

**Access to SUBJECT properties
via Parker Cove Rd to Old Stewart
Rd to Pathwood Lane and
recorded 30' ROW Easement.**

Old Stewart Rd

Pathwood Lane

**30' ROW Easement
(Plat BK 236 PG 54)**

SUBJECT

PIN 9752-52-6612
KEITH & CHERYL SWIGART
DEED BOOK 5133, PAGE 177

PIN 9752-52-5513
CHRISTOPHER & ASHLEY BANGERT
DEED BOOK 5876, PAGE 671

PIN 9752-52-5187
MARVELENE LINDSAY
DEED BOOK 2089, PAGE 406

PIN 9752-52-5187
MARVELENE LINDSAY
DEED BOOK 2089, PAGE 406

REMAINDER OF
PIN 9752-52-8174
IDA STEWART
DEED BOOK 1103, PAGE 297

55#M - GPS2
N:722,825.99'
E:956,080.89'
NAD 83(2011)

52-63-2011
SUSAN STEWART
5999, PAGE 720

#5 REBAR
W/I.D. CAP

ANGLE IRON
(DISTURBED)

#5 REBAR
W/I.D. CAP

15 (TIE)

#5 REBAR
W/I.D. CAP

PIN 9752-62-0563
CUSTON & JACKY DILLARD
K 4471, PAGE 1815

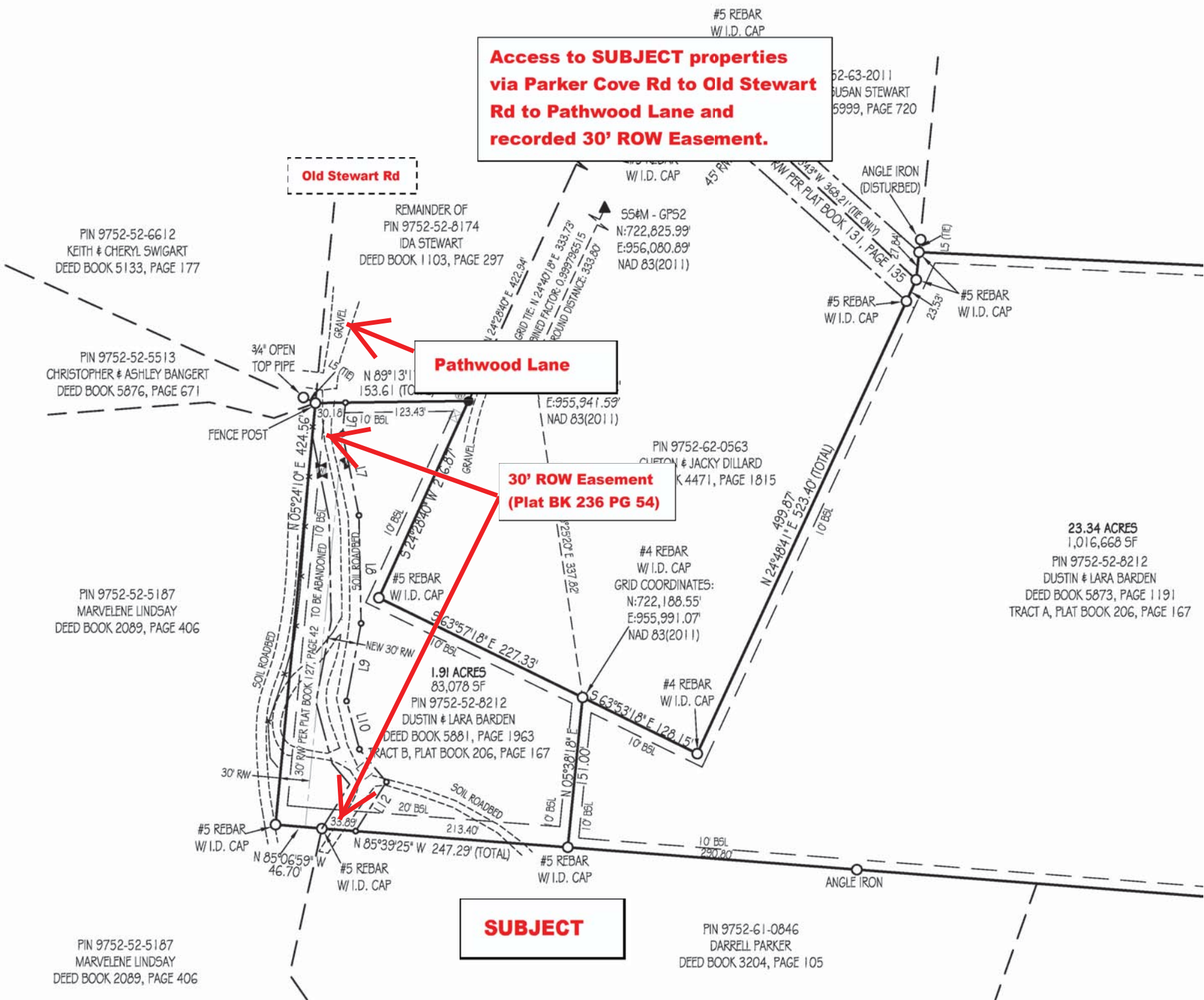
#4 REBAR
W/I.D. CAP
GRID COORDINATES:
N:722,188.55'
E:955,991.07'
NAD 83(2011)

