

BOOK 1202 PAGE 74
STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

DEED

THIS DEED made and entered into this the 13 day of October, 1988 by and between JERRY A. JACKSON and wife, A. DENISE JACKSON, parties of the first part; and PLANTATION HARBOR PROPERTY OWNERS ASSOCIATION, INC., whose address is Post Office Box 1025, Havelock, North Carolina 28532 (hereinafter called "Association");
WITNESSETH:

That the parties of the first part in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations to said parties of the first part paid by Association, including the agreements hereinafter specified, the receipt of which hereby is acknowledged, have bargained and sold and by these presents do bargain, sell and convey unto Association, its successors and assigns, subject to the reservations and agreements hereinafter set out, the following described property, to wit:

Parcel A: All those certain tracts or parcels of land lying and being situate in Number Five Township, Craven County, North Carolina and being more particularly described as Tracts 1, 2, and 3 on Attachment A, attached hereto and incorporated herein by reference.

Parcel B: A non-exclusive perpetual easement over, under, and upon the property and for the purposes described in Tract 4 on Attachment A, attached hereto and incorporated herein by reference.

The conveyance of Parcel A and Parcel B is made subject to that certain Declaration of Covenants, Conditions, Restrictions, and Easements of Plantation Harbor recorded in Book 1202, Page 36, said document being incorporated herein by reference and subject to the mineral reservation recorded in Book 1190, Page 115, in the office of the Register of Deeds of Craven County.

By Acceptance of this Deed, Association agrees to the following terms, agreements, and provisions:

1. Association agrees to maintain the roads and property described in Tracts 1, 2, and 3 in the manner specified in the Declaration of Covenants, Conditions, Restrictions, and Easements of Plantation Harbor recorded in Book 1202, Page 36. This covenant shall run to the benefit of the owners of the property and portions thereof described by the deed recorded in Book 1190, Page 115, in the office of the Register of Deeds of Craven County and the heirs and assigns of such owners.

2. Association agrees to operated the entire wastewater collection, treatment, and disposal system, upon conveyance of it to Association by Jerry A. Jackson and wife, A. Denise Jackson, their heirs or assigns. Such operation shall be pursuant to the terms of the operational agreement and permit issued by the Division of Environmental Management Commission of the State of North Carolina Department of Natural Resources and Community Development (hereinafter called "Permit"). Association agrees to maintain, operate, construct, enlarge and take any other steps or actions necessary to insure sufficient capacity to service all of the lots to be created in the Plantation Harbor Subdivision according to the plans originally submitted in the proposal to the Department of Natural Resources and Community Development. It is provided, however, that no lot shall be

allowed to use the central wastewater collection, treatment, and disposal system other than those lots which are portions of the property described in the deed recorded in Book 1190, Page 115, unless both Jerry A. Jackson and the Association give specific written authority for such use. This covenant shall run to the benefit of Jerry A. Jackson, his heirs and assigns, and to persons who own any portion of the property described by the deed recorded in Book 1190, Page 115, to whom the benefit of this covenant has been assigned by Jerry A. Jackson, his heirs or assigns.

3. Upon construction of the initial phase of the wastewater collection, treatment, and disposal system, Jerry A. Jackson and wife, A. Denise Jackson shall convey such system and may convey the land upon which such system is located to Association, who hereby agrees to accept such conveyance. At such time, Association shall begin operation and maintenance of such system as required under the aforesaid Permit. Thereafter, as additional capacity is needed in the wastewater collection, treatment, and disposal system to service the lots created from the property described in the deed recorded in Book 1190, Page 115, in the office of the Register of Deeds of Craven County, Jerry A. Jackson shall take that action necessary to create such capacity and shall convey same to the Association upon completion of such addition. At that time, Association shall accept same and begin operation and maintenance of such. In such event, Jerry A. Jackson shall pay all costs associated with the initial construction and installation of such additions to the system. In summary, Jerry A. Jackson shall pay for all costs associated with the initial construction and installation of the entire central wastewater collection, treatment, and disposal system sufficient to service the lots in Plantation Harbor Subdivision according to the proposal submitted to the Department of Natural Resources and Community Development and which are conveyed by the description in the deed recorded in Book 1190, Page 115. After such initial construction and installation, Association shall be responsible for all maintenance and repair expensed and any other required expansion. Once the entire system has been constructed according to the permit and the system has been conveyed to Association, Jerry A. Jackson shall have no further obligation with respect to the system or its operation or the sewage needs of the lots in such subdivision.

