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Prepared by and hold: Satsky & Silverstein

NORTH CAROLINA

WAKE COUNTY

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9 JUN - 2 AM 8:40

DECLARATION OF COMMON DRIVEWAY AGREEMENT

THIS DECLARATION OF EASEMENT, made on the date hereinafter set forth by JAMES W. FULLER and wife, GAYLE U. FULLER, of Wake County, North Carolina hereinafter referred to as "Fuller", and HYRE LIMITED PARTNERSHIP, a N. C. Limited Partnership, hereinafter referred to as "HYRE".

W I T N E S S E T H:

WHEREAS, Fuller is the owner of certain real property described as Lot 8 of Country Club Downs, Phase II as shown on that plat recorded in Book of Maps 1989 at Page 1093, Wake County Registry; and HYRE owns the adjacent property lying on eastern side of Lot 8, and known as Lot 9 of Country Club Downs, Phase II; and

WHEREAS, the parties agree that it would be in their mutual interests to maintain a joint driveway for the common use of the two lots referred to hereinabove.

NOW, THEREFORE, for the premises contained herein and other good and valuable consideration, Fuller and HYRE hereby declare that Lots 8 and 9 shall be held, sold and conveyed subject to the following common driveway easement, which is more particularly described as follows:

1. Said easement is approximately 15 feet in width and approximately 50 feet in length as shown on the survey by Construction Surveys, Inc. entitled "Map for John Richey" and dated 8/16/90 attached hereto as Exhibit "A". Said survey is incorporated herein by reference.

2. The owner of Lot 9 shall have a perpetual easement running with the land over and across that portion of the above-described common driveway easement which lies within Lot 8. The owner of Lot 9 shall have the duty to contribute one-half of the costs and expenses incurred in connection with any reasonable repairs to and maintenance of the above-described common driveway easement.

3. Notwithstanding any inference herein to the contrary, the duty to make repairs as required by Paragraph 2 of this agreement shall be applicable only to the owners of Lot 8 and Lot 9 at the time the repairs are made and not to any prior owners. In the event that either lot owner fails to make their pro-rata contributions for the maintenance and repairs of the perpetual driveway easement, the owner of the other lot may bring a civil suit for the collection of such contribution, plus attorney fees.

3A. Neither party shall allow cars to be parked at the entrance to the joint driveway, nor in that portion of the driveway that is considered to be joint.

[Handwritten signature]
WAK

4. The owner of Lot 9 shall have the perpetual access easement over Lot 8 to the extent reasonable necessary to perform repairs to the perpetual common driveway easement.

5. The purpose of this common driveway easement is to enhance and protect the value and desirability of the property, and to provide ingress and egress into Lots 8 and 9 of Country Club Downs, Phase II.

6. This easement shall run with Lots 8 and 9 and shall be binding on all parties having or acquiring any right, title or interest in the described lots or any part thereof, and shall inure to the benefits of each owner thereof.

IN TESTIMONY WHEREOF, the parties hereto have caused this instrument to be executed on this 14 day of DECEMBER, 1990.

James W. Fuller
JAMES W. FULLER

Gayle U. Fuller
GAYLE U. FULLER

HYRE LIMITED PARTNERSHIP

By: William R. Henderson
WILLIAM R. HENDERSON,
General Partner
Joel R. Young
JOEL R. YOUNG,
General Partner

NORTH CAROLINA
WAKE COUNTY

I, Jill Goldsmith, a Notary Public of the County and State aforesaid, certify that JAMES W. FULLER and GAYLE U. FULLER personally appeared before me this day and acknowledged the execution of the foregoing instrument. WITNESS my hand and official stamp or seal, this 14th day of December, 1990.

My Commission Expires: 12/23/91 Jill Goldsmith
NOTARY PUBLIC

[SEAL]

NORTH CAROLINA
WAKE COUNTY

I, Katherine W. Kimbrell, a Notary Public of the County and State aforesaid, certify that WILLIAM R. HENDERSON and JOEL R. YOUNG, General Partners of HYRE LIMITED PARTNERSHIP, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this 14th day of December, 1990.

