

Type: CONSOLIDATED REAL PROPERTY  
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Fee Amt: \$26.00 Page 1 of 3  
Buncombe County, NC  
Drew Reisinger Register of Deeds

**BK 5813 PG 758 - 760**

**Prepared by & Return to: Worley & Peltz, PLLC/Box 99**

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

**DECLARATION OF EASEMENT**

THIS DECLARATION OF EASEMENT made this the 20 day of September, 2019, by Leslie Sweeney, unmarried (hereinafter referred to as "Declarant").

**RECITALS**

**WHEREAS**, Declarant is the owner of those properties more particularly described in those deeds recorded in Deed Book 5753, at Page 562, and in Deed Book 5755, at Page 963, in the Office of the Register of Deeds for Buncombe County, North Carolina, and shown as Tract One and Tract Two on that plat recorded in Plat Book 190, at Page 159, of said Registry ("Tract One" and "Tract Two"); and,

**WHEREAS**, Tract One and Tract Two above are provided ingress, egress and regress to and from a publicly-maintained road, Haywood Road, by and through a shared private drive, shown as "Drive Easement" on that plat referenced above ("Shared Drive"); and,

**WHEREAS**, the dedicated parking area for Tract One, located on Tract One, is accessed through the above-referenced Shared Drive; and,

**WHEREAS**, Declarant desires to state, for the benefit of both Tract One and Tract Two, the usage rights and maintenance responsibilities for the Shared Drive easement.

**NOW, THEREFORE**, pursuant to NCGS 39-6.4(a), Declarant does hereby create in itself, its successors in interest, and in future purchasers of the Tract and the Dominant Tract, an easement on the following terms:

1. Declarant does hereby create, establish, and grant unto herself as the owner of Tract One and Tract Two an appurtenant, perpetual and non-exclusive easement over and upon the Shared Drive as described above, which easement shall run with the title to the land to the aforementioned properties.
2. Declarant does hereby covenant and agree that the Shared Drive shall be kept free of parked vehicles or any other obstacle preventing access to the dedicated parking spots on Tract One.
3. Declarant does hereby agree that Tract One and Tract Two shall equally bear the responsibility on a pro-rata basis for the maintenance of the aforesaid Shared Drive in an all-weather condition so as to allow comfortable passage by a passenger motor vehicle. Provided, however, should either party, or their heirs, successors, assigns or guests, cause damage to the Shared Drive beyond normal wear and tear, such party shall be solely responsible for the repair thereof.
4. The easement provided for herein shall run with and be appurtenant to Tract One and Tract Two and shall inure to the benefit of and be binding upon the respective future owners, successors, and assigns of said tracts.

IN WITNESS WHEREOF, Declarant has set her hand as of the date first written above.

*Leslie Sweeney*  
Leslie Sweeney

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, Daniel Bentley, a Notary Public of the County and State aforesaid, certify that Leslie Sweeney personally appeared before me this day and (I have personal knowledge of their identity) (I have seen satisfactory evidence of their identity by a current state identification with their photograph in the form of a NC ID); and acknowledged their voluntary execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 20 day of Septemb, 2019.

Notary Public  
Printed name:

*Daniel Bentley*  
Daniel Bentley

My Commission Expires: 11-25-2023

