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Fee Amt: \$51.00 Page 1 of 4  
Polk, NC  
Sheila Whitmire Register of Deeds  
BK **396** PG **2484-2487**

Prepared by and Return to: ~~The Collie Law Firm~~ \* *→ Barbara Collins & Preece  
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STATE OF NORTH CAROLINA  
COUNTY OF POLK

**PRIVATE DRIVE  
MAINTENANCE AGREEMENT**

THIS PRIVATE DRIVE MAINTENANCE AGREEMENT, made and entered into this 29th day of November, 2012, by the property owners owning property on either side of a private drive, located off of Louisiana Avenue (S.R. 1142) in the Saluda Township, Polk County, North Carolina – said owners being:

- A. **THE SNAIL'S PACE, INC.** a North Carolina non-profit corporation and owner of that property described in Deed Book 218 at Page 219, Polk County Register of Deeds Office;
- B. **Carol Jennings, initial Trustee, or her successors in trust, under THE CONSTANCE FURRER AND FRANCES DUDLEY IRREVOCABLE TRUST, dated August 4, 1997** and owner of that property described in Deed Book 242 at Page 2056, Polk County Register of Deeds Office.

WITNESSETH:

WHEREAS, the owners have a 20 foot Right of Way over and across the above described private drive as set forth in those deeds recorded in Deed Book 218 at Page 217 and Deed Book 218 at Page 219, both in the Polk County Register of Deeds Office and more particularly described as "20' ROW as per D.B. 218, Pg. 719 & D.B. 218, Pg. 717" on that survey recorded in Book F, Page 129, Polk County Registry, reference to said documents being hereby made and

incorporated herein by reference; and

WHEREAS, the owners desire to maintain the private drive above described for their mutual benefit; and

WHEREAS the owners desire to assume responsibility for the expense of the private drive maintenance which shall be required to keep the private drive in passable, safe condition for ingress and egress to and from the State maintained road; and

WHEREAS, the owners desire to empower each individual owner and/or their heirs and assigns with the right to bring both civil and criminal prosecutions against persons who trespass on and or damage said private drive; and

WHEREAS, the owners wish to declare that the above described private drive may be used only by the owners and the owners' authorized guests.

NOW, THEREFORE, in consideration, the Owners, their successors and/or assigns in title, covenant and agree as follows:

1. The property owners agree that said private drive is to be maintained in an all weather condition.

2. The property owners further agree to be solely responsible for the expenses of maintaining the private drive.

3. The owners who executed this agreement may erect a sign to give warning that private drive, as it extends from the margin of Louisiana Avenue (S.R. 1142) is a private drive and only to be used by homeowners and their guests. A penalty list may also be noticed on the sign and the road is posed against trespassers.

4. This agreement is to run appurtenant to and with the land to the benefit and burden of the owners, their heirs, successors and assigns and grantees of the present property owners.

IN WITNESS WHEREOF, the owners have placed their hand and seal this the 29th day of November, 2012.

*The rest of this page left intentionally blank.*

The Snail's Pace, Inc., a North Carolina non-profit corporation

Valerie B. Hollinger (seal)  
By: Valerie B. Hollinger, Board President

STATE OF NORTH CAROLINA, COUNTY OF \_\_\_\_\_

I, a Notary Public for the County of Greenville and State aforesaid, do hereby certify that Valerie B. Hollinger personally came before me this day and acknowledged that she is the Board President of The Snail's Pace, Inc., a North Carolina non-profit corporation and that by authority duly given and as an act of the corporation, executed the foregoing instrument for the purposes therein expressed. This the 29<sup>th</sup> day of November, 2012.



My Commission Expires May 04, 2020

My Commission expires:

Kathryn M. Cook  
NOTARY PUBLIC

The Constance Furrer And Frances Dudley  
Irrevocable Trust, Dated August 4, 1997

Carol Jennings (seal)  
By: Carol Jennings, Trustee

STATE OF NORTH CAROLINA, COUNTY OF Mecklenburg

I, a Notary Public for the County of Mecklenburg and State aforesaid, do hereby certify that Carol Jennings, Trustee of the Constance Furrer and Frances Dudley Irrevocable Trust, Dated August 4, 1997 came before me this day and acknowledged the foregoing instrument for the purposes therein expressed. This the 20<sup>th</sup> day of November, 2012.

Alvin M. Huntley  
NOTARY PUBLIC

My Commission expires: January 30<sup>th</sup>, 2016