4. Jerry A. Jackson reserves an easement over all the property conveyed by this Deed to enter upon such property to erect and maintain signs, construct amenities (swimming pools, tennis courts, boat ramps, etc.), install and construct sewer lines, spray irrigation systems, lagoons, and other items which Jerry A. Jackson deems appropriate for such property. Upon completion of any such construction upon the aforesaid property, Jerry A. Jackson shall convey these improvements to the Association.

5. Association agrees that the wastewater collection, treatment, and disposal system shall be available to service all the property described in the deed recorded in Book 1190, Page 115, as the permit from the Environmental Management Commission of the Department of Natural Resources and Community Development shall allow, and such rights shall be appurtenant to the property described by such deed and any portions thereof and shall run with the land and any portions thereof which are conveyed by Jerry A. Jackson and wife, A. Denise Jackson, their heirs or assigns. If additional capacity is available through increases in the capacity of the spray system, or other areas, provided Jerry A. Jackson, his heirs or assigns shall pay the cost for the initial construction, revision, or other matters necessary to establish such additional capacity, Jerry A. Jackson, his heirs and assigns shall be entitled to use such additional capacity and Association shall take all steps to enable such additional. The benefits of and the rights to use such system shall be appurtenant to all portions of the property described by the deed recorded in Book 1190, Page 115, provided such rights have been conveyed by Jerry A. Jackson, his heirs or assigns and this benefit shall be available to an owner even if he is not a member of the Association. If such owner is not a member, such owner shall pay for such connection and service on exactly the same basis and at exactly the same rate as do members of the Association. The benefits of such system shall be appurtenant to all the property described by the deed recorded in Book 1190, Page 115, whether or

not such property is subsequently annexed into the subdivision and whether or not the owner of such property is required to become a member of the Association.

6. Jerry A. Jackson, his heirs and assigns reserve the right of ingress, egress, regress, access, installation and maintenance of utilities, the right of further subdivision, and the right to grant and convey easements over and upon all the roads described in this Deed. Such right and easement is appurtenant to any and all of the property described by the deed recorded in Book 1190, Page 115. Included herein is the right to subdivide any of said property and to grant and convey easements over such roads to the owners of such property.

7. Jerry A. Jackson, his heirs and assigns reserve the right and easement over Tract 4 to use said property or any portion thereof for agricultural purposes. Jerry A. Jackson and wife, A. Denise Jackson specifically acknowledge that any use required by Association to operate the central wastewater collection, treatment, and disposal system shall be superior to the right of Jerry A. Jackson, his heirs and assigns to use the property for agricultural purposes and further agree that if Association must use such property in a manner inconsistent with the use of such property for agricultural purposes, that Association shall not be liable for or responsible for any damage to any crops, machinery, or persons which occurs pursuant to the use of such property in such manner by Association. In such event, Association shall use prudence and foresight in notifying Jerry A. Jackson, his heirs and assigns of its intent and shall not take any action which destroys growing annual crops if an expedient alternative is available. It is recognized, however, that the use of such property is primarily for the benefit of Association and if its use for agricultural purposes interferes with such use by Association, the use for agricultural purposes shall be subordinate. The right reserved in this paragraph by Jerry A. Jackson, his heirs and assigns may be assigned and/or sublet.

TO HAVE AND TO HOLD said property and easements and all privileges and appurtenances thereunto belonging to Association, its successors and assigns, forever, subject to the rights and agreements herein specified.

