BK016728PG00977

WAKE COUNTY, NC
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03-22-2017 AT 14:08:19

BOOK: 016728 PAGE: 00977 - 00981

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF WAKE

This Agreement made this 6th day of March, 2017, by Farzad Frank Kardan and Lily Anne Kardan (Hereinafter "Grantees") and Shane M. Thorbahn and Kathryn E. Thorbahn (Hereinafter "Grantors"), all of Wake County, North Carolina.

STATEMENT OF FACTS

1. Grantees are the owners of that real property located at 1427 Sexton Ridge Drive, Fuquay-Varina, NC 27526 (Lot 20 of the Sterling Ridge Subdivision, Map Book 2005, Page 1963-1964, Wake County, PIN 0677350187.)

2. Grantors are the owners of the adjacent Lot (Lot 19 of the Sterling Ridge Subdivision, Map Book 2005, Page 1963-1964, Wake County, PIN 0677350263.)

3. An unrecorded survey by Al Prince & Associates, P.A., Registered Land Surveyor, dated February 22, 2017 disclosed that portions of a plastic fence primarily located on Grantees' property encroaches onto Grantors' property by approximately 0.2 feet at its worst point, according to the survey referenced above which is attached to this Encroachment Agreement.

3b. However, an unrecorded survey by Curk T. Lane, a Registered Land Surveyor of True Line Surveying, P.C., dated February 14, 2017, (also attached to this Encroachment Agreement) shows that, contrary to the above-mentioned survey, no encroachment exists. Consequently, the existence or extent of said encroachment is unclear.

4. Grantees and Grantors have agreed that the encroachment is to remain in the present location under the terms and conditions set forth herein.

DRAWN BY AND RETURN TO:
Richard J. Twomey, Attorney
Wake County Box #223

Submitted electronically by "Twomey Law Office, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

AGREEMENT

Therefore, for valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantors hereby grant and convey to Grantees, their heirs, successors and assigns as owners of the property located at 1427 Sexton Ridge Drive, Fuquay-Varina, NC 27526, an easement to allow the encroaching portions of the plastic fence to remain in its present location. The easement shall be over that portion of Grantors' property that is encroached by the fence as reflected in said survey and attached as Exhibit A hereto. This easement is granted upon the following terms and conditions:

1. This easement is granted to allow the above referenced encroachment to remain in its present location. Grantees shall not erect any other improvement in the easement area and shall use the easement area only to allow the encroaching portion of the fence to remain in its present location.

2. If the encroaching portions of the fence are ever destroyed or substantially damaged or if Grantees ever voluntarily replace or rebuild the fence, they shall replace or rebuild it entirely on Grantees' property, in which case this easement shall terminate as to the improvement replaced.

3. In the case of termination of easement as set forth above, Grantees agree to execute any documents acknowledging the partial or complete termination of this agreement.

4. This easement shall be binding upon and shall inure to the benefit of the parties hereto, their respective heirs, successors and assigns.

5. This agreement makes no change in the existing property line, nor does it establish the existence or extent of an encroachment. This agreement applies to the fence to the extent that it actually encroaches onto Grantor's property.

Grantees have executed this agreement for the purpose of agreeing to be bound by the provisions hereof. It is the express purpose of this agreement that Grantors will not lose possession, ownership or title to the encroached property through adverse possession as a result of the encroachment of Grantees' fence onto their property.

Signed and sealed as of the date first written above.

Grantors:

Shane M. Thorbahn

Kathryn E. Thorbahn

Grantees:

Farzad Frank Kardan

Lily Anne Kardan

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, do hereby certify that Shane M. Thorbahn and Kathryn E. Thorbahn did personally appear before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 22 day of March 2017.

RICHARD J. TWOMEY NOTARY PUBLIC WAKE COUNTY, NC

Notary Public
My Commission Expires: 4-7-17

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, do hereby certify that Farzad Frank Kardan and Lily Anne Kardan did personally appear before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 6 day of march 2017.

