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Polk, NC  
Shella Whitlure Register of Deeds

BK **409** PG **48-60**

*\*Feagon Law*

STATE OF NORTH CAROLINA

**AFFIDAVIT  
RE: PINEY MOUNTAIN  
PRIVATE WATER SYSTEMS AND  
JOINT WELL MAINTENANCE  
PROVISIONS  
COUNTY OF POLK**

NOW COMES, the undersigned President of Piney Mountain Property Owners Association, Members of the Board of Directors of the Piney Mountain Property Owners Association, and Manager for the Piney Mountain Property Owners Association and make the following declarations for the purpose of establishing the same of public record in the Office of the Register of Deeds for Polk County, North Carolina.

1. There are thirteen (13) existing private water systems serving the lots which are a part of Piney Mountain Subdivision as shown on Exhibit "A" attached hereto.
2. The lot owners of the designated lots are the co-owners of and operate said wells as a private water system, and are holders in common of a non-exclusive easement in and to the above referenced wells and the well easement areas along with any and all apparatus and/or equipment needed now or in the future for the proper supply of water to the lots of the parties hereto, their heirs and assigns, including but not limited to water storage tanks, including the necessary well house, well pump, storage tank, electrical/power supply and water lines leading therefrom to their respective residential lots; having been conveyed the same by their respective deeds of conveyance, as the same are of record in Polk County Registry.
3. That the lots owned in Piney Mountain Subdivision are subject to certain covenants and restrictions of record and pursuant thereto are residential lots and the use of the water produced from the private well systems are for reasonable, domestic household purposes only and that no individual lot owner shall make excessive use of said water supply or use said water for other than one family residence and guest house and normal residential purposes consistent with the provisions and intent of the restrictive covenants governing the applicable subdivision.
4. Subject to additional provisions herein, the parties share on an equal, pro rata basis the expense of maintenance of the well and well easement area as well as any and all apparatus and/or equipment needed now or in the future for the proper supply of water to the parties hereto, their heirs and assigns, including but not limited to water storage tanks, including the necessary well house, well pump, storage tank, electrical/power supply and water lines leading therefrom to their respective residential lots. Provided each lot owner shall pay a minimum annual sum of Sixty (\$60.00) Dollars per year if lot is vacant or One Hundred Twenty and 00/100 (\$120.00) Dollars per year when a residence is constructed on a lot.
5. The lot owners operate and maintain the subject well systems as an unincorporated association of joint tenants. Presently the systems are maintained and managed under contract with a private company acting as System Manager and Financial Manager, with the funds collected by the management company being maintained in a separate trust account of the Piney Mountain Property Owners Association. The Manager makes annual accountings to all lot owners on the system.

6. At such time as the private management company discontinues its agreement to manage the system and collect the annual charges or other needed assessments therefore, it shall be the responsibility of the lot owners on each system to choose a new manager, or management company. Should they not do so, then the lot owners of each system shall choose, on an annual basis, a Treasurer who shall be responsible for maintaining in his or her name the electrical/power service connection and meter serving the subject well and who shall be responsible for maintaining all records of expenses relating to the operation of the well.

7. The Treasurer shall be responsible for periodic billing of each party hereto for his or her pro rata share of the maintenance expenses of the well. The Treasurer shall be entitled to reimbursement for costs incurred in performance of his or her duties in an amount not to exceed the sum of One Hundred Twenty and 00/100 (\$120.00) Dollars per year, unless a majority of the parties shall approve a larger sum in writing.

8. It shall be the responsibility of each lot owner on a system to keep the Treasurer informed of his or her current mailing address and telephone number in order to facilitate communication concerning the joint well and to assist in the necessary billing for the pro rata, annual expenses of operation and maintenance.

9. Any expenses of maintenance, upkeep or improvement of the well and well easement area and any necessary equipment/apparatus thereto which shall reasonably be anticipated by the Treasurer to exceed the sum of Three Thousand and 00/100 (\$3,000.00) Dollars shall be approved in writing by a majority of the parties hereto. However, the Treasurer, in his or her sole discretion, is authorized to expend up to said sum without prior approval of the lot owners for each separate expense reasonably incurred for the maintenance of said well.

