

COUNTY OF CHEROKEE

DECLARATION OF ANNEXATION OF PROPERTY TO WILDCAT SUBDIVISION

This Declaration of Annexation made this 1<sup>st</sup> day of June, 1998 by:

ARVIL COOK DEVELOPMENT COMPANY, LLC,  
hereinafter termed "Declarant"

WITNESSETH:

WHEREAS, Declarant executed a certain Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens, and Charges of Wildcat as recorded in Deed Book 751, Page 142, as amended in Deed Book 776, Page 144, Cherokee County, North Carolina Registry, reference to which is made hereby for incorporation herein; and

WHEREAS said instrument provides for annexation of additional properties under the terms of said Agreement; and

WHEREAS, Declarant is now the owner of a certain Lots 61, 62 and 63, Wildcat as described on Schedule "A" attached hereto and by reference thereto incorporated herein; and

WHEREAS it is the desire and intention of Declarant to annex said properties as hereinabove referenced under the terms and conditions of the Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges of Wildcat so that said property will come under a general plan or scheme of improvements for the benefit of all the lands referred to in the original Declaration and the herein referenced property;

NOW, THEREFORE, Declarant declares that the property above referred to shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the provisions as contained in that certain instrument being the Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges of Wildcat as amended and above referred to, all of which are declared and agreed to be in furtherance of a plan for subdivision improvements and sale of said real property and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of said property and every part thereof, all of which shall run with the land, be appurtenant thereto, and shall be binding on all parties having acquired any part thereof.

IN WITNESS WHEREOF, the Declarant has hereunto set their hands and seals, or if corporate have caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of the Board of Directors or if a Limited Liability Company has caused the Managers of the Company to sign in their capacity the day and year first above written.

ARVIL COOK DEVELOPMENT COMPANY, LLC

By: \_\_\_\_\_(SEAL)  
ARVIL COOK, Manager

By: \_\_\_\_\_(SEAL)  
CAROL ANN COOK, Manager

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I NOLAND W. SMITH, a Notary Public of said state and county, do hereby certify that ARVIL COOK and CAROL ANN COOK, Managers of ARVIL COOK DEVELOPMENT COMPANY, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 24<sup>th</sup> day of June, 1998.

My Commission expires:

5-31-2001

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Notary Public

## SCHEDULE "A"

Those certain tracts or parcels of land known as Lots 61, 62 and 63 Wildcat and being more particularly described according to a plat of survey by Adams Surveying, L. B. Adams, R.L.S., dated May 27, 1998, revised June 3, 1998 and from said plat of survey described as follows:

BEGINNING on an iron rod set being a point in common with Lots 35 and 36, Wildcat and runs then with the line of Lot 35 N 49-13 W 157.35 feet to an iron rod found; then N 56-47 W 164.21 feet to an iron rod found on or near the margin of an access road; then N 56-47 W 37.46 feet to a point in the centerline of said road; then with the centerline of said road N 51-48 E 58.80 feet to a point; then N 21-47 E 35.32 feet to a point in the centerline of said road; then turning and leaving said road centerline N 70-09 E 88.10 feet to an iron rod set; then N 55-47 E 193.51 feet to a point in the centerline of a branch; then with the centerline of said branch the following courses and distances: S 35-08 E 20.98 feet; S 03-57 E 69.01 feet and S 51-54 E 137.91 feet to a point in the centerline of a road over said branch; then with the centerline of said road the following courses and distances: S 09-20 W 50.46 feet; S 07-42 E 47.87 feet; S 15-48 E 70.79 feet; S 16-23 E 94.15 feet; S 11-44 W 107.08 feet and S 24-51 W 67.70 feet to a point in the centerline of said road being a point in common with Lot 36, Wildcat; then turning and leaving said road centerline and with the line of Lot 36 N 37-53 W 54.84 feet to an iron rod set and N 37-53 W 162.65 feet to the BEGINNING.