NORTH CAROLINA)
)
IREDELL COUNTY)

WITHDRAWAL OF EASEMENT AND
GRANT OF REPLACEMENT EASEMENT

THIS WITHDRAWAL OF EASEMENT AND GRANT OF REPLACEMENT EASEMENT, made and entered into this 25th day of January, 1990, 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 STEPHEN M. HARWELL and wife, JANICE G. HARWELL of Iredell County, North Carolina, hereinafter referred to as the "Harwells";

WITNESSETH:

THAT WHEREAS, the Harwells have purchased Lot No. 69 of Mallard Head Subdivision, Davidson Township, Iredell County, North Carolina; and

WHEREAS, the said lot may not be suitable for the installation of a standard septic tank system, with the final decision for installation of the septic tank system being made by the Iredell County Health Department; and

WHEREAS, the Corporation did grant to the Harwells an easement for the installation of a sewage disposal system immediately to the rear of their said Lot 69, said easement recorded in Deed Book 797, Page 386, in the Iredell County Registry; and

WHEREAS, the Corporation did upon granting said easement discover that it had previously granted easement to another lot owner in the Subdivision utilizing the same area; and

WHEREAS, the Corporation is granting this further easement and termination of the prior easement all in order to give the Harwells an easement to permit them 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 terminate that certain easement previously granted to the Harwells for the installation of a sewage disposal system immediately to the rear of Lot 69, said easement recorded in Book 797, Page 386, in the Iredell County Registry, and does herewith convey unto the Harwells, their successors and assigns, as a replacement for the previous easement 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 the Harwells, their 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

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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:

> Lying and being in Davidson Township, Iredell County, North Carolina, and described as follows:
>
> BEGINNING at an iron pin, common corner with Lots 68 and 69 in the margin of Mallard Head Country Club Golf Course and running thence with the line of Lot 68, South 06-30 East 80 feet to a point; thence North 83-30 East 80 feet to a point; thence North 06-30 West 80 feet to a point; thence South 83-30 West 80 feet to the point and place of BEGINNING, and consisting of a tract of land lying to the rear of and adjacent to Lot 68 of the aforementioned Subdivision, said easement being located in accordance with the plat attached hereto.

The Harwells may utilize the utility easement reserved along all property lines of the lots in the said Subdivision for the purpose of gaining access from their lot to the above described easement area and the Corporation does give, grant and convey to the Harwells a further easement to cross the golf course property as may be necessary, so long as said crossing does not interfere with the use of the golf course property by the Corporation or any other party utilizing said property pursuant to an easement granted by the Corporation.

TO HAVE AND TO HOLD said right and easement to it, the said Harwells, their 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 Harwells and hereinabove referred to.

The preparer of this document neither certifies title to the herein described premises nor warrants that the property upon which this easement is granted is suitable or available for the purposes for which the easement has been conveyed.

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)

By: John F. Campbell
John F. Campbell
Executive Vice President

ATTEST:

William W. Skeen
William W. Skeen, Secretary

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I, a Notary Public of the County and State aforesaid, certify that William W. Skeen personally came before me this day and acknowledged that he is the 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, John P. Campbell, sealed with its corporate seal and attested by William W. Skeen as its Secretary.

Witness my hand and official stamp or seal, this 25th day of January, 1990.

My commission expires:
11-12-92

Gina M. Baker
Notary Public

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