My Commission Expires: 1/23/91 Katherine W. Kimbrell
NOTARY PUBLIC

[SEAL]

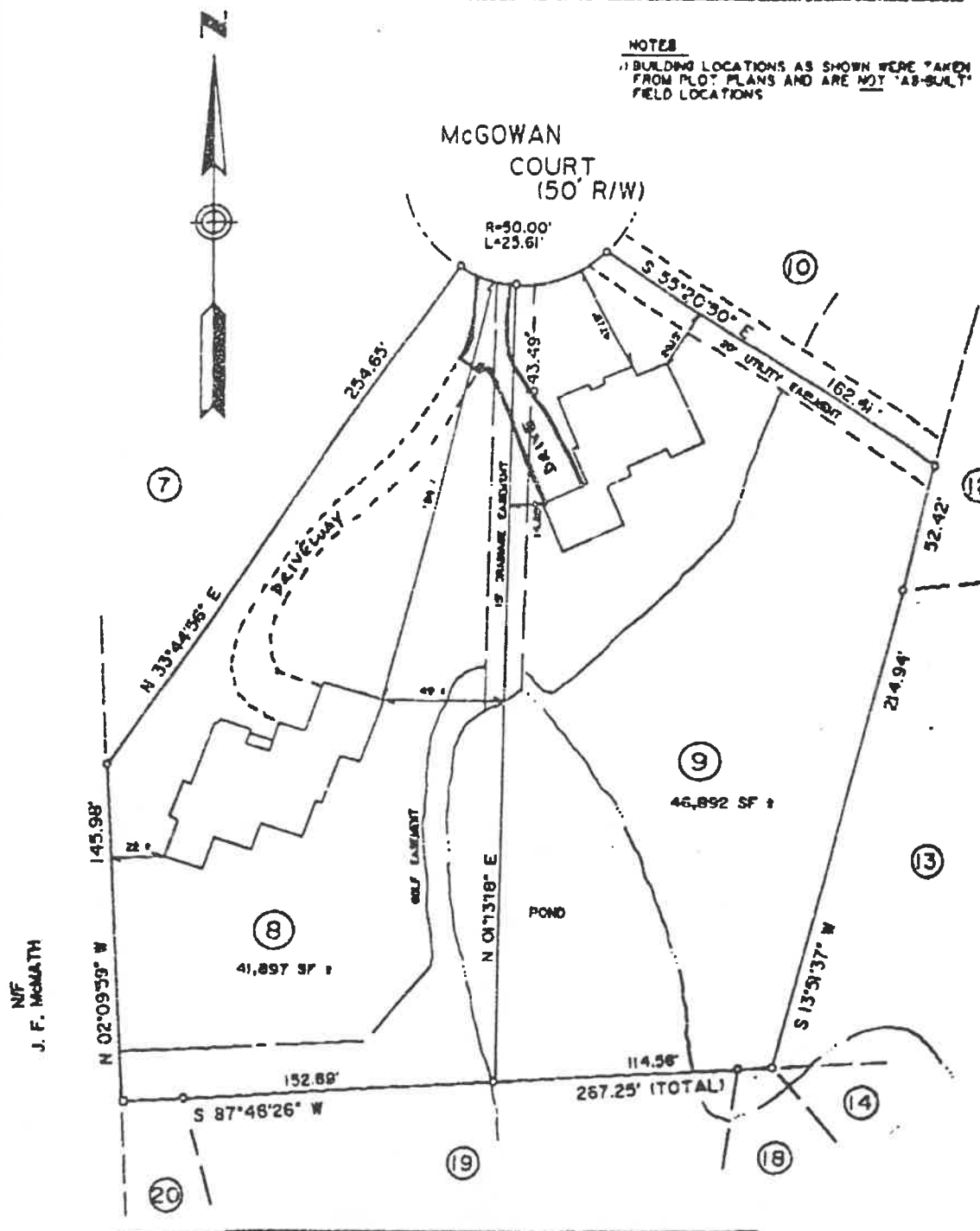
The foregoing Certificate(s) of Jill Goldsmith and Katherine W. Kimbrell is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

