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P. D. Dianna 1457
Wendell, NC 27591

DRAWN BY: W. Thurston Debnam, Jr.

NORTH CAROLINA

AGREEMENT

FRANKLIN COUNTY

THIS ROAD MAINTENANCE AGREEMENT, made and entered into this 28th day of October, 1985 by and between Robert L. Hathaway (hereinafter referred to as "Hathaway") and Michael C. Ash and wife, Dorothy M. Ash (hereinafter referred to as "Ash").

W I T N E S S E T H:

WHEREAS, Hathaway is the owner of record of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 as shown by map and survey of M. Keith Wrenn, Registered Land Surveyor, dated 3-22-85, entitled "Phase One, Oak Forest, recorded in Plat Record File 2, Slide 100A, Franklin County Registry; and

WHEREAS, Hathaway and Ash desire to enter into an agreement regarding the upkeep and maintenance of Oak Forest Circle and an unnamed private street shown on the aforesaid recorded map.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, Hathaway and Ash hereby agree as follows:

1. All roads shown on that certain map entitled Phase One, Oak Forest recorded in Plat Record File 2, Slide 100A in the office of the Register of Deeds, Franklin County, North Carolina shall be private and shall be maintained by the owners of the abutting lots in an all weather condition.
2. The expenses of maintaining said road shall be borne equally by the owners of each lot. The initial annual cost of maintenance shall be \$100.00 per year per lot.
3. Until such time as Hathaway is the record owner of less than five lots, all annual road maintenance assessments shall be payable to Hathaway and Hathaway shall be responsible for the performance of road maintenance

work. At such time as Hathaway shall own less than five lots shown on the above-referenced recorded map, road maintenance shall be performed by a person, firm or corporation selected by the owners of a majority of the lots shown on the aforesaid recorded map. Regardless of the number of owners, each lot shall be entitled to only one vote in the selection of a road maintenance contractor.

4. The annual road maintenance charges shall be a charge upon the property against which each assessment is made as well as a personal obligation of the owners of each said lot. The lien thus established shall be subordinate to the lien of any mortgage or deed of trust.

5. The roads indicated on the aforesaid recorded map shall remain private. The owners of each lot shown on the aforesaid recorded map shall have a non-exclusive perpetual right of ingress and egress over the private roads shown on the aforesaid recorded map.

6. The duties, rights and obligations created by this document shall be a covenant and shall run with and be appurtenant to the lots shown on the aforesaid recorded map.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

 (SEAL)
Robert L. Hathaway

 (SEAL)
Michael C. Ash

 (SEAL)
Dorothy M. Ash

NORTH CAROLINA

FRANKLIN COUNTY

I, a Notary Public in and of said County and State do hereby certify that Robert L. Hathaway personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28th day of October

1985.

My Commission Expires

October 24, 1987

NORTH CAROLINA

WAKE COUNTY

I, a Notary Public in and of said County and State do hereby certify that Michael C. Ash and wife, Dorothy M. Ash, each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 27th day of October

1985.

My Commission Expires:

3-7-88

Notary Public

NORTH CAROLINA
FRANKLIN COUNTY

Filed for Registration the 9th day of January 1986 at 11:30 AM
 Registered the 9th day of January 1986 at 174-176
Martha D. Shearin
 REGISTER OF DEEDS

North Carolina, Franklin County

The foregoing certificates of Janie Raper, and Alice R. Gifford, Notaries Public are certified to be correct. This the 9th day of January, 1986.

Martha D. Shearin
 Martha D. Shearin, Register of Deeds

