

CABARRUS COUNTY  
FILED  
12/07/2005 3:33 PM  
LINDA F. MCABEE  
Register Of Deeds  
By.      Deputy/Asst.  
EXCISE TAX \$0.00

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

STREET AND PRIVATE RIGHT OF WAY MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that American Land Corporation-Charlotte, Inc., being the owners of that parcel of land located in the #6 Township, Cabarrus County, North Carolina, granted to American Land Corporation-Charlotte, Inc. at Book 5485, Page 223 in the Cabarrus County Registry, to be designated as Longview located off of Lower Stone Church Rd.;

DO HEREBY AGREE AND COVENANT with all persons, firms or corporations, now owning or hereafter acquiring any of the area included within the above-referenced land, that all are hereby subjected to the following Street Maintenance Agreement, running with said properties by whomsoever owned, to wit:

1. So long as the street identified as "Haystack Drive", shown thereon as a 50-foot private right of way remains private, any owner of a lot or lots within Longview, or their successors in title, shall be responsible for their proportionate costs of maintaining Haystack Drive as further specified below.
2. The proportionate share of each lot owner along said private road (Haystack Drive) shall be the number of lots he or she may own divided the total number of lots fronting said private road (Haystack Drive). If the number of lots increases along said road or additional lots use this road (Haystack Drive) to service or access their property, then the number of lot owners responsible for a proportionate part of the maintenance costs will increase, but if one owner owns more than one lot, then that owner will share according to the total number of lots owned. Developer shall maintain Haystack Drive until such time as lots 1 - 4 of Longview are sold. Each owner takes possession of their proportionate share of Haystack Drive concurrent with taking possession of there property. Once the Declarant no longer owns any of lots 1 - 4 of Longview, responsibility for maintenance shall be the sole responsibility of the owners of said lots.
3. To ensure that the road as above specified, is at all times kept serviceable, a majority of the lot owners shall select a person or firm to undertake the responsibility of periodic road maintenance. The cost of this periodic maintenance shall be borne proportionately as set forth above. Failure to pay such proportionate share after thirty (30) days from receipt of a bill for same shall constitute a failure to pay for labor and materials as is contemplated in N.C.G.S. 44A-8 et seq., and the above-named owner or its successors in interest shall be entitled to proceed against the nonpaying lot owner to perfect a lien against the lot as is provided in N.C.G.S. 44A-12 et seq.

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4. Any lot owner may, at his own expense, perform maintenance on the road, provided such maintenance improves the overall condition of the road.
5. Should the Declarant or future owner of lot # 5 of Longview decide to use Haystack Drive for access to lot #5, they shall be responsible for their proportionate share of maintenance. This shall include any further subdivision of lot #5 of Longview.

IN TESTIMONY WHEREOF, the Parties have hereunto set upon their hands and seals, this the 6<sup>th</sup> day of December, 2005.

AMERICAN LAND CORPORATION-CHARLOTTE, INC.,  
a North Carolina Corporation

By: *Gary Choquette*  
Gary Choquette, President



STATE OF NORTH CAROLINA  
COUNTY OF Mecklenburg

I, Frederick A. Sancilio, Notary Public, certify that Gary Choquette, personally came before me this day and acknowledged that he is President, of AMERICAN LAND CORPORATION-CHARLOTTE, INC., a North Carolina Corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation. Witness my hand and official seal, this the 6 day of December, 2005.

*Frederick A. Sancilio*  
Notary Public

My Commission Expires: 7/2/06

