

Haywood County--Register of Deeds  
Amy R. Murray, Register of Deeds  
Inst# 646487 Book 675 Page 870  
# Pgs: 2 07/26/2006 02:56:57pm

## SECONDARY ROAD RIGHT OF WAY AGREEMENT

THIS INSTRUMENT DRAWN BY: Todd Woodard CHECKED BY: 

RETURN TO: NC Dept. of Transportation  
1594 East. Main Street  
Sylva, N.C. 28779

**RETURN TO**  
**KERSTEN & DAVIS, P.A.** *ky*  
P.O. DRAWER 1260  
WAYNESVILLE, NC 28786

NORTH CAROLINA  
COUNTY OF Haywood  
TOWNSHIP OF Waynesville

PARCEL: 044SR1206 001  
PROJECT: 14C.044072  
SECONDARY ROAD: 1206 - Jule Noland Road

Eton Properties Corp., a Nevada corporation

7500 W Lake Meade Blvd.

Las Vegas, NV 89128

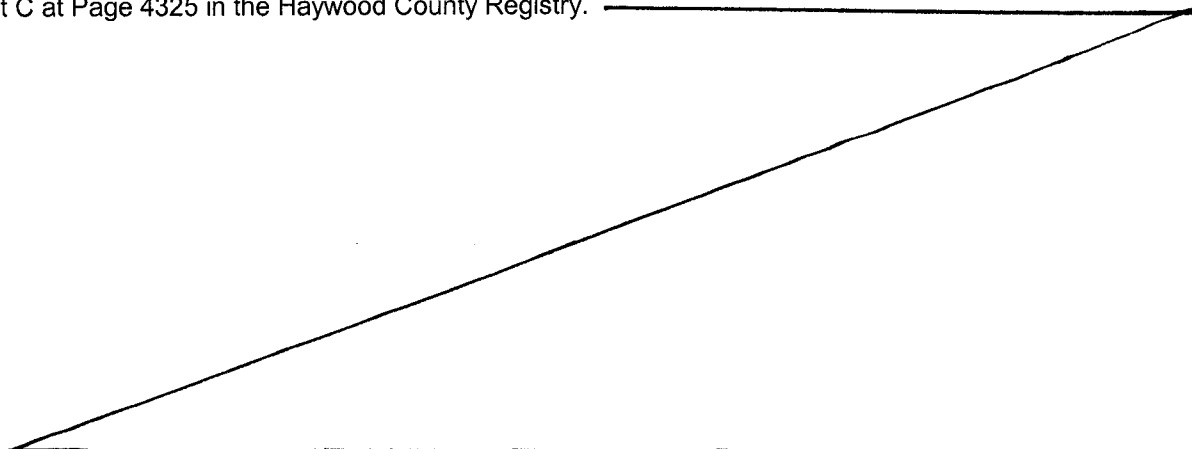
the undersigned owners of that certain property described in Deed Book 601 at Page 1463 in the Register of Deeds Office of Haywood County, and bounded by \_\_\_\_\_

recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the North Carolina Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department, its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way; said right of way being the width indicated and across said property as follows:

45 feet in width measured 22.5 feet on each side of the centerline of the road, said centerline to be located by the Department and the construction or improvement of said road shall constitute the selection of said centerline; and such additional widths as might be necessary to provide for cut and fill slopes, sedimentation control and drainage of road.

It is understood and agreed that the 45 foot right of way hereinabove referred to has been staked upon the ground and the centerline of the road is located in the center of the right of way stakes. The undersigned property owners further agree not to erect any structures, including masonry mailboxes, masonry driveway headwalls, any fencing, etc. or engage in cultivation within the right of way granted herein except as approved by the North Carolina Department of Transportation pursuant to G.S. 136-93 and NC Administrative Code 19A NCAE 02E.0404.

It is further understood and agreed that the above described 45 ft. right of way is shown on a plat recorded in plat cabinet C at Page 4325 in the Haywood County Registry. \_\_\_\_\_



It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

County: Haywood

Project: 14C.044072

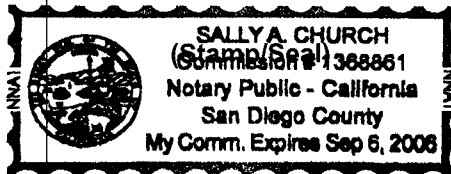
Parcel: 044SR1206 001

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the 15<sup>th</sup> day of July, 2006.

Eton Properties Corp.  
a Nevada corporation

By: Harvey M Makaiwi  
Harvey M. Makaiwi,  
Its: President

	STATE OF <u>California</u> COUNTY OF <u>San Diego</u>
	I, <u>Sally A. Church</u> a Notary Public for said County and State, so hereby certify that <u>Harvey M Makaiwi - President Eton Properties Corp</u>
	GRANTORS, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the <u>15<sup>th</sup></u> day of <u>July</u> , 20 <u>06</u> .
	My commission expires <u>9-6-06</u> <u>Sally A Church</u> Notary Public

(Stamp/Seal)	STATE OF _____ COUNTY OF _____
	I, _____ a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day, and being duly sworn, stated that in his/her presence _____
	acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the _____ day of _____, 20____.
	My commission expires _____ Notary Public

(Stamp/Seal)	STATE OF _____ COUNTY OF _____
	I, _____ a Notary Public for said County and State, certify that _____ personally came before me this day and acknowledged that he/she is _____ of _____ a corporation, and that he/she, as _____ being authorized to do so, executed the foregoing on behalf of the corporation.
	Witness my hand and official stamp or seal, this the _____ day of _____, 20____.
	My commission expires _____ Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY

BY: \_\_\_\_\_ Deputy/Assistant - Register of Deeds