

NORTH CAROLINA
JACKSON COUNTY

THE CERTIFICATE OF:

Joyce A. Fort

IS CERTIFIED TO BE CORRECT:

Joe Hamilton
REGISTER OF DEEDS

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Fee Amt: \$17.00 Page 1 of 2
Jackson County, NC
Joe Hamilton Register of Deeds
BK 1477 PG 437-438

This instrument prepared by:
W. Paul Holt, Jr.
Attorney at Law
P. O. Box 217
Sylva, NC 28779

NORTH CAROLINA
JACKSON COUNTY

THIS EASEMENT FOR A RIGHT OF WAY, made, executed and delivered on this the 21st day of January, 2005, by and between **CEDAR CREEK FARMS, a North Carolina Limited Partnership**, party of the first part, and **JOYCE A. FORT and JORRAINE E. FORGE**, parties of the second part, of 1813 Cedar Creek Farm Rd., Tuckasegee, NC 28783-6658;

W I T N E S S E T H:

WHEREAS, Cedar Creek Farms is the owner of real property lying in the River Township, being more particularly described in the deed recorded in Book 586, Page 482, Jackson County Public Registry, reference to which is hereby made and which is hereby incorporated by reference as if fully set forth herein; and

WHEREAS, Joyce A. Fort and Jorraine E. Forge are the owners of real property lying in the River Township, being more particularly described in the deed recorded in Book 1054, Page 81, Jackson County Public Registry, reference to which is hereby made and which is hereby incorporated by reference as if fully set forth herein, which adjoins the property of Cedar Creek Farms; and

WHEREAS, the party of the first part desires to grant to the parties of the second part a right of way over, through and across its properties from the state-maintained road to the properties of the parties of the second part.

NOW, THEREFORE, said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, has given, granted, bargained, and sold, and by these presents does hereby give, grant, bargain, sell and convey unto the said parties of the second part, their respective heirs and assigns, a right of way over, through and across the lands of party of the first part, lying and being in River Township, Jackson County, North Carolina, and more particularly described as follows:

A right of way thirty (30) feet in width, over, through and across the lands of the party of the first part as described herein to the lands of the parties of the second as described herein, for the purposes of ingress, egress and regress; together with the right of ingress, egress and regress for the purposes of constructing, inspecting, repairing and maintaining said right of way, the center line of said right of way being more particularly described as follows: BEGINNING at a point in Cedar Valley Road located S. 62-29-28 W. 697.91 feet from a #4 rebar, and in the line of Lamanna, now or former (Book 560, Page 44), and runs

thence N. 87-56-02 W. 82.19 feet to a point, N. 29-35-56 W. 26.65 feet to a point, N. 07-59-08 E. 27.92 feet to a point, N. 89-33-27 W. 38.74 feet to a point and S. 76-05-02 W. 58.29 feet to a point in the easterly boundary line of the parties of the second part, said point also located N. 28-57-27 W. 118.58 feet from an 18" oak in the line of said parties of the second part; with the outside boundaries of said right of way to be fifteen (15) feet from and at all points parallel to said centerline; with all parties having the right to use the right of way to bear his, her or its proportionate share of the cost of inspection, repair, maintenance or replacement of said right of way.

By their acceptance of this deed, the parties of the second part understand and agree, for themselves, their heirs, successors and assigns, that they will bear their proportionate share of the cost of inspecting, repairing, maintaining, or replacing said right of way with all others who now have or may hereafter acquire the right to use the same.

TO HAVE AND TO HOLD said right of way easement, with all rights, privileges and appurtenances thereunto belonging, or in anywise appertaining, unto the said parties of the second part, their heirs, assigns, executors and administrators, to their only use and behoof for the time period hereinabove set forth.

IN WITNESS WHEREOF, Richard D. Daniel, General Partner of said party of the first part, has hereunto set his hand and seal on this the day and year first above written.

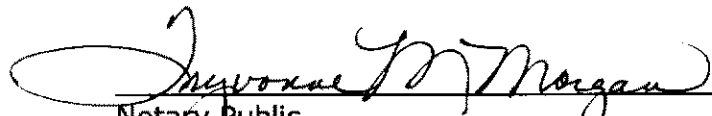
CEDAR CREEK FARMS, a N.C. Limited Partnership

By:  (SEAL)
Richard D. Daniel, General Partner

STATE OF NORTH CAROLINA
COUNTY OF JACKSON

I, Tryvonne M. Morgan, a
Notary Public, do hereby certify that **RICHARD D. DANIEL, General Partner of Cedar Creek Farms, a North Carolina Limited Partnership**, personally appeared before me this day and personally acknowledged execution of the foregoing and annexed instrument, for the purposes therein expressed.

Witness my hand and notarial seal on this 21st day of January, 2005.


Notary Public
My Commission Expires: 11-23-2008

(NOTARIAL SEAL-STAMP)

