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FILED Deborah B. Brooks
Register of Deeds, Orange Co, NC
Recording Fee: \$26.00
NC Real Estate TX: \$.00

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF ORANGE

Prepared by and mail to: James M. Arges, Attorney at Law
Arges Law Firm, P.C.
3200 Croasdaile Drive, Suite 706
Durham, NC 27705

This encroachment agreement, made and entered into as of the 24th day of April, 2012, by and between DAVID P. LINDQUIST and PAUL D. HRUSOVSKY (hereinafter "LINDQUIST AND HRUSOVSKY"), and MICHAEL D. REICH and LADENE J. REICH, (hereinafter "REICH"),

WITNESSETH:

WHEREAS, LINDQUIST AND HRUSOVSKY are the owners of the real property and improvements thereon located in Orange County, North Carolina, being described as Lot 100, Section II, Map Six, STONERIDGE SUBDIVISION, recorded in Plat Book 28, Page 13 of the Orange County Registry and further being known as Orange County Parcel Number 9881713610 (hereinafter "LINDQUIST AND HRUSOVSKY PROPERTY"); and

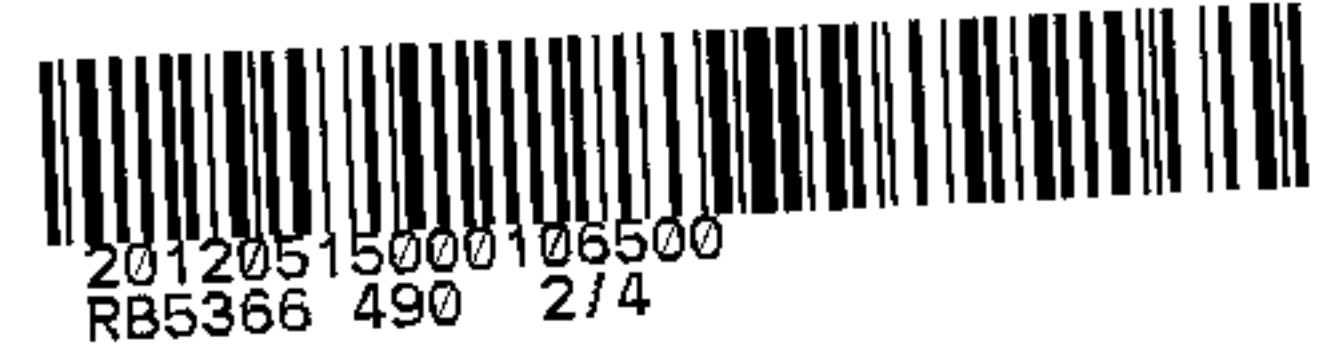
JA PM

WHEREAS, REICH are the owners of the real property and improvements thereon located in Orange County, North Carolina, being Lot 101, Section II, Map Six, STONERIDGE SUBDIVISION, recorded in Plat Book 28, Page 13 of the Orange County Registry and further being known as Orange County Parcel Number 9881713782 (hereinafter "REICH PROPERTY"); and

JA PM

WHEREAS, a wood fence appurtenant to and serving the LINDQUIST AND HRUSOVSKY PROPERTY encroaches onto the REICH PROPERTY, as shown on a survey entitled "SURVEY FOR BILL BLACK, MARIA BLANCO" performed by HUNT LAND SURVEYING, P.C., dated April 5, 2012, (hereinafter the "Survey") a copy of which is attached as Exhibit A; and

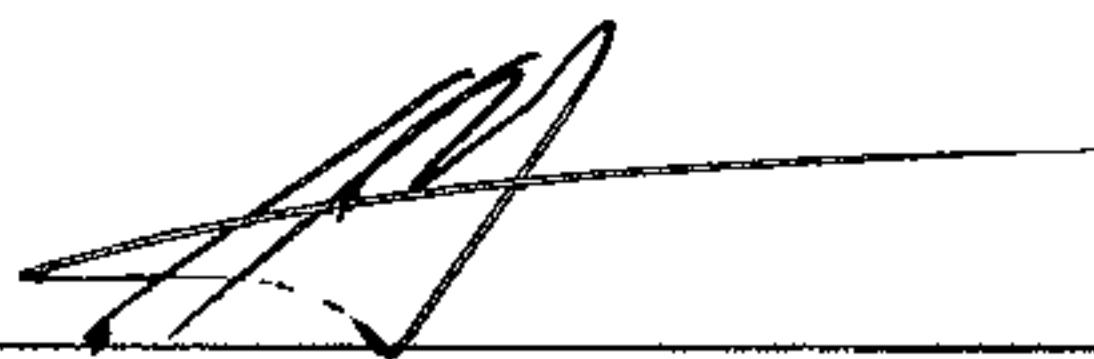
WHEREAS, both parties wish to acknowledge the encroachment of the wood fence or the possibility of any claim of adverse possession by LINDQUIST AND HRUSOVSKY to any property of REICH by virtue of the encroachment of the wood fence.