#4 REBAR
W/I.D. CAP

23.34 ACRES
1,016,668 SF
PIN 9752-52-8212
DUSTIN & LARA BARDEN
DEED BOOK 5873, PAGE 1191
TRACT A, PLAT BOOK 206, PAGE 167

1.91 ACRES
83,078 SF
PIN 9752-52-8212
DUSTIN & LARA BARDEN
DEED BOOK 5881, PAGE 1963
TRACT B, PLAT BOOK 206, PAGE 167

PIN 9752-61-0846
DARRELL PARKER
DEED BOOK 3204, PAGE 105



Type: CONSOLIDATED REAL PROPERTY.
Recorded: 2/29/2024 9:03:25 AM
Fee Amt: \$26.00 Page 1 of 4
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6388 PG 823 - 826

EASEMENT AND RIGHT OF WAY AGREEMENT

Prepared by/Return to: Martin Law Firm, P.A., Box #42

This Easement and Right of Way Agreement is made and entered into as of this ~~25~~²⁶ day of February, 2024, by and between Dustin Barden and Lara Barden, married to each other ("Barden"), and Darrell Franklin Parker ("Parker").

WHEREAS, Barden is the owner of that property located at 99999 Old Stewart Road, Weaverville, NC 28787 (Parcel ID # 9752-52-8212-00000), said property also being that 1.91 Acre Tract as shown on that plat recorded in Plat Book 236 at Page 54, Buncombe County, NC Registry (hereinafter "Barden Property"); and

WHEREAS, Parker is the owner of that property located at Parker Cover Road, Weaverville, North Carolina 28787 (Parcel ID # 9752-61-0846-00000), said property also being all of Tract 4-A and Tract 5-A as shown on that plat recorded in Plat Book 29 at Page 103, Buncombe County, NC Registry (hereinafter "Parker Property"); and

WHEREAS, thirty foot (30') rights of way have been granted to the Parker Property for ingress, egress, and regress to and from the Parker Property and the nearest existing state-maintained road known as Parker Cove Road (S.R. 2106), said rights of way being more particularly described in Book 2011 at Page 47, Buncombe County, NC Registry (hereinafter "Original Right of Way"); and

WHEREAS, a portion of the Original Right of Way runs across the Barden Property, said portion of the Original Right of Way being more particularly described as "30' R/W Per Plat Book 127, Page 42 To Be Abandoned" as shown on that plat recorded in Plat Book 236 at Page 54, Buncombe County, NC Registry (hereinafter "Barden Portion"); and

WHEREAS, the Barden Portion does not connect or adjoin to the Parker Property, and therefore does not supply sufficient means of access to the Parker Property over and across the Barden Property; and

**Submitted electronically by "Martin Law Firm P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.**

WHEREAS, Barden and Parker, being the lawful owners of the Barden Property and Parker Property, respectively, hereby agree that legal access is currently not conferred to the Parker Property, and as such, the parties hereto desire to create and confirm a sufficient grant of access over and across the Barden Property connecting to the boundary of the Parker Property for the benefit of Parker and future owners of the Parker Property; and

NOW, THEREFORE, in consideration of the foregoing, it is agreed as follows:

1. Barden hereby gives, grants and conveys unto Parker, and Parker's heirs, successors and assigns, a non-exclusive perpetual right of way and easement for ingress, egress and regress over and across that portion of the Barden Property entitled "NEW 30' R/W" as shown on that plat recorded in Plat Book 236 at Page 54 in the Buncombe County, North Carolina Register's Office (hereinafter "Easement Area"), that shall, in part, provide access over and across the Barden Property to the northern margin of the Parker Property to and from the existing state-maintained road known as Parker Cove Road (S.R. 2106) for pedestrian, vehicular and utility purposes.

