

BK 1651 PG 314  
prepared by

David W. Metley

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

DEDICATION OF WATER EASEMENT  
(Sunset Hills Water Association-Four)

This Dedication of Water Easement made this 16<sup>th</sup> day of April, 1991, by and between Rainbow Management Services, Inc., a North Carolina Corporation with its principal place of business in Buncombe County, North Carolina and Mark Alan Cromer and wife, Crystal Darlene Cromer, Grantor, and all Present and Future Owners of Lots 20, 21, 26, 27, 28, 29, 30 and 31 as described on that certain plat or map of Sunset Hills-Phase III recorded in Plat Book 54, Page 124, Buncombe County Registry, Grantee. The designations Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

John  
m.c.c.  
Florida  
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W I T N E S S E T H:

In consideration of the premises and for the advantage which Rainbow Management Services, Inc. will receive from the sale of such land, and which Mark Alan Cromer and wife, Crystal Darlene Cromer, Grantor, will receive from having others share in the cost of operation and maintenance of a well and water system for itself, its heirs, assigns and successors in title has and by these presents does hereby grant, bargain, sell and convey unto the Grantee and his heirs and assigns a perpetual appurtenant easement to obtain and use water, including installation of water lines and valves, for residential purposes jointly with all others of Grantee, to and from that certain well located on or near the northwestern corner of Lot 28 of Sunset Hills Phase III as shown on plat recorded in Plat Book 54, Page 124, including the right to go enter, over, onto and across the tract hereinafter described for purposes of maintaining, repairing, upgrading and replacing, in its approximate current location all pumping and tank equipment associated with such well, with said tract being described as follows:

BEGINNING at a point, the northern common corners of Lots 21 and 28 as shown on a plat of Sunset Hills Phase III recorded in Plat 54, Page 124 and proceeding thence with said common line South 27° 29' 01" East 50.14 feet to a point; thence South 66° 37' 30" West to the western margin of Lot 28; thence with the common boundaries of Lots 28 and 29 North 19° 53' 43" West to the northwestern corner of Lot 28; thence with the northern margin of Lot 28 to the point and place of BEGINNING.

PROVIDED that any of Grantee who shall avail itself of the usage of any water from such well or provide connections on its lot to a water line or lines such that water could be obtained from such well, shall bear the pro-rata share (based upon the number of lots so obligated) of all costs of repair, maintenance, upgrade and usage reasonably necessary to provide water to each lot and, including cost of electricity or other energy to power the pump or related equipment accruing or the cost of which occurs, during the time period for which a Grantee is utilizing, or has connections such that such Grantee can utilize, water from such well; and further provided that each such Grantee shall be a member of Sunset Hills Water Association-Four an unincorporated association (the "Association") which may be incorporated and have all its rights transferred to a not-for-profit corporation by a vote of the majority of the lots, the owners of which are members; and further

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provided each such Grantee shall be personally liable to the Association and to each other such Grantee for its pro-rata share of the costs of repair, maintenance, upgrade and usage and sufficient amounts to establish such reasonable reserves as may be determined by majority vote of members, together with all costs of collection, including reasonable attorneys fees.

TO HAVE AND TO HOLD said easement and right of way into Grantee forever.

Grantor further sells, assigns and conveys all its right, title and interest in and to all pumps, tanks, switches, piping and other related equipment now or hereafter placed by Grantor in such tract to Sunset Hills Water Association-Four.

IN WITNESS WHEREOF Grantor has caused this instrument to be executed in its corporate name by its duly authorized officers as the act and deed of such corporation and Mark Alan Cromer and wife, Crystal Darlene Cromer have hereunto set their hands and seals, all the day and year first above written.

ATTEST:  Jessica L. Mills  
Asst. Secretary

Rainbow Management Services, Inc.  
BY: Larry W. Berthelot  
President

Mark Alan Cromer (SEAL)  
Mark Alan Cromer

Crystal Darlene Cromer (SEAL)  
Crystal Darlene Cromer

STATE OF NORTH CAROLINA, COUNTY OF BUNCOMBEE

I, a Notary Public of said State and County certify that Jessica L. Mills personally came before me this day and acknowledged that she is Asst. Secretary of Rainbow Management Services, Inc. and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal, and attested by her self as its Asst. Secretary.

Witness my hand and Notarial Seal, this 16th day of April, 1991.

 My commission expires: 7-9-94

Wanda L. Watkins  
Notary Public

STATE OF NORTH CAROLINA, COUNTY OF BUNCOMBEE

I, a Notary Public said State and County, certify that Mark Alan Cromer and wife, Crystal Darlene Cromer personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 24<sup>th</sup> day of April, 1991.

 My commission expires: 5-18-1995

Sharon R. Pilat  
Notary Public

State of North Carolina, County of Buncombe

Each of the foregoing certificates, namely of Wanda L. Watkins, Sharon R. Pilat a notary or Notaries public of the State and County designated is certified to be correct.

This 21 day of May, 1991

Filed for registration on the 21 day of May, 1991 at 2:23 p.m.

OTTO W. DeBRUHL  
Register of Deeds, Buncombe County  
By: Jeri W. Davis Deputy  
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