10. The Treasurer shall distribute to each lot owner, at least annually, a report showing all receipts and disbursements incurred for the operation of the well during the preceding calendar year. All association funds shall be maintained in a federally insured bank or savings institution in the name of the association and the Treasurer, along with one other lot owner selected by the association, shall be the required signatures thereon.


The records of said bank/savings account shall be open to inspection by any party upon reasonable request.

11. The private water system is being managed in accordance with those certain "Water Use Guidelines for Owners of Private Water Systems in Piney Mountain", attached hereto as Exhibit "B" and each lot owner has received a copy of those guidelines.

FURTHER, the Affiants sayeth not.

 (SEAL)  
William S. Reid

President and Chairman of the Board  
Piney Mountain Property Owner's Association

 (SEAL)  
Pamela Gault  
Board Member  
Piney Mountain Property Owner's Association

Leslie Matthews (SEAL)

Leslie Matthews  
Board Member  
Piney Mountain Property Owner's Association

Karin Humalik (SEAL)

Karin Humalik  
Board Member  
Piney Mountain Property Owner's Association

Susan Sykes (SEAL)

Susan Sykes  
Board Member  
Piney Mountain Property Owner's Association

Thomas G. McHugh (SEAL)

Thomas G. McHugh  
Manager for  
Piney Mountain Property Owner's Association

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Sharon K. Cartrell, a Notary Public of the County and State aforesaid, certify that WILLIAM S. REID, personally came before me this day and acknowledged that he is President and Chairman of the Board of the Piney Mountain Property Owners Association, and that in that capacity, being authorized to do so, executed the foregoing on behalf of said Association.

Witness my hand and official stamp or seal, this 14<sup>th</sup> day of October, 2014.

(SEAL)



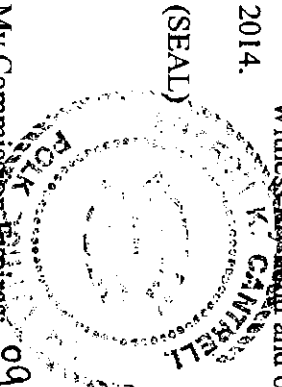
Sharon K. Cartrell  
Notary Public - State of North Carolina

My Commission Expires: 01-28-2019

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Shayon K. Cantrell, a Notary Public of the County and State aforesaid, certify that PAMELA GAULT, personally came before me this day and acknowledged that she is a Board Member of the Piney Mountain Property Owners Association, and that in that capacity, being authorized to do so, executed the foregoing on behalf of said Association.

Witness ~~my hand~~ and official stamp or seal, this 4<sup>th</sup> day of October, 2014.



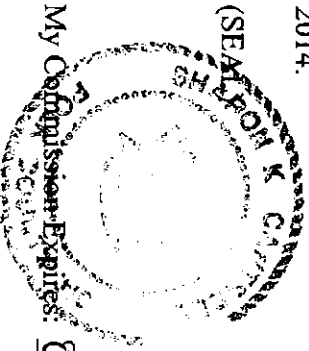
My Commission Expires: 09-28-2018

Shayon K. Cantrell  
Notary Public - State of North Carolina

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Shayon K. Cantrell, a Notary Public of the County and State aforesaid, certify that LESLIE MATTHEWS, personally came before me this day and acknowledged that he is a Board Member of the Piney Mountain Property Owners Association, and that in that capacity, being authorized to do so, executed the foregoing on behalf of said Association.

Witness my hand and official stamp or seal, this 4<sup>th</sup> day of October, 2014.



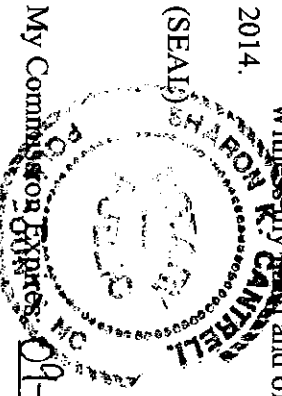
My Commission Expires: 09-28-2018

Shayon K. Cantrell  
Notary Public - State of North Carolina

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Shayon K. Cantrell, a Notary Public of the County and State aforesaid, certify that KARIN HUMANIK, personally came before me this day and acknowledged that she is a Board Member of the Piney Mountain Property Owners Association, and that in that capacity, being authorized to do so, executed the foregoing on behalf of said Association.

