

NORTH CAROLINA, LEE COUNTY
Presented for registration on the 5th
of April 1995 at 10:40 AM
recorded in Book 402 page 553
Nettie W Thomas, Register of Deeds

Enclose Tax

Recording Time, Book and Page

Drafted by W. Woods Doster, Attorney at Law
No Title Examination
P. O. Box 1320
Sanford, NC 27330

Brief Description for Index: Two Tracts, Carolina Trace

**DEED OF EASEMENT
AND AGREEMENT CONCERNING ROADS**

THIS DEED OF EASEMENT AND AGREEMENT, made this 9th day of January, 1995, by and among

CAROLINA TRACE ASSOCIATION, INC., a North Carolina not for profit corporation having its principal place of business at the village of Carolina Trace, Lee County, N.C. (hereinafter referred to as the "Grantor"); and

THE FOLLOWING ASSOCIATIONS OF PROPERTY OWNERS for the various subdivisions comprising the village of Carolina Trace, Lee County, N.C., some of which associations are operated as not for profit corporations and some as not for profit unincorporated associations, all of which associations were created in sets of restrictive covenants recorded in the Office of the Register of Deeds for Lee County (which Associations are hereinafter referred to as the "Grantees"). The Associations, and the restrictive covenants which created them, are as follows:

<u>Name of Association</u>	<u>Location of Covenants</u>	<u>As Modified/ Amended & Restated</u>
1. Eagles Nest Property Owners Association	239-666	
2. Golf East Property Owners Association, Inc.	270-926	

3. Golf North Property Owners Association, Inc. 305-807
4. Golf West Property Owners Association, Inc. 252-809
5. Harbor Creek Property Owners Association INC 235-591 440-807
6. Hidden Lakes Property Owners Association, Inc. 245-537 319-220
251-189
7. Highland Woods Property Owners Association, Inc. 332-65
8. Lakewood Property Owners Association, Inc. 322-1
9. Laurel Thicket Property Owners Association, Inc. 255-379
252-815
271-32
10. Mallard Cove Property Owners Association, Inc. 290-585
11. North Shore Property Owners Association 116-391 440-47
118-770
237-111
244-654
12. Sedgemoor Property Owners Association INC 344-538
13. South Landing Property Owners Association, Inc. 242-840 450-125
288-124

14. South Wind Property Owners Association, Inc. 240-192 452-852
15. Stone Gate Property Owners Association 266-675
16. Woodfield Owners Association, Inc. 325-824
17. Woodmere-Trentwood Property Association, Inc. 344-531; and

THE OWNERS OF EACH AND EVERY LOT within each and every Grantee association (hereinafter referred to as the "Lot Owners"), their successors and assigns.

W I T N E S S E T H:

Whereas, the Grantee associations are associations of Lot Owners which were created by the above-referenced restrictive covenants, and the Grantee associations later came together to form the Grantor as a voluntary association of the Grantee associations in the village of Carolina Trace, near Sanford in Lee County, N.C.; and

Whereas, the Grantees are all of the subdivision members of the Grantor; and

Whereas, the Grantor was recently conveyed by Special Warranty Deed recorded in Book 535, Page 742 of the Lee County Registry a certain property on which is constructed a road known as "Traceway" and "Carolina Way" in the village of Carolina Trace; and

Whereas, the said road is at present the only access road linking the private roads owned by each of the Grantee subdivisions to the nearest public road, North Carolina State Highway 87 South near Sanford, N.C.; and

Whereas, Lot Owners in various of the Grantee subdivisions have experienced difficulty in getting construction loans without some agreement on the public record granting access from the said lots to North Carolina Highway 87 South and providing for the upkeep of the said access road(s); and

Whereas, the various Grantee subdivisions have agreed in the past to assess their Lot Owner-members for the cost of the upkeep of Traceway,

its gatehouse, and the associated properties, and are willing to continue to do so upon guaranteed access to Traceway.

