



**2017000066**

TRANSYLVANIA CO, NC FEE \$26.00

PRESENTED & RECORDED

01-06-2017 11:01:54 AM

CINDY M OWNBEY

REGISTER OF DEEDS

BY D REE M POWELL

DEPUTY REGISTER OF DEEDS

**BK: DOC 790**

**PG: 440-446**

**STATE OF NORTH CAROLINA  
COUNTY OF TRANSYLVANIA**

**EASEMENT**

**THIS EASEMENT** made this 22 day of November among Glen Cannon Property Owners Association, Inc. hereinafter referred to as "GCPOA", Valeria J Clock, Trustee of the David Clock Trust u/a/d November 8, 2010 hereinafter referred to as "Clock", and Catherine D Patterson and husband, Robert Patterson, hereinafter referred to as "Patterson";

**WITNESSETH**

**THAT WHEREAS**, GCPOA has requested Clock and Patterson owners of properties adjacent to the Glen Cannon boundary specifically those parcels described in Plat File14, Slide 547, Transylvania County Registry to grant access rights to Clock Crest Drive (Private Drive) in specific circumstances as described below; and

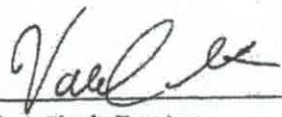
**WHEREAS**, Clock and Patterson have agreed to grant access to members of the Glen Cannon Property Owners Association, Inc. with respect to limited access across the Clock family property via the Skye Drive emergency gate ("Gate") owned and maintained by the GCPOA and the Private Drive crossing the Clock family properties from the Gate to Skyland Drive;

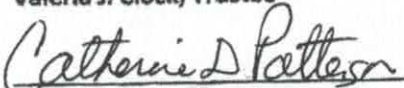
**NOW THEREFORE**, for and in consideration of the premises and ONE DOLLAR (\$1.00) for it in hand paid, the receipt of which is hereby acknowledged, Clock and Patterson hereby give and grant unto GCPOA a perpetual right and easement for Glen Cannon via Clock Crest Drive through the gate with the following stipulations:

- 1) Being a nonexclusive 45 foot wide easement for road purposes extending from Skye Drive as shown on Plat File 14, Slide 547, Transylvania County Registry.

- 2) The Clock family is entitled to use the Gate for access to and from their residences in circumstances as described in detail below which prevent access to Wilson Road from Skyland Drive or alternative routes via the Williamson Creek sub-division.
- 3) In circumstances where members of GCPOA are unable to access Wilson Road via Glen Cannon Drive, GCPOA will be permitted to open the Gate which will allow Glen Cannon residents to use the Private Drive for access to and from Wilson Road and their homes.
- 4) In circumstances described in points 1) and 2) customary delivery vehicles will-during the period of permitted residents' access-be permitted to traverse the Private Drive. Heavy trucks or larger panel vans, over one ton dwt, would require prior and specific permission from the Clock Family Property Owners.
- 5) Circumstances which prevent normal access to Wilson Road are defined as flooding, significant road damage, making vehicular traffic dangerous or impracticable fallen trees or power lines, bush or forest fires-or during an emergency evacuation where life threatening events have or are likely to occur.
- 6) In these circumstances GCPOA will be permitted to open the Gate to allow residents to use the Private Drive for access to and from their homes and Wilson Road, given Reasonable Notice to the Clock property Owners, who will make arrangements to ensure that vehicles can gain access via the Private Drive to Skyland Drive.
- 7) Reasonable Notice is to be construed as that communicated by telephonic, email or "in person" means by a responsible officer of GCPOA, identified to the Clock Family Property Owners, as appointed by the GCPOA membership, and communicated to the Clock Family Property Owners in writing annually. Such communication will specify the circumstances or conditions which have triggered the request for access, and the anticipated duration of the circumstances or conditions. In cases where the GCPOA cannot determine the likely duration, GCPOA will report the status to the Clock property owners at a minimum of 48 hour intervals.
- 8) These circumstances exclude snow ad ice conditions which make Glen Cannon roads temporarily impassable or hazardous, as well as closure of Glen Cannon roads due to planned and routine maintenance, unless agreed between the parties in advance..
- 9) For the avoidance of doubt, this conveyance does not permit routine commercial access to the Private Drive except in the circumstances described in clause 3). Unauthorized gate use or vehicular transverse by GCPOA members or residents will be investigated by the CGPOA and the circumstances reported to the Clock property owners.

