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STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

FOR REGISTRATION REGISTER OF DEEDS  
REBECCA T. CHRISTIAN  
NEW HANOVER COUNTY, NC  
2002 NOV 15 09:31:34 AM  
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Record of Poor Quality Due To  
Condition of Original Document  
GS 161-14

EASEMENT AND ACKNOWLEDGMENT OF RIGHTS AS TO 48 ACRES IN  
NORTHERN SECTION OF CAROLINA BEACH

This Easement and Acknowledgment of Rights as to 48 acres in Northern Section of Carolina Beach ("Easement and Agreement") is entered into between Town of Carolina Beach, a North Carolina Municipal Corporation, (hereinafter "Town"), Spinnaker Pointe Unit Owners Association, Inc., a North Carolina nonprofit corporation, (hereinafter "Spinnaker Pointe"), and Oceana Owners Association, Inc., a North Carolina nonprofit corporation, (hereinafter "Oceana").

The Town, Spinnaker Pointe, and Oceana, in consideration of the mutual covenants set forth herein, agree as follow:

1. The Town, Spinnaker Pointe and Oceana agree that :

a-The rights of Spinnaker Pointe Unit Owners Association, Inc., and Oceana Owners Association, Inc. and all of their members, to use and enjoy said property as common area to their respective developments, as referred to in that certain agreement, Deed and Deed of Easement recorded in Book 1755, Page 613, in the New Hanover County Registry, and as further preserved and referenced in Deed from Oceana Limited Partnership to the Town of Carolina Beach, as recorded in Book 1955 at Page 131 of the New Hanover County Register of deeds, are perpetual rights which will be honored and respected by the Town of Carolina Beach in Perpetuity.

b-The Town by the execution of this Easement and Agreement, and in consideration of the mutual covenants contained herein, does grant, bargain sell and convey unto Spinnaker Pointe Unit Owners Association Inc., and Oceana Owners Association Inc., and all of their members, to run with the title of the individual member to their ownership interest in the condominium units of Spinnaker Pointe, and/or their lots in Oceana, a perpetual right and easement over that certain lot or parcel of land situated in the Town of Carolina Beach, County of New Hanover and more particularly described on Exhibit A, attached hereto and incorporated by reference, to use and enjoy said property as common area to their respective developments, as referred to in that certain Agreement, Deed and

RETURNED TO *n Barnes*

Deed of Easement recorded in Book 1755, Page 613, in the New Hanover County Registry and as further preserved and referenced in Deed from Oceana Limited Partnership to the Town of Carolina Beach, as recorded in Book 1955 at Page 131 of the New Hanover County Registry of Deeds.

c-Spinnaker Pointe and Oceana, in consideration of the mutual covenants contained herein, acknowledge the rights of the Town of Carolina Beach to exercise dominion and control over said property, subject to the right of said Associations and their respective members, as contained herein, pursuant to that certain Deed from Oceana Limited Partnership to the Town of Carolina Beach as recorded in Book 1955 at Page 131 of the New Hanover County Registry.

2. This Agreement constitutes the entire agreement between the Town, Spinnaker Pointe and Oceana with respect to the subject matter hereof, and no statements, promises or inducements made by any party or agent of any party that are not contained in this Agreement contract shall be valid or binding. This Agreement may not be enlarged, modified, or altered except in writing signed by the parties and endorsed thereon.

3. This Agreement may be recorded in the Office of the Register of Deeds of New Hanover County by any party hereto.

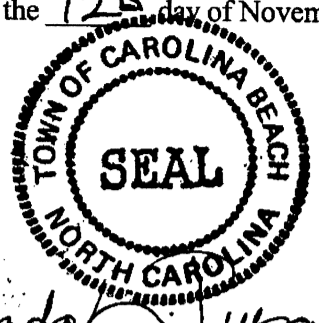
4. This Agreement shall inure to the benefit of and is binding upon the parties hereto, their successors and assigns. It is expressly agreed upon that this Agreement shall inure to the benefit of the individual members of Spinnaker Pointe and Oceana, by virtue of their membership in those associations, their unit ownership, and their interest and percentage ownership in the condominium common areas. Further, said individual members of Spinnaker Pointe and Oceana are intended third-party beneficiaries of this Agreement with full rights to apply and enforce the same against the Town.

