CLT4524

NORTH CAROLINA)
)
IREDELL COUNTY)

EASEMENT

THIS EASEMENT, made and entered into this 21st day of September, 1987, by and between Mallard Head Development Corp., a North Carolina corporation with its office located in Iredell County, North Carolina, hereinafter referred to as the "Corporation", and John M. Woods, of Iredell County, North Carolina, hereinafter referred to as "Woods";

WITNESSETH:

THAT WHEREAS, Woods has purchased Lots Nos. 21, 22 and 23 of Spring Run Subdivision, Section II, located in Davidson Township, Iredell County, North Carolina, as recorded in Plat Book 17, page 66, in the office of the Register of Deeds for Iredell County, North Carolina; and

WHEREAS, the said lots are not suitable for the installation of a standard septic tank system; and

WHEREAS, the Corporation has agreed to give Woods an easement to permit him to install a sewage disposal system or portions thereof on the below described property of the Corporation.

NOW, THEREFORE, in consideration of TEN AND 00/100 ($10.00) DOLLARS to it in hand paid, the Corporation does herewith convey unto Woods, his successors and assigns, a perpetual easement over the property hereinafter described subject to the provisions hereinafter set forth for the purpose of installing a nitrification field or other drainage system or absorption systems for sewage disposal, together with the right of way and easement at any time for Woods, his heirs, successors and assigns, to enter on said tract with equipment and/or personnel to perform necessary installation, maintenance or repairs to said system. Persons or firms exercising the easement herein contained shall proceed expeditiously with completion of any maintenance or installation to avoid unnecessary inconvenience to Mallard Head Country Club, its members or guests, and the persons or firms exercising said easement shall repair all damage caused to the golf course located on said property immediately. It is further understood that all nitrification fields or other installation placed on said property under this easement will be placed underground and in such a manner that the installation will not interfere with the operations of the golf course. The property over which this easement is granted is more particularly described as follows:

(1) Easement for Lot No. 21: Lying and being in Davidson Township, Iredell County, North Carolina, and more particularly described as follows:

BEGINNING at a point which is the common corner of Lots Nos. 97 and 98 of Mallard Head Country Club Subdivision, Section I, as shown on plat recorded in Plat Book 16 at pages 10 and 11, said common corner lying West of Canvasback Trail (State Road No. 1179) and running thence from said beginning point with the line of Lot No.

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97 North 9-30 East 150 feet to a point, a common corner with Lot Nos. 97 and 96; thence North 75-40-25 West 50 feet to a point; thence South 9-34 West 154.20 feet to a point; thence South 80-30 East 50 feet to the point and place of **BEGINNING**, the same being the easement area for the drainage field for the benefit of Lot No. 21 of Spring Run Subdivision, Section II and being shown on the attached survey as Tract No. 1.

(2) Easement for Lot No. 22: Lying and being in Davidson Township, Iredell County, North Carolina, and more particularly described as follows:

BEGINNING at a common corner of Lots Nos. 96 and 97 of Mallard Head Country Club Subdivision, Section I, as shown on plat recorded in Plat Book 16 at pages 10 and 11, said beginning point lying West of Canvasback Trail (State Road No. 1179) and running thence with the line of Lot No. 96 North 14-19-35 East 130.26 feet to a point, a common corner of Lots Nos. 96 and 95; thence North 75-40-25 West 50 feet to a point; thence South 14-19-35 West approximately 131 feet, more or less, to a point; thence South 75-40-25 East 50 feet to the point and place of **BEGINNING**, the same being the easement area for the drainage field for the benefit of Lot No. 22 of Spring Run Subdivision, Section II, and being shown on the attached survey as Tract No. 2.

(3) Easement for Lot No. 23: Lying and being in Davidson Township, Iredell County, North Carolina, and more particularly described as follows:

BEGINNING at a common corner of Lots Nos. 94 and 95 of Mallard Head Country Club Subdivision, Section I, as shown on plat recorded in Plat Book 16 at pages 10 and 11, said beginning point lying West of Canvasback Trail (State Road No. 1179) and running thence with the line of Lot No. 95 North 75-40-25 West 50 feet to a point; thence South 14-19-35 West 125.55 feet to a point; thence South 75-40-25 East 50 feet to a point, a common corner of Lots Nos. 95 and 96; thence with the line of Lot No. 95 North 14-19-35 East 125 feet to the point and place of **BEGINNING**, the same being the easement area for the drainage field for the benefit of Lot No. 23 of Spring Run Subdivision, Section II, and being shown on the attached survey as Tract No. 3.

The corporation does further give, grant and convey unto Woods, his successors and assigns, an additional easement across the property of the Mallard Head Country Club Golf Course in order to connect the said tracts with their specific easement as set forth above with the centerline of said easement extending from Spring Run Drive along the common boundary line of Lots 124 and 125 of Mallard Head Country Club Subdivision and thence North 89-05 East 57.5 feet to a point; thence South 0-55 East 577.81 feet to a point; thence North 67-59 East 214.59 feet to a point; thence from said point in two directions North 14-19-35 East 221.89 feet to a point and South 14-19-35 West 188.5 feet to a point, with all of said easements being as shown on the hereinafter referenced survey.

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Grantor also conveys unto Grantee, his successors and assigns, the right and authority to make such alterations to the terrain of Tract No. 2, which is shown above as easement for Lot No. 22, as is necessary in order to properly utilize the said tract and specifically including the authority to cut trees and divert surface water as may be necessary.

That attached hereto and incorporated herein by reference is a survey of Donald Ray Allen, Registered Surveyor, dated October 22, 1987, showing the said easement areas and including the herein granted easement to permit the Grantee to run the septic tank or sewer lines across golf hole no. 11 in order to utilize said easement areas.

TO HAVE AND TO HOLD said right and easement to him, the said Woods, his successors in title, heirs and assigns, it being agreed that the right and easement hereby granted is appurtenant to and runs with the land now owned by Woods and hereinabove referred to.

This easement has been prepared by attorney Walter H. Jones, Jr. who has not rendered a title certificate regarding the property over and in which the said easements are located.

IN WITNESS WHEREOF, the said Corporation 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.

MALLARD HEAD DEVELOPMENT CORP.

(CORPORATE SEAL)
ATTEST:

William W. Skeen, Secretary

By John P. Campbell
John P. Campbell, Ex. Vice Pres.

NORTH CAROLINA
IREDELL COUNTY

I, Sue C. Harrington, a Notary Public of the State and County aforesaid, do hereby certify that WILLIAM W. SKEEN personally appeared before me this day and acknowledged that he is corporate secretary of MALLARD HEAD DEVELOPMENT CORP., 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 Executive Vice President, sealed with its corporate seal, and attested by him as its corporate Secretary.

WITNESS my hand and Notarial Seal, this 21st day of October, 1987.

Sue C. Harrington
Notary Public

My commission expires:

June 7, 1992

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