ERVIS BIDA
Notary Public - State of New Jersey
My Commission Expires Apr 8, 2021

Notary Public
My Commission Expires:

Exhibit "A"

LOT 19 SECTION ---- BLOCK ---- PHASE 1B SUBDIVISION STERLING RIDGE

AS RECORDED IN MAP BOOK 2005 VOL. ---- PAGE 1963 & 1964

OF THE WAKE COUNTY REGISTRY.

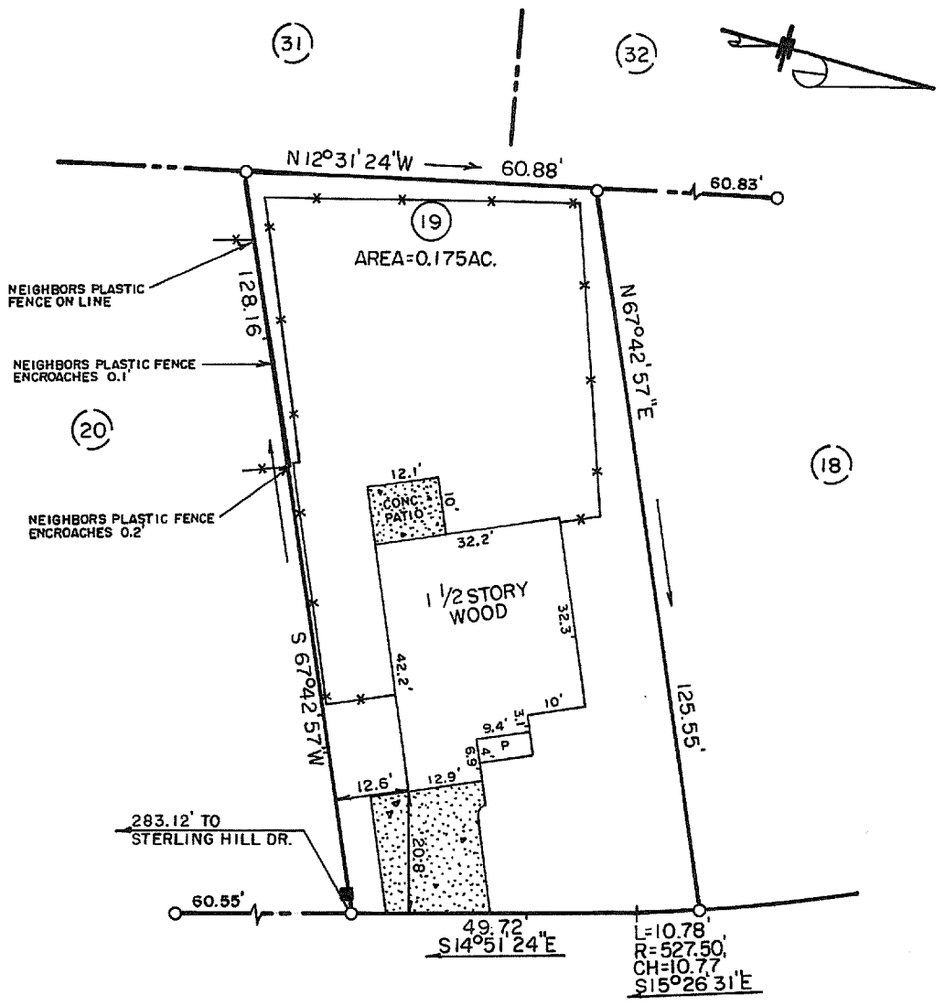
I declare that this survey complies with the North Carolina Standards of Practice for Surveying (section . 1600) for class A surveys and that the calculated ratio of precision before adjustments is 10,000+. Furthermore, building corners shown are primary control monumentation for the reestablishment of property corners in the absence of grid monuments and other subdivision property corners. This survey is not to be recorded without the written authorization of the surveyor. This map remains the property of the surveyor and is to be used only for conveyance of this lot to the person(s) shown on this map.