KENNETH C. WILKINS, REGISTER OF DEEDS FOR WAKE COUNTY

By: Kyana R. Crooke Deputy/Assistant Register of Deeds

THIS MAP WAS DRAWN FROM A REFERENCE AS RECORDED IN BOOK OF MAPS _____ PAGE _____ 10000 BOOK _____
PAGE _____ 1 AND A FIELD SURVEY OF LOT _____ BLOCK _____ PHASE _____ PART _____ MAP _____
SECTION _____ OF _____ SUBDIVISION. THE PROPERTY
LINES AND LOCATION OF ALL STRUCTURES ARE ACCURATELY SHOWN HEREON. THERE ARE NO ENCROACHMENTS EITHER WAY
ACROSS PROPERTY LINES, UNLESS OTHERWISE NOTED

1) BUILDING LOCATIONS AS SHOWN WERE TAKEN FROM PLOT PLANS AND ARE NOT 'AS-BUILT' FIELD LOCATIONS



A MAP FOR

JOHN RICHEY
WAKE FOREST, NORTH CAROLINA

**CONSTRUCTION
SURVEYS, INC.
RALEIGH, N.C.**

SCALE: 1" = 30'
DRAWN BY: MED
DATE: 6-16-90
PROJECT: 90-77

Register of Deeds
PAGE 1 OF 2
Deputy
Assessment Map of Deeds
Recorded in Book of Maps 1989 Vol. 16 Pg. 16

BNL 838790198

TOWN OF WAKE FOREST

WAKE FOREST, NC 27158

STATE OF NORTH CAROLINA

COUNTY OF WAKE 145

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned: WAKE FOREST COUNTRY CLUB ASSOCIATES, a North Carolina General Partnership; MARK R. MAPLES and KIM K. MAPLES; A. W. EASTER BUILDER, INC.; BUD EVANS BUILDER, INC.; THOMAS E. O'BRIEN; BRUCE M. MANESS and MARY K. MANESS; JAMES W. FULLER and JUDY ANN O'BRIEN; GAYLE U. FULLER; ECG, a North Carolina General Partnership; JOHN F. PAYNE and DORIS B. PAYNE; WAKE FOREST GOLF & COUNTRY CLUB, INC.; DIAZIT COMPANY, INC.; L. C. KERR BUILDER, INC.; HYRE LIMITED PARTNERSHIP; and RICHARD P. TURNER of said County and State, in consideration of the sum of \$1.00 paid by Town of Wake Forest, the receipt whereof is hereby acknowledged, hereby grant unto said Town of Wake Forest, its successors and assigns, the right, privilege, and easement to go in and upon that certain land situated in Wake Forest Township in said County and State, described as follows:

BEING all of Areas, 1, 2, and 3 as shown on that plat entitled "Annexation Map of Wake Forest Country Club Association" recorded in Book of Maps 1990, Page 179, Wake County Registry,

and to construct, maintain, and operate over, under and across said premises a title consisting of wires, cables, underground conduits, and other pertinent facilities within a strip of area of said land ten (10) feet wide for the purpose of transmitting electricity; with the right to do all things necessary or convenient thereto, including, but not being limited to, the right; (a) to permit the attachment of wires, cables, and conduits of any other company or person; and (b) to enter said strip at all times over the adjacent land to inspect, repair, maintain, and alter said line.

The center line of the underground line shall be the center line of said strip.

Notwithstanding anything to the contrary above, it is understood and agreed that: (1) the right-of-way herein granted is for a system of electric lines to provide electric service at any point where needed on the above described land, portions of which system may be installed immediately, and other portions installed in the future as the need for electric service develops; and (2) said electric lines shall be installed at locations mutually suitable to the parties hereto.

