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FILED
CHATHAM COUNTY
REBA G. THOMAS
REGISTER OF DEEDS

FILED Jul 26, 2004
AT 10:13:08 am
BOOK 01119
START PAGE 0423
END PAGE 0427
INSTRUMENT # 09356

Prepared by/return to: Moody, Williams & Roper P.O. Box 665 Siler City, NC 27344

NORTH CAROLINA]
CHATHAM COUNTY] ROAD MAINTENANCE DECLARATION

THIS DECLARATION, made and entered into this the 26th day of July, 2004, by and between **RICHARD E. FOX of Chatham County**, hereinafter collectively called "Declarant,"

WITNESSETH:

WHEREAS, Declarant owns fee simple title to the real property described in Article I below;

WHEREAS, the said property will have access to State Road 1509 via the private roadways shown on the plat hereinafter referred to, said private roads being known as "Valleydale Drive", "Hillendale Drive", and "Cloverdale Drive".

WHEREAS, Declarant, by this Declaration, wishes to bind himself, his heirs successors and assigns to provide all owners of any applicable portions of said property owned by Declarant described below perpetual ingress, egress and regress to said State Road and the right to construct and maintain utility easements;

WHEREAS, Declarant, by this Declaration and these restrictions, wishes to bind himself, his successors and assigns, to provide for the maintenance of said private roads until such time as the private road is accepted by the State of North Carolina for maintenance.

NOW, THEREFORE, Declarant agrees for himself, his heirs and any and all persons, firms or corporations hereinafter acquiring any of the property described in Article I below, that said property 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 said property and enure to the benefit of and be binding upon the heirs, successors and assigns of Declarant and other acquiring parties and persons.

Moody, Williams & Roper, LLP
Attorneys at Law
Siler City, N. C.
919-742-5814
FAX 919-742-6161

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ARTICLE I

The real property (the "property"), which is, and shall be held, transferred, sold and conveyed subject to this Declaration is located in Hickory Mountain Township, Chatham County, North Carolina and more particularly described as follows:

BEING all of Lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 17, and 18, described on a Plat entitled Final Plat "Laura Hills", dated April 14, 2004, prepared by Van R. Finch-Land Surveys, and recorded in Plat Slide 2004-236, Chatham County Registry, to which Plat reference is hereby made for greater certainty of description.

ARTICLE II

Declarant hereby grants unto himself and the future owners of lots 2, 3 4 and 5 within the property a non-exclusive easement for perpetual ingress, egress and regress and utilities along the private roadway within the property known as Valleydale Drive.

Declarant hereby grants unto himself and the future owners of lots 6, 7, 10 and 11 within the property a non-exclusive easement for perpetual ingress, egress and regress and utilities along the private roadway within the property known as Hillendale Drive.

Declarant hereby grants unto himself and the future owners if lots 12, 13, 17 and 18 within the property a non-exclusive easement for perpetual ingress, egress and regress and utilities along the private roadway within the property known as Cloverdale Drive.

Provided however, lots 1, 8, 9, 14, 15, and 16 shall be accessed exclusively by and through State Road 1509 and these restrictions shall not apply to said lots.

ARTICLE III

The private roads shall be constructed and maintained as roads with a minimum travel width of at least 16 feet with 4" of cracked run stone and passable in all weather conditions. Any record owner of any lot within the property served by the private roads shall have the right to enforce maintenance standards for the road serving said lot by sending by registered or certified mail, return receipt requested, written notice of all proposed maintenance, the cost thereof, and the time and place of meeting (said meeting to take place no less than thirty (30) days following the mailing of such notice to all record owners at their last known addresses disclosed by the Chatham County Tax Listings.

At the record owner's meeting, each record owner shall have one vote for each lot owned. But, in no event shall any lot in any subdivision thereof have more than one vote, regardless of the number of record owners. A majority of the votes cast, in person or by signed proxy at a record owner's meeting, is required for the approval of all maintenance. Further, at such meeting, the record owners by a majority of the votes cast in person or by signed proxy, shall select an agent to contract the maintenance work. Each record owner shall bear, on a pro rata basis, the cost of maintaining the private roads within the property, including but not limited to patching, paving, grading, adding gravel

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or rock to fill ruts, holes and washed out sections and doing any other needed maintenance.

