WHEREAS the reference to the Southeastern corner of Lot 25 above set out was in error, as in place of the word "southeast" there should have been the word "southwest,"

AND WHEREAS, the description of Blount Drive was in all respects proper and correct except for this error of the word "southeast" being set forth when it should have been "southwest,"

AND WHEREAS that Blount Drive is along the Western line of the lot described and conveyed in the deed above referred to,

AND WHEREAS reference was made to this deed above referred to and the easement described as Blount Drive therein in numerous other conveyances of lots which border on Blount Drive, both on its Eastern and Western lines,

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AND WHEREAS this error above referred to is a patent error for that said Blount Drive is actually not located as described in said deed above referred to.

AND WHEREAS, due to houses and other construction on lots heretofore conveyed, it would be impractical and ridiculous for said easement of Blount Drive to be located as set forth in the above deed description.

AND WHEREAS, prior to the development of Weaver Acres as a subdivision, Daniel Webster Trask, one of the DECLARANTS herein, owned the entire area of Weaver Acres subdivision, which is located in Harnett Township, New Hanover County, and conveyed out all lots that were sold in said subdivision over a period of years, some of said conveyances being made before he reached his majority, and a map was attached to the Petition filed in the office of the Clerk of the Court in which he was authorized to make conveyances of lots in said subdivision, this map showing Blount Drive as it is actually located and as it was intended to be located in the description of same in the deed hereinabove referred to.

AND WHEREAS in the deed above referred to the description of the lot conveyed therein located Blount Drive as it was and is actually located on the ground while the description in the easement in said deed does not.

AND WHEREAS these DECLARANTS wish to correct said erroneous situation and to dedicate and describe Blount Drive where it was intended and where it is actually located, and where it is now a paved street,

AND WHEREAS these DECLARANTS are attaching to this deed an Affidavit of Jack G. Stocks, registered land surveyor, who surveyed and plotted this area of Weaver Acres, and who drew the description in the foregoing deed,

NOW, THEREFORE, the DECLARANTS do hereby dedicate and grant as a public easement in Weaver Acres subdivision Blount Drive, and Blount Drive being described as follows:

BEGINNING at a point in the northern right of way line of Gordon Road, said point being located North 74 degrees 10 minutes West 200.0 feet from the southwest corner of Lot 25, Section 1, Weaver Acres subdivision, as recorded in Map Book 7, page 44, of the New Hanover County Registry; running thence North 15 degrees 50 minutes East 1294.43 feet to a point; thence North 74 degrees 17 minutes West 60.0 feet to a point; thence South 15 degrees 50 minutes West 1294.30 feet to a point in the northern right of way line of Gordon Road;

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thence with said northern line of Gordon Road,  
South 74 degrees 10 minutes East 60.0 feet to  
the point of Beginning.

and does further set forth in this Declaration that the foregoing description  
is the correct and proper description of Blount Drive in the subdivision of  
Weaver Acres, and that the error which has been pointed out above is a patent  
error and was inadvertently made in describing Blount Drive in the deed  
herein referred to.

IN WITNESS WHEREOF the DECLARANTS, Daniel Webster Trask and wife, Julia C.  
Trask, have hereunto set their hands and seals the day and year first above  
written.

Daniel Webster Trask (SEAL)

Julia C. Trask (SEAL)

STATE OF NORTH CAROLINA :

COUNTY OF NEW HANOVER :

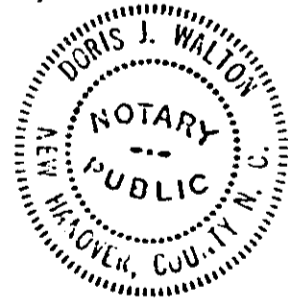
I, Doris J. Walton, a Notary Public in and for the  
state and county aforesaid, do hereby certify that Daniel Webster Trask and  
wife, Julia C. Trask, personally appeared before me this day and acknowledged  
the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official seal, this the 12<sup>th</sup> day of March, 1976.

Doris J. Walton  
Notary Public

My commission expires: 1/11/80

STATE OF NORTH CAROLINA  
New Hanover County  
The foregoing Certificate of  
Doris J. Walton,  
a Notary Public, are  
certified to be correct.  
This the 12 day of March 19 76  
Drawn By Addison Hewlett, Jr.



Wm C. LeRay, Register of Deeds  
By Carole Dillipai  
Reports

STATE OF NORTH CAROLINA :  
COUNTY OF NEW HANOVER :

A F F I D A V I T

JACK G. STOCKS, being first duly sworn, deposes and says:

That he is a registered land surveyor, and that he was so registered prior to March, 1972, and that he surveyed and plotted those lots in the subdivision of Weaver Acres which are situated on Blount Drive, and that he in particular drew the descriptions contained in that deed from Daniel Webster Trask and wife, Julia C. Trask, to R. C. R. OF WILMINGTON, INC., which deed was dated March 28, 1972, and recorded March 29, 1972, in Book 933, at page 21, of the New Hanover County Registry; and that in the description in reference to Blount Drive there was inadvertently inserted the words "southeast corner of Lot 25, Section 1, Weaver Acres subdivision," as recorded in Map Book 7, at page 44, of the New Hanover County Registry, when the words "southwest corner of Lot 25, Section 1, Weaver Acres subdivision" should have been used, and that this was an inadvertent and patent error for that Blount Drive is a paved street, and that there are houses on either side of said street, and that the use of the word "southeast" instead of "southwest" would make said description of the easement an impractical place and in effect would be an absurd location; that this error was inadvertently made, and that the words "southwest corner of said Lot 25" should have been used.

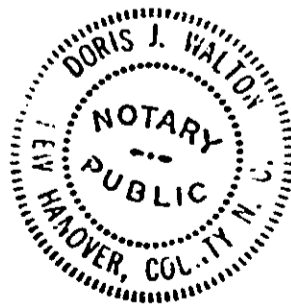
This the 12<sup>th</sup> day of March, 1976.

Jack G. Stocks

Sworn to and subscribed before me this the 12<sup>th</sup> day of March, 1976.

Doris J. Walton  
Notary Public

My commission expires: 1/11/80



Received and Recorded  
March 12, 1976 at 1:53 M.

Louis L. Kay  
Register of Deeds