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Prepared by & Return to: Paul S. Messick, Jr., Gunn & Messick, PLLC, P.O. Box 880, Pittsboro, NC 27312

STATE OF NORTH CAROLINA  
COUNTY OF CHATHAM

DECLARATION OF EASEMENTS AND PROVISIONS  
FOR PRIVATE ROAD MAINTENANCE

THIS DECLARATION, made this \_\_\_\_\_ day of February, 2021 by JOSEPH L. POWERS, individually and as Co-Administrator of the Estate of Eunice Ann Powers, deceased, and wife, TAMARA POWERS; and DEIDRE P DEAN, individually and as Co-Administrator of the Estate of Eunice Ann Powers, deceased, and husband DANA G. DEAN; and JOSE R. GALVEZ CANALES-██████████, unmarried \_\_\_\_\_; hereinafter referred to as Declarants;

W I T N E S S E T H:

WHEREAS, Declarants own in fee simple the real property described in Article 1 below;  
and

WHEREAS, some of the said property will have access to NC Highway 902 via private easements more particularly described hereinafter; and

WHEREAS, Declarants, by this Declaration wishes to bind themselves, their successors and assigns to provide all owners of any portion of said property described below perpetual easements for ingress, egress, and regress to a state maintained road; and

Submitted electronically by "Hutchens Law Firm LLP"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Chatham County Register of Deeds.

WHEREAS, Declarants, by this Declaration further wish to bind themselves, their successors and assigns to provide for maintenance of any roadway constructed over and across said easement premises.

NOW, THEREFORE, Declarants agree for themselves and with any and all persons, firms or corporations hereafter acquiring any of the property described in Article I below, that the same shall be subject to the following restrictions, conditions, and covenants relating to the use and occupancy thereof which restrictions, conditions and covenants shall run with said property and inure to the benefit of and be binding upon the heirs, successors and assigns of Declarant and other acquiring parties and persons.

ARTICLE 1. The real property which is, and shall be, held, transferred and sold and conveyed subject to the protective and restrictive covenants set forth in the various articles of this Declaration is located in Bear Creek Township, Chatham County, North Carolina, and is more particularly described as follows:

I. ALL of Parcel A, containing 13.004 acres, more or less, according to the plat entitled "Joseph L. Powers and wife, Monica M. Powers and Dana G. Dean and wife, Deidre P. Dean" prepared by Archie F. Norwood, Jr. Registered Surveyor, dated January 2, 1997 and recorded in Plat Slide 97-150, Chatham County Registry, reference to which is hereby made for a more particular description, and also being known as Chatham County Tax Parcel No. 0073067.

II. ALL of Parcel B, containing 41.508 acres, more or less, according to the plat entitled "Joseph L. Powers and wife, Monica M. Powers and Dana G. Dean and wife, Deidre P. Dean" prepared by Archie F. Norwood, Jr. Registered Surveyor, dated January 2, 1997 and recorded in Plat Slide 97-150, Chatham County Registry, reference to which is hereby made for a more particular description, and also being known as Chatham County Tax Parcel No. 0003686

III. ALL of Parcel C, containing 10.001 acres, more or less, according to the plat entitled "Joseph R. Powers and wife, Ann B. Powers" prepared by James D. Hunter Registered Surveyor, dated August 28, 1995 and recorded in Plat Slide 96-33, Chatham County Registry, reference to which is hereby made for a more particular description, and also being known as Chatham County Tax Parcel No. 0071945.

IV. ALL of that parcel of land containing 6.13 acres, more or less, according to the plat entitled "Final Boundary Survey and Recombination Prepared for Joseph Lundy Powers and Ann B. Powers" prepared by Charles O. Eliason, Land Services, dated July 17, 2019 and recorded in Plat Slide 2019-146, Chatham County Registry, reference to which is hereby made for a more particular description, and also being known as Chatham County Tax Parcel No. 0070328.

V. ALL of that parcel of land containing 3.61 acres, more or less, according to the plat entitled "Final Boundary Survey and Recombination Prepared for Joseph Lundy Powers and Ann B. Powers" prepared by Charles O. Eliason, Land Services, dated July 17, 2019 and recorded in Plat Slide 2019-146, Chatham County Registry, reference to which is hereby made for a more particular description, and also being known as Chatham County Tax Parcel No. 0093982.

ARTICLE 2. Declarants hereby grant unto themselves, their successors and assigns, non-exclusive perpetual easements for purposes of ingress, egress and regress and for the installation, use, maintenance, repair and replacement of utilities over and across the premises described as follows:

1. ALL of that area lying between the lines denominated as: L-2, L-9, L-15, L-14, L-23, L-4, L-12, and L-11 according to the plat recorded in Plat Slide 2019-146, Chatham County Registry, reference to which is hereby made for a more particular description.