2. Barden hereby gives, grants and conveys unto Parker, and Parker's heirs, successors and assigns, a non-exclusive perpetual right of way and easement to maintain and repair the Easement Area, at Parker's sole expense. Parker shall have the right to maintain and repair the Easement Area as necessary to maintain it in suitable condition for vehicular traffic.

3. Parker shall be solely responsible for maintenance and repair of those portions of the Easement Area on the Barden Property including having the absolute discretion of whether such maintenance and repair of the Easement Area is necessary.

4. Parker shall indemnify and hold harmless Barden for all liability, claims, damages and expenses arising out of the repair, maintenance and use of the Easement Area by Parker except for instances of intentional or negligent acts by Barden or guests and invitees of Barden.

5. All rights granted herein are appurtenances to the Barden Property and the Parker Property. The provisions hereof shall inure to the benefit of and bind the parties hereto and their respective heirs, successors and assigns.

[Remainder of Page Left Blank Intentionally. Signatures and Notarial Acknowledgments Follow on Separate Pages.]

SIGNATURE PAGE - Parker

Darrell Franklin Parker (SEAL)
Darrell Franklin Parker

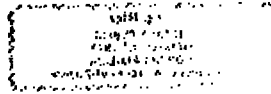
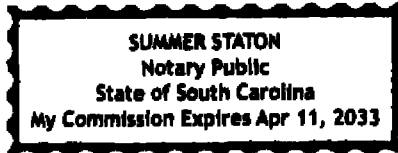
STATE OF South Carolina - COUNTY OF Horry

I, a Notary Public of the aforesaid County and State, certify that Darrell Franklin Parker, personally appeared before me this 26th day of February, 2024, and acknowledged the due execution of the foregoing instrument for the purposes expressed therein.

My Commission expires: 4/11/2033

Summer Staton
Notary Public
Print Name: Summer Staton

(affix notary seal)



[Remainder of Page Left Blank Intentionally.]

SIGNATURE PAGE - Barden

[Signature] (SEAL)
Dustin Barden

[Signature] (SEAL)
Lara Barden

STATE OF North Carolina - COUNTY OF Swain

I, a Notary Public of the aforesaid County and State, certify that Dustin Barden and Lara Barden, personally appeared before me this 23 day of February, 2024, and acknowledged the due execution of the foregoing instrument for the purposes expressed therein.

My Commission expires: 07/29/2026

[Signature]
Notary Public
Print Name: Eric Rice

(affix notary seal)



[Remainder of Page Left Blank Intentionally.]

BK 2011 PG 047

PREPARED BY AND MAIL AFTER RECORDING TO: Carl W. Loftin, Roberts & Stevens, P.A., P. O. Box 7647; Asheville, NC 28802 REGISTERED

NORTH CAROLINA '98 MAR -2 P2:49
COUNTY OF BUNCOMBE

RIGHT OF WAY AGREEMENT

THIS RIGHT OF WAY AGREEMENT, made and entered into this 26 day of February, 1998, by and between JAMES FRANKLIN PARKER and wife, LUCILLE WALTON PARKER, hereinafter referred to as Parties of the First Part, and JOHN ROBERT STEWART (also known as Robert Stewart) and wife, IDA C. STEWART, hereinafter referred to as Parties of the Second Part;

WITNESSETH:

THAT WHEREAS, the Parties of the First Part and the Parties of the Second Part are the owners of adjacent tracts of land in Reems Creek Township of Buncombe County, North Carolina, the lands of the Parties of the First Part, Parker, being more particularly described in a deed recorded in Deed Book 1876, at Page 554 and the lands of the Parties of the Second Part, Stewart, being more particularly described in a deed recorded in Deed Book 1103, at Page 297, both in the Buncombe County Registry; and

WHEREAS, there are recorded prior rights of way agreements for the benefit of the Parker and Stewart lands which establish two (2) eighteen (18) foot rights of way as follows:

1. An eighteen (18) foot right of way for the benefit of the Stewart land, which right of way was conveyed by W. L. Parker (a predecessor in title to James Franklin Parker and wife) to Robert Stewart and wife, Ida C. Stewart by deed dated August 27, 1962 and recorded in Deed Book 868, at Page 307 in the Buncombe County Registry.
2. An eighteen (18) foot right of way for the benefit of the Parker land, which right of way was conveyed by Robert Stewart and wife, Ida C. Stewart to W. L. Parker by deed dated August 27, 1962 and recorded in Deed Book 868 at Page 313 in the Buncombe County Registry; and

WHEREAS, it is now the desire of the parties to widen said rights of way to thirty (30) feet in width from their prior eighteen (18) foot width and it is further the desire of the Parties of the First Part, James Franklin Parker and wife, Lucille Walton Parker, to grant to the Parties of the Second Part, John Robert Stewart and wife, Ida C. Stewart, the right to expand the use of the thirty (30) foot right of way over the lands of Parker which serves the lands of Stewart so that said right of way will also benefit another tract which lies to the east of the John Robert Stewart and wife tract described in Deed Book 1103,

R&S:128336-1

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001252

BK 2011 PG 04B

at Page 297, which tract lying to the east of the John Robert Stewart and wife tract is a tract which contains 42.79 acres and which is a tract more particularly described in a deed from John Robert Stewart and wife, Ida C. Stewart to Verlin Johnson Stewart dated July 3, 1974 and recorded in Deed Book 1103, at Page 277 in the Buncombe County Registry. The latter tract has been inherited by John Robert Stewart and by Reba Stewart Anders and will be partitioned between John Robert Stewart and Reba Stewart Anders by Partition Deed duly recorded in the Buncombe County Registry. It is the desire of the parties to this agreement to enable John Robert Stewart and wife, Ida C. Stewart to extend over their land the thirty (30) foot right of way leading from Parker Road across the Robert and Ida C. Stewart tract to serve and benefit the lands being conveyed to Reba Stewart Anders and her husband, Charles Anders without the Parkers joining in the deed to Anders, so that the right of way will serve the Reba Stewart Anders and husband tract and, if necessary, the southern portion of the Verlin Johnson Stewart tract which will be conveyed to John Robert Stewart and wife by Reba Stewart Anders and her husband.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) to each party in hand paid by the other parties, the receipt of which is hereby acknowledged, and for the further consideration of the mutual benefits which will inure to the parties by the establishment of the thirty (30) foot road right of way, the parties do hereby agree as follows:

That certain eighteen (18) foot right of way heretofore conveyed by W. L. Parker to Robert Stewart and wife, Ida C. Stewart by the deed dated August 27, 1962 and recorded in Deed Book 868, at Page 307 is hereby widened to a thirty (30) foot road right of way to lie on either side of a center line described as follows:

Beginning on a point in the western boundary of the John Robert Stewart and wife, Ida C. Stewart tract of land as described in Deed Book 1103, at Page 297, which point is located South 04 deg. 40 min. 00 sec. West 228.92 feet from a 21" poplar which is the beginning corner of the John Robert Stewart tract; runs thence South 77 deg. 30 min. West 500 feet, more or less, to a point in the eastern margin of Parker Road. The right of way, as hereby widened, shall lie parallel to and fifteen (15) feet to the north of the center line and parallel to and fifteen (15) feet to the south of the center line.

The above described 30 foot right of way over the Parker land shall inure to the benefit of the Parties of the First Part and the Parties of the Second Part and their successors in title to their respective tracts of land as described in Deed Book 1876, at Page 554 and Deed Book 1103, at Page 297 in the Buncombe County Registry. Said right of way shall also insure to the benefit of the owners of the Verlin Johnson Stewart tract of land as described in Deed Book 1103, at Page 277 in the Buncombe County Registry. Said right of way shall be held on the same terms and conditions as the original eighteen (18) foot right of way which was conveyed by W. L. Parker to Robert Stewart and wife, Ida C. Stewart by the deed dated August 27, 1962 and recorded in Deed Book

BK 2011 PG 049

868 at Page 307 in the Buncombe County Registry.

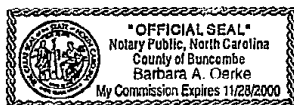
The eighteen (18) foot right of way which was conveyed by Robert Stewart and wife, Ida C. Stewart to W. L. Parker for the benefit of the Parker lands by the deed dated August 27, 1962 and recorded in Deed Book 868 at Page 313 is hereby widened to a thirty (30) foot right of way.