TO HAVE AND TO HOLD the aforesaid right, privilege, and easement unto Town of Wake Forest, its successors and assigns, forever.

IN WITNESS WHEREOF, this instrument has been duly executed under seal by the undersigned, this 24 day of January, 1991.

WAKE FOREST COUNTRY CLUB ASSOCIATES,
A North Carolina General Partnership

WAKE FOREST COUNTRY CLUB, INC.,
General Partner

By: [Signature]
President

By: [Signature]
W. R. HENDERSON, General Partner

ATTEST:

[Signature]
Secretary

Thomas E. O'Brien (SEAL)
THOMAS E. O'BRIEN, Lot 11, Book of Maps 1989-1093

Mary Ann O'Brien (SEAL)
MARY ANN O'BRIEN, Lot 11, Book of Maps 1989-1093

Mark R. Maples (SEAL)
MARK R. MAPLES, Lot 57, Book of Maps 1989-1093

Kim K. Maples (SEAL)
KIM K. MAPLES, Lot 57, Book of Maps 1989-1093

A. W. EASTER INC.

By: [Signature]
President
Lots 47 ~~57~~, Book of Maps
1989-1093

ATTEST:

Lian B. Easter
Secretary

BUD EVANS BUILDER, INC.

By: [Signature]
President
Lots 50 & 13, Book of Maps
1989-1093

ATTEST:

Stephen H. Gibson
Secretary

Bruce M. Maness (SEAL)
BRUCE M. MANESS, Lot 10, Book of Maps 1989-1093

Mary K. Maness (SEAL)
MARY K. MANESS, Lot 10, Book of Maps 1989-1093

James W. Fuller (SEAL)
JAMES W. FULLER, Lot 8, Book of Maps 1989-1093

Gayle U. Fuller (SEAL)
GAYLE U. FULLER, Lot 8, Book of Maps 1989-1093

ECG, A North Carolina General Partnership

By: [Signature]
Partner
Lot 67, Book of Maps 1990-180

John F. Payne (SEAL)
JOHN F. PAYNE, Lot 61, Book of Maps 1990-180

Doris B. Payne (SEAL)
DORIS B. PAYNE, Lot 61, Book of Maps 1990-180

WAKE FOREST GOLF & COUNTRY
CLUB, INC.

By: [Signature]
President
Lots 65 & 66, Book of Maps
1990-180

ATTEST:

Ronnie Reitz
Secretary

DIAZIT COMPANY, INC.

By: K. J. Z
President
Lot 64, Book of Maps 1990-180

ATTEST:

[Signature]
Secretary

L. C. KERR BUILDER, INC.

By: [Signature]
President
Lots 14 & 58, Book of Maps
1989-1093

ATTEST:

Cathy J. Kerr
Secretary

HYRE LIMITED PARTNERSHIP

By: [Signature]
Partner
Lot 9, Book of Maps 1989-1093

Richard P. Turner (SEAL)
RICHARD P. TURNER, Lot 6, Book of Maps 1989-1093

NORTH CAROLINA, WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Ronald S. Reitz, personally came before me this day and acknowledged that he is Secretary of Wake Forest Golf & Country Club, Inc., a North Carolina Corporation and General Partner of WAKE FOREST COUNTRY CLUB ASSOCIATES, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by Ronald S. Reitz as its Secretary.

Witness my hand and official stamp or seal, this 15 day of December, 1990.

My commission expires: [Signature]
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that W. R. Henderson, General Partner of Wake Forest Country Club Associates, a North Carolina General Partnership, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 29 day of November, 1990.

My commission expires: 1/23/91 Katherine W. Henderson
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake County, North Carolina, do hereby certify that MARK R. MAPLES personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14 day of December, 1990.

My commission expires: 2/23/91 Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake County, North Carolina, do hereby certify that KIM K. MAPLES personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 11th day of December, 1990.