"Maintenance," as that term is used in this Declaration, shall not include improvements to the roads beyond their condition as constructed, and shall not mean or refer to widening, landscaping, or any other upgrading. Each record owner's pro rata share shall be due and owing to the elected agent within ten (10) days, said cost may be reduced to a judgment and shall become a lien on the land of the defaulting owner. Notwithstanding any vote at the record owner's meeting, nothing in this agreement shall be construed as denying any record owner the right to ensure that the private roads within the property are maintained. Any record owner with a lot within the property may require that any dispute concerning the maintenance requirements set forth herein be submitted to binding arbitration under the Rules of the American Arbitration Association (as governed by the Uniform Arbitration Act of North Carolina, North Carolina General Statutes Section I-567.1 et seq., as it may be from time to time be amended) by notice mailed to all record owners at their last known addresses as is shown on the Chatham County Tax Listings by registered or certified mail, return receipt requested, by 5:00 p.m. on the second working day following the record owner's meeting. Unless such arbitration notice is sent, the vote of the majority of the record owners shall be conclusive as to the maintenance mandated by this agreement. The costs of such arbitration shall be borne by all record owners, pro rata, if maintenance is ordered, or if not, entirely by the party (or parties) seeking arbitration.

ARTICLE IV

The private roads within the property may be dedicated to the public by a majority vote of the record owners of lots within the property served by the private roads at a meeting called and a vote taken as set out in Article III above, except the notice must state that the meeting is called to vote on dedicating the roads to the public. In that event, the record owners and their successors in title and interest to any portion of the property served by the private roads within the property will remain responsible for road maintenance as herein provided until such time as said roads are maintained by a governmental body.

ARTICLE V

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 a lot within the property.

ARTICLE VI

This agreement shall remain in full force and effect as to the aforementioned roads or any portion thereof until such time as said roads or any portion thereof are maintained by a governmental body and any portion of said roads not maintained by a governmental body shall remain subject to this agreement and be maintained by the record owners of those lots in the property served by that portion of said roads not maintained by a governmental body as the record owners of those lots in the property

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agreement and be maintained by the record owners of those lots in the property served by that portion of said roads not maintained by a governmental body as the record owners of those lots in the property served by that portion of said roads not maintained by a governmental body shall decide as set out herein.

ARTICLE VII

This Road Maintenance Deed is expressly subject to the provisions of Chatham County's Ordinances governing "private roads", and should any conflict occur, the ordinance provisions shall govern.

ARTICLE VIII

It is further stipulated and agreed that the record owners of lots within the property and their heirs, successors or assigns may enforce this agreement by injunction and that this shall not be in exclusion of, but in additions to, all other remedies available in law or equity.

ARTICLE IX

Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions, which shall remain in full force and effect.

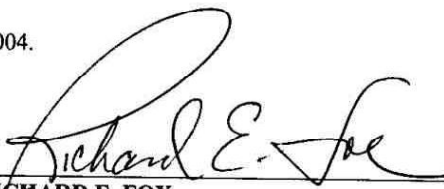
ARTICLE X

For the purpose of these restrictions, the singular shall include the plural, the masculine shall include the feminine and neuter, and vice versa, as the meaning may require.

ARTICLE XI

This Declaration, together with the plat of Final Plat "Laura Hills" reference herein contain the entire understanding of the Declarant and shall not be amended without the written agreement of a majority of all of the property owners in said subdivision, with each lot entitled to one vote.

This 26th day of July, 2004.


RICHARD E. FOX (SEAL)

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STATE OF NORTH CAROLINA

CHATHAM COUNTY

I, the undersigned Notary Public of said County and State, hereby certify that **RICHARD E. FOX (Unmarried)** personally appeared before me this day and acknowledged the execution of the foregoing Deed.

WITNESS my hand and notarial seal, this 26th day of July, 2004.

Judith C. Harris
Notary Public



My Commission Expires: 2-22-2009

Chatham County, North Carolina
REBA G. THOMAS Register of Deeds
The foregoing certificate(s) of
JUDITH C. HARRIS

notary/notaries public
is/are certified to be correct.

Beverly N. Kay
Assistant - Register of Deeds