Now, therefor, in consideration of the sum of Ten (\$10.00) Dollars paid by the Grantees and the Lot Owners to the Grantor, the receipt and sufficiency of which are acknowledged by the Grantor, and in further consideration of the mutual promises exchanged in this Agreement, the parties agree as follows:

1. Grant of Easement. The Grantor hereby gives, grants and conveys to the Grantees, their successors and assigns, and to the Lot Owners, their invitees and licensees, a non-exclusive easement for ingress, egress and regress over the following described two tracts of property:

Tract One

That certain tract or parcel of land lying within the right of way of the road known as Traceway in Carolina Trace Subdivision, Lee County, North Carolina, having a lineal distance of approximately 4.6 miles running from the subdivision known as Mallard Cove to the subdivision known as Hidden Lake including all median strips and common property between the roadway bed and the roadway right of way; said roadway right of way being further described as follows:

(a) In those areas where Traceway is a two-way road, the area lying within the 60-foot right of way, 30 feet on each side of the centerline of Traceway; and

(b) In those areas where Traceway is a paid of one-way roads around median strips, the outside boundary is the area 30 feet from the centerline of the pavement.

The right of way is further limited in that in no event shall the right of way herein conveyed include any property within (i) any private property lines; (ii) any property line of any homeowners association's common area; or, (iii) any portion of property constituting golf course property as described in Deed Book 399, Page 952, Lee County Registry.

Tract Two

That certain tract or parcel of land containing approximately 0.35 acres and constituting the entranceway from the northern right of way of N.C. Highway 87 to its intersection with Traceway above described, together with the common property located above the highwater mark of Lake Trace lying within such property.

To have and to hold said easement as described herein to the Grantees, their successors and assigns, and to the Lot Owners, their invitees and licensees, forever.

2. Maintenance of Traceway and Carolina Way, etc. The Grantor agrees to maintain in usable and passable condition the access roads known as Traceway and Carolina Way; the guardhouse and associated entranceway property; and the shoulders and dividing strips associated with Traceway and Carolina Way. The Grantor and the Grantee associations mutually acknowledge that much or all of Traceway and Carolina Way was not built to any particular standard of construction, and the Grantor assumes no obligation to upgrade the condition of Traceway and Carolina Way above usable and passable condition.

3. Assessments for Upkeep of Traceway and Carolina Way, etc. Each Grantee association agrees that it will annually pay to the Grantor an assessment fee to be used for the upkeep of Traceway and Carolina Way; the guardhouse and associated entranceway property; and the shoulders and dividing strips associated with Traceway and Carolina Way. The amount of the assessment shall be computed according to the formula specified in the Bylaws of the Carolina Trace Association.

4. Non-Exclusive Character of Easement. This grant of easement is non-exclusive, in that it is not to be construed as an easement given to the Grantees and the Lot Owners to the exclusion of the Grantor, its successors and assigns, or to others later granted a similar right in said property by the Grantor.

5. Easement Not Mutual Among Grantees. This easement shall not be construed so as to grant to either the Grantor, to any of the individual Grantee associations, or to any Lot Owner any right of access or obligation to maintain the roads or common properties of another Grantee association. Each Grantee Association owns the roads and other common properties within its boundaries; retains the right to control access to its own roads and other common properties; and further retains the obligation to maintain the said roads and other common properties.

6. Indemnification. Except as expressly stated in paragraph 3. of this Easement and Agreement, neither the Grantor nor any of the Grantee Associations shall have any liability CREATED BY THIS EASEMENT AND AGREEMENT, to one another or to any third party, for any alleged failure of the Grantor or any Grantee association to maintain Traceway and Carolina Way; any roadways within the boundaries of any individual Grantee association; or any other common properties of the Grantor or any Grantee association. The Grantor and each of the Grantee associations agree to hold one another harmless from any claims of liability arising out of this Easement and Agreement, with the exception of liability for failure to pay assessments as specified in paragraph 3. of this Easement and Agreement.

Provided, however, that the Carolina Trace Association, Inc. assumes no obligations to any property owners owning property in any subdivision represented by a property owners association which is not a signatory to this Deed of Easement and Agreement Concerning Roads.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year first above written.

