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return to: RICHARD N. ADAMS

STATE OF NORTH CAROLINA

ROAD MAINTENANCE AGREEMENT
PRIVATE WATER SUPPLY AGREEMENT

COUNTY OF TRANSYLVANIA

THIS AGREEMENT, made and entered into by and between MORITA S. MANN, MARY M. BAUR, CLEVELAND R. MANN and wife, MARGARET J. MANN, KEITH W. TROWBRIDGE and wife, DORIS TROWBRIDGE, and HOWARD SMITH and wife, ROBEN SMITH.

WITNESSETH:

THAT WHEREAS, all signatories to this instrument are presently all the owners of the land lying on and surrounding the private roadway leading to the Little Panthertail Mountain property (See Deed Book 231 at Page 124, Transylvania County Registry for a more particular description of the right-of-way) providing access over the private roadway to State Road #1375 McIntosh Road;

AND WHEREAS, all signatories to this instrument are presently all the owners of the land using a private gravity flow water system (See Deed Book 133 at page 367, Transylvania County Registry for a more particular description of the water easement) providing water from a spring fed reservoir located on the Fisher property (see above referenced deed) and piped approximately eighteen hundred (1800) feet;

AND WHEREAS, the parties hereto desire to provide for and reaffirm the common right of way along said private roadway and to provide for common maintenance of the said private right of way.

AND WHEREAS, the parties hereto desire to provide for and reaffirm the common right to use said private water system and to provide for common maintenance of the said private water system.

NOW THEREFORE, in consideration of the premises and the benefit to be gained by the parties hereto from this agreement, the parties hereto do hereby contract and agree as follows:

1. THAT the private roadway as referred to above shall be used for ingress, egress and regress over and upon said roadway by the parties hereto;

2. THAT the road shall be jointly maintained by the parties;

3. THAT no party not presently using the roadway shall be assessed any portion of the cost for maintenance and repair of same. However, any party who begins using the road after the date of this agreement shall be obligated to pay his or her proportional share of maintenance costs;

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4. THAT the road shall not be widened beyond its present width without the unanimous consent of all parties hereto or their heirs, successors, or assigns;
5. THAT no party shall be assessed or charged with a portion of the costs of any maintenance not previously agreed to by a simple majority of the parties hereto;
6. THAT the cost of road maintenance and repair is to be shared equally (1/5 share of cost);
7. THAT each party is responsible for the cost of inspection, maintenance, and repair of the water line that leaves the common trunk line and serves their individual property;
8. THAT the cost of inspection, maintenance, and repair of the common trunk line that brings water from the reservoir and stops at the Smith property is to be shared equally (1/5 share of cost);
9. THAT the cost of inspection, maintenance, and repair of the reservoir tank that stores the water from the spring is to be shared equally (1/5 share of cost);
10. THAT this agreement shall be binding upon the parties hereto, their heirs, successors and assigns, and shall run with the land owned by each; and
11. THAT this agreement shall become effective when all the aforementioned parties have signed.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and sealed this 4 day of Oct.

1995. Cleveland R. Mann (SEAL) Margaret J. Mann (SEAL) # CCY18875
 CLEVELAND R. MANN MARGARET J. MANN 10/4/95

Keith W. Trowbridge (SEAL) Doris Trowbridge (SEAL)
 KEITH W. TROWBRIDGE DORIS TROWBRIDGE

Howard Smith (SEAL) Robert Smith (SEAL)
 HOWARD SMITH ROBERT SMITH

Morita S. Mann (SEAL) Mary M. Baur (SEAL)
 MORITA S. MANN MARY M. BAUR

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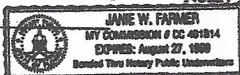
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STATE OF FLORIDA
COUNTY OF POLK

I, Janie W. Farmer, a Notary Public of State and County
aforesaid certify that MORITA S. MANN personally appeared before me this day and
acknowledged the execution of the foregoing instrument. Witness my hand and official
stamp or seal, this 12 day of Oct, 1995.

Janie W. Farmer
Notary Public

My Commission expires:

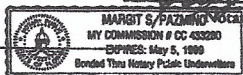


STATE OF FLORIDA
COUNTY OF POLK

I, MARGIT PAZMINO, a Notary Public of State and County
aforesaid certify that HOWARD SMITH and wife, ROBEN SMITH personally
appeared before me this day and acknowledged the execution of the foregoing
instrument. Witness my hand and official stamp or seal, this 1st day of
December, 1995.

Margit Pazmino
Notary Public

My Commission expires:



STATE OF FLORIDA
COUNTY OF POLK

I, Wanda C. Pugh, a Notary Public of State and County
aforesaid certify that MARY M. BAUR personally appeared before me this day and
acknowledged the execution of the foregoing instrument. Witness my hand and official
stamp or seal, this 7 day of December, 1995.

Wanda C. Pugh
Notary Public

My Commission expires:



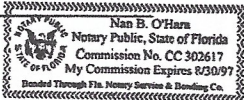
OFFICIAL SEAL
WANDA C. PUGH
My Commission Expires
May 14, 1996
Comm. No. CC 196962

STATE OF FLORIDA
COUNTY OF ~~POLK~~ LEE

I, Nan B. O'Hara, a Notary Public of State and County
aforesaid certify that KEITH W. TROWBRIDGE and wife DORIS TROWBRIDGE
personally appeared before me this day and acknowledged the execution of the
foregoing instrument. Witness my hand and official stamp or seal, this 16th day of
October, 1995.

Nan B. O'Hara
Notary Public

My Commission expires:



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STATE OF FLORIDA
COUNTY OF POLK

I, Linda L. Baker, a Notary Public of State and County
aforesaid certify that CLEVELAND R. MANN and wife, MARGARET J. MANN
personally appeared before me this day and acknowledged the execution of the
foregoing instrument. Witness my hand and official stamp or seal, this 4 day of
Oct., 1995.


Linda L. Baker
 Notary Public

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

The foregoing certificate of Danic W. Farmer, Margit S. Pazmina, Wanda C. Pugh, Nan B. O'Hara, Linda L. Baker
Notar(y) (ies) Public is/are certified to be correct. This instrument was presented for registration and
recorded in this office in Book 397, Page 241
This 04 day of January, 1996, at 1:25 o'clock P.M.

Nickie H. Edwards
Register of Deeds
By: Nickie S. McCall
Deputy Register of Deeds