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STATE OF NORTH CAROLINA

COUNTY OF TRANSYLVANIA

EASEMENT

THIS AGREEMENT, entered into this 25th day of June, 1997, by and between WILLIAM J. FLEMING, JR., and wife, KAY REVIS FLEMING (hereinafter referred to as parties of the first part); and MICHAEL A. VANDEGRIFT and wife, BONNIE SILVEY VANDEGRIFT (hereinafter referred to as parties of the second part);

W I T N E S S E T H:

THAT WHEREAS, the parties of the first part are the owners of a certain parcel of land located in Little River Township, Transylvania County, North Carolina, being more particularly described in Deed Book 214, Page 520, Transylvania County Registry; and

WHEREAS, the parties of the second part are the owners of adjoining property located in Little River Township, Transylvania County, North Carolina, and more particularly described in Deed Book 328, Page 174, Transylvania County Registry; and

WHEREAS, a well and water lines are located on the property owned by the parties of the first part and said well provides water for the pond located on the property of the parties of the second part shown on a plat prepared by Clarence A. Jenkins, RLS, revised December 14, 1993, Drawing No. 93-244; and

WHEREAS, the parties of the first part desire to grant to the parties of the second part the right to take and use water from the said well for the said pond;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other consideration paid to the parties of the first part herein, the parties of the first part give, grant, and convey unto the parties of the second part a perpetual right and easement to use the said well and water lines to obtain water from the said well for the said pond and for ingress, egress and regress over and across the property of the parties of the first part for purposes of repairing, replacing and maintaining the said well and water lines said ingress, egress and regress to be by the most direct

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route from the property of the party of the second part. The cost of operation, upkeep and maintenance of said well and water lines as well as any liability for the use thereof shall be paid by the parties of the second part, so long as said easement does not ~~unduly~~ interfere with the continued use of the septic drain field on the property of the parties of the first part.

The parties of the second part give, grant and convey to the parties of the first part the right to take water from the well upon payment of a proportionate share of the costs of operation, maintenance and upkeep.

TO HAVE and to hold the rights and easements hereby granted to the parties of the second part and their successors in title forever; it being agreed that the rights and easements hereby granted are for the use of, and are appurtenant to, and run with the parcel of land belonging to the parties of the second part.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals the day and year first above written.

W. J. Fleming, Jr. (SEAL)
WILLIAM J. FLEMING, JR.

Kay Revis Fleming (SEAL)
KAY REVIS FLEMING

Michael A. Vandegrift (SEAL)
MICHAEL A. VANDEGRIFT

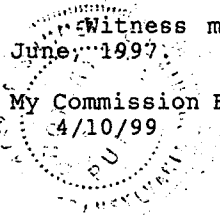
Bonnie Silvey Vandegrift (SEAL)
BONNIE SILVEY VANDEGRIFT

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, Patsy J. Summey, a Notary Public for said County and State, do hereby certify that BONNIE S. VANDEGRIFT personally appeared before me this day, and being duly sworn, stated that in her presence WILLIAM J. FLEMING, JR., and wife, KAY REVIS FLEMING signed and/or acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 25th day of June, 1997

My Commission Expires: 4/10/99
Patsy J. Summey
Notary Public



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STATE OF NORTH CAROLINA

COUNTY OF TRANSYLVANIA

I, Patsy J. Summey, a Notary Public for said County and State, do hereby certify that MICHAEL A. VANDEGRIFT and wife, BONNIE SILVEY VANDEGRIFT personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 25th day of June, 1997.

My Commission Expires:
4/30/99

Patsy J. Summey
Notary Public

STATE OF NORTH CAROLINA

COUNTY OF TRANSYLVANIA

The foregoing certificate(s) of Patsy J. Summey,
is/are certified to be correct. This instrument was presented for
registration and recorded at 2:00 o'clock P.M. on the 26
day of June, 1997, in Book 418, Page 20, in
the Office of the Register of Deeds of said County.

Vickie L. Edwards
Register of Deeds

By: Cindy N. Overbey, Asst.