CAROLINA TRACE ASSOCIATION, INC.

By: Fred C. Atkins
President



Frank Daniels
Secretary

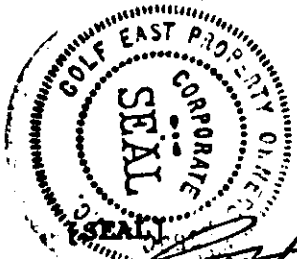
Eagles Nest Property Owners Association

By: Frank P. Zarzeka
President

[SEAL]
By: Elizabeth F. Zarzeka
Secretary

Golf East Property Owners Association, Inc.

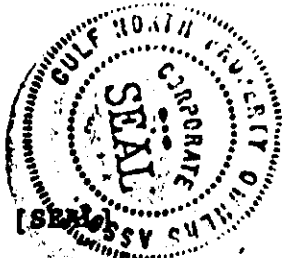
By: Robert E. Hargrett
President



By: [Signature]
Secretary

Golf North Property Owners Association, Inc.

By: Robert E. Tamarelli
President



[SEAL]
By: Marion C. Viole
Secretary



Golf West Property
Owners Association, Inc.

By: Stuart J. Juffe
President

By: Beck L. Heath
Secretary



Harbor Creek Property
Owners Association, Inc.

By: Thomas J. Fulghum
President

Ann Lynn Campbell
Secretary

Hidden Lakes Property
Owners Association, Inc.

By: Robert J. [Signature]
President



By: Gene L. [Signature]
Secretary

Highland Woods Property
Owners Association, Inc.

By: Robert M. [Signature]
Vice-President



By: Jessie W. [Signature]
Secretary

Lakewood Property
Owners Association, Inc.

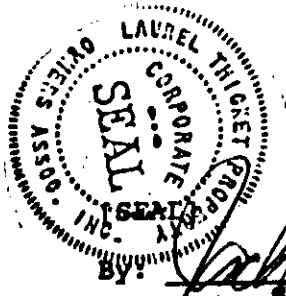
(LW)

By: Betty P. Hess (Betty)
President

[SEAL]

By: Marilyn Buchalter
Secretary

Laurel Thicket Property
Owners Association, Inc.

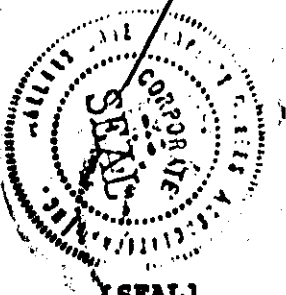


By: [Signature]
President

By:

[Signature]
Secretary

Mallard Cove Property
Owners Association, Inc.



By: [Signature]
President

[SEAL]

By: [Signature]
Secretary

North Shore Property
Owners Association



By: [Signature]
President

By:

[Signature]
Secretary

**Sedgenoor Property Owners
Association INC**



By: Ronald Gantast
President

J. J. Schuler
Secretary

**South Landing Property
Owners Association, Inc.**



By: Tom Charles
President

[SEAL]
By: Edward Van Buren
Secretary

**South Wind Property Owners
Association, Inc.**



By: Sam J. Silberman
President

[SEAL]
By: Roll H. Weather
Secretary

**Stone Gate Property Owners
Association**



By: Ronald C. Conti
President

[SEAL]
By: Orane C. Conti
Secretary



Woodfield Owners
Association, Inc.

By: Charles E. Taylor
President

By: Frank Daniels
Secretary

Woodmere-Trentwood
Property Association, Inc.



By: Clara H. [unclear]
President

[SEAL]

By: Lolita G. Buckner
Secretary

NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Frank Daniels, personally came before me this day and acknowledged that he is Secretary of CAROLINA TRACE ASSOCIATION, INC., 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 him as its Secretary.

