

FILED Jan 16, 2020
AT 11:13:50 am
BOOK 03957
START PAGE 0875
END PAGE 0880
INSTRUMENT # 00855
EXCISE TAX (None)
EMD

PREPARED BY & RETURN TO:

F. Paul Koonts
Oertel, Koonts & Oertel, PLLC
→ 3493 Forestdale Drive, Suite 103
Burlington, NC 27215

NORTH CAROLINA

DECLARATION OF EASEMENT

ALAMANCE COUNTY

THIS DECLARATION made this December 17th, 2019, by DENNIS KEITH MOORE and wife, TERRY K. MOORE (collectively, "Moore"), and RANDY L. FAIRCLOTH CONSTRUCTION, INC., ("Faircloth") and their heirs and assigns.

WITNESSETH:

WHEREAS, Dennis Keith Moore and wife, Terry K. Moore are the owners of Lot 1 as shown in Plat Book 77 at Page 298 of the Alamance County, North Carolina Register of Deeds over which KeePee Trail crosses; and

WHEREAS, Randy L. Faircloth Construction, Inc. is the owner of Lot 12 as shown on the plat recorded in Plat Book 81 at Page 10 of the Alamance County Register of Deeds ("Lot 12"); and

WHEREAS, Randy L. Faircloth Construction, Inc. is the owner of Lot 13 as shown on the plat recorded in Plat Book 81 at Page 10 of the Alamance County Register of Deeds ("Lot 13"); and

WHEREAS, Lot 1, Lot 12 and Lot 13 currently have access to Bellemont Mount Hermon Road (a State public right of way) over and upon that road known as KEEPEE TRAIL for ingress, egress, and regress, as shown on those plats recorded in the Register of Deeds for

6/26

Alamance County North Carolina in Plat Book 77 at Page 298, Plat Book 77 at Page 169 and Plat Book 38 at Page 86 and recorded easements shown in Deed Book 476 at Page 639, Book 476 at Page 641, Book 2733 at Page 19 and recorded Declaration of Easement and Provisions for Road Maintenance shown in Book 3645 at Page 501; and

WHEREAS, Moore wishes to bind themselves, their successors and/or assigns to provide Faircloth, its successors and/or assigns, an easement over and across KeePee Trail as shown as "Driveway Easement 17,834.49 s.f. 0.399 ac +/-" on the plat attached hereto as Exhibit A, for the purpose of constructing a driveway in and to Lot 12; and

WHEREAS, Moore wishes to bind themselves, their successors and/or assigns to provide Faircloth, its successors and/or assigns, an easement over and across KeePee Trail as shown as "200' x 60' Driveway Easement 12,000 sq. ft." on the plat attached hereto as Exhibit B, , for the purpose of constructing a driveway in and to Lot 13; and

NOW, THEREFORE, the parties agree for themselves and with any and all persons, firms or corporations hereafter acquiring Lot 1, Lot 12 or Lot 13, the same shall be subject to the following restrictions, conditions, and covenants relating to the use and occupancy thereof, which restrictions, conditions, and covenants shall run with the said property and inure to the benefit of and be binding upon the heirs, successors and assigns of Moore and Faircloth and other acquiring parties and persons.

That Moore hereby grants to Faircloth, its successors and/or assigns, an easement over and across KeePee Trail as shown as "Driveway Easement 17,834.49 s.f. 0.399 ac +/-" on the plat attached hereto as Exhibit A , for the purpose of constructing a driveway in and to Lot 12.

That Moore hereby grants to Faircloth, its successor and/or assigns, an easement over and across KeePee Trail as shown as "200' x 60' Driveway Easement 12,000 sq. ft." on the plat attached hereto as Exhibit B, for the purpose of constructing a driveway in and to Lot 13.

For avoidance of any doubt, Moore hereby grants to Faircloth, its successors and/or assigns, the right of ingress, egress and regress over and upon that 60' (Private) R/W as shown on the plat recorded in the Alamance County, North Carolina Register of Deeds at Plat Book 77, Page 298 known as KeePee Trail.

All prior easements as set forth in the instruments recorded in the Alamance County Register of Deeds at Plat Book 77, Page 298, Plat Book 77, Page 169, Plat Book 38, Page 6, Deed Book 476, Page 639, Deed Book 476, Page 641, Deed Book 2733, Page 19 and Deed Book 3645, page 501 are hereby reaffirmed.

This agreement shall run with and be appurtenant to the land and shall be binding upon the heirs, successors, and assigns of each record owner of the aforesaid Lot 1 and Lot 13.

IN WITNESS WHEREOF, Declarants have caused this instrument to be signed and sealed on the day and year first written above.

