

**2014003480**MCDOWELL CO, NC FEE \$26.00  
PRESENTED & RECORDED:

09-02-2014 01:11:58 PM

TONIA R HAMPTON

REGISTER OF DEEDS

BY: MEGAN RICKETTS

DEPUTY REGISTER OF DEEDS

**BK: CRP 1135****PG: 191-195**

*SASE*  
Prepared by ~~Return do.~~ Stone & Christy, 110 N. Dougherty St  
STATE OF NORTH CAROLINA William H. Christy Bldg. Mtn NC 28111  
MCDOWELL COUNTY

**AGREEMENT TO ABANDON WATER LINE EASEMENT AS SHOWN ON PLAT  
BOOK 20, PAGE 84, PLAT BOOK 23, PAGE 23 AND PLAT BOOK 23, PAGE 24**

NOW COMES Creston Development, LLC (owner of Tract C-40 and Tract T-76), John Nelson and wife, Marilyn Nelson (owners of Tract C-41), Rubi Rodriguez, unmarried (owner of Tract C42) and Rebecca C. Huck and Kevin L. Huck, Trustees of the Rebecca C. Huck Living Trust dated 11/30/2007 (owners of Tract C43), all tracts as shown on Plat Book 23, Page 24, McDowell County Registry, and desiring to abandon a certain waterline easement as originally shown on Plat Book 20, Page 84, McDowell County Registry, do hereby agree as follows:

1. By plat filed in Plat Book 20, Page 84, Creston Development, LLC, as developer of that certain development known as Creston, filed a plat showing the location of a "proposed water line easement" which was to run on the then existing Tracts C40, C41, C42, C43 and to a proposed well site located on Tract T76.
2. By plat filed in Plat Book 23, Page 23, Creston Development, LLC, as developer of that certain development known as Creston, filed a plat showing the location of a "water line easement" which ran generally within the roadway established known as "Creston Drive" and which was in a different location than that proposed easement shown on Plat Book 20, Page 84. On the plat filed in Plat Book 23, Page 23, the easement shown on Plat Book 20, Page 84 was shown as "existing water line easement P.B. 20, P. 84."
3. By plat filed in Plat Book 23, Page 24, Creston Development, LLC, as developer of that certain development known as Creston, filed a plat showing a new configuration of Tracts C40, C41, C42, and C43, and the easement shown on Plat Book 20, Page 84 was shown as "existing water line easement P.B. 20, P. 84."
4. By deed filed in Book 1119, Page 288, Rubi Rodriguez conveyed to Creston Development, LLC a portion of Tract C42 shown on Plat Book 20, Page 84 so that Creston Development, LLC fully owned all of Tract C43 as shown on Plat

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Book 23, Page 24.

5. By deed filed in Deed Book 1119, Page 291, Creston Development, LLC conveyed to Rebecca C. Huck and Kevin L. Huck, Trustees of the Rebecca C. Huck Living Trust dated 11/30/2007 all of Tract C43 as shown on Plat Book 23, Page 24.
6. There have been no deeds filed which specifically referenced any waterline easement rights for the proposed waterline easement as shown on Plat Book 20, Page 84.
7. The parties to this Agreement, being all of the owners of property upon which the "proposed water line easement" would burden, as well as being all of the owners of property which would be benefitted by the proposed water line easement as shown on Plat Book 20, Page 84, have agreed that there no longer exists any reason for the "proposed" water line easement as shown on Plat Book 20, Page 84, and desire to abandon any and all rights that they may have to the "proposed water line easement" as shown on Plat Book 20, Page 84.

NOW THEREFORE, the parties to this Agreement do hereby remise, release and quitclaim any rights that they may have in the "proposed water line easement" as shown on Plat Book 20, Page 84, and warrant that this release of their rights, if any, in the "proposed water line easement" as shown on Plat Book 20, Page 84 shall be binding upon their heirs, successors and assigns.

This the 18<sup>th</sup> day of August, 2014.

CRESTON DEVELOPMENT, LLC

BY:  (SEAL)

JOHN T. NELSON, Manager/Member

 (SEAL)

JOHN NELSON

 (SEAL)

MARILYN NELSON

 (SEAL)

RUBI RODRIGUEZ

Rebecca C Huck (SEAL)  
REBECCA C. HUCK, Trustee

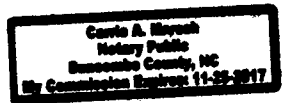
Kevin L Huck (SEAL)  
KEVIN L. HUCK, Trustee

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

Personally appeared before me this day the said JOHN T. NELSON, known to me personally or who produced satisfactory evidence of his or her identity in the form of a drivers license, and acknowledged that he is the Manager of CRESTON DEVELOPMENT, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the company, he signed the foregoing instrument in its name and its behalf as its act and deed. WITNESS my hand and Notarial stamp or seal, this 18<sup>th</sup> day of August, 2014.

Carrie A. Marsh  
NOTARY PUBLIC

My Commission Expires: 11/25/2017



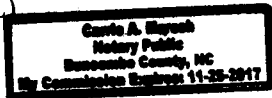
STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

Personally appeared before me this day, the said JOHN NELSON and Wife, MARILYN NELSON, known to me personally or who produced satisfactory evidence of his or her identity in the form of a drivers license, and who acknowledged that he or she voluntarily executed the foregoing instrument for the purposes stated therein.

This the 18<sup>th</sup> day of August, 2014.

Carrie A. Marsh  
Notary Public Carrie A. Marsh

(SEAL)

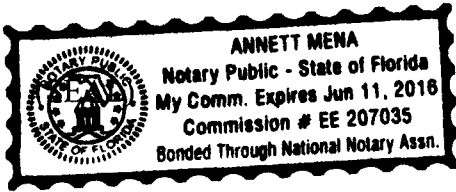


My Commission expires: 11/25/2017

STATE OF FLORIDA  
COUNTY OF Miami Dade

Personally appeared before me this day, the said RUBI RODRIGUEZ, known to me personally or who produced satisfactory evidence of his or her identity in the form of a drivers license, and who acknowledged that he or she voluntarily executed the foregoing instrument for the purposes stated therein.

This the 25<sup>th</sup> day of August, 2014.



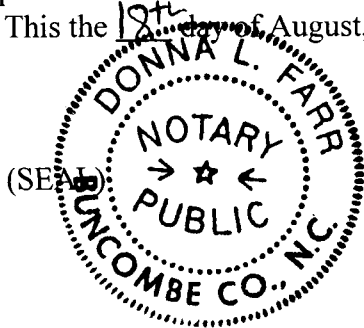
Annett Mena  
Notary Public

My Commission expires: June 11, 2016

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

Personally appeared before me this day, the said REBECCA C. HUCK and KEVIN L. HUCK, Trustees of the Rebecca C. Huck Living Trust dated 11/30/2007, known to me personally or who produced satisfactory evidence of his or her identity in the form of a drivers license, and who acknowledged that he or she voluntarily executed the foregoing instrument for the purposes stated therein.

This the 18<sup>th</sup> day of August, 2014.



Donna L. Farr  
Notary Public

My Commission expires: 3-6-2018