The new thirty (30) foot right of way shall begin on a point which is located in the western boundary of the John Robert Stewart and wife, Ida C. Stewart tract of land as described in Deed Book 1103, at Page 297, which point is located South 04 deg. 40 min. 00 sec. West 213.92 feet from a 21" poplar which is the beginning corner of the John Robert Stewart tract, which beginning point is also located North 04 deg. 40 min. 00 sec. East 15.00 from the center line of the first right of way above described which benefits the Stewart property and North 04 deg. 40 min. 00 sec. East 12 feet from the beginning corner of the 18 foot right of way described in Deed Book 868 at Page 313. From the beginning point, the boundary of the 30 foot right of way runs with the western boundary of the Stewart tract, South 04 deg. 40 min. 00 sec. West 1,009.00 feet, more or less, to a point in the western boundary of the Stewart tract, which is the original southwestern corner of the eighteen (18) foot right of way described in Deed Book 868, at Page 313; runs thence South 87 deg. East with the southern boundary of the original right of way and beyond, 30 feet to a point; thence North 04 deg. 40 min. East 1,009.00 feet to a point; thence North 87 deg. West 30 feet to the place of BEGINNING.

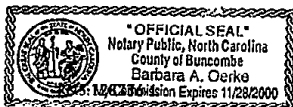
The new thirty (30) foot right of way hereby established over the Stewart land shall inure to the benefit of the owners of the land of Parker and Stewart as described in Deed Book 1876 at Page 554 and Deed Book 1103 at Page 297 and shall be held on the same terms and conditions as the original eighteen (18) foot right of way described in Deed Book 868, at Page 313 of the Buncombe County Registry.

TO HAVE AND TO HOLD the above described rights of way unto the respective parties and their successors and assigns and to the owners of the Verlin Johnson Stewart tract described in Deed Book 1103, at Page 277 in the Buncombe County Registry and their successors and assigns forever.

IN WITNESS WHEREOF, the Parties of the First Part and the Parties of the Second Part have hereunto set their hands and seals the day and year first above written.

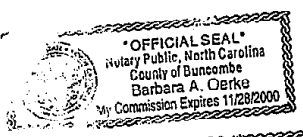


James Franklin Parker (SEAL)
James Franklin Parker



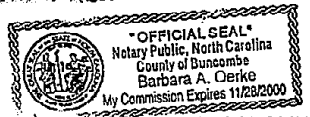
Lucille Walton Parker (SEAL)
Lucille Walton Parker

BK 2011 PG 050



John Robert Stewart (SEAL)
John Robert Stewart

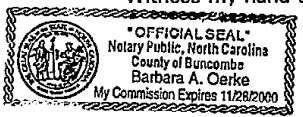
Ida C. Stewart (SEAL)
Ida C. Stewart



STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said State and County do hereby certify that JAMES FRANKLIN PARKER and wife, LUCILLE WALTON PARKER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal this the 26 day February, 1998.



Barbara A. Oerke
Notary Public

My Comm. Expires:

11-28-2000

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said State and County do hereby certify that JOHN ROBERT STEWART and wife, IDA C. STEWART personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

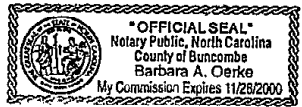
Witness my hand and Notarial seal this the 26 day February, 1998.

Barbara A. Oerke
Notary Public

My Comm. Expires:

11-28-2000

RecS:128336-1



4

State of North Carolina, County of Buncombe
Each of the foregoing certificates, namely of Barbara A. Oerke

a notary or Notaries public of the State and County designated is hereby certified to be correct.

Filed for registration on this the 2 day of March, 19 98 at 2:49 P. M.
Otto W. DeBruhl
OTTO W. DeBRUHL
Register of Deeds, Buncombe County
By: Judy K. Smith
By: Adj. Deputy/Register of Deeds

State of North Carolina
County of Buncombe,

This Indenture, made this 27th day of August, 1962, by and between
B9 W. L. PARKER, Unmarried,

hereinafter called Grantors, and 941 ROBERT STEWART and wife, 937 IDA STEWART,

hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

Witnesseth; That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees their heirs and/or successors and assigns (subject, however, to any conditions, restrictions, limitations, reservations or exceptions appearing after the description below), the following particularly described real estate, located in Buncombe County, North Carolina, to-wit: In Reems Creek Township

A permanent and perpetual easement for a right-of-way for an open road without gates or other enclosures upon it for the purpose of ingress and egress to and from the lands belonging to Grantees, said roadway to have a total width of 18 feet, including ditches, and lying upon the following described lands of Grantor.