Witness ~~my hand~~ and official stamp or seal, this 4<sup>th</sup> day of October, 2014.



My Commission Expires: 09-28-2018

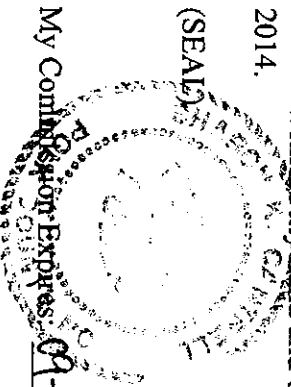
Shayon K. Cantrell  
Notary Public - State of North Carolina

4

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Sharon K. Cantrell, a Notary Public of the County and State aforesaid, certify that SUSAN SYKES, personally came before me this day and acknowledged that she is a Board Member of the Piney Mountain Property Owners Association, and that in that capacity, being authorized to do so, executed the foregoing on behalf of said Association.

Witness my hand and official stamp or seal, this 4<sup>th</sup> day of October, 2014.

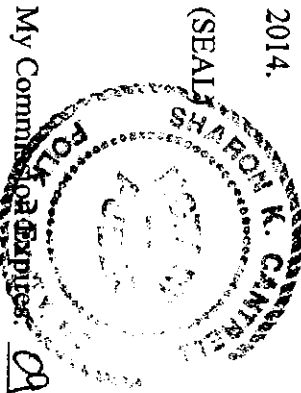


(SEAL) My Commission Expires 09-28-2018  
Sharon K. Cantrell  
Notary Public - State of North Carolina

STATE OF NORTH CAROLINA  
COUNTY OF POLK

I, Sharon K. Cantrell, a Notary Public of the County and State aforesaid, certify that THOMAS G. McHUGH, personally came before me this day and acknowledged that he is Manager for the Piney Mountain Property Owners Association, and that in that capacity, being authorized to do so, executed the foregoing on behalf of said Association.

Witness my hand and official stamp or seal, this 4<sup>th</sup> day of October, 2014.



(SEAL) My Commission Expires 09-28-2018  
Sharon K. Cantrell  
Notary Public - State of North Carolina

Exhibit "A"

PRIVATE WATER SYSTEMS IN PINEY MOUNTAIN SUBDIVISION  
Saluda, North Carolina

**System 1**      Lots 1-8 & 10-15

Well(s):      Well #1 is located on Windsong Ln behind Lot 14; Well #2 is located on Windsong Ln behind Lot 5

*Emergency Exchange Valves:* 1 on Moonshine Tr with System 5 behind Lot 13; 1 on Windsong Ln behind Lot 9.

**System 3**      Lots 36-40 & 46

Well(s):      Well #3 is located on Piney Gate Rd behind Lot 38

*Emergency Exchange Valve:* With System 4 on Piney Gate Rd behind Lot 40.

**System 4**      Lots 41-45 & 47-52

Well(s):      Well #4 is located on gray gravel drive that runs off Piney Gate Rd between Lots 49 & 78.

*Emergency Exchange Valve:* With System 3 on Piney Gate Rd behind Lot 40.

**System 5**      Lots 16-22 & RF 1-5

Well(s):      Well #5 is located on Moonshine Tr behind Lot 16; Well #11 is located on Lot RF-4

*Emergency Exchange Valve:* With System 1 on Moonshine Tr behind Lot 13.

**System 6**      Lots 9, 24-29, 31, 33; Parcels A & B

Well(s):      Well #6 is located on Moonshine Tr behind Lot 19;  
**Water is pumped to storage tanks located on Parcel B on Windsong Ln**

*Emergency Exchange Valve:* With System 1 on Windsong Ln behind Lot 9

**System 7**      Lots 58-66

Well(s):      Well #7 is located on the gray gravel drive that leads to Lot 58 from the end of Gamelands Tr

*Emergency Exchange Valve:* With System 8 on Gamelands Tr behind Lot 66

**System 8**      Lots 53-57 & 67-71

Well(s):      Well #8 is located on gray gravel drive that runs off Piney Gate Rd between Lots 49 & 78

