

RIGHT OF WAY EASEMENT

Mail to Grantee Shown Below

"Easement to public right of way,
BalGra Road"

Prepared Without Opinion By:
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P.O. Box 986
Ahoskie, NC 27910

NORTH CAROLINA

BERTIE COUNTY

THIS RIGHT OF WAY EASEMENT made and entered into this _____ day of _____, 2010, by and between MDB ENTERPRISES, INC., a North Carolina corporation with address of _____, Grantor; and JANE B. BRANDON of Pitt County, North Carolina, MARGARET B. DALY of Bertie County, North Carolina, and HOLLEY B. ALEXANDER of Lynchburg, Virginia with mailing address in care of Roswald B. Daly, Jr., P.O. Box 986, Ahoskie, N.C. 27910, Grantees;

WITNESSETH:

WHEREAS, the Grantor is the owner of a tract or parcel of land situate in Whites Township, Bertie County, North Carolina shown as parcel A containing 137.063 acres, which adjoins a 25 foot private roadway leading from Bal Gra Road, and the Grantees herein are the owners of parcel B, all is shown on plat of survey of record in Plat Cabinet

B, Page 655 in the Register of Deeds Office of Bertie County, and

WHEREAS, Grantor and Grantees wish to establish a permanent and definite right of way from Bal Gra Road, (State Road 1510) over and across the lands of the Grantor to parcel B, in favor of the Grantees; and

WHEREAS, in order to provide a permanent nonexclusive right of way easement to the Grantees from the public right of way of Bal Gra Road (State Road 1501) to parcel B, belonging to Grantees, as shown on the herein-referenced plat of survey, over and upon the property of the Grantor the parties have agreed to the execution of this right of way easement for purposes of ingress, egress, and the establishment and maintenance of public utilities including but not limited to electric power and water lines;

NOW, THEREFORE, for and in consideration of mutual promises between them and other valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. That the Grantor does bargain and convey to the Grantees and their heirs and assigns, a perpetual non-exclusive right and easements across the lands of the Grantor to the lands of the Grantees as described in the herein referenced plat of survey running from Bal Gra Road which is N.C.S.R. 1501 to the southeast corner of parcel B, at a constant width of 60 feet, and being more particularly described as follows: A sixty (60) foot wide right of way over that portion shown as "South Right of Way (part of parcel A)" and the adjoining 25 foot private right of way "Old Eden House Farm Road" being, in combination, 60 feet in width and leading from State Road 1501 to the southwest corner of parcel A; thence a 60 foot wide right of way along the southern boundary line of parcel A which is a boundary with Bal Gra Development Corporation to a point marked by a set

iron rod adjacent to a gate as shown on said survey; thence from said set iron rod, a straight line, to another set iron rod which is the south corner of parcel B, said line being the center line of the continuing, 60 foot wide right of way.

Said right of way shall be for purposes of ingress, egress, and public utilities including but not limited to power lines and water lines.

Grantor herein shall have no obligation or duty to construct or maintain said right of way or to provide public utilities to Grantees or others claiming by or through them.

Reference is made to plat of survey entitled "Bertie, LLC" recorded September 8, 2005 in Book (Plat) Cabinet B, Page 655 in the office of the Register of Deeds of Bertie County.

2. The Grantees, for themselves, their heirs and assigns, agree that they shall be responsible for the construction, upkeep and maintenance of such right of way and utilities easement to the extent of the use thereof for the benefit of the property of Grantees as described herein. Grantees hereby agree to indemnify and hold harmless, Grantor, its successors and assigns, from any and all liability, including reasonable attorney fees, arising from the use of the right of way, including, but not limited to, construction, upkeep and maintenance of said right of way and utilities easement and ingress, egress and regress over said right of way.

TO HAVE AND TO HOLD said right of way easement to the Grantees and their heirs and assigns, it being agreed that the rights as established herein run with the land of the Grantees by whomsoever owned.

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public for and in said County and State, do hereby certify that Michael D. Brown personally appeared before me this day and acknowledged that he is President of MDB Enterprises, Inc., a North Carolina corporation, and that by authority duly given and as President, the foregoing instrument was signed in its name by Michael D. Brown, as its President.

Witness my hand and official seal, this the _____ day of February, 2010.

Notary Public

My commission expires: _____

(NOTARIAL SEAL/STAMP)

IN WITNESS WHEREOF, the parties hereto have executed this right of way
easement the day and year first above-written.

GRANTOR:

MDB Enterprises, Inc.



BY: Michael D. Brown, President

GRANTEES:

Jane Bell Brandon

Margaret Bell Daly

Holley Bell Alexander

Louis E. White

H&L Logging, Inc.

By: _____

Carolina Pine and Hardwood, Inc.

By: _____