PREPARED BY AND RETURN TO:
Thomas, Godley & Grimes, PLLC
514 Williamson Road, Suite 431
Mooresville, NC 28117

NORTH CAROLINA
IREDELL COUNTY

ACCESS EASEMENT USE AGREEMENT

THIS ACCESS EASEMENT USE AGREEMENT is made and entered into this 5th day of JUNE, 2019, (the "Agreement"), by and between **Thomas B. and Deborah P. Warren** (the "Warrens"), **William A. and Dixie M. Cooper** (the "Coopers"), the **Joe Reuben Sullivan Family Trust**, (the "Sullivan Family Trust"), **John M. and Janice Cauthen** (the "Cauthens"), **William R. and Carolyn Gooden** (the "Goodens"), and **Charles N. and Carole H. Tharpe** (the "Tharpes") (referred to collectively herein as the parties).

W I T N E S S E T H:

WHEREAS, the Warrens are the owners of that property conveyed to the Warrens in that deed recorded in Deed Book 1205, Page 1724 of the Iredell County Registry, ("Warren Tract") also known as Lot 23 of Sailors Lair as recorded in Plat Book 14, Page 90 of the Iredell County Registry (the "Plat"); and

WHEREAS, the Coopers are the owners of property known as Lot 20 of Sailors in that deed recorded in Deed Book 1498, Page 2498 of the Iredell County Registry ("Cooper Tract"); and

WHEREAS, the Sullivan Family Trust is the owner of property known as Lot 21 of Sailors Lair in that deed recorded in Deed Book 1180, Page 1401 of the Iredell County Registry ("Sullivan Family Trust Tract"); and

WHEREAS, the Cauthens are the owners of property known as Lot 22 of Sailors Lair in that deed recorded in Deed Book 1233, Page 1962 of the Iredell County Registry ("Cauthen Tract"); and

WHEREAS, the Goodens are the owners of property known as Lot 24 of Sailors Lair in that deed recorded in Deed Book 603, Page 338 of the Iredell County Registry ("Gooden Tract"); and

WHEREAS, the Tharpes are the owners of property known as Lot 25 of Sailors Lair in that deed recorded in Deed Book 1343, Page 849 of the Iredell County Registry ("Tharpe Tract"); and

WHEREAS, the Warren Tract, the Cooper Tract, the Sullivan Family Trust Tract, the Cauthen Tract, the Gooden Tract, and the Tharpe Tract use as access a twenty-five foot access easement known as Schooner Road and as shown on the Plat (the "Access Easement"); and

WHEREAS, the septic system servicing the Warren Tract is malfunctioning and the septic repair will extend onto and under the Access Easement as partially, but not entirely shown on "Exhibit A" as attached hereto and incorporated by reference; and

WHEREAS, the parties desire to allow the septic system repair to partially extend onto and under the Access easement and to allow for ingress, egress, system installation, operation, maintenance, monitoring, repair, and reconstruction of the same;

NOW, THEREFORE, for and in consideration of the mutual benefits contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, for themselves, their heirs, successors and assigns, do hereby agree that (1) the septic system repair servicing the Warren Tract may partially be installed onto and under the Access Easement; (2) the parties shall not damage the septic system by their use of the Access Easement; (3) the Warrens may erect a fence around the portion of the septic system

that extends onto and under the Access Easement to protect and prevent damage to the septic system; and (4) this Agreement shall be recorded in the Iredell County Registry.

The burden and benefit of this Agreement is appurtenant to and runs with the said Tracts of the Warrens, the Coopers, the Sullivan Family Trust, the Cauthens, the Goodens, and the Tharpes and will remain as long as the septic system is required for the Warren Tract.

IN WITNESS WHEREOF, the Warrens have hereunto set their hands and seals this the 5 day of June 2019.

(SEAL.)
Thomas B. Warren

(SEAL.)
Deborah P. Warren

NORTH CAROLINA. Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Thomas B. Warren** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15 2022

JAMES M SMITH NOTARY My Comm Exp July 15 2022 PUBLIC MECKLENBURG COUNTY, NC

NORTH CAROLINA. Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Deborah P. Warren** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY My Comm Exp July 15 2022 PUBLIC MECKLENBURG COUNTY, NC

(Additional signature to follow)

IN WITNESS WHEREOF, the Coopers have hereunto set their hands and seals this the 3rd day of June 2019.

William A. Cooper (SEAL)
William A. Cooper

Dixie M. Cooper (SEAL)
Dixie M. Cooper

NORTH CAROLINA, MECKLENBURG COUNTY

I, a Notary Public of the County and State aforesaid, certify that **William A. Cooper** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 3 day of June, 2019.

Notary Public

My Commission Expires: 3/14/2024

GRANT C. ENGEBRETSEN
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires March 14, 2024

NORTH CAROLINA, MECKLENBURG COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Dixie M. Cooper** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 3 day of June, 2019.

Notary Public

My Commission Expires: 3/14/2024

GRANT C. ENGEBRETSEN
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires March 14, 2024

(Additional signatures to follow)

IN WITNESS WHEREOF, the Sullivan Family Trust has hereunto set its hands and seal this the 5 day of June 2019.

JoAnne Stubblefield Sullivan (SEAL)

JoAnne Stubblefield Sullivan, Trustee for the Joe Reuben Sullivan Family Trust

NORTH CAROLINA, Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **JoAnne Stubblefield Sullivan, Trustee for the Joe Reuben Sullivan Family Trust** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022



(Additional signatures to follow)

IN WITNESS WHEREOF, the Cauthens have hereunto set their hands and seals this the 5 day of June 2019.

John M Cauthen (SEAL)
John M. Cauthen

Janice Cauthen (SEAL)
Janice Cauthen

NORTH CAROLINA. Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **John M. Cauthen** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY My Comm. Exp. July 15, 2022 PUBLIC MECKLENBURG COUNTY, NC

NORTH CAROLINA, Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Janice Cauthen** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY My Comm. Exp. July 15, 2022 PUBLIC MECKLENBURG COUNTY, NC

(Additional signatures to follow)

IN WITNESS WHEREOF, the Goodens have hereunto set their hands and seals this the 5 day of June 2019.

William R. Gooden (SEAL)
William R. Gooden

Carolyn Gooden (SEAL)
Carolyn Gooden

NORTH CAROLINA, Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **William R. Gooden** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY PUBLIC My Comm Exp July 15 2022 MECKLENBURG COUNTY, NC

NORTH CAROLINA, Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Carolyn Gooden** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY PUBLIC My Comm Exp July 15, 2022 MECKLENBURG COUNTY, NC

(Additional signatures to follow)

IN WITNESS WHEREOF, the Tharpes have hereunto set their hands and seals this the 10 day of June 2019.

Charles N. Tharpe (SEAL)
Charles N. Tharpe

Carole H. Tharpe (SEAL)
Carole H. Tharpe

NORTH CAROLINA, Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Charles N. Tharpe** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 10 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY My Comm. Exp. July 15, 2022 PUBLIC MECKLENBURG COUNTY, NC

NORTH CAROLINA, Iredell COUNTY

I, a Notary Public of the County and State aforesaid, certify that **Carole H. Tharpe** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 10 day of June, 2019.

Notary Public

My Commission Expires: July 15, 2022

JAMES M SMITH NOTARY My Comm. Exp. July 15, 2022 PUBLIC MECKLENBURG COUNTY, NC

(Additional signatures to follow)