*Emergency Exchange Valves:*      With System 7 on Gamelands Tr behind Lot 66 and with System 9 on Wesley Lane behind Lot 72

**System 9**      Lots 74-80 & Torter acreage

Well(s):      Well #9 is located off gray gravel drive that runs off Piney Gate Rd between Lots 49 & 78

*Emergency Exchange Valves:*      With System 8 on Wesley Ln behind Lot 72 and with System 10 on Wesley Ln behind Lot 80

**System 10**      Lots 81-94

Well(s):      Well #10 is located on Wesley Ln behind Lot 81

*Emergency Exchange Valve:*      With System 9 on Wesley Ln behind Lot 80

**System 12**      Lots 100-110

Well(s):      Well #12 is located on the left of Deep Woods Lane on Lot 103

*Emergency Exchange Valve:*      On Deep Woods Lane in front of Lot 109 with System 13

**System 13**      Lots 111-116 and Lot 123 combined\*

Well(s):      Well #13 is located across from Lot 111 on Deep Woods Ln

*Emergency Exchange Valve:*      On Deep Woods Lane in front of Lot 109 with System 12

**System 14**      Lots 117-120\*, 125, 127-132 combined, 134

Well(s):      Well #14 is on Lot 118 to the left of the driveway

*Emergency Exchange Valve:*      On Lot 117 beside the Last Road, across from the next to the Last Road, with System 13.

\*Lots 120 and 123 combined do not have taps installed. Purchasers of these Lots will have to pay for the installation of taps to their respective wells.

## Exhibit "B"

**Water Use Guidelines For Owners Of Private Water Systems In Piney Mountain Subdivision.**

*You are a co-owner of a private water system located in Piney Mountain Subdivision. This means you own a pro-rata share of the well, equipment, well easement, and main water lines that deliver water to your water tap and the taps of your fellow owners. You pay an annual water fee that goes towards power bills, repairs, and service on the system that you share with your co-owners.*

*These funds are collected by Carolina mountain Land Finders, Inc. as the financial manager of your system. They are maintained in the Piney Mountain Property Owners Trust account as a separate Trust in the name of your system. An accounting of these funds will be mailed annually to all of the co-owners of your system in January of each year. Carolina Mountain Land Finders, Inc receives 20% of funds collected in return for collecting and accounting for these funds, and paying bills associated with the operation and maintenance of your system.*

*Your System was installed, and is maintained by Camps Well and Pump of Ellenboro, North Carolina.*

*You, or one of your fellow owners will be asked to assume the position of manager of your system in the near future. The duties and authority of the System Manager (as opposed to the Financial Manager) are outlined in the guidelines that follow. For those of you who have been owners in Piney Mountain over the past years none of these guidelines will be new. Procedures remain the same. If you are a newcomer, and have never lived on a well, The guidelines and information shown below are critical. Please read them carefully!*

- 1.) The water in your system is delivered from a drilled well and is from deep veins found beneath the granite that forms our mountains. It is not surface water, and it is not subject to infiltration from rain water or run off from roads, septic systems, or other surface related water sources. Nevertheless, the wells are tested by Camps Well and Pump for fecal coliform (an indication of infiltration from surface sources) every three years. The main lines are also flushed every three years with concentrated chlorine to ensure that algae does not form in the pipes. At the present time the Polk County Health Department does not offer extensive testing for chemical pollution, but indications are that well inspections will become part of their duties in the future. Should this happen, appropriate test will be obtained by your System manager. Should any problem with the quality of the water in your system occur, you will be notified immediately. Given the location of Piney Mountain, it is highly unlikely that the water beneath it has experienced any industrial pollution.
- 2.) **The amount of water available to you from your system is not infinite!** Your system delivers 2-3 gals per minute at a pressure of 40-50 lbs to the tap on the road in front of your house. This is adequate for single household use, but is not adequate for supplying water for swimming pools, irrigation systems, heat pumps running on water, or other high volume water appliances. You will have no problem bathing, washing clothes, or running your dishwasher. If you landscape your property, you must water your plants using drip irrigation or soaker hoses, and you must do so at night when water usage is low. If you install a high volume appliance such as a hot



tub, it must be filled during a time that there is low occupancy on your system or later at night when water usage is low. Your system manager, or his delegate, has the authority to shut off your water at the tap should a leak in your home be discovered, or should you install equipment that causes an excessive drain on your system. Your water is not metered, and you and your fellow owners rely on each other to protect your water supply. Use common sense and avoid excessive water use.

