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Fee Amt: $20.00 Page 1 of 3
Excise Tax: $0.00
Iredell County, NC
Brenda D. Bell Register of Deeds
BK 1895 PG 282-284

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Prepared by and mail to: **William P. Pope, Pope, McMillan, Kutteh, Privette, Edwards & Schieck**
P.O. Drawer 1776, Statesville, NC 28287

DECLARATION OF EASEMENT

This Declaration of Easement is made this 30 day of October, 2007, by William P. Pope, Trustee of the Nancy Cloer Trust.

WITNESSETH:

WHEREAS, Mary Lea Hope died testate while a resident of Iredell County, North Carolina; and

WHEREAS, the Will of Mary Lea Hope dated October 31, 2005 devised the property known as Lots 3 and 4 of the "Revision of Lot 21, John S. King Estate" as platted in Plat Book 18, Page 84, Iredell County Registry to William P. Pope as Trustee for Nancy Cloer, daughter of Mary Lea Hope, (said Lots are hereafter referred to as Lot 3 and Lot 4; and

WHEREAS, the Executor of the Estate has heretofore executed a Deed to William P. Pope, Trustee for Nancy Cloer conveying said property in accordance with the instructions contained in the Will of Mary Lea Hope; and

WHEREAS, there is now located upon Lot No. 3 a septic tank with approved drain fields; and

WHEREAS, Nancy Cloer wants to locate a double wide mobile home on Lot 4 but Lot 4 does not perk and she has therefore requested the Trustee to consent to an easement; and

WHEREAS, the Trustee has consented to the request of Nancy Cloer and agreed to burden Lot No. 3 with an easement for the benefit of Lot No. 4.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration in hand received by the Trustee, the sufficiency of which is acknowledged, the undersigned hereby burdens Lot No. 3 with an easement for the benefit of Lot No. 4 upon the terms and conditions set forth herein:

1. The owner of Lot No. 4 may extend a sewer line on to Lot No. 3 and connect the same to the septic tank located on Lot No. 3 and thereafter use said septic tank and the drain fields connected to the septic tank for the benefit of Lot No. 4. The owner of Lot No. 4 shall have reasonable access on, over and across Lot No. 3 for purposes of installation, maintenance and inspection.

2. The owner of Lot No. 4 will keep and maintain said septic tank and drain fields in a good and working condition at all times and be fully responsible for all cost of maintenance and repairs and cost of operation.

3. This Easement shall terminate and be of no further force and effect at such time as the owner of Lot No. 4 ceases using the septic tank located on Lot No. 3 or upon the earlier occurrence of Lot No. 4 being granted access to a public sewer utility line.

IN WITNESS WHEREOF the undersigned has executed this Declaration of Easement the day and year first above written.

By: William P. Pope

William P. Pope, Trustee of the
Nancy Cloer Trust,

NORTH CAROLINA
Iredell COUNTY

I certify that the following person(s) personally appeared before me this day, and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: William P. Pope

✓ I have personal knowledge of the identity of the principal(s); or

_____ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____; or

_____ A credible witness has sworn to the identity of the principal(s).

This the 30 day of October, 2007.

Jeanne L. Moore
Notary Public

JEANNE L. MOORE NOTARY PUBLIC MECKLENBURG COUNTY, N.C.

(Official Seal)

My commission expires: 5-8-2010