

Chatham County, North Carolina
REBA G. THOMAS Register of Deeds
The foregoing certificate(s) of
PEGGY R HACKNEY

FILED
CHATHAM COUNTY
REBA G. THOMAS
REGISTER OF DEEDS

notary/notaries public
is/are certified to be correct.
Reba G. Thomas
~~Assistant~~ - Register of Deeds

FILED Aug 29, 2003
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BOOK 01052
START PAGE 0349
END PAGE 0352
INSTRUMENT # 14458

Prepared by: Paul S. Messick, Jr., Pittsboro, NC
Return to: Gunn + Messick

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

DECLARATION AND PROVISIONS FOR
PRIVATE ROAD MAINTENANCE

THIS DECLARATION, made this 26th day of August, 2003 by KENNETH J. HORTON and wife, SANDRA D. HORTON; GENEVIEVE B. DOMINICK, Widow; and JANET R. FEARRINGTON, Single, hereinafter referred to as Declarants:

WITNESSETH:

WHEREAS, Declarants own in fee simple the real property described in Article 1 below;
and

WHEREAS, the said property has access to Horton's Pond Road (S.R. 1747) via a private road denominated as "Ray's Drive" and depicted upon a plat entitled "Subdivision and Recombination for Janet R. Fearrington" prepared by William O. Yates, PLS dated July 21, 2003, and recorded in Plat Slide 2003-254 of the Chatham County Registry, reference to which is hereby made for a more particular description; and

WHEREAS, Declarants, by this Declaration wish to bind themselves, their successors and assigns to provide all owners of any portion of said property owned by Declarants described below perpetual easements for ingress, egress, and regress to a state maintained road over and across the existing private roads; and

WHEREAS, Declarants, by this Declaration further wish to bind themselves, their successors and assigns to provide for maintenance of said roads.

NOW, THEREFORE, Declarants agree for themselves and with any and all persons, firms or corporations hereafter acquiring any of the property described in Article 1 below, that the same shall be subject to the following restrictions, conditions, and covenants relating to the use and

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maintenance thereof which restrictions, conditions and covenants shall run with said property and inure to the benefit of and be binding upon the heirs, successors and assigns of Declarants and other acquiring parties and persons.

ARTICLE 1. The real property which is, and shall be, held, transferred and sold and conveyed subject to the protective covenants set forth in the various articles of this Declaration is located in New Hope Township, Chatham County, North Carolina, and is more particularly described as follows:

1. All of that certain tract or parcel of land owned by Kenneth J. Horton and wife, Sandra D. Horton more particularly described by deed recorded in Book 367, Page 37 of the Chatham County Registry.
2. All of that certain tract or parcel of land owned by Genevieve B. Dominick more particularly described by deed recorded in Book 367, Page 38 of the Chatham County Registry.
3. All of that certain tract or parcel of land owned by Janet R. Fearington more particularly described by will filed in File 97 E 88 in the office of the Clerk of Superior Court, Chatham County.

ARTICLE 2. Declarants hereby grant unto themselves, their successors and assigns, non-exclusive perpetual easements for purposes of ingress, egress and regress and for the installation, use, maintenance, repair and replacement of utilities over and across the premises shown upon the plat entitled "Subdivision and Recombination for Janet R. Fearington" prepared by William O. Yates, PLS dated July 21, 2003, and recorded in Plat Slide 2003-254 of the Chatham County Registry, reference to which is hereby made for a more particular description and denominated as the variable width easement premises known as Ray's Drive thereon.

ARTICLE 3. Subsequent maintenance of the private road known as Ray's Drive constructed upon said easement premises shall be as follows: The private road is to be maintained in a sound condition for all-weather access. The cost of such maintenance shall be shared by the abutting owners in equal shares.

ARTICLE 4. This agreement shall run with and be appurtenant to the land and shall be binding upon the heirs, successors and assigns of each record owner of the aforesaid property.

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ARTICLE 5. Reference in the respective deeds of conveyance, or any mortgagee or deed of trust or other evidence of obligation to the easements and covenants herein described shall be sufficient to create and reserve such easements and covenants to the respective grantees, mortgagees or trustees of said parcels as fully and completely as though the easements and covenants were fully recited and set forth in their entirety in such documents.

IN WITNESS WHEREOF, Declarants have caused this instrument to be signed on the day and year first above written.

Genevieve B. Dominick (SEAL)
GENEVIEVE B. DOMINICK

Kenneth J. Horton (SEAL)
KENNETH J. HORTON

Sandra D. Horton (SEAL)
SANDRA D. HORTON

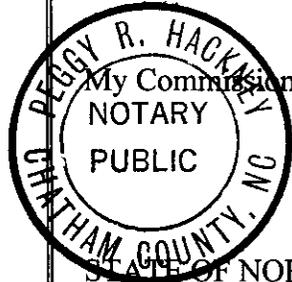
Janet R. Fearrington (SEAL)
JANET R. FEARRINGTON

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

I, a Notary Public of the State and County aforesaid, do hereby certify that Genevieve B. Dominick, Widow, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 26th day of August, 2003.

Peggy R. Hackney
Notary Public



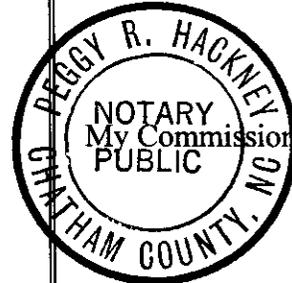
My Commission Expires: 12-30-2005

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

I, a Notary Public of the State and County aforesaid, do hereby certify that Kenneth J. Horton and wife, Sandra D. Horton, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 26th day of August, 2003.

Peggy R. Hackney
Notary Public



My Commission Expires: 12-30-2005

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

I, a Notary Public of the State and County aforesaid, do hereby certify that Janet R. Fearington, Single, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 26th day of August, 2003.

Peggy R. Hackney
Notary Public



My Commission Expires: 12-30-2005