BEGINNING on a stake in the Eastern margin of Parker Road which said road crosses the Southern line of Lot No. 4 of a division of the E. F. Parker Estate as shown on a Map made by J. R. Reagan, Surveyor, in December, 1956, and runs thence with the Southern margin of Lot No. 4 North 77 degs. 30 mins. East, 500 feet, more or less, to a stake in the Western line of the line of Grantees; thence with said line North 4 degs. 40 mins. East, 18 feet to a stake; thence South 77 degs. 30 mins. West, 500 feet, more or less, to a stake in the Eastern margin of Parker Road; thence with said margin 18 feet to the BEGINNING.

To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

_____(SEAL) W. L. Parker _____(SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)

State of North Carolina, County of Buncombe

Francess A. Lasater, a Notary Public of said State and County, do hereby certify that W. L. PARKER, Unmarried,

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 28 day of August, 1962.

My commission expires: March 30, 1964 Francess A. Lasater, Notary Public.

State of _____, County of _____

I, _____, a Notary Public of said State and County, do hereby certify that

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 19_____.

My commission expires: _____, Notary Public.

State of North Carolina, County of Buncombe

Each of the foregoing certificates, namely of Francess A. Lasater a Notary or Notaries Public of the State and County designated, is adjudged to be correct. Let the instrument and the certificates be registered.

This 31 day of Aug, 1962.

Filed for registration on the 31 day of Aug, 1962 at 3:58 P.M.
Nancy B. Brown
Deputy Clerk Superior Court, Buncombe County, N. C.
Geo. A. Duggins, Jr.
Register of Deeds
Mark A. Durham
Deputy

State of North Carolina
County of Buncombe,

This Indenture, made this 27th day of August, 1962, by and between
941 - 937
ROBERT STEWART and wife, IDA STEWART,

759-6
hereinafter called Grantors, and W. L. PARKER,

hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

Witnesseth; That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees their heirs and/or successors and assigns (subject, however, to any conditions, restrictions, limitations, reservations or exceptions appearing after the description below), the following particularly described real estate, located in Buncombe County, North Carolina, to-wit: In Reems Creek Township

A permanent and perpetual easement for a right-of-way for an open road without gates or other enclosures upon it for the purpose of ingress and egress to and from the lands belonging to Grantee, said roadway to have a total width of 18 feet, including ditches, and lying upon the following described lands of Grantors.

BEGINNING at a stake in the Western margin of the lands owned by Grantors, said stake being located in the Northern margin of the easement and right-of-way for a road this date conveyed to Grantors by the Grantee herein and runs thence South 4 degs. 40 mins. West, 18 feet to a stake at the Southeast corner of Lot No. 4 as shown in the division of the E. F. Parker Estate on a Map made by J. R. Reagan, Surveyor, in December, 1956; thence with Grantors West line South 4 degs. 40 mins. West, 979 feet to a stake; thence South 87 degs. East, 18 feet to a stake; thence North 4 degs. 40 mins. East, 997 feet to a stake; thence North 87 degs. West, 18 feet to the BEGINNING.

To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

John Robert Stewart (SEAL) _____ (SEAL)
Ida Stewart (SEAL) _____ (SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)
_____(SEAL) _____(SEAL)

State of North Carolina, County of Buncombe
James A. Lasater, a Notary Public of said State and County, do hereby certify that
ROBERT STEWART and wife, IDA STEWART,
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and Notarial Seal, this 28 day of August, 19 62
My commission expires: March 30, 1964 James A. Lasater, Notary Public.

State of _____, County of _____
I, _____, a Notary Public of said State and County, do hereby certify that
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and Notarial Seal, this _____ day of _____, 19 _____
My commission expires: _____, Notary Public.