\ And the parties of the first part do covenant that said parties are seized of said property in fee and have the right to convey same in fee simple; that the same are free from encumbrances except any encumbrances, reservations, and restrictions mentioned above and that said parties will warrant and defend the title to same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF the parties of the first part have hereinto set their hands and adopted as their seals the typewritten word "SEAL" appearing beside their names and Association has caused this instrument to be executed in its corporate name by its _____ President, attested by its _____ Secretary, and its corporate seal to be hereto affixed, all by order of its board of directors first duly given, this the day and year first above written.

/S/ Jerry A. Jackson (SEAL)

Jerry A. Jackson

/s/ A. Denise Jackson (SEAL) A. Denise Jackson

PLANTATION HARBOR PROPERTY OWNERS

ASSOCIATION, INC.

BY: /s/ Jerry A. Jackson

President

Attest:

/S/ Diane N. Smith
Secretary

ATTACHMENT A

TRACT 1: Those certain streets and roads shown and depicted upon the subdivision plat for Plantation Harbor – a Planned Unit Development: - Phase One recorded in Plat Cabinet E, Slides 209 through 216, specifically including, but not being limited to Vicksburg Court, Vicksburg Lane, Antebellum Drive, Augusta Court, Augusta Lane, Shreveport Court, Sumter Drive, and Sumter Court, reference to said plat being hereby made for a more perfect description.

TRACT 2: Lot No. 18 as shown on the plat of Plantation Harbor – a Planned Unit Development – Phase One recorded in Plat Cabinet E, Slides 209 through 216, in the office of the Register of Deeds of Craven County, reference which is hereby made for a more perfect description of the aforesaid Lot No. 18. This lot shall be used as a boat ramp area for the lot owners of Plantation Harbor.

87RE1191
7NLR
10-05-88

TRACT 3:

PLANTATION HARBOR RECREATION AREA DESCRIPTION

The following is a description of a tract of land intended to be the recreation area of Plantation Harbor, A Planned Unit Development, Phase One located east of Clubfoot Creek, Township Number Five, Craven County, North Carolina recorded in Plat Cabinet "E" Slides 209-216.

The point of beginning can be located by proceeding from a nail set at the center of the intersection of Sumpter Drive and Antebellum Drive as depicted on a Map entitled "Plantation Harbor A Planned Unit Development, Phase One, Sheet 6 of 8", dated July 11, 1988, and recorded in Map Cabinet "E", Slide 214 of the Craven County Map Book. North 40 degrees 17 minutes 16 seconds East a distance of 40.000 feet to a point set in the north right of way line of Antebellum Drive which is the point of beginning.

From the point of beginning the line goes with the right of way line South 49 degrees 42 minutes 44 seconds East a distance of 72.000 feet to the point of curvature of a curve to the left having a delta angle of 31 degrees 1 minute 48.47 seconds, a radius of 320.320 feet a tangent length of 88.896 feet and a length of 173.424 feet to the point of tangency of said curve, thence leaving the right of way line North 44 degrees 43 minutes 55 seconds East a distance of 395.364 feet, thence North 49 degrees 42 minutes 44 seconds West a distance of 592.706 feet, thence South 40 degrees 17 minutes 16 seconds West a distance of 440.00 feet to a point on the northern right of way line of Antebellum Drive, thence along the northern right of way line South 49 degrees 42 minutes 44 seconds East a distance of 325.000 feet to the beginning containing 5.7600 acres.

Prepared By:

