NORTH CAROLINA

CRAVEN COUNTY PREPARED BY THOMAS M. WARD

THIS DEED OF EASEMENT AND QUITCLAIM DEED, made and entered into this 25th day of February 1992, by and between SYLVESTER HOWARD and wife, JANICE H. HOWARD, of Craven County, North Carolina, parties of the first part; and NEW BERN PRESERVATION FOUNDATION, INC., a North Carolina corporation, whose address is P.O. Box 207 New Bern 28563, party of the second part;

W I T N E S S E T H:

THAT WHEREAS, the party of the second part has purchased the property known as 1020 Church Street, New Bern, North Carolina, being more particularly described on Schedule A, attached hereto and incorporated herein by reference, and as shown on plat and recorded in Plat Cabinet F, at Slide 132A, of the Craven County Registry; and

WHEREAS, as a condition of purchasing said premises described on Schedule A, it is necessary that the party of the second part obtain an easement for driveway purposes, as well as general use for maintenance and repair of the structure on 1020 Church Street, and ingress, egress, and regress to and from Church Street to the backyard of 1020 Church Street; and

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WHEREAS, the parties of the first are the owners of that certain property located to the west of said 1020 Church Street and is the proper party to grant said easements; and

WHEREAS, the parties of the first part have agreed to grant said easement, which easement is intended to be appurtenant to and run with the land described in Schedule A; and

WHEREAS, the structure, located as described on Schedule A, encroaches slightly on the property of the parties of the first part, and the parties of the first part have agreed to quitclaim the portion of said land on which said structure encroaches;

NOW, THEREFORE, the parties of the first part, for and in consideration of TEN DOLLARS ($10.00) and other good and valuable consideration paid to them by the party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell, and convey to the said party of the second part, its successors and assigns, that certain easement appurtenant, which easement shall be appurtenant to and run with the land described on Schedule A attached hereto, said easement being more particularly described as follows:

Lying and being situate in the City of New Bern, Craven County, North Carolina, and beginning at a point in the northern line of Church Street, said point of beginning being located the following courses and distances from the intersection of the centerline of Church with the centerline of Norwood Street North 79°55'07" East, 183 feet; North 01°55'10" West, 20.21 feet to the aforementioned point of beginning; thence from said point of beginning along and with the northern right-of-way line of Church Street South 79°55'07" West, 8 feet to a

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point in said street line; thence North 08°28'02" West, 16.07 feet to a point; thence North 02°47'28" West, 36.8 feet to a point; thence North 11°55'18" East, 10 feet to a point; thence North 01°55'10" West, 37.53 feet to a point in the northern line of the property of the party of the first part; thence along and with said property line North 79°55'07" East, 8 feet to the northeast corner of the said property of the parties of the first part; thence South 01°55'10" East, 100 feet along and with the eastern line of said property of the parties of the first part, which line also marks the western boundary of the property known as 1020 Church Street, New Bern, North Carolina, described on Schedule A, attached hereto and incorporated herein by reference.

THIS easement shall be appurtenant to and run with the land described on Schedule A, and shall be for the purpose of ingress, egress, and regress and for the installation of utility and cable service, as well as for maintenance and repair of the property at 1020 Church Street.

TO HAVE AND TO HOLD the aforesaid easement and all privileges and appurtenances thereunto belonging to the said party of the second part, its successors and assigns, in fee simple forever.

AND the said parties of the first part, for themselves, their heirs, executors and administrators, covenant to and with the said party of the second part, its successors and assigns, that they are seized in fee of said premises on which said easement is located and have the right to convey the same in fee simple; that the same are free and clear of all encumbrances, except any mentioned above, and that they will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

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THAT further, for and in consideration of the mutual promises of the parties hereto, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part quitclaim and convey unto the party of the second part in fee simple, its successors and assigns, so much of the property of the parties of the first part on which the two-story frame building located at 1020 Church Street is situate, as delinated on that certain plat entitled, "Resurvey for the City of New Bern 1020, 1024, and 1026 Church Street," as recorded in Plat Cabinet F, Slide 132A, of the Craven County Registry, free of any claims of the parties of the first part, or anyone claiming by, through, or under them.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and adopted as their seals the typewritten word "SEAL" appearing beside their names, all on the date first above written.

SYLVESTER HOWARD (SEAL)

JANICE H. HOWARD (SEAL)

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I, Barbara P. Sabins, a notary public in and for said county and state, do hereby certify that SYLVESTER HOWARD and wife, JANICE H. HOWARD, personally appeared before me this day

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and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this 25th day of February 1992.

Barbara P. Saulnier
NOTARY PUBLIC

My commission expires:

June 9, 1996

NORTH CAROLINA

CRAVEN COUNTY

The foregoing certificate of Barbara P. Saulnier, a notary public in and for said county and state, is certified to be correct. This instrument was presented for registration on this day and hour and duly recorded in the Office of the Register of Deeds of Craven County, North Carolina, in Book 1310, at Page 1044.

THIS 26 day of Feb 1992, at 3:32 o'clock P.m.

Register of Deeds
REGISTER OF DEEDS

By Deborah
ASSISTANT REGISTER OF DEEDS

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SCHEDULE A

All that certain tract or parcel of land lying and being situate in the City of New Bern, Craven County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in the northern line of Church Street, said point of BEGINNING being located the following courses and distances from the intersection of the centerline of Church Street with the centerline of Norwood Street: North 79°55'07" East, 183 feet; North 01°55'10" West, 20.21 feet to the aforementioned point of BEGINNING. THENCE FROM SAID POINT OF BEGINNING North 01°55'10" West 100 feet; thence South 79°55'07" West, 32.92 feet; thence North 01°52'35" West, 73.42 feet to an iron pipe and an old fence line; thence along and with said fence line North 82°21'08" East, 62.58 feet to a corner marked by an iron pipe; thence South 01°55'10" East, 167.43 feet to a point in the northern line of Church Street; thence along and with said northern line of Church Street South 79°55'07" West, 30.28 feet to the aforementioned point of BEGINNING. This description is taken from that certain plat of survey by Dennis Fornes, dated February 20, 1992, entitled, "Resurvey for the City of New Bern, 1020, 1024, and 1026 Church Street," recorded in Plat Cabinet F, at Slide 132A, Craven County Registry, to which reference is made for a more accurate description.

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