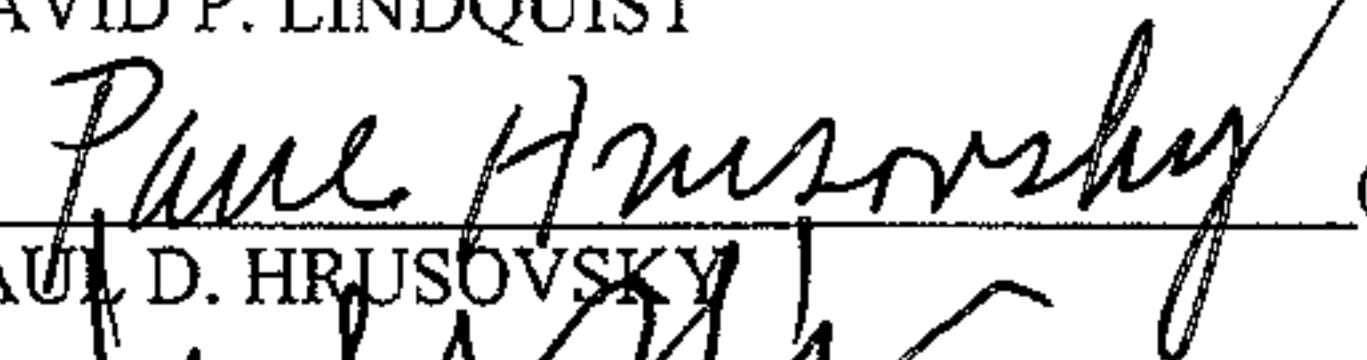


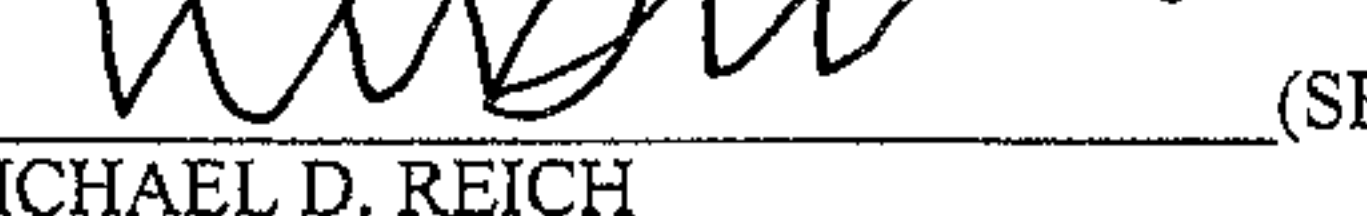
NOW, WHEREFORE, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, LINDQUIST AND HRUSOVSKY and REICH agree as follows:

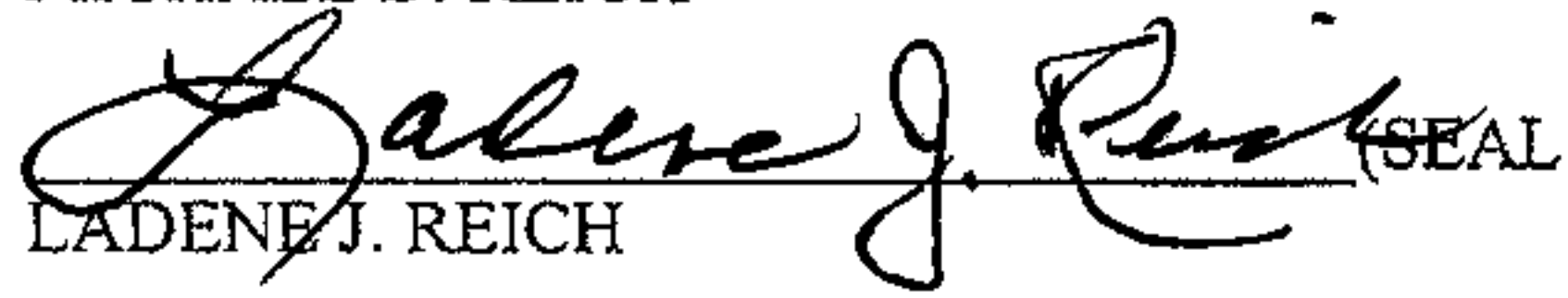
1. REICH for themselves and their successors agree to allow the wood fence to remain in its present location and to continue to encroach onto the REICH PROPERTY. LINDQUIST AND HRUSOVSKY and their successors shall have the right to maintain and repair the wood fence in its present configuration and condition. No future alterations or additions shall be made to the wood fence without prior written consent by REICH or their successors.
2. LINDQUIST AND HRUSOVSKY understand and agrees that the continuing presence of the encroaching portion of the wood fence onto the REICH PROPERTY is permissive and that neither LINDQUIST AND HRUSOVSKY nor their successors shall henceforth acquire any interest in the REICH PROPERTY by adverse possession by virtue of the continuing wood fence encroachment.
3. LINDQUIST AND HRUSOVSKY understand and agrees that should REICH or their successors request the removal of the encroachment that LINDQUIST AND HRUSOVSKY or their successors shall remove said encroachment within 30 days of receiving a written request from REICH or their successors.
4. It is the intent of REICH and the LINDQUIST AND HRUSOVSKY that the agreements and obligations contained herein be binding upon the parties hereto and all subsequent owners of the REICH PROPERTY and the LINDQUIST AND HRUSOVSKY PROPERTY.
5. It is further understood that in the event that the wood fence is removed, this agreement shall be null and void and of no force and effect.

IN WITNESS WHEREOF, each of the undersigned has set his/her hand and seal, the day and year first above written.


 _____ (SEAL)
 DAVID P. LINDQUIST


 _____ (SEAL)
 PAUL D. HRUSOVSKY


 _____ (SEAL)
 MICHAEL D. REICH


 _____ (SEAL)
 LADENE J. REICH



STATE OF NORTH CAROLINA

COUNTY OF ~~ORANGE~~ Durham

I, James M. Arges, a Notary Public for the County of Durham State of North Carolina, do hereby certify that DAVID P. LINDQUIST and PAUL D. HRUSOVSKY, who are known to me or proved to me on the basis of satisfactory evidence to be the persons described, personally appeared before me this day, and acknowledged to me that they voluntarily signed the foregoing instrument for the purposes stated therein, and in the capacity indicated.

Witness my hand and official seal this the 15 day of May, 2012.

JAMES M ARGES
Notary Public
Durham County, NC
My Commission Expires

[Signature]
Notary Public Signature
James M. Arges
Printed or Typed Name Notary Public

My commission expires: 10/27/13

JAMES M ARGES
Notary Public
Durham County, NC
My Commission Expires 10/27/13

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, R. Michael Pipkin, a Notary Public for the County of Orange State of North Carolina, do hereby certify that MICHAEL D. REICH and LADENE J. REICH, who are known to me or proved to me on the basis of satisfactory evidence to be the persons described, personally appeared before me this day, and acknowledged to me that they voluntarily signed the foregoing instrument for the purposes stated therein, and in the capacity indicated.

Witness my hand and official seal this the 25 day of April, 2012.

