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Buncombe County, NC
Otto W. DeBruhl Register of Deeds

BK 4611 PG 1417-1418

Prepared by and return to:
Goosmann Rose, P.A.
(08-2238 GFG/EMC) *KB*

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

**CONSENT TO SUBDIVISION USE, DESIGNATION AND
MAINTENANCE OF RIGHT OF WAY**

This Consent to Subdivision Use, Designation and Maintenance of Right of Way is entered into this the ___ day of September, 2008, by and between of Ida C. Stewart, widow (herein "Stewart") and Stone Mountain Investment Corporation, a North Carolina corporation (herein "Stone Mountain").

WITNESSETH:

That Whereas, Stewart is the owner of that certain property described by deed recorded in Record Book 1103, at Page 297 of the Buncombe County, North Carolina Registry (herein "Stewart Property"); and

Whereas, Stone Mountain is the owner of Pathwood Subdivision comprising Lots 1 through 5 on that plat of the Pathwood Subdivision recorded in Plat Book 137, at Page 40, of the Buncombe County, North Carolina Registry (herein "Pathwood Subdivision"); and

Whereas, the Stewart Property and Pathwood Subdivision are benefitted and accessed by those two certain rights of ways commonly known as Old Stewart Road and Pathwood Lane as the same are shown in Plat Book 137, at Page 40 of the Buncombe County, North Carolina Registry (herein "Rights of Ways"); and

Whereas, Stone Mountain desires to obtain the consent of Stewart for the designation of such Rights of Ways as private roadways and the use thereof for the benefit of the various lots located within Pathwood Subdivision, and the parties further desire to set forth herein that consent and to memorize and establish maintenance obligations pertaining to such joint use of the Rights of Ways.

Now Therefore, for valuable consideration to each other paid, the receipt and sufficiency of which is hereby acknowledged, the parties hereto to hereby covenant, consent and agree as follows:

1. Stewart consents to the designation of the said Rights of Ways as private road rights of ways and to the increased use of the Rights of Ways for the benefit of Pathwood Subdivision; and
2. Stewart shall be obligated to pay a pro rata share of the annual maintenance for the Rights of Ways of Old Stewart Road and Pathwood Lane.

In Witness Whereof, the Stewart and Stone Mountain have herunto set their hands and seals as of the day and year first above written.

Stone Mountain Investment Corporation,
a North Carolina corporation

Keith C. Swigart
Keith C. Swigart, President

Ida C. Stewart
Ida C. Stewart

State of North Carolina
County of Buncombe

The undersigned, a Notary Public of the County and State aforesaid, does hereby certify that Keith C. Swigart personally appeared before me this day and acknowledged that he is President of Stone Mountain Investment Corporation, a North Carolina corporation, and that as President, being authorized to do so, he executed the foregoing on behalf of the Corporation. Witness my hand and Notarial stamp or seal, this the 27 day of Sept 2008.

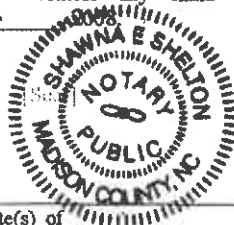
John R. Rose
Notary Public
Buncombe County, NC

John R. Rose
Notary Public
Commission Expiration: 4.18.2011

State of North Carolina
County of Buncombe

The undersigned, a Notary Public of the County and State aforesaid, does hereby certify that Ida C. Stewart personally appeared before me this day and acknowledged the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal, this the 24 day of

September



Shawna E. Shelton
Notary Public
Commission Expiration: 01/27/2013

The foregoing certificate(s) of _____ is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____
Buncombe County Register of Deeds
Deputy/ Assistant - Register of Deeds