2. ALL of that area lying between the lines denominated as L-4 and L-23, a line running South 7 degrees 17 minutes 14 seconds West 569.48 feet; L-5, L-6, L-7 and L-8, and a line running North 7 degrees 17 minutes 31 seconds East 602.54 feet to the point of BEGINNING, according to the plat recorded in Plat Slide 2019-146, Chatham County Registry, reference to which is hereby made for a more particular description.

3. ALL of that certain easement premises depicted as "60' Private Easement" upon the plat recorded in Plat Slide 97-150, Chatham County Registry, and as "Remainder Parcel" on the plat recorded in Plat Slide 2019-146, Chatham County Registry, reference to which is hereby made for a more particular description.

ARTICLE 3. Subsequent maintenance of any private drive constructed upon said easement premises shall be as follows: The private drive is to be maintained in a sound condition for all-weather access. The cost of such maintenance shall be shared by the abutting owners using said drive in equal shares.

ARTICLE 4. This agreement shall run with and be appurtenant to the land as set forth herein and shall be binding upon the heirs, successors and assigns of each record owner of the aforesaid property.

ARTICLE 5. Reference in the respective deeds of conveyance, or any mortgagee or deed of trust or other evidence of obligation to the easements and covenants herein described shall be sufficient to create and reserve such easements and covenants to the respective grantees, mortgagees or trustees of said parcels as fully and completely as though the easements and covenants were fully recited and set forth in their entirety in such documents.

[SIGNATURE PAGES TO FOLLOW]



IN WITNESS WHEREOF, the undersigned Declarants have caused this instrument to be signed on the day and year first above written.

Deidre P. Dean (SEAL)

DEIDRE P. DEAN, individually and as  
Co-Administrator of the Estate of Eunice Ann Powers,  
deceased

Dana G. Dean (SEAL)  
DANA G. DEAN

STATE OF North Carolina  
COUNTY OF Chatham

I, a Notary Public of Chatham County and the State aforesaid, certify that DEIDRE P. DEAN, individually and as Co-Administrator of the Estate of Eunice Ann Powers, deceased, and husband, DANA G. DEAN personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 30 day of FEB, 2021.

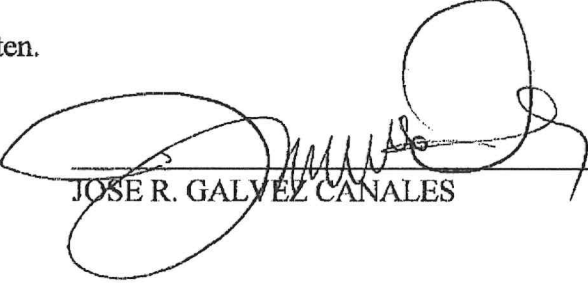
My Commission Expires: 02/17/21

Lonnie E. West  
Printed Name: LONNIE E. WEST

Notary Public



IN WITNESS WHEREOF, the undersigned Declarants have caused this instrument to be signed on the day and year first above written.

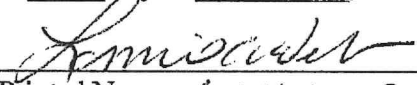
  
\_\_\_\_\_  
JOSE R. GALVEZ CANALES (SEAL)  
\_\_\_\_\_  
(SEAL)

STATE OF North Carolina  
COUNTY OF Chatham

I, a Notary Public of Chatham County and the State aforesaid, certify that JOSE R. GALVEZ CANALES and wife, DEIDRE P. DETHM personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 03 day of FEB, 2021.

My Commission Expires: 02/17/21

  
Printed Name: LONNIE E. WEST  
Notary Public



IN WITNESS WHEREOF, the undersigned Declarant has caused this instrument to be signed on the day and year first above written.

*Tamara Powers*  
*By Kris Howard, attorney-in-fact*  
 \_\_\_\_\_ (SEAL)  
 TAMARA POWERS

STATE OF NORTH CAROLINA  
 COUNTY OF MOORE

I, a Notary Public of Hoke County and the State aforesaid, certify that Kris Howard, attorney-in-fact for Tamara Powers, personally appeared before me this day, and being by me duly sworn, say that he executed the foregoing instrument for and on behalf of the said Tamara Powers and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds in Chatham County, State of North Carolina in Book \_\_\_\_\_, Page \_\_\_\_\_ and this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that the said Kris Howard acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said Tamara Powers.

Witness my hand and official stamp or seal, this 8 day of February, 2021.

My Commission Expires: 8-4-2021

*Emily Price*  
 Printed Name: Emily Price  
 Notary Public