/S/

Richard C. Marshall, Jr.
Registered Land Surveyor, L-2866

Thomas Engineering Consultants, P.A. Marshall's

1916 South Glenburnie Road #5 seal
College Park Center
New Bern, N. C. 28560
(919)637-2727

Tract 4: A perpetual non-exclusive easement for all purposes necessary to operate a wastewater collection, treatment, and disposal system sufficient to meet the needs of the Plantation Harbor Subdivision as set forth in the Declaration of Covenants, Conditions, Restrictions and Easements of Plantation Harbor recorded in Book 1202, page 36, and as thereafter amended, specifically including, not but not being limited to, the right to construct, repair, maintain and operate, lagoons, spray irrigation fields, spray pumps, sewer main lines, pump stations, sprinkler systems, buildings, fences and any and all other apparatus (whether constructed above ground or below ground) necessary to operate a central wastewater collection, treatment and disposal system in accordance with the permit issued by the Environmental Management Commission of the North Carolina Department of Natural Resources and Community Development as presently issued or hereinafter amended, over, upon, and under the property described on the attached sheet labeled "Plantation Harbor Sewerage Disposal Field Description" prepared by Richard C. Marshall, Jr.; provided, however, Plantation Harbor Property Owners Association, Inc. agrees to use its best efforts (as long as such is permitted by the North Carolina Department of Natural Resources and Community Development and does not violate any permit issued to operate the central wastewater collection, treatment and disposal system) to allow Jerry A. Jackson, his heirs, successors and assigns, to use the hereinafter described property or any portion thereof, for agricultural purposes.

The above-described easement is conveyed together with a 50' wide utility easement as described on the attached sheet labeled "Utility Easement" prepared by Richard C. Marshall, Jr. and a 40' wide

drainage easement as described on the attached sheet labeled "Drainage Easement For Disposal Field Area" prepared by Richard C. Marshall, Jr.

79-1290
3NLR
10-13-88

PLANTATION HARBOR SEWERAGE DISPOSAL FIELD DESCRIPTION

The following is a description of a tract of land intended to be the sewerage disposal area of Plantation Harbor, A Planned Unit Development, Phase One located east of Clubfoot Creek, Township Number Five, Craven County, North Carolina recorded in Plat Cabinet "E" Slides 209-216.

The point of beginning can be located by proceeding from a nail set at the center of the intersection of N.C.S.R. 1700 and Antebellum Drive as depicted on a Map entitled "Plantation Harbor A Planned Unit Development, Phase One, Sheet 3 of 8", dated July 11, 1988, and recorded in Map Cabinet "E", Slide 211 of the Craven County Map Book. North 9 degrees 49 minutes 15 seconds West a distance of 665.102 feet to a point in the center of the road, thence South 80 degrees 10 minutes 45 seconds West a distance of 30.000 feet, to a point on the western right of way line of N.C S. R. 1700, which is the point of beginning.

From the point of beginning the line follows the western right of way line the following courses and distances; North 9 degrees 49 minutes 15 seconds West a distance of 141.486 feet, thence North 8 degrees 39 minutes 16 seconds West a distance of 180.605 feet, thence North 6 degrees 12 minutes 14 seconds West a distance of 201.500 feet, thence North 2 degrees 9 minutes 15 seconds West a distance of 57.252 feet to a point in the western right of way of line of N.C.S.R. 1700, thence from the right of way line North 83 degrees 7 minutes 14 seconds West a distance of 215.898 feet, thence North 6 degrees 52 minutes 46 seconds East a distance of 100.000 feet, to a point in the northern Jackson line, thence with the northern Jackson line North 83 degrees 7 minutes 14 seconds West a distance of 2679.083 feet, thence North 84 degrees 16 minutes 50 seconds West a distance of 1269.512 feet to a point where the Plantation Harbor east line intersects the north Jackson line, thence with the Plantation Harbor east line South 41 degrees 46 minutes 50 seconds East a distance of 885.000 feet, thence South 34 degrees 43 minutes 10 seconds West a distance of 602.557 feet, thence South 55 degrees 23 minutes 46 seconds East a distance of 2093.028 feet, thence North 66 degrees 59 minutes 34 seconds East a distance of 867.127 feet, thence North 74 degrees 46 minutes 35 seconds East a distance of 332.180 feet, thence North 80 degrees 24 minutes 23 seconds East a distance of 353.498 feet, thence North 47 degrees 4 minutes 23 seconds East a distance of 1043.575 feet to the point of beginning containing 138.7251 Acres.

Prepared By:

/S/

Richard C. Marshall, Jr.
Registered Land Surveyor, L-2866

Thomas Engineering Consultants, P.A.

Marshall's

1916 South Glenburnie Road #5

seal

College Park Center
New Bern, N. C. 28560
(919)637-2727

UTILITY EASEMENT

The following is a description of the centerline of a fifty foot wide utility easement established for the purpose of the installing utilities for Plantation Harbor, A Planned Unit Development, Phase One located east of Clubfoot Creek, Township Number Five, Craven County, North Carolina recorded in Plat Cabinet "E" Slides 209-216, to the Sewerage Lagoon and Spray Irrigation Field of the above mentioned subdivision.