State of North Carolina, County of Buncombe
Each of the foregoing certificates, namely of James A. Lasater
a Notary or Notaries Public of the State and County designated, is adjudged to be correct. Let the instrument and the certificates be
registered.
This 31 day of Aug, 19 62
Clerk

Filed for registration on the 31 day of Aug, 19 62 at 3:58 P.M.
Deputy Clerk Superior Court, Buncombe County, N. C.
Register of Deeds
Maurice L. Parlman
Deputy

Road Maintenance Agreement

Workflow No. 2646735

CLH



Doc ID: 021316950002 Type: CRP
Recorded: 09/30/2008 at 02:18:39 PM
Fee Amt: \$17.00 Page 1 of 2
Workflow# 2646735
Buncombe County, NC
Otto W. DeBruhl Register of Deeds

BK 4611 PG 1415-1416

Prepared by and return to:
Goosmann Rose, P.A.
(08-2238 GFG/EMC) *ICB*

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

CONSENT TO SUBDIVISION USE, DESIGNATION AND MAINTENANCE OF RIGHT OF WAY

This Consent to Subdivision Use, Designation and Maintenance of Right of Way is entered into this the day of September, 2008, by and between of Darrell F. Parker and wife, Kathy Parker (herein the "Parkers") and Stone Mountain Investment Corporation, a North Carolina corporation (herein "Stone Mountain").

WITNESSETH:

That Whereas, the Parkers are the owners of that certain property described by deed recorded in Record Book 3204, at Page 105 of the Buncombe County, North Carolina Registry (herein "Parker Property"); and

Whereas, Stone Mountain is the owner of Pathwood Subdivision comprising Lots 1 through 5 on that plat of the Pathwood Subdivision recorded in Plat Book 137, at Page 40, of the Buncombe County, North Carolina Registry (herein "Pathwood Subdivision"); and

Whereas, the Parker Property and Pathwood Subdivision are benefitted and accessed by those two certain rights of ways commonly known as Old Stewart Road and Pathwood Lane as the same are shown in Plat Book 137, at Page 40 of the Buncombe County, North Carolina Registry (herein "Rights of Ways"); and

Whereas, Stone Mountain desires to obtain the consent of the Parkers for the designation of such Rights of Ways as private roadways and the use thereof for the benefit of the various lots located within Pathwood Subdivision, and the parties further desire to set forth herein that consent and to memorize and establish maintenance obligations pertaining to such joint use of the Rights of Ways.

Now Therefore, for valuable consideration to each other paid, the receipt and sufficiency of which is hereby acknowledged, the parties hereto to hereby covenant, consent and agree as follows:

1. The Parkers consent to the designation of the said Rights of Ways as private road rights of ways and to the increased use of the Rights of Ways for the benefit of Pathwood Subdivision; and

2

- 2. Upon the commencement of construction of a dwelling or other permanent structure upon the Parker Property, the Parkers shall be obligated to pay a pro rata share of the annual maintenance for the Rights of Ways of Old Stewart Road and Pathwood Lane.

In Witness Whereof, the Parkers and Stone Mountain have hereunto set their hands and seals as of the day and year first above written.

Stone Mountain Investment Corporation,
a North Carolina corporation

[Signature]
Keith C. Swigart, President

[Signature]
Darrell F. Parker

[Signature]
Kathy Parker

State of North Carolina
County of Buncombe

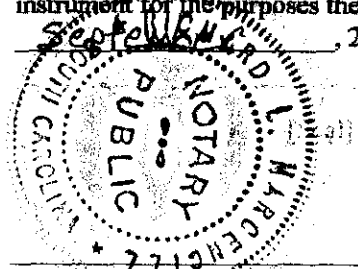
The undersigned, a Notary Public of the County and State aforesaid, does hereby certify that Keith C. Swigart personally appeared before me this day and acknowledged that he is President of Stone Mountain Investment Corporation, a North Carolina corporation, and that as President, being authorized to do so, he executed the foregoing on behalf of the Corporation. Witness my hand and Notarial stamp or seal, this the 27 day of Sept 2008.

John R. Rose
Notary Public
Buncombe County, NC

[Signature]
Notary Public
Commission Expiration: 7-18-2011

State of South Carolina
County of Spartanburg

The undersigned, a Notary Public of the County and State aforesaid, does hereby certify that Darrell F. Parker and wife, Kathy Parker personally appeared before me this day and acknowledged the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal, this the 15 day of September, 2008.



[Signature]
Notary Public
Commission Expiration: 12-20-2011

The foregoing certificate(s) of _____ is 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.

By: _____
Buncombe County Register of Deeds
Deputy/ Assistant - Register of Deeds