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Prepared by:  
Margaret McDermott Hunt, Attorney

STATE OF NORTH CAROLINA,  
COUNTY OF TRANSYLVANIA.

DEED OF EASEMENT

THIS DEED OF EASEMENT, made and entered into this the 26th day of April, 1984, by and between KATHLEEN M. APELAND, party of the first part, and DONALD LIVINGSTON and wife, MARIAN JUNE LIVINGSTON, parties of the second part;

W I T N E S S E T H :

WHEREAS, the party of the first part is the owner of Tract D-1 of Blue Ridge Lake, more particularly described in Deed Book 196, page 566, Transylvania County Registry; and

WHEREAS, the parties of the second part are the owners of Tract D-2 of Blue Ridge Lake, more particularly described in Deed Book 196, page 564, Transylvania County Registry; and

WHEREAS, at the present time there is located on the property of the party of the first part, part of a water system, including a well, pump and waterlines which supply water to the parties of the second part; and

WHEREAS, the parties of the second part who use the existing water system for the supply of water to their residence have requested this Deed of Easement to make certain and permanent their right to draw water from the existing system.

NOW, THEREFORE, the party of the first part, for and in consideration of the sum of one dollar to her in hand paid, does hereby give, grant and convey unto the parties of the second part, their heirs and assigns a perpetual right and easement to obtain water from said water system in the manner and fashion in which they are now doing so; to maintain the waterlines or lines from said well and pump and to maintain the electrical line necessary to operate the pump, to go upon the lands of the party of the first part whenever the same is necessary for the purpose of inspecting, maintaining and repairing said water system, provided, however, in repairing said system, parties of the second part shall interfere as little as is reasonably possible

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with any improvements upon the lands of the party of the first part, and will repair and replace any damage to said land or any improvement should any occur.

IT IS UNDERSTOOD AND AGREED between the party of the first part and the parties of the second part hereto, that the cost of maintenance, upkeep and supply of electricity for said well and well site shall be borne equally among those drawing water from such well and well site.

TO HAVE AND TO HOLD said right and easement to the parties of the second part, their successors in title forever, it being agreed that the right and easement hereby granted shall apply to and run with the lands owned by the parties of the second part.

Kathleen M. Apelaud (SEAL)  
Kathleen M. Apelaud

Donald Livingston (SEAL)  
Donald Livingston

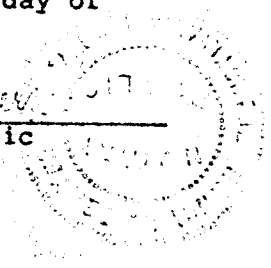
Marian June Livingston (SEAL)  
Marian June Livingston

STATE OF NORTH CAROLINA,  
COUNTY OF TRANSYLVANIA.

I, Nancy W. Deaver, a Notary Public of said State and County, do hereby certify that KATHLEEN M. APELAND personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this 26th day of April, 1984.

Nancy W. Deaver  
Notary Public



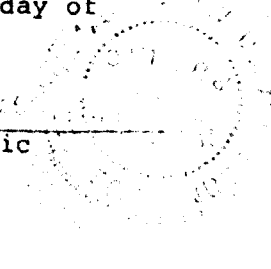
My commission expires:  
July 7, 1985

STATE OF NORTH CAROLINA,  
COUNTY OF TRANSYLVANIA.

I, Nancy W. Deaver, a Notary Public of said State and County, do hereby certify that DONALD LIVINGSTON and wife, MARIAN JUNE LIVINGSTON personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this 26th day of April, 1984.

Nancy W. Deaver  
Notary Public



My commission expires:  
July 7, 1985

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STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA.

The foregoing certificate of Nancy W. Deaver,  
Notary Public is certified to be correct. This instrument was  
presented for registration and recorded in this office in Book  
266, page 586.

This 26th day of April, 1984, at 3:00 o'clock  
P.M.

Fred H. Neal  
Register of Deeds

By: \_\_\_\_\_  
Deputy Register of Deeds