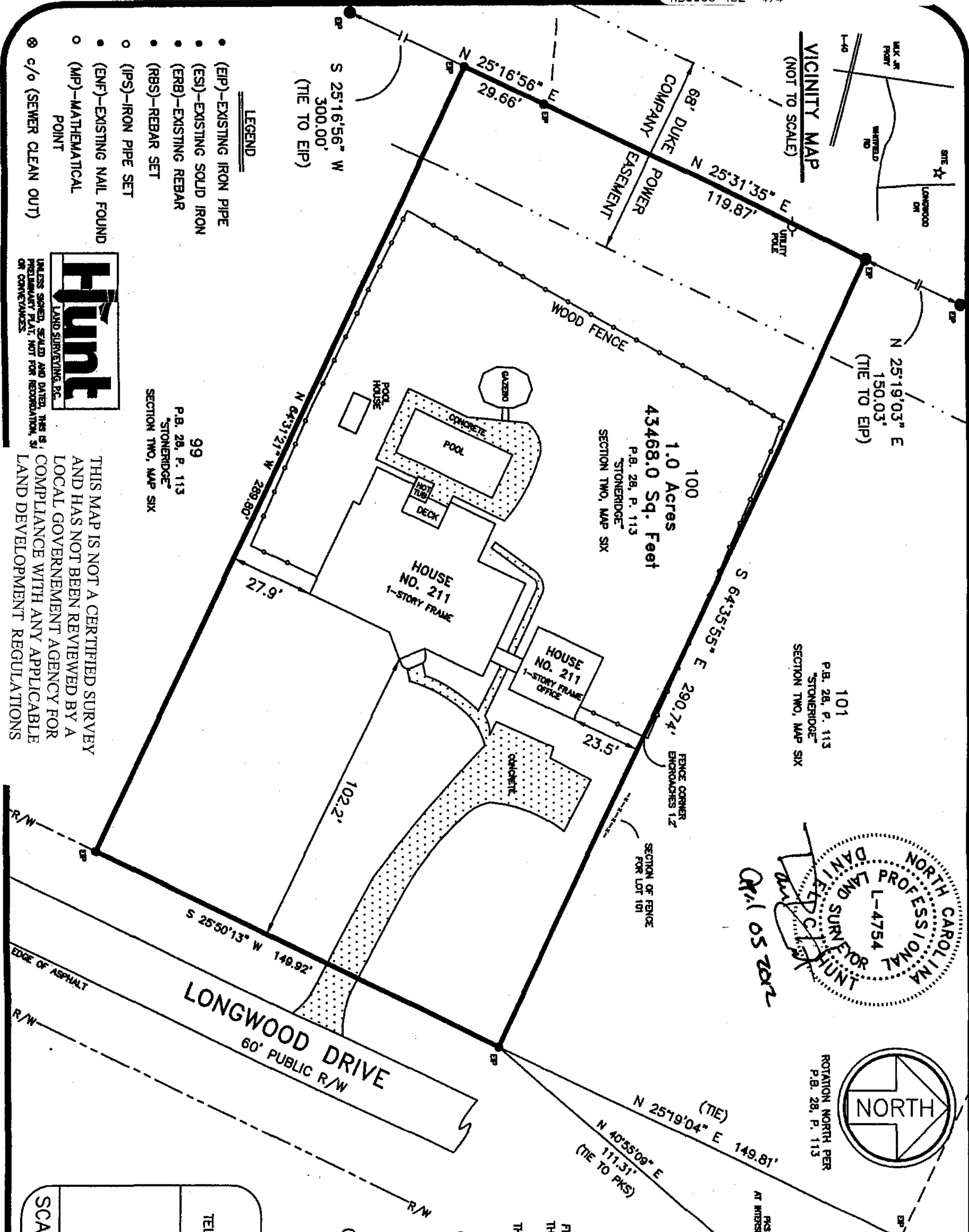
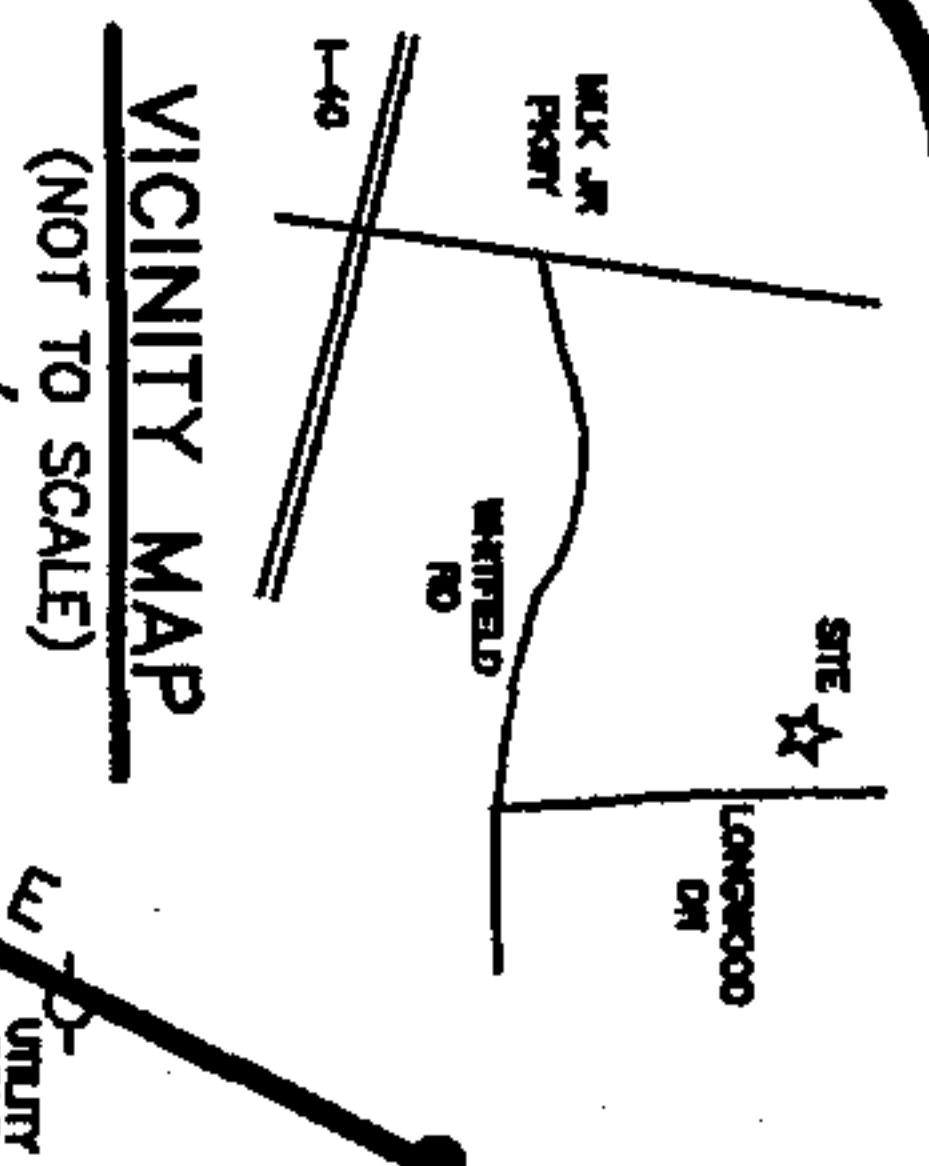
[Signature]
Notary Public Signature
R. Michael Pipkin
Printed or Typed Name Notary Public

