

Return To: Cawthorne Moss Pnciera  
P.O. Box 1253  
Wake Forest, NC 27588

WAKE COUNTY, NC 689  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
12/01/2004 AT 15:49:31

BOOK:011126 PAGE:01913 - 01915

# NORTH CAROLINA ROAD MAINTENANCE AGREEMENT

WAKE COUNTY BOOK OF MAPS 2004 PAGE 2230

KNOW ALL MEN BY THESES PRESENTS that JAMES M. & ROBIN L. PERREAULT, being the owner(s) of those parcels of land located in \_\_\_\_\_, and being more particularly described as follows.

BEING all of LOTS 1-3 as shown on a map entitled MINOR SUBDIVISION FOR CHRIS SPILLMAN recorded in Book of Maps BM 2004, Page 2230.  
Wake County Registry.

Do hereby agree and covenant with all persons, firms, or corporations, now owning and hereafter acquiring any of the area included within the above referenced land, that all are hereby subjected to the following road maintenance agreement, running with said properties by whomsoever owned, to wit:

- (1) So long as the road identified as ABBEYS GROVE TRAIL on the above identified map remains a private road, each owner will be responsible for a proportionate share of the costs of maintaining the road until the NC Department of Transportation accepts the maintenance of said road, at which time this agreement will become null and void. The proportionate share of each lot owner shall be the number of lots he/she may own to the total number of lots fronting on said private road. If the number of lots fronting on ABBEYS GROVE TRAIL increases, the number of lot owners responsible for a proportionate part of the maintenance costs will increase but if one owner owns more than one lot, that owner will share according to the original total number of lots developed.
- (2) To ensure that the road is at all times kept serviceable for all weather conditions. JAMES M. PERREAULT will obtain periodic maintenance services on the road. The cost of this periodic maintenance shall be borne proportionately as set out in paragraph (1) above by each lot owner and shall be paid immediately upon being billed. Failure to pay such proportionate share within thirty (30) days of the date of billing shall constitute a failure to pay for labor and materials as is contemplated in NCGS Section 44-(A)-8 et seg. and the above named owners, their heirs or assigns, individually or jointly shall be entitled to proceed against the non-paying lot owner to perfect a lien against the lot as is provided in NCGS Section 44-(A)-12 et seg.
- (3) Should at any time JAMES M. & ROBIN L. PERREAULT no longer be the owner of any lot on the aforesaid named street herein then a majority of the lot owners shall select a person or firm to undertake the responsibility of obtaining periodic road maintenance. Each lot owner will continue to be liable for the proportionate costs and the remedies for non-payment will be the same as were herein above vested in paragraph (2) above.
- (4) In the event that the person designated in paragraph (2) above does not perform the needed inspections and obtain periodic maintenance on the road, a two-thirds majority vote on lot owners may have the road inspected and maintained as needed and cost apportioned to each lot owner as provided in paragraph (1) above. Non-payment in this instance will subject the lot owner to the same remedies as are set out in paragraph (2) above. By a two-thirds majority vote of the lot owners, the road may be paved and the cost apportioned proportionally to each lot owner and non-payment by any landowner will subject the owner to the same remedies as set out in paragraph (2) above. Any lot owner, may at his own expense, perform maintenance on the road, provided any maintenance improves its condition to keep the road serviceable to an all weather condition.

WITNESS my hand and seal, this the 30th day of November, 2004

James M. Perreault  
Robin L. Perreault

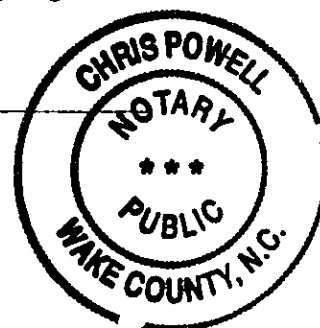
NORTH CAROLINA  
Wake COUNTY

I, A Notary Public of the County and State aforesaid, certify that James <sup>m. Perreault</sup> and Robin Perreault

Personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 30 day of November 2004

My Commission Expires: May 10, 2005

Chris Powell  
 Notary Public



NORTH CAROLINA  
Wake COUNTY

I, A Notary Public of the County and State aforesaid, certify that Robin L. Perreault

Personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 30 day of November 2004

My Commission Expires: July 05, 2005

Georgiann W. Ball  
 Notary Public





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Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.



**Wake County Register of Deeds**  
**Laura M. Riddick**  
**Register of Deeds**

**North Carolina – Wake County**

The foregoing certificate 5 of Chris Powell; Georgianna W. Ball

\_\_\_\_ Notary(ies) 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.

Laura M. Riddick, Register of Deeds

By: Sheila Chestnut  
Assistant/Deputy Register of Deeds

**This Customer Group**

\_\_\_\_ # of Time Stamps Needed

**This Document**

\_\_\_\_ New Time Stamp  
3 # of Pages