

Drawn by and return to John A. Powell, Atty., 75 N. Market St., Asheville, NC 28801

Haywood County--Register of Deeds
 Amy R. Murray
 Inst #559950 Book 512 Page 1309
 01/25/2002 03:13:43pm

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD

DEED OF EASEMENT

THIS DEED OF EASEMENT made this 25 day of January, 2002 by the DOLAN RAY HINSON and YVONNE HINSON STEWART ("GRANTOR") to HEATHERLY ENTERPRISES, LLC ("GRANTEE");

WITNESSETH:

That Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, hereby grants to the Grantee, its heirs, successors and assigns, a permanent non-exclusive easement over and across that sixty (60) foot wide easement or right of way area beginning at the end of State Maintenance on Bald Creek Road (N.C.S.R. 1505) Haywood County; and running thence to Grantee's property which begins at the Haywood County/Buncombe County line as more particularly shown and described on that Right of Way Plat Prepared for Heatherly Enterprises, LLC by J. Randy Herron, PLS, dated January 7, 2002 and recorded in the Haywood County Register of Deeds Office in Plat Cabinet C at Slot 2898, which is incorporated herein by reference ("EASEMENT AREA"), for the purposes of ingress, egress, regress, to and from the property owned by Grantee particularly described in Deed Book 1909 at Page 544 of the Buncombe County Registry, and also for the purposes of the installation and maintenance of utilities to serve Grantee's property. By acceptance of this Deed of Easement, Grantee shall be responsible for its portion of the road maintenance of the Easement Area as if it were a lot owner in the Quail Cove Subdivision. Should Grantee or its successors or assigns, at any time subdivide its property, each and every purchaser of a portion thereof shall also become responsible for the cost of road maintenance of the easement area as if they were a Quail Cove Subdivision lot owner. Grantee shall not be responsible for any other costs or expenses of the Quail Cove Subdivision exception the maintenance of the Easement Area.

TO HAVE AND TO HOLD the foregoing described easements unto the Grantee, its heirs, successors and assigns forever, it being agreed that the rights and easements hereby granted are for the use of, or are appurtenant to, and run with the Grantee's property.

Grantor does hereby covenant to Grantee that it is lawfully seized and possessed of the Easement Area, in fee simple and have the right to convey the easement described herein; that the Easement Area is free from encumbrances and that it will warrant the title to the same against the claims of all persons whatsoever, except others rightfully using said Easement Area as ingress, egress and regress.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed under seal as of the day and year first above written.

Dolan Ray Hinson (SEAL)
DOLAN RAY HINSON

Yvonne Hinson Stewart (SEAL)
YVONNE HINSON STEWART

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

I, a Notary Public of the County and State aforesaid, certify that DOLAN RAY HINSON AND YVONNE HINSON STEWART personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this 25th day of January 2002.

Sharon M. Bartlett
Notary Public

My Commission Expires:
1-11-2007



State of North Carolina, Haywood County
The Foregoing Certificate(s) of SHARON M BARTLETT /NP

is (are) Certified to be Correct.
This Instrument was filed for Registration on this 25th Day of
January, 2002 in the Book and Page shown on the First Page hereof.

Amy Murray By: Sharon M. Bartlett
Amy Murray Deputy