5. The terms and conditions of this Agreement shall be construed, interpreted and enforced under and by virtue of the laws of the State of North Carolina.

6. If any paragraph or provision of this Agreement is found void or unenforceable, the unenforceable paragraph or provision shall be severed, and the remainder of this Agreement shall be enforced as written.

(Signature pages and Acknowledgments follow)

This the 12<sup>th</sup> day of November, 2002.

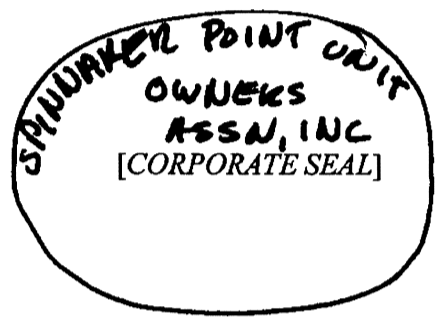


[SEAL]  
ATTEST:

Melinda [Signature]  
Town Clerk

TOWN OF CAROLINA BEACH

BY: [Signature]  
Mayor



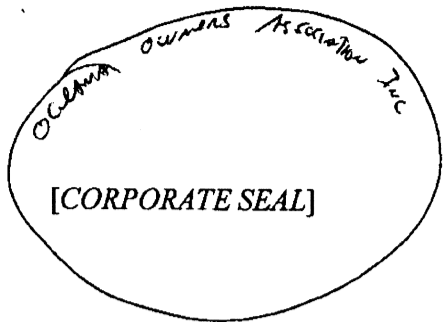
SPINNAKER POINTE UNIT OWNERS ASSOCIATION, INC.

BY: [Signature]  
President  
Print Name: DONALD B WEBER

ATTEST:

[Signature]  
Secretary  
Print Name: JAMES J. URBAN

[ADDITIONAL SIGNATURE PAGE AND ACKNOWLEDGMENTS FOLLOW]



OCEANA OWNERS ASSOCIATION, INC.

BY: Donald S. Wagner  
— President  
Print Name: DONALD S. WAGNER

ATTEST:

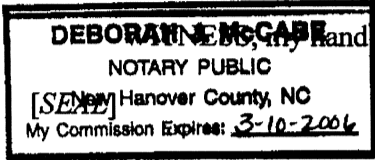
Yvonne Johnson  
Secretary  
Print Name: Yvonne Johnson

[ACKNOWLEDGMENT PAGES FOLLOW]

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Deborah J. McCabe, a Notary Public of the State and County aforesaid, certify that Melinda N. Prusa, personally came before me this day and acknowledged that she is Town Clerk of the Town of Carolina Beach, and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by its Mayor, sealed with the Town seal and attested by herself as its Clerk.



Witness my hand and official seal, this 13<sup>th</sup> day of November, 2002.

Deborah J. McCabe  
Notary Public

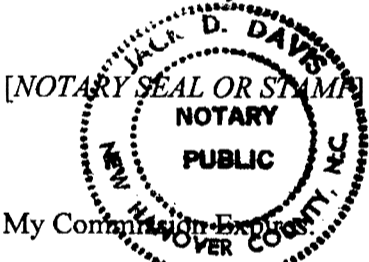
My Commissioner Expires:  
3-10-2006

STATE OF NORTH CAROLINA

COUNTY OF New Hanover

I, Jack D. Davis, a Notary Public in and for the aforesaid State and County, do hereby certify that James J. Urban personally appeared before me this day and acknowledged that he is the Secretary of SPINNAKER POINTE UNIT OWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation, 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 him self as its \_\_\_\_\_ Secretary.

Witness my hand and official stamp or seal, this the 2<sup>nd</sup> day of November, 2002.



My Commission Expires:  
1-29-03

Jack D. Davis  
Notary Public

STATE OF NORTH CAROLINA

COUNTY OF New Hanover

I, Jack D. Davis, a Notary Public in and for the aforesaid State and County, do hereby certify that YVONNE JOHNSON personally appeared before me this day and acknowledged that she is the Secretary of OCEANA OWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation, 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 Secretary.



Witnessed by hand and official stamp or seal, this the 2<sup>nd</sup> day of November, 2002.