The point of beginning can be located by proceeding from a nail set at the center of the intersection of Sumpter Drive and Antebellum Drive as depicted on a Map entitled "Plantation Harbor A Planned Unit Development, Phase One, Sheet 6 of 8", dated July 11, 1988, and recorded in Map Cabinet "E", Slide 214 of the Craven County Map Book, along the center of Antebellum Drive and along the chords of the curves of said Antebellum Drive the following courses and distances: South 49 degrees 42 minutes 44 seconds East a distance of 72.000 feet, thence South 66 degrees 01 minutes 57 seconds East a distance of 203.010 feet, thence South 80 degrees 44 minutes 32 seconds East a distance of 86.919 feet, thence South 68 degrees 04 minutes 10 seconds East a distance of 156.102 feet, thence South 55 degrees 23 minutes 47 seconds East a distance of 860.000 feet, thence North 84 degrees 38 minutes 04 seconds East a distance of 462.510 feet, thence North 44 degrees 39 minutes 55 seconds East a distance of 582.068 feet, thence North 55 degrees 50 minutes 54 seconds East a distance of 450.473 feet to a point in the center of Antebellum Drive which is the point of beginning of the easement.

From the point of beginning the easement centerline goes North 46 degrees 53 minutes 07 seconds West a distance of 169.885 feet, thence North 38 degrees 46 minutes 03 seconds West a distance of 0.788 feet, thence North 37 degrees 31 minutes 26 seconds West a distance of 131.210 feet, thence North 18 degrees 53 minutes 26 seconds West a distance of 121.508 feet to a point where it intersects the southern boundary of the Sewerage Treatment Lagoon and Spray Irrigation Field property.

Prepared By:

/S/

Richard C. Marshall, Jr.
Registered Land Surveyor, L-2866

Thomas Engineering Consultants, P.A. Marshall's

1916 South Glenburnie Road #5 seal
College Park Center
New Bern, N. C. 28560
(919)637-2727

DRAINAGE EASEMENT FOR DISPOSAL FIELD AREA

The following is a description of the centerline of a forty foot wide drainage easement established for the purpose of the general drainage of the tract of land described in the above section A. of this document, which is the Sewerage Lagoon and Spray Irrigation Field of Plantation Harbor, A Planned

Unit Development, Phase One located east of Clubfoot Creek, Township Number Five, Craven County, North Carolina recorded in Plat Cabinet "E" Slides 209-216.

The point of beginning can be located by proceeding from a nail set at the center of the intersection of Sumpter Drive and Antebellum Drive as depicted on a Map entitled Plantation Harbor A Planned Unit Development, Phase One, Sheet 6 of 8", dated July 11, 1988, and recorded in Map Cabinet "E", Slide 214 of the Craven County Map Book. North 40 degrees 17 minutes 16 seconds East a distance of 40.000 feet to a point set in the north right of way line of Antebellum Drive which is the point of beginning.

From the point of beginning the line goes with the right of way line South 49 degrees 42 minutes 44 seconds East a distance of 72.000 feet to the point of curvature of a curve to the left having a delta angle of 31 degrees 1 minute 48.47 seconds, a radius of 320.220 feet a tangent length of 88.896 feet and a length of 173.424 feet to the point of tangency of said curve, thence leaving the right of way line North 44 degrees 43 minutes 55 seconds East a distance of 395.364 feet, to the northeast corner of the Recreation Area of Plantation Harbor, thence continuing North 44 degrees 43 minutes 55 seconds East a distance of 803.185 feet to a point where it intersects the southern boundary of the Sewerage Treatment Lagoon and Spray Irrigation Field property.

Prepared By:

/S/

Richard C. Marshall, Jr.
Registered Land Surveyor, L-2866

Thomas Engineering Consultants, P.A.

Marshall's

1916 South Glenburnie Road #5
College Park Center
New Bern, N. C. 28560
(919)637-2727

seal