- 3.) **Repair all leaks immediately when they occur in your home, or in the water line that runs from your tap to your house.** Shut off the tap, or the valve under or near your home that the plumber installed when your home was built. Do not let a toilet "run", or leave a faucet running when you leave your home. If you do not know where to shut off the water in your house, find out. You can call your builder, the previous owner, or a plumber to help you. It is always prudent to shut off the water to your home when you leave for more than a day.

- 4.) If you are a vacation home owner, or if you leave your home anytime between December and April for more than a few days, **WINTERIZE YOUR HOME!**

*Shut off the water to your home. Go inside and open all faucets and leave them Open. Flush all your commodes holding the lever down until all the water that will drain does so. Go back outside and open your lowest outside faucet-leave it open. Go back inside and pour ½ cup of RV type anti-freeze\* in every drain in your house-sinks, tubs, showers, the bottom of your washing machine and your dishwasher. Pour one quart in the front of your commodes and one cup in the backs. The RV type antifreeze is non toxic to you, your pets, and your septic system. Turn off all your faucets including the one outside. Be sure you turn off your hot water heater.*

- *RV antifreeze is available at Wal Mart, K Mart, and all autoparts store.*

## 5.) WATER PROBLEMS AND WHAT TO DO.

*A.) You are driving down any road in Piney Mountain and you see water bubbling up from the road surface or the bank or somebody's drive or anywhere near the road or a water tap (green plastic lid on the ground)*  
Call Landfinders (828) 749-9326 and report the location and the problem. If you get an answering device, leave a complete message including the phone number where you can be reached, and then-

Call Camps Well and Pump (828) 453-7322 and report the problem and its location. Occasionally, this phone does not get answered, even by a machine.

They will be back shortly-please keep trying until you reach them.

*B.) You arrive at your Piney Mountain home and you have no water.*

Check the shut off valve near or under your home to be sure it is in the "on" position.

Check the water tap (usually located on the road bank in front of your home) to be sure it is in the "on" position.

Check with any of your co-owners on your system (see attached list for lot numbers) to see if they have water. If they do it means your problem is in your own plumbing from your tap to your home. You must then locate and repair the problem yourself. If they don't have water, or there are no other co-owners in residence, follow the procedures outlined in (A.) above.

Always keep 10 or more gallons of potable water stored in your Piney Mountain home. If you arrive late in the day, or after dark, and you are the first person to discover a problem with your system, it will be the next day before the repair crew from Camps can get there. If you have not visited your Piney Mountain home for several weeks, it is advisable to time your arrival for morning hours. If we have had several days of extreme cold (single digit at night, sub-freezing during the day), parts of your system or your own plumbing may freeze. If there are no permanent residents on your system, and none of your fellow system owners have visited, no one has been there to keep water flowing, and you may not be able to get water until the weather moderates. You may have to go back to your permanent residence.

**When severe weather interrupts power in Piney Mountain, or at your well, you will not have water.** If you are a vacation home owner it is advisable to avoid visiting your Piney Mountain home during periods of anticipated severe winter weather. There is nothing romantic about being snowed in when you can't flush your commodes.

**If you are in residence in Piney and you are aware that power is off either to your home, or to your well, call REMC (the power company) at 1 800 521-0920.** Also call Landfinders (828) 749-9326 and report you problem and what action you have taken either in person or to the answering device.

*C.) You seem to have low water pressure in your sinks and showers, or you think your Water pressure is dropping.*

Turn on an outside faucet or a tub faucet if you have one. If you have good pressure there, then you must clear your faucet screens and shower heads. You may need a pair of pliers. Under each spigot in your kitchen and bathroom there are fine mesh screens that are screwed in. Remove them and your shower heads and flush them thoroughly. This is a common occurrence if you stay away from your home for long periods of time, or if your water main has been broken and repaired.

If you have established that there is a pressure problem-follow (A.) above

*D.) Your water is muddy.*  
Remove the screen from your kitchen faucet (see C above). Run the water for 10 minutes, if it does not clear up, follow (A.) above.  
Muddy water occurs when water line have been dug up for repair, and when a new home is connected to a tap.

