

mail: W.E. Kelly
#2 Box 8
Denver

$\frac{9115}{18}$ 5.00

NORTH CAROLINA

LINCOLN COUNTY

THIS RIGHT OF WAY AGREEMENT, made and entered into this this 16th day of April, 1979, between and among WILBURN E. KELLY and wife, ELIZABETH BOLICK KELLY, MICHAEL S. KELLY and wife, ANNE S. KELLY and QUINTON LEE MOORE and wife, JOAN KELLY MOORE, all of Lincoln County, North Carolina;

W I T N E S S E T H :

THAT WHEREAS, Wilburn E. Kelly and wife acquired certain lands in Catawba Springs Township, Lincoln County, North Carolina, lying on the west of N. C. Highway #16, as conveyed to them by deed of record in Book 309, Page 66, Lincoln County Public Registry; and whereas thereafter by deed recorded in Book 531, Page 905, said Wilburn E. Kelly and wife, Elizabeth Bolick Kelly, conveyed a 4.17 acre tract thereof to Michael S. Kelly and wife, Anne S. Kelly, and in said deed set out a right-of-way 30 feet in width running from the northeast corner of said 4.17 acre tract to N. C. Highway #16; and whereas by deed Book 533, Page 449, said Wilburn E. Kelly and wife, Elizabeth Bolick Kelly, subsequently conveyed a tract of 7.01 acres thereof to Quinton Lee Moore and wife, Joan Kelly Moore; and whereas the properties of all of the parties to this instrument adjoined, and it is to their mutual interest to set forth and establish a 30-foot right-of-way extending from the northwest corner of the property of Quinton Lee Moore and wife, Joan Kelly Moore, running along their northern line, thence along the northern line of the tract conveyed to Michael S. Kelly and wife, and thence along the southern line of property of Wilburn E. Kelly and wife, Elizabeth Bolick Kelly, to N. C. Highway #16, said 30-foot right-of-way and easement to be open and available to all persons now owning or hereafter acquiring property adjoining the same as a means of ingress, egress and regress between their several properties and N. C. Highway #16;

NOW THEREFORE, for the foregoing purposes, the parties hereto do hereby establish the following right-of-way of 30 feet in width, described as follows:

BEGINNING at an iron stake, northeast corner of property conveyed to Michael S. Kelly and wife, by Deed Book 531, Page 905, and runs thence with Nixon N 67 E 617 feet to a stake; thence with Proctor N 4-30 E 90.8 feet to a stake and S 80-30 E 379.5 feet to a stake on the western edge of the right-of-way of N. C. Highway #16; thence with said right-of-way N 9-30 E 30 feet to a stake; thence three new lines with other property of Wilburn E. Kelly, N 80-30 W 412 feet to a stake; thence S 4-30 W 109 feet to a stake; thence S 67 W 625 feet to a stake; thence with the northern line of property of Michael S. Kelly S 66 E 40 feet to the BEGINNING;

In addition to the foregoing 30-foot right-of-way which is described by metes and bounds as a whole in the above paragraph, the parties do also establish a 30-foot roadway right of way which begins at the northeast corner of the Michael S. Kelly tract, and the southwest termination of the above right of way, and runs with its center line along the northern boundary lines of properties of Michael S. Kelly and Quinton Lee Moore and wife as follows: N 65-46 W 520.56 feet to an old corner; thence N 70-59 W 289.52 feet to an iron stake; thence S 74-44 W 218.07 feet to

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an iron stake, the termination point of said center line, it being understood and agreed that the right-of-way for said roadway shall extend 15 feet on the north side and 15 feet on the south side of the center line as above described.

TO HAVE AND TO HOLD, the above described right-of-way and easement to the parties to this agreement and their successors in title forever, it being agreed that said right-of-way shall be appurtenant to, and run with the title to all lands fronting on said right-of-way for the use of all parties to this instrument and their successors in title as a means of ingress, egress and regress between their said properties and State Highway #16, as a public right-of-way and permanent easement.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and affixed their seals this the day and year first above written.

Wilburn E. Kelly (SEAL)
Wilburn E. Kelly

Elizabeth Bolick Kelly (SEAL)
Elizabeth Bolick Kelly

Michael S. Kelly (SEAL)
Michael S. Kelly

Anne S. Kelly (SEAL)
Anne S. Kelly

Quinton Lee Moore (SEAL)
Quinton Lee Moore

Joan Kelly Moore (SEAL)
Joan Kelly Moore

NORTH CAROLINA

LINCOLN COUNTY

I, LARRY F. JONES, a Notary Public of said County and State do hereby certify that Wilburn E. Kelly and wife, Elizabeth Bolick Kelly, Michael S. Kelly and wife, Anne S. Kelly, Quinton Lee Moore and wife, Joan Kelly Moore, personally appeared before me this day and acknowledged the execution of the foregoing instrument,



WITNESS my hand and notarial seal, this the 14 day of April, 1979.

Larry F. Jones
Notary Public

My Commission Expires:
2-1-80

North Carolina, Lincoln Co.
The foregoing certificate of Larry E. Jones, Notary Public, Lincoln Co., N.C. is certified to be correct.
Presented for registration and recorded this 18th day of April 1979 at 9:15 A.M. in Book 552 Page 851.

Elizabeth S. Crumpton
Register of Deeds