Witness my hand and official stamp or seal, this 10th day of February, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

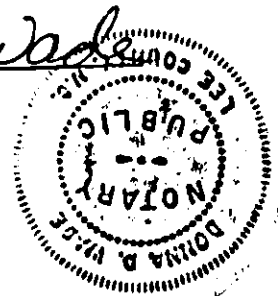
COUNTY OF LEE

I, Donna D. Wade a Notary Public of the County and State aforesaid, certify that Elizabeth F. Zaczka personally came before me this day and acknowledged that she is Secretary of EAGLES NEST PROPERTY OWNERS ASSOCIATION, a North Carolina unincorporated association, and that by authority duly given and as the act of the unincorporated association, the foregoing instrument was signed in its name by its President, ~~sealed with its common seal~~ and attested by her as its Secretary.

Witness my hand and official stamp or seal, this 16th day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97

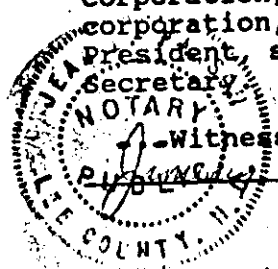


NORTH CAROLINA

COUNTY OF LEE

I, Jim B. Pava a Notary Public of the County and State aforesaid, certify that Clifford M. Piske personally came before me this day and acknowledged that he is Secretary of GOLF EAST PROPERTY OWNERS ASSOCIATION, INC., 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 me as its Secretary.

Witness my hand and official stamp or seal, this 25th day of January, 1995.



Jim B. Pava
Notary Public

My commission expires: 10-12-97

NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that marion C. Viole, personally came before me this day and acknowledged that she is Secretary of GOLF NORTH PROPERTY OWNERS ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 17th day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Beth L. Heath, personally came before me this day and acknowledged that she is Secretary of GOLF WEST PROPERTY OWNERS ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 12th day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Ann Lynn Samples, personally came before me this day and acknowledged that she is Secretary of HARBOR CREEK PROPERTY OWNERS ASSOCIATION, 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 her as its Secretary.

Witness my hand and official stamp or seal, this 19th day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Elene L. Zimmerman, personally came before me this day and acknowledged that she is Secretary of HIDDEN LAKES PROPERTY OWNERS ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 13th day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Jean W. Simons, personally came before me this day and acknowledged that she is Secretary of HIGHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC., 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 vice-President, sealed with its corporate seal and attested by her as its Secretary.

Witness my hand and official stamp or seal, this 31st day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Dorothy Buchstaber, personally came before me this day and acknowledged that she is Secretary of LAKEWOOD PROPERTY OWNERS ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 1th day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Jack A. Braswell, personally came before me this day and acknowledged that he is Secretary of LAUREL THICKET PROPERTY OWNERS ASSOCIATION, INC., 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 him as its Secretary.

Witness my hand and official stamp or seal, this 23rd day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



NORTH CAROLINA

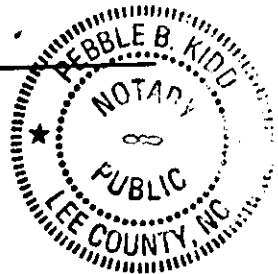
COUNTY OF LEE

I, Pebble B. Kidd, a Notary Public of the County and State aforesaid, certify that Beverly Weinzettl, personally came before me this day and acknowledged that she is Secretary of MALLARD COVE PROPERTY OWNERS ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 26th day of January, 1995.

Pebble B. Kidd
Notary Public

My commission expires: 06-30-97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Lamson B. Smith, personally came before me this day and acknowledged that Lorita B. Smith he is Secretary of NORTH SHORE PROPERTY OWNERS ASSOCIATION, 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 him as its Secretary.

Witness my hand and official stamp or seal, this 17th day of March, 1995.

Donna D. Wade
Notary Public

My commission expires: 10-4-97



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Robert S. Schedin, personally came before me this day and acknowledged that him he is Secretary of SEDGEMOOR PROPERTY OWNERS ASSOCIATION, a North Carolina unincorporated association, and that by authority duly given and as the act of the unincorporated association, the foregoing instrument was signed in its name by its President, sealed with its common seal and attested by him as its Secretary.

