

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

RIGHT OF WAY AND ROAD MAINTENANCE AGREEMENT

WHEREAS, the undersigned are all owners of real property located on a private road that is an extension of Pacolet Road (SR1841); and

WHEREAS, all of the land was originally part of a tract of land that was the subject of litigation in the Henderson County Superior Court designated Grant Pace et al. v. Myrtle Middleton et al.; and

WHEREAS, the litigation resulted in a Report of Commissioners and a decree confirming the Report of Commissioners that was recorded in Deed Book 112 at Page 103 through 106 in the Henderson County Registry; and

WHEREAS, the Report of Commissioners divided the land in question into a number of individual tracts and there was attached to and made a part of the decree a plat of subdivision; and

WHEREAS, the plat of subdivision did not provide any rights of way to provide access to the various tracts in the division; and

WHEREAS, over the years the various tracts have been resubdivided and conveyed to various parties; and

WHEREAS, access to the various tracts is by means of a private road that is an extension of Pacolet Road, but is not subject to state ownership or maintenance; and

WHEREAS, the deeds of conveyance to the various tracts serviced by the private road have not provided for rights of way to the parcels.

THEREFORE, the undersigned, all being owners of real property whose right of access is a private road that is an extension of Pacolet Road (SR1841) hereby grant a right of way over the existing private road as it crosses their individual parcel to each of the undersigned. It is the intention of this grant of right of way to create a private road along the existing roadway to provide ingress, egress, and redress for each of the parcels serviced by the private road. It is the intention of each of the parties executing this agreement that the grant of right of way shall become appurtenant to and run with title of the land owned by each party, and shall inure to the benefit of the undersigned, their heirs, successors or assigns.

EXCEPT BENNETTS

(In addition, the undersigned agree by this Agreement and in and for the consideration of the mutual benefit accruing to them and to

B:973 E748

their property by virtue of this Agreement, agree that they shall be responsible for the maintenance and upkeep of the road abutting their properties as leads from the property of the parties described below to Pacolet Road, a public road. This Agreement shall not be interpreted to require that each party who signs it agrees to be responsible for repaving the road, but shall bind the parties to keep the right of way abutting their property in an all-weather condition.

This Agreement entered into this _____ day of July, 1997.

Lucy S. Tiller (SEAL)

_____ (SEAL)

Deed Book _____ Page _____
Henderson County Registry

JUDY P. JONES
NOTARY PUBLIC
HENDERSON COUNTY, NC
COMM. EXPIRES 7/27/99

NORTH CAROLINA, Dak County.

I, a Notary Public of the County and State
aforesaid, certify that Lucy S. Tiller
Grantor,
personally appeared before me this day and acknowl-
edged the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this
5th day of July, 1997.

My commission expires 7/27/99. Judy P. Jones
Notary Public

Katherine B. Seals (SEAL)

By Lucy S. Tiller POA
_____ (SEAL)

Deed Book _____ Page _____
Henderson County Registry

JUDY P. JONES
NOTARY PUBLIC
HENDERSON COUNTY, NC
COMM. EXPIRES 7/27/98

NORTH CAROLINA, Dak County.

I, a Notary Public of the County and State
aforesaid, certify that Katherine B. Seals
By Lucy S. Tiller POA
Grantor,
personally appeared before me this day and acknowl-
edged the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this
5th day of July, 1998.

My commission expires 7/27/98. Judy P. Jones
Notary Public

WE GRANT THE RIGHT OF WAY
BUT DO NOT AGREE TO MAINTAIN
IT
E 373 P 749

[Signature] (SEAL)

Jessie P. Bennett (SEAL)

Deed Book _____ Page _____
Henderson County Registry

SEAL-STAMP South Carolina
NORTH CAROLINA, Jasper County.

I, a Notary Public of the County and State
aforesaid, certify that Jessie P. Bennett
personally appeared before me this day and acknowledged
the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this
29th day of July, 1997.

My commission expires 8/26/2003. Bridette B. Anderson
Notary Public

Howard M. Nielsen (SEAL)

Klenda E. Nielsen (SEAL)

Deed Book _____ Page _____
Henderson County Registry

SEAL-STAMP Georgia
NORTH CAROLINA, SWINNETT County.

I, a Notary Public of the County and State
aforesaid, certify that Howard M. Nielsen
Glennda E. Nielsen, Grantor,
personally appeared before me this day and acknowl-
edged the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this
4th day of August, 1997.

My Commission expires 10/16/2002. S. Williams
Notary Public



_____ (SEAL)

_____ (SEAL)

SEAL-STAMP NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State

B973 2750

WE AGREE TO GRANT THE RIGHT-OF-WAY BUT DO NOT AGREE TO MAINTAIN IT

[Signature] (SEAL)

Jarvis P. Bennett (SEAL)
Deed Book _____ Page _____
Henderson County Registry

SEAL-STAMP South NORTH CAROLINA, Jasper County.

I, a Notary Public of the County and State aforesaid, certify that Jarvis P. Bennett, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29th day of July, 1997.

My commission expires 8/26/2003. Bridgette B. Sanchez
Notary Public

Ted P. Pappas (SEAL)

(SEAL)
Deed Book _____ Page _____
Henderson County Registry

SEAL-STAMP NORTH CAROLINA, Jasper County.



I, a Notary Public of the County and State aforesaid, certify that Ted P. Pappas, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 13th day of August, 1997.