*E.) There is a fine black or gray grit in your water.*

Your water comes from a well drilled in granite rock. It seems that heavy truck traffic, or perhaps minor earth tremors agitate the granite dust created in the drilling process. You will most often see this dust in your commode. If this is or become a concern for you, you may want to install a household water filter in your home.

*F.) Any other problems with your water.*  
Follow (A) above.

Do not, under any circumstances, attempt to repair your well, or open the emergency exchange valves connecting your system to its back-up! Only Camps Well and Pump, your System Manager, or his designate are authorized to make repairs or adjustments to your system.

**IF THE PROBLEM WITH YOUR SYSTEM IS A MAJOR LEAK, OPENING THE EMERGENCY EXCHANGE VALVE WILL DRAIN YOUR NEIGHBORS' SYSTEM AND MAY CAUSE EXPENSIVE DAMAGE TO IT.**

Co-ordinator: Landfinders (828) 749-9326

Well & System repair: Camps Well and Pump (828) 453-7322

Power Company: REMC 1-800 521-0920

*Included in this package is a list of the private water systems in Piney Mountain.*

Private Water Systems In Piney Mountain Subdivision  
Saluda, N.C.

System 1-Lots 1-8 & 10-15  
*Wells:* well#1 on Windsong Ln behind Lot 14, well#2 on Windsong Ln behind Lot 5  
*Emergency exchange valves:* one on Moonshine Tr with system 5 behind Lot 13, one on Windsong Ln behind Lot 9.

System 3-Lots 36-40 & 46  
*Well:* well#3 on Piney Gate Rd behind Lot 38  
*Emergency Exchange valve:* with system 4 on Piney Gate Rd behind Lot 40.

System 4-Lots 41-45 & 47-52  
*Well:* well#4 located on gray gravel drive that runs off Piney Gate Rd between Lots 49&78  
*Emergency exchange valve:* with System 3 on Piney Gate Rd behind Lot 40

System 5- Lots 16-22  
*Well:* well#5 located on Moonshine Tr behind Lot 16  
*Emergency exchange valve:* with System 1 on Moonshine Tr behind Lot 13

System 6-Lots 9,24-29,31,33,Parcels A&B  
*Well:* well#6 located on Moonshine Tr behind Lot 19 *Water is pumped to storage tanks located on Parcel B on Windsong Ln*  
*Emergency exchange valve:* With System 1 on Windsong Ln behind Lot 9

System 7- Lots 58-66  
*Well:* well#7 Located on the gray gravel drive that leads to Lot 58 from the end of Gamelands Tr  
*Emergency exchange valve:* With System 8 on Gamelands Tr behind Lot 66

System 8- Lots 53-57 & 67-71  
*Well:* well#8 located on gray gravel drive that runs off Piney Gate Rd between Lots 49 & 78  
*Emergency exchange valves:* with System 7 on Gamelands Tr behind Lot 66 & with System 9 on Wesley Ln behind Lot 72

System 9- Lots 74-80 & Torter acreage  
*Well:* well #9 Located off gray gravel drive that runs off Piney Gate Rd between Lots 49 & 78  
*Emergency exchange valves:* with System 8 on Wesley Ln behind Lot 72, & with System 10 on Wesley Ln behind Lot 80.

**System 10- Lots 81-94**

**Well: well#10** Located on Wesley Ln behind Lot-81

**Emergency exchange valve:** with System 9 on Wesley Ln behind Lot 80

**System 11- Lots RF-1-5**

**Well: Well#11** is located to the right of the cul-de-sac at the end of Rising Fawn Ln

**Emergency exchange valve:** with System 1 at the intersection of Rising Fawn and Windsong on RF-1

**System 12- Lots 100-110**

**Well: Well #12** is located to the left of Deep Woods Lane on Lot 103

**Emergency exchange valve:** On Deep Woods Lane in front of Lot 109 with System 13.

**System 13- Lots 111-116**

**Well: Well#13** is located across from Lot 111 on Deep Woods Ln.

**Emergency exchange valve:** On Deep Woods Lane in front of lot 109 with System 12