My commission expires: 2/23/91 Jill Goldsmith
Notary Public

North Carolina, Wake County

I, a Notary Public of the County and State aforesaid, certify that John B. Easter personally came before me this day and acknowledged that he is Secretary of A. W. EASTER BUILDER, INC., a North Carolina Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by John B. Easter as its Secretary.

Witness my hand and official stamp or seal, this 6th day of December, 1990.

My commission expires: 2/23/91 Jill Goldsmith
Notary Public

North Carolina, Wake County

I, a Notary Public of the County and State aforesaid, certify that Stephen Gibson personally came before me this day and acknowledged that he is Secretary of BUD EVANS BUILDER, INC., a North Carolina Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by Stephen Gibson as its Secretary.

Witness my hand and official stamp or seal, this 11th day of December, 1990.

My commission expires: 2/23/91 Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake County, North Carolina, do hereby certify that BRUCE M. MANESS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 27th day of December, 1990.

My commission expires: 2/23/91 Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake County, North Carolina, do hereby certify that MARY K. MANESS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 21st
day of December, 1990.

My commission expires: 2/23/94

Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake
County, North Carolina, do hereby certify that JAMES W. FULLER
personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th
day of December, 1990.

My commission expires: 2/23/94

Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake
County, North Carolina, do hereby certify that GAYLE U. FULLER
personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th
day of December, 1990.

My commission expires: 2/23/94

Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake County,
North Carolina, do hereby certify that Galea Jefferson,
Partner of ECG, a North Carolina General Partnership personally
appeared before me this day and acknowledged the due execution of the
foregoing instrument.

Witness my hand and official stamp or seal, this 14th day of
December, 1990.

My commission expires: 2/23/94

Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake
County, North Carolina, do hereby certify that JOHN F. PAYNE
personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 27th
day of December, 1990.

My commission expires: 2/23/94

Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake
County, North Carolina, do hereby certify that DORIS B. PAYNE
personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 27th
day of December, 1990.

My commission expires: 2/23/94

Jill Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

This is to certify that on the 1st day of December, 1990, before me personally came Ronnie Reitz, who, by me duly sworn, says that Joel R. Young is the President and the he is Secretary of WAKE FOREST GOLF & COUNTRY CLUB, INC. described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and that the name of the corporation was subscribed thereto by the said President and that the said President and Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board of Directors of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official stamp or seal, this the 1st day of December, 1990.

My commission expires: _____

Joe Goldsmith
Notary Public

North Carolina, Wake County

I, a Notary Public of the County and State aforesaid, certify that Catherine P Neeb personally came before me this day and acknowledged that she is _____ Secretary of DIAZIT COMPANY, INC., a North Carolina Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by Catherine P Neeb as its _____ Secretary.

Witness my hand and official stamp or seal, this 2nd day of January, 1991.

My commission expires: 7-23-93

Deborah W Holden
Notary Public

North Carolina, Wake County

I, a Notary Public of the County and State aforesaid, certify that Cathy Kerr personally came before me this day and acknowledged that she is _____ Secretary of L. C. KERR BUILDER, INC., a North Carolina Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by Cathy Kerr as its _____ Secretary.

Witness my hand and official stamp or seal, this 14th day of December, 1990.

My commission expires: 2/23/91

Joe Goldsmith
Notary Public

North Carolina, Wake County

I, a Notary Public of the County and state aforesaid, certify that Joe R. Young, General Partner of HYRE LIMITED PARTNERSHIP, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 14th day of December, 1990.

My commission expires: 2/23/91

Joe Goldsmith
Notary Public

NORTH CAROLINA, WAKE COUNTY

I, Jill Goldsmith, a Notary Public of Wake County, North Carolina, do hereby certify that RICHARD P. TURNER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 12th day of December, 1990.

My commission expires: 12/23/91

Jill Goldsmith
Notary Public

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of Jill Goldsmith, Notary Public
W. Humbert

Quinton H. Hester Notary Public is

(are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

KENNETH C. WILKINS, Register of Deeds

By Jana B. Medlin
Asst. Deputy Register of Deeds