My commission expires 12/18/99. Suzanne L. Shultz
Notary Public

(SEAL)

(SEAL)

Deed Book _____ Page _____
Henderson County Registry

B.973 2751

aforesaid, certify that _____, Grantor,
personally appeared before me this day and acknowl-
edged the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this
day of _____, 19____.

My commission expires _____ .
Notary Public

Ernest Richard Mayson (SEAL)

_____ (SEAL)

Deed Book _____ Page _____
Henderson County Registry

SEAL-STAMP

NORTH CAROLINA, Henderson County.



I, a Notary Public of the County and State
aforesaid, certify that Ernest Richard Mayson,
Married to Judith Walden Mayson, Grantor,
personally appeared before me this day and acknowl-
edged the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this
day of December, 1994.

My commission expires 12/31/2001 .
W. C. Shumway
Notary Public

North Carolina, Henderson County The foregoing certificate(s) of
Judy P. Jones, Sandra D. Williamson, Suzanne L. Shultz &
William C. Shumway (Notaries Public) are certified to be correct. This instrument
presented for registration and recorded at this office
this 18 day of Dec., 1998.
at 3:35 P.M. in Book 973, page 247.
Debra W. Meles By: Patsy B. Higgins
Register of Deeds (Assistant Register)

B 967 213

North Carolina, Henderson County The foregoing certificate of

Martha A. Davis & Susan S. Craven

~~Notary Public~~ (Notaries Public) are certified to be correct this

instrument presented for registration and recorded in this office

this 12 day of October, 1998.

at 10:35 AM in Book 967, page 213

Rob. W. Male Brent O. Cook

Register of Deeds ~~Notary Public~~ (Deputy)

Opus

Excise Tax — 0 —

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.

Verified by County on the day of

by

Mail after recording to Katherine B. Scales, 22 Victory Avenue, Greenville, S.C. 29601-4322

This instrument was prepared by Susan S. Craven, Atkins & Craven, P.O. Box 517, Saluda, N.C. 28773

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 1st day of October, 1998, by and between

GRANTOR

GRANTEE

Robert R. Scales III and wife,
Lyn K. Scales

Katherine B. Scales

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Green River Township, Henderson County, North Carolina and more particularly described as follows:

All of that property described in the attachment hereto entitled, "Exhibit A to Deed from Robert R. Scales III and wife, Lyn K. Scales, to Katherine B. Scales".

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

Robert R. Scales III (SEAL)
Robert R. Scales III

Lyn K. Scales (SEAL)
Lyn K. Scales

..... (SEAL)

..... (SEAL)

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

USE BLACK INK ONLY


..... (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)

SEAL - STAMP STATE OF CALIFORNIA, COUNTY OF KERN
 I, a Notary Public of the County and State aforesaid, certify that Lyn K. Scales
 Grantor,
 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 October, 1998
 My commission expires: 10-31-98 MARSHA A. DAVIS Notary Public

SEAL - STAMP  NORTH CAROLINA, Polk County.
 I, a Notary Public of the County and State aforesaid, certify that Robert R. Scales III
 Grantor,
 personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
 hand and official stamp or seal, this 2nd day of October, 1998
 My commission expires: 3/12/2000 Susan Craven Notary Public

SEAL - STAMP NORTH CAROLINA, _____ County.
 I, a Notary Public of the County and State aforesaid, certify that _____
 Grantor,
 personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
 hand and official stamp or seal, this _____ day of _____
 My commission expires: _____ Notary Public

SEAL - STAMP NORTH CAROLINA, _____ County.
 I, a Notary Public of the County and State aforesaid, certify that _____
 Grantor,
 personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
 hand and official stamp or seal, this _____ day of _____
 My commission expires: _____ Notary Public

SEAL - STAMP NORTH CAROLINA, _____ County.
 I, a Notary Public of the County and State aforesaid, certify that _____
 Secretary of
 _____ a North Carolina corporation, and that by authority duly
 given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
 President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
 Witness my hand and official stamp or seal, this _____ day of _____
 My commission expires: _____ Notary Public

SEAL - STAMP NORTH CAROLINA, _____ County.
 I, a Notary Public of the County and State aforesaid, certify that _____
 Secretary of
 _____ a North Carolina corporation, and that by authority duly
 given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
 President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
 Witness my hand and official stamp or seal, this _____ day of _____
 My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____
 is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the
 first page hereof.
 REGISTER OF DEEDS FOR _____ COUNTY
 By _____ Deputy/Assistant-Register of Deeds.

B 9 6 7 2 1 6

EXHIBIT A TO DEED FROM ROBERT R. SCALES III AND WIFE, LYN K.
SCALES, TO KATHERINE B. SCALES

As an easement appurtenant to the property of Katherine B. Scales described in Deed Book 525, page 311, Henderson County Registry, and for the purposes of ingress and egress between said property and the existing private road referred to hereinafter, a right-of-way ten feet wide running from the common boundary between said property and the property of the Grantor described in Deed Book 960, page 772, Henderson County Registry (the southern boundary of the said property of the Grantor and the northern boundary of the said property of Katherine B. Scales being the common boundary between the two properties) over the southern portion of the said property of the Grantor in a generally northerly direction by the shortest route to the end of an existing private road located approximately in the middle of the said property of the Grantor and then a right-of-way over said existing private road running from approximately the middle of the said property of the Grantor in a generally northerly direction to the southern boundary of the property of Katherine B. Scales described in Deed Book 470, page 257, Henderson County Registry.