My commission expires: 10/15/2012

R. MICHAEL PIPKIN
Notary Public
Orange County, NC



EXHIBIT A



- LEGEND**
- (EIP)—EXISTING IRON PIPE
 - (ESI)—EXISTING SOLID IRON
 - (ERB)—EXISTING REBAR
 - (RBS)—REBAR SET
 - (IPS)—IRON PIPE SET
 - (ENF)—EXISTING NAIL FOUND
 - (MP)—MATHEMATICAL POINT
 - ⊗ c/o (SEWER CLEAN OUT)

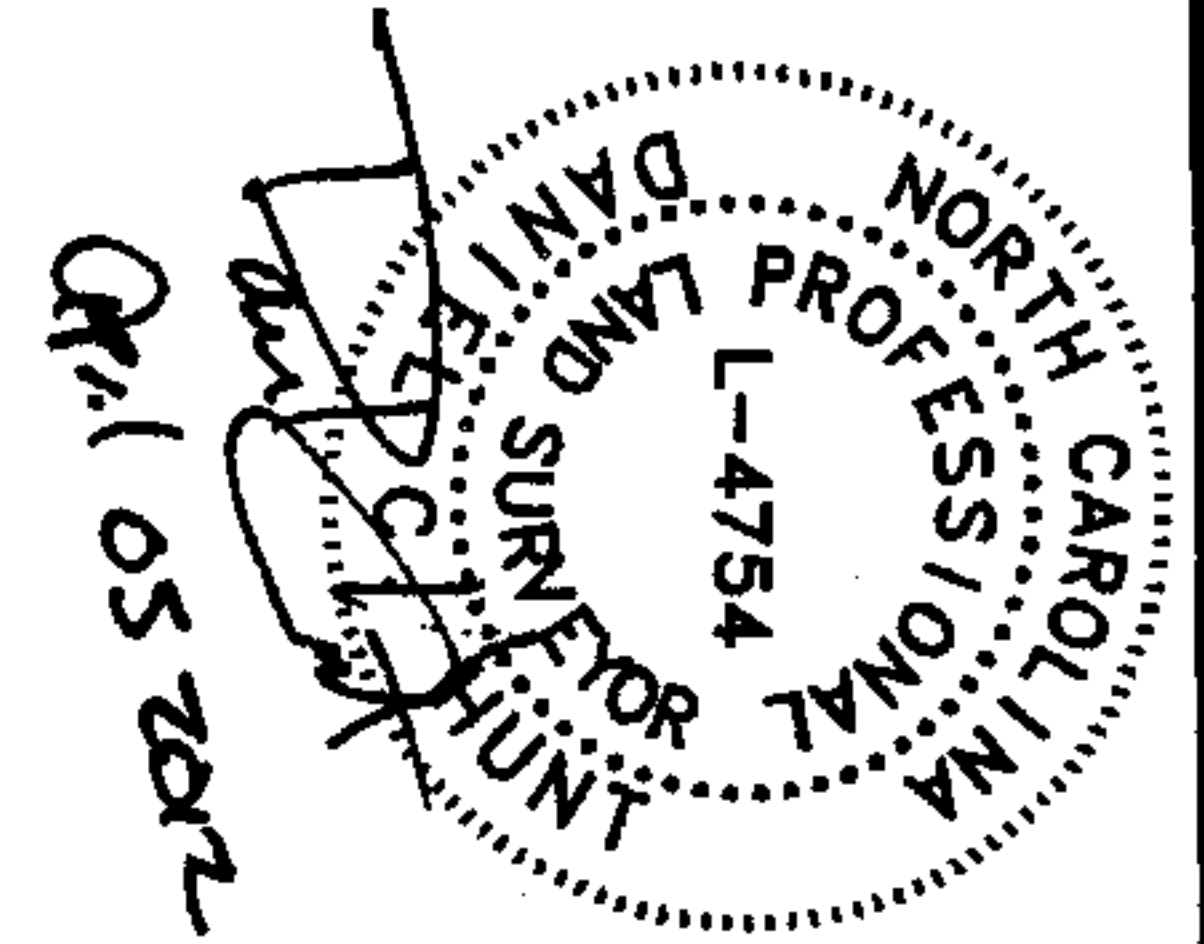


UNLESS SIGNED, SEALED AND DATED, THIS IS A PRELIMINARY PLAN, NOT FOR RECORDATION, OR CONVEYANCES.

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

P.B. 28, P. 113
SECTION TWO, MAP SIX

P.B. 28, P. 113
SECTION TWO, MAP SIX



ROTATION NORTH PER P.B. 28, P. 113

1. DANIEL C. HUNT CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ OR OTHER REFERENCE SOURCE _____) THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT BOOK 28 PAGE 113; OR OTHER REFERENCE SOURCE _____ THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:20,000+; AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)

THIS 05 DAY OF APRIL 2012

PROFESSIONAL SURVEYOR *Daniel C. Hunt*

REGISTRATION NUMBER L-4754

FLOOD PLAIN NOTE:
THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. THIS PROPERTY IS LOCATED WITHIN FLOODPLAIN ZONE "X-UNSHADED". THIS INFORMATION IS BASED ON THE F.E.M.A. F.I.R.M. PANEL NUMBER PANEL 9880J, 5710989000J, DATED FEBRUARY 2, 2007.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND IS MADE SUBJECT TO ANY DOCUMENT OF RECORD WHICH MAY AFFECT SUBJECT PROPERTY.

PLN # 9881-71-3610



HUNT LAND SURVEYING, P.C.
P.O. BOX 71465 DURHAM, N.C. 27722
TELEPHONE 919.368.0602 / FAX 866.431.3055
EMAIL—dcmh@hunts5355@msn.com

SURVEY FOR:
BILL BLACK
MARIA BLANCO
CHAPEL HILL TOWNSHIP
ORANGE COUNTY, NORTH CAROLINA

SCALE: 1"=40' DATE: 4-05-12 JUN 120405