[SIGNATURE PAGES FOLLOW]

Dennis Keith Moore (SEAL)
Dennis Keith Moore

Terry K. Moore (SEAL)
Terry K. Moore

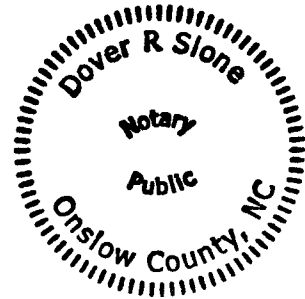
STATE OF NORTH CAROLINA
ALAMANCE COUNTY

I, a Notary Public of said County and State, hereby certify that **Dennis Keith Moore**, came before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. WITNESS my hand and official seal this the 19th day of December, 2019.

Dover R. Slone
Notary Public

My Commission Expires:

17 mar 2021



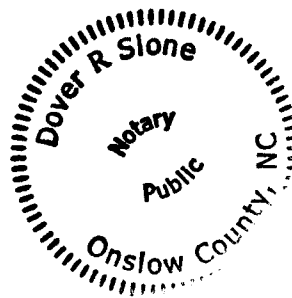
STATE OF NORTH CAROLINA
ALAMANCE COUNTY

I, a Notary Public of said County and State, hereby certify that **Terry K. Moore**, came before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. WITNESS my hand and official seal this the 19th day of December, 2019.

Dover R. Slone
Notary Public

My Commission Expires:

17 mar 2021



RANDY L. FAIRCLOTH CONSTRUCTION, INC.

By: *Randy L. Faircloth* (SEAL)
Randy L. Faircloth, President

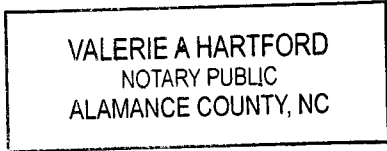
STATE OF NORTH CAROLINA
ALAMANCE COUNTY

I, a Notary Public of said County and State, hereby certify that **Randy L. Faircloth** personally came before me this day and acknowledged that he is the President of Randy L. Faircloth Construction, Inc., a North Carolina corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. WITNESS my hand and official seal this the 17th day of December, 2019.

Valerie A. Hartford
Notary Public

My Commission Expires:

8-25-23



The purpose of this plat is to show the location of Driveway Easement being acquired from the subject property. This plat does not represent a complete boundary survey of the subject property.

BK 3957 PG 0879

N.C. GRID (2011) NAD 83

PARCEL ID# 129584
DENNIS KEITH MOORE
 DEED BK. 410 PG. 385
 PLAT BK. 77 PG. 298

①

D/W EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
E1	S25°01'35"W	60.00'
E2	N35°23'20"E	60.99'

KEE PEE TRAIL
 60' (Private) R/W per Plat Bk. 77 Pg. 298

Existing Gravel Road
 91.89'
 N44°14'56"W

⑬

FUTURE SUBDIVISION LOT

108.33'
 N44°14'56"W

FUTURE SUBDIVISION LOT LINE

⑫

FUTURE SUBDIVISION LOT

PARCEL ID# 172767

RANDY L. FAIRCLOTH CONSTRUCTION, INC.
 DEED BK. 3927 PG. 631

295.23'
 N64°58'25"W
 Driveway Easement
 17,384.49 s.f.
 0.399 ac±
 284.26'
 S64°58'25"E

NC Grid Coordinates
 N=818,573.334
 E=1,872,495.282

PARCEL ID# 129610
GEORGE PENNY MOORE
 DEED BK. 2731 PG. 699
 PLAT BK. 72 PG. 207
 60' (Private) R/W per Plat Bk. 38 Pg. 89

LEGEND

- IRON STAKE FOUND (ISF)
- × CALCULATED POINT
- ℙ PROPERTY LINE

SCALE: 1"=60'



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

EXHIBIT "A"

MAP OF DRIVEWAY EASEMENT ACROSS THE PROPERTY OF

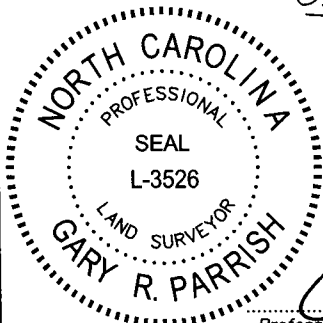
DENNIS KEITH MOORE

GPIN 8871181748, PARCEL ID# 129584

COBLE TOWNSHIP, ALAMANCE CO., N. C.

SCALE: 1" = 60'