Witness my hand and official stamp or seal, this 2nd day of February, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



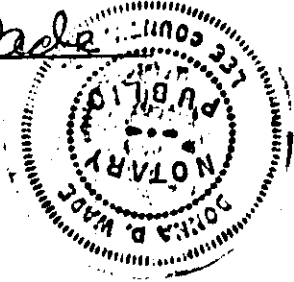
NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Edward Van Duskick, personally came before me this day and acknowledged that he is Secretary of SOUTH LANDING PROPERTY OWNERS ASSOCIATION, INC., 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 him as its Secretary.

Witness my hand and official stamp or seal, this 11th day of January, 1995.

Donna D. Wade
Notary Public



My commission expires: 10/4/97

NORTH CAROLINA

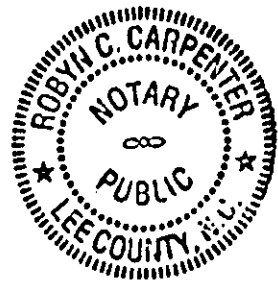
COUNTY OF LEE

I, Robyn C. Carpenter, a Notary Public of the County and State aforesaid, certify that Dell H. Weatherman, personally came before me this day and acknowledged that she is Secretary of SOUTH WIND PROPERTY OWNERS ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 20th day of January, 1995.

Robyn C. Carpenter
Notary Public

My commission expires: 1/4/00



NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Diane C. Casti, personally came before me this day and acknowledged that she is Secretary of STONE GATE PROPERTY OWNERS ASSOCIATION, a North Carolina unincorporated association, and that by authority duly given and as the act of the unincorporated association, the foregoing instrument was signed in its name by its President, sealed with its common seal and attested by her as its Secretary.

Witness my hand and official stamp or seal, this 19th day of January, 1995.

Donna D. Wade
Notary Public



My commission expires: 10/4/97

NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Frank Daniels, personally came before me this day and acknowledged that he is Secretary of WOODFIELD OWNERS ASSOCIATION, INC., 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 him as its Secretary.

Witness my hand and official stamp or seal, this 9th day of January, 1995.

Donna D. Wade
Notary Public



My commission expires: 10/4/97

NORTH CAROLINA

COUNTY OF LEE

I, Donna D. Wade, a Notary Public of the County and State aforesaid, certify that Lolita G. Buikema, personally came before me this day and acknowledged that she is Secretary of WOODMERE-TRENTWOOD PROPERTY ASSOCIATION, INC., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 31st day of January, 1995.

Donna D. Wade
Notary Public

My commission expires: 10/4/97



MG-111194-CTA3.DEB
1-3-95

STATE OF NORTH CAROLINA - LEE COUNTY
The foregoing certificate 5 of Donna D. Wade, a Notary Public (Notaries-Public) of Lee County is (are) certified to be correct
This 5th Day of April, 1995
NELLIE W. THOMAS, REGISTER OF DEEDS, LEE CO., N.C.
By Maria A. Nochni
-Deputy Register of Deeds
Assistant

STATE OF NORTH CAROLINA - LEE COUNTY
The foregoing certificate _____ of Robert C. Carpenter, a Notary Public (Notaries-Public) of Lee County is (are) certified to be correct
This 5th Day of April, 1995
NELLIE W. THOMAS, REGISTER OF DEEDS, LEE CO., N.C.
By Maria A. Nochni
Deputy Register of Deeds
Assistant

STATE OF NORTH CAROLINA - LEE COUNTY
The foregoing certificate _____ of Robert B. Kidd, a Notary Public (Notaries-Public) of Lee County is (are) certified to be correct
This 5th Day of April, 1995
NELLIE W. THOMAS, REGISTER OF DEEDS, LEE CO., N.C.
By Maria A. Nochni
Deputy Register of Deeds
Assistant

STATE OF NORTH CAROLINA - LEE COUNTY
The foregoing certificate _____ of James B. Rayson, a Notary Public (Notaries-Public) of Lee County is (are) certified to be correct
This 5th Day of April, 1995
NELLIE W. THOMAS, REGISTER OF DEEDS, LEE CO., N.C.
By Maria A. Nochni
Deputy Register of Deeds
Assistant