Recorded:
Date Aug. 29, 1989
Time 3:45 p.m.
Book 0799
Page 568

Prepared by and return to:
Walter H. Jones, Jr.
Homesley, Jones, Gaines & Fields
P. O. Box 1235
Mooresville, NC 28115

NORTH CAROLINA)
)
IREDELL COUNTY)

EASEMENT

THIS EASEMENT, made and entered into this 28th day of August, 1989, 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 Roper Restoration, Inc. d/b/a Roper Construction Company, of Mecklenburg County, North Carolina, hereinafter referred to as "Roper";

WITNESSETH:

THAT WHEREAS, Roper has purchased Lot No. 67 of Mallard Head Country Club Subdivision, Section One, located in Davidson Township, Iredell County, North Carolina, as recorded in Plat Book 16, page 11, in the office of the Register of Deeds for Iredell County, North Carolina; and

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

WHEREAS, the Corporation has agreed to give Roper 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 Roper, its 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 Roper, its 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. Said easement shall include such additional property lying adjacent to the hereinafter described easement as is reasonably necessary to permit proper equipment to gain access to the lines for purposes of repair or replacement.

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The property over which this easement is granted is more particularly described as follows:

Lying and being in Davidson Township, Iredell County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pin, a common corner of Lots 67 and 68, in the margin of Golf Hole Number 14, all as shown on a map of the Mallard Head Country Club Subdivision, Section One, as recorded in Plat Book 16, Page 11, and running thence from said Beginning point South 3 degrees 45 minutes 34 seconds East 5 feet to a point; thence North 83 degrees 38 minutes 46 seconds East 2.24 feet to a point; thence North 6 degrees 30 minutes West 135 feet to a point; thence North 83 degrees 30 minutes East 66 feet to a point; thence North 6 degrees 30 minutes East 100 feet to a point; thence South 83 degrees 30 minutes West 66 feet to a point in the line of Lot Number 69; thence continuing with the lines of Lots 69 and 68 South 6 degrees 30 minutes East 230 feet to the point and place of Beginning, all as shown on that certain survey dated August 22, 1989, prepared by L. B. Grier, Registered Surveyor, a copy of which is attached hereto and incorporated herein by reference.

The Corporation also gives, grants and conveys unto Roper, its successors and assigns, an additional easement or easements across golf hole no. 14 of the Mallard Head Country Club Golf Course as necessary to connect said tracts with lots thereby served; the same to be appurtenant to said lots, respectively, and to run with the land. Said easement or easements shall be of such width, location and design as to comply with any and all requirements of the local public authorities having jurisdiction thereof, and the actual location thereof shall be established by the installation of the lines between said easement areas and the lots thereby served, by the most reasonably direct route.

That attached hereto and incorporated herein by reference is a survey of L. B. Grier, Registered Surveyor, dated August 22, 1989, showing the said easement areas but not including the herein granted easement to permit Roper to run the septic tank or sewer lines across golf hole no. 14 in order to utilize said easement areas.

TO HAVE AND TO HOLD said right and easement to it, the said Roper, its 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 Roper 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.

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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, Patricia J. Carswell, 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 28th day of August, 1989.

PATRICIA JONES CARSWELL
NOTARY PUBLIC
LINCOLN COUNTY, N C

Patricia Jones Carswell
Notary Public

My commission expires:

12/4/89

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