_____, Professional Land Surveyor

Notes:
1) North arrow is referenced to recorded document shown above unless denoted otherwise.
2) House ties are radial to property lines unless shown otherwise.
3) Underground pipes not located with this survey.
4) All areas are computed by coordinates.
5) Flood plain statement attached separately, if requested, and not part of this survey.
6) This property may be subject to the Neuse River Buffer.

LEGEND:

O = EXISTING IRON PIPE
● = NEW IRON PIPE
P = PORCH, S = STOOP, SH = SHED
— = FENCE, R = RADIUS
—•••— = CREEK (APPROX. LOCATION)
-E- = OVERHEAD ELECTRIC LINE
LP= LIGHT POLE, PP = POWER POLE
PK = MASONRY NAIL, MH = MANHOLE
LBS = LOCATION BY SCALE
C = CHIMNEY, ■ = ELECT. TRANSFORMER
L = ARC LENGTH, CH = CHORD LENGTH
YI = YARD INLET, DI = DROP INLET
D = DECK, FH = FIRE HYDRANT
N/F = NOW OR FORMERLY
DU = DESTINATION UNKNOWN
OU = OWNERSHIP UNKNOWN



SEXTON RIDGE DRIVE
45' R/W

SURVEY FOR

JOSEPH MATTHEW FITTERER
AMANDA NICOLE FITTERER

WAKE COUNTY, NORTH CAROLINA

0" 0.5" 1' 1.5"
BAR SCALE

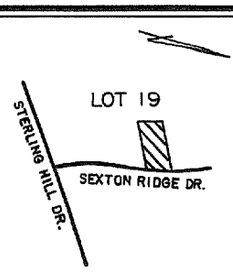
DATE: 22 FEBRUARY 2017 TOWNSHIP: MIDDLE CREEK SCALE; 1' = 30'

NORTH CAROLINA PROFESSIONAL L-1356 LAND SURVEYOR AL PRINCE C-277

AL PRINCE & ASSOCIATES, P.A.

ENGINEERS-SURVEYORS-PLANNERS

P.O. BOX 44, 27512-0044
209 NEW EDITION COURT
CARY, NORTH CAROLINA, 27511
PH. 919-467-3545 FAX 919-467-8607



VICINITY MAP N.T.S.

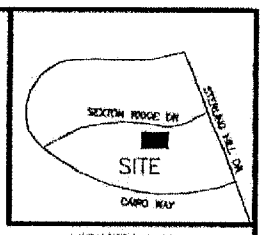
Exhibit "B"

NOTES:
1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
2) AREAS COMPUTED BY COORDINATE METHOD
3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
6) NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF FEMA FLOOD HAZARD AREAS ON THIS PARCEL