IN TESTIMONY WHEREOF, the parties have executed the Easement the day and year first above written,

  
 \_\_\_\_\_ (SEAL)  
 Valeria J. Clock, Trustee

  
 \_\_\_\_\_ (SEAL)  
 Catherine D Patterson

SEE ATTACHED  
 CA. ACKNOWLEDGEMENT  
 12-7-2016



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

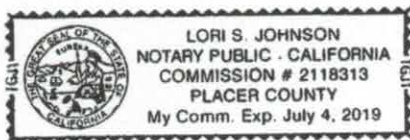
A notary or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF PLACER }

On 12-7-2016 before me, **Lori S. Johnson**, Notary Public,  
Date

personally appeared Catherine D. Patterson and  
Name(s) of Signer(s)  
Robert Patterson

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Lori S. Johnson  
Signature of Notary Public

### OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

#### Description of Attached Document

Title or Type of Document: Easement

Document Date: 12-7-2016 Number of Pages: 6 (7 w/ Ackn. Certif)

Signer(s) Other Than Named Above: \_\_\_\_\_

SEE ATTACHED  
CA. ACKNOWLEDGEMENT  
12-7-2016

Robert Patterson (SEAL)  
Robert Patterson

STATE OF Florida  
COUNTY OF Dade

I, Maikel E Feriz, a Notary Public of the County and State aforesaid, certify that Valeria J. Clock Trustee personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 22 day of November, 2016.



~~Notary Public~~  
Maikel E Feriz  
Printed or Typed Notary Public

My Commission Expires: 09/19/2020

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Catherine D Patterson and Robert Patterson personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed or Typed Notary Public

\_\_\_\_\_  
My Commission Expires:



- 2) The Clock family is entitled to use the Gate for access to and from their residences in circumstances as described in detail below which prevent access to Wilson Road from Skyland Drive or alternative routes via the Williamson Creek sub-division.
- 3) In circumstances where members of GCPOA are unable to access Wilson Road via Glen Cannon Drive, GCPOA will be permitted to open the Gate which will allow Glen Cannon residents to use the Private Drive for access to and from Wilson Road and their homes.
- 4) In circumstances described in points 1) and 2) customary delivery vehicles will-during the period of permitted residents' access-be permitted to traverse the Private Drive. Heavy trucks or larger panel vans, over one ton dwt, would require prior and specific permission from the Clock Family Property Owners.
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- 7) Reasonable Notice is to be construed as that communicated by telephonic, email or "in person" means by a responsible officer of GCPOA, identified to the Clock Family Property Owners, as appointed by the GCPOA membership, and communicated to the Clock Family Property Owners in writing annually. Such communication will specify the circumstances or conditions which have triggered the request for access, and the anticipated duration of the circumstances or conditions. In cases where the GCPOA cannot determine the likely duration, GCPOA will report the status to the Clock property owners at a minimum of 48 hour intervals.
- 8) These circumstances exclude snow ad ice conditions which make Glen Cannon roads temporarily impassable or hazardous, as well as closure of Glen Cannon roads due to planned and routine maintenance, unless agreed between the parties in advance..
- 9) For the avoidance of doubt, this conveyance does not permit routine commercial access to the Private Drive except in the circumstances described in clause 3). Unauthorized gate use or vehicular transverse by GCPOA members or residents will be investigated by the CGPOA and the circumstances reported to the Clock property owners.

**IN TESTIMONY WHEREOF**, the parties have executed the Easement the day and year first above written,

  
\_\_\_\_\_  
Valeria J. Clock, Trustee (SEAL)

\_\_\_\_\_  
Catherine D Patterson (SEAL)

\_\_\_\_\_(SEAL)  
Robert Patterson

STATE OF Florida  
COUNTY OF Dade

I, MAIKEL E FERIZ, a Notary Public of the County and State aforesaid, certify that Valeria J. Clock Trustee personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 22 day of November 2016.



~~\_\_\_\_\_  
Notary Public~~  
MAIKEL E FERIZ  
Printed or Typed Notary Public

My Commission Expires: 09/19/2020


STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Catherine D Patterson and Robert Patterson personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed or Typed Notary Public

My Commission Expires: \_\_\_\_\_

 (SEAL)

Glen Cannon Property Owners Association, Inc.

STATE OF NORTH CAROLINA  
COUNTY OF TRANSYLVANIA

I, Cassandra R. Gerring, the undersigned Notary Public of the County and State aforesaid, certify that Gregory R. Aydes, personally appeared before me this day and acknowledged that he is <sup>aka</sup> President Member-Manager of Glen Cannon Property Owners Association, Inc. and as Member-Manager is duly authorized to execute the foregoing instrument on behalf of the company.

Witness my hand and seal this 4<sup>th</sup> day of January, <sup>2017</sup> ~~2016~~ one



Cassandra R. Gerring  
Notary Public

Cassandra R. Gerring  
Printed or Typed Notary Public

My Commission Expires: 5.6.18