DATE: 12/06/2019



Gary R. Parrish
 Professional Land Surveyor L-3526



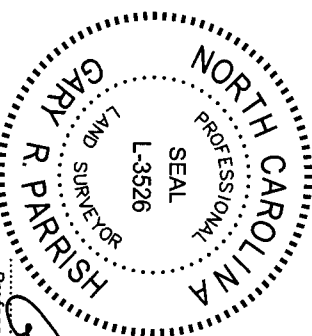
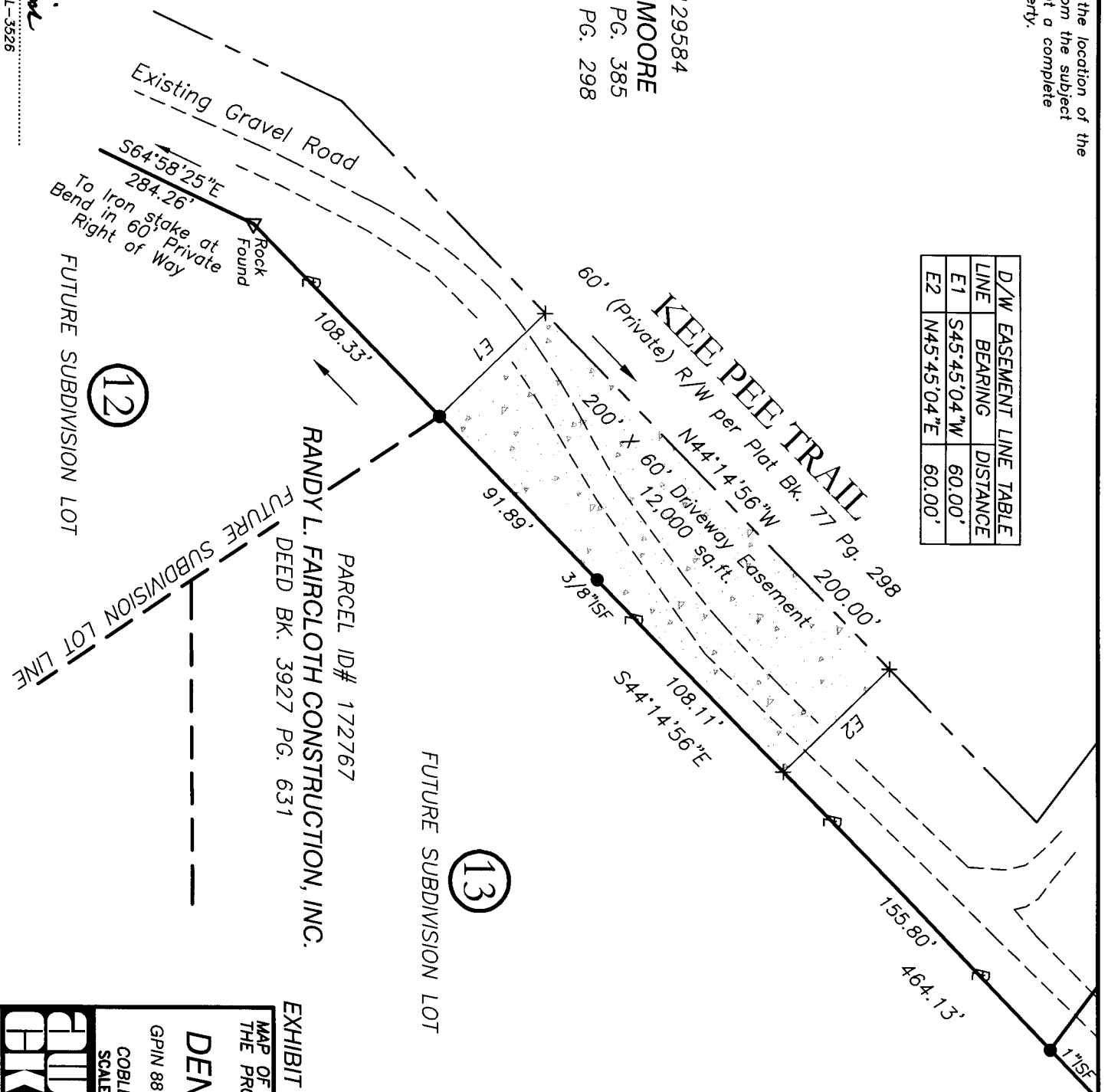
alley, williams, carmen & king, inc.
 Engineering Architecture Surveying
 740 Chapel Hill Road P.O. Box 1179
 Burlington, N.C. 27216 336/226-5534

The purpose of this plat is to show the location of the Driveway Easement being acquired from the subject property. This plat does not represent a complete boundary survey of the subject property.

PARCEL ID# 129584
DENNIS KEITH MOORE
 DEED BK. 410 PG. 385
 PLAT BK. 77 PG. 298

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D/W EASEMENT LINE TABLE			
LINE	BEARING	DISTANCE	
E1	S45°45'04"W	60.00'	
E2	N45°45'04"E	60.00'	



Gary R. Parrish
 Professional Land Surveyor L-3526



- LEGEND**
- IRON STAKE FOUND (ISF)
 - X CALCULATED POINT
 - R PROPERTY LINE



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

EXHIBIT "B"

MAP OF DRIVEWAY EASEMENT ACROSS THE PROPERTY OF

DENNIS KEITH MOORE

GPIN 8871181748, PARCEL ID# 129584

COBLE TOWNSHIP, ALAMANCE CO., N. C.
 SCALE : 1" = 60'
 DATE : 12/05/2019

alley, williams, carmen & king, inc.
 Engineering Architecture
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