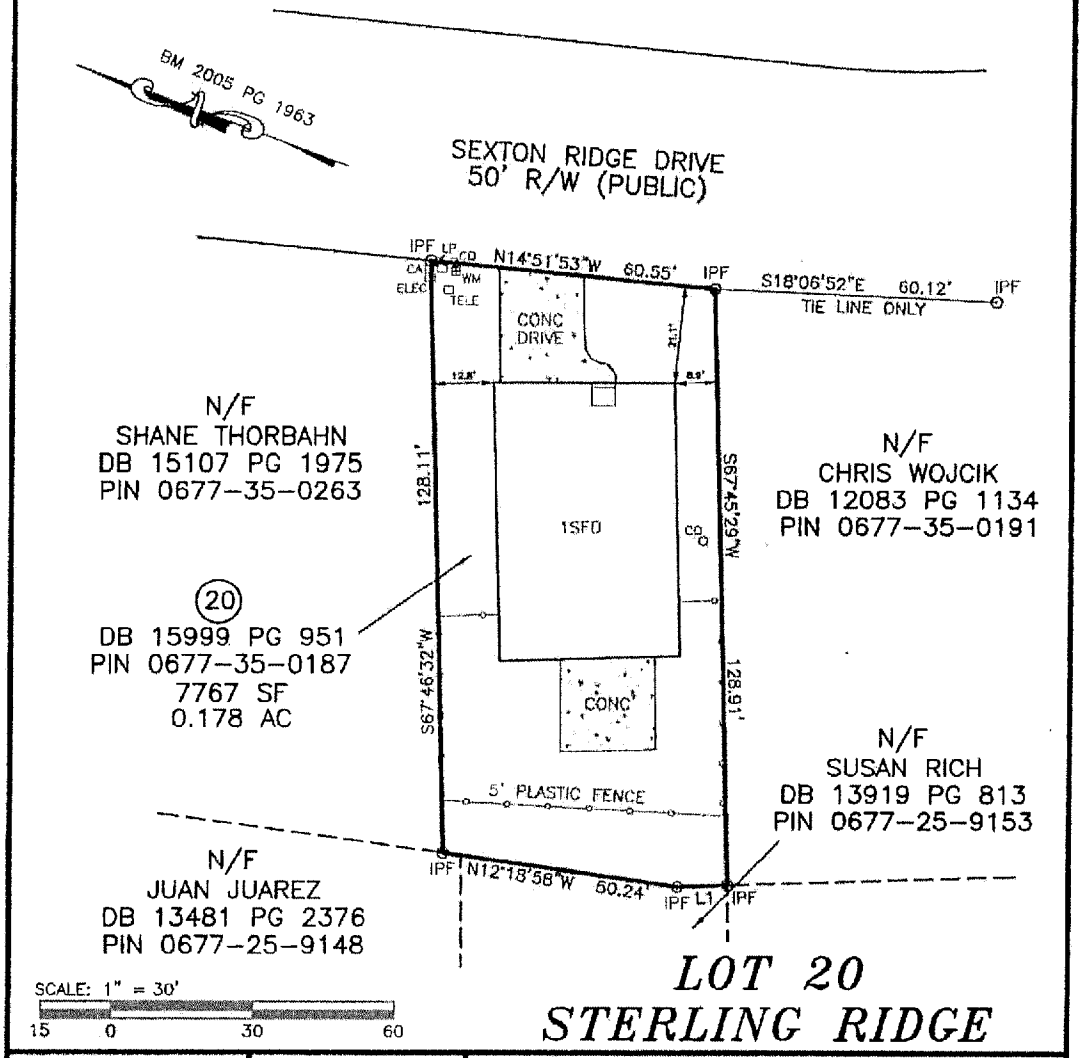
MINIMUM BUILDING SETBACKS
ZONING: RMD

FRONT	20 FEET
SIDE	8 FEET
REAR	20 FEET

NUMBER	DIRECTION	DISTANCE
L1	N22°42'04"W	10.60'



VICINITY MAP
(not to scale)



LEGEND

O	IPF	IRON PIPE FOUND
●	IPS	IRON PIN SET
O	RRSF	RAILROAD SPIKE
O	PKNF	PARKER-KALON NAIL FOUND
	WV	WATER VALVE
	WM	WATER METER
	CO	CLEAN OUT
	S.F.	SQUARE FEET
	100.0	ELEVATIONS
	CATV	CABLE TV BOX
	ELEC	ELECTRIC BOX
	PB	PLAT BOOK
	PP	POWER POLE
	DB	DEED BOOK
	- - - - - -	LINES NOT SURVEYED

NORTH CAROLINA PROFESSIONAL SEAL L-3990 LAND SURVEYOR CURK T. LANE

NOT PREPARED FOR RECORDATION

JOB NO. L3789.001

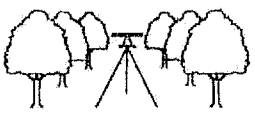
I, CURK T. LANE CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED IS 1:10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES.

L - 3990
REGISTRATION NUMBER

SURVEYOR

PHYSICAL SURVEY
FOR
FARZAD KARDAN
AND
LILY KARDAN
1427 SEXTON RIDGE DR, FUQUAY-VARINA, NC 27526
MIDDLE CREEK TOWNSHIP WAKE COUNTY NORTH CAROLINA

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

DATE OF SURVEY:	DRAWN:	DATE:	CHECKED:
2/13/17	HUSSEIN	2/14/17	CURK