[NOTARY SEAL OR STAMP]

Jack D. Davis  
Notary Public

My Commission Expires:

1-29-05

EXHIBIT A

Northern Section of Carolina Beach

BEGINNING at the point of intersection of the Western right of way line of Canal Drive (40 feet right of way) with the Northern right of way line of 17th Avenue (25 feet right of way) as shown on map of Northern section Carolina Beach, and recorded in Map Book J, at Page 57, of the New Hanover County Registry; running thence with the Western right of way line of Canal Drive, South 28 degrees 06 minutes West 24.91 feet to a point; running thence North 61 degrees 54 minutes West 150.67 feet to a point in the edge of marsh; running thence with the edge of marsh, South 44 degrees 29 minutes West 59.11 feet, South 00 degrees 26 minutes East 45.0 feet, South 59 degrees 36 minutes West 78.0 feet, South 85 degrees 36 minutes West 100.0 feet, South 08 degrees 54 minutes East 35.0 feet, South 27 degrees 54 minutes East 85.0 feet, South 77 degrees 06 minutes West 105.0 feet, South 21 degrees 06 minutes West 80.0 feet, South 04 degrees 54 minutes East 98.0 feet and South 42 degrees 54 minutes East 80.0 feet to a point in the Western line of the Northern Extension # 1 of Carolina Beach as shown on map recorded in Map Book 18, at Page 183, of the New Hanover County Registry; running thence with the Western line of said Northern Extension, South 28 degrees 06 minutes West 690.0 feet to a point; running thence North 61 degrees 54 minutes West 503.39 feet to a point; running thence North 69 degrees 04 minutes West 403.39 feet to a point in the edge of marsh; running thence with said marsh, North 71 degrees 04 minutes 30 seconds East 139.83 feet, South 70 degrees 52 minutes East 81.69 feet, North 24 degrees 17 minutes 30 seconds West 37.95 feet, North 33 degrees 49 minutes East 49.85 feet, South 47 degrees 22 minutes East 33.98 feet, North 32 degrees 33 minutes East 58.55 feet, North 10 degrees 23 minutes 30 seconds West 103.81 feet, North 50 degrees 58 minutes West 82.45 feet, North 78 degrees 57 minutes West 44.84 feet, North 28 degrees 20 minutes 30 seconds East 59.85 feet, North 17 degrees 46 minutes 30 seconds West 56.50 feet, North 21 degrees 50 minutes 30 seconds East 39.41 feet, North 13 degrees 34 minutes 30 seconds West 70.31 feet, North 58 degrees 04 minutes 30 seconds East 54.75 feet, North 11 degrees 01 minutes East 75.35 feet, North 45 degrees 24 minutes East 34.45 feet, North 28 degrees 04 minutes East 44.09 feet, North 00 degrees 41 minutes 30 seconds East 122.56 feet, North 02 degrees 16 minutes 30 seconds West 53.54 feet, North 28 degrees 53 minutes West 79.20 feet, North 11 degrees 33 minutes West 69.02 feet, North 25 degrees 36 minutes West 88.69 feet, North 40 degrees 44 minutes 30 seconds West 94.32 feet, North 20 degrees 29 minutes 30 seconds West 65.64 feet, North 30 degrees 07 minutes West 46.88 feet, North 72 degrees 45 minutes 30 seconds West 83.99 feet, and North 52 degrees 51 minutes 30 seconds West 299.53 feet; running thence North 34 degrees 45 minutes East 17.12 feet to a point in the Southern line of the Freeman Heirs tract; running thence with the Southern line of the Freeman Heirs tract, South 86 degrees 44 minutes East 1967.87 feet to a point on the Western edge of the Atlantic Ocean; running thence the same course continued South 86 degrees 44 minutes East 50.0 feet to a point in the high water line of the Atlantic Ocean; running thence Southwardly along the high water line of the Atlantic Ocean to a point in the Northern right of way line of 17th Avenue, said point being located South 61 degrees 54 minutes East from the point of beginning; running thence with the Northern right of way line of 17th Avenue, North 61 degrees 54 minutes West 50.0 feet to a point that is located South 16 degrees 06 minutes West 1088.35 feet from the above mentioned point on the Western edge of the Atlantic Ocean; running thence with the Northern right of way line of 17th Avenue, North 61 degrees 54 minutes West 251.55 feet to the point of beginning. Containing 48 acres, more or less.

