

CHARLES WELBORN, JR.

ATTORNEY AT LAW

309 S. MAIN ST.

ANDERSON, S. C. 29624

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

RIGHT OF WAY EASEMENT GRANT

WHEREAS, Westside Church of Christ is the owner of certain property recorded in the Office of the Clerk of Court for Anderson County, South Carolina, in Deed Book 17-E at Page 280 ("the servient tract"); and

WHEREAS, Dorothy Lavinia Beebe is the owner of certain property described as 0.435 acres, more or less, recorded in the Office of the Clerk of Court for Anderson County, South Carolina, in Deed Book 19-V at Page 559 (as to Harold Beebe, deceased), subsequently conveyed by Deed of Distribution to Dorothy Lavinia Beebe in Deed Book 2057 at Page 060 ("the dominant tract"); and

WHEREAS, Westside Church of Christ hereby acknowledges that the septic tank, lines, and effluent field (collectively the "septic system") of the dominant tract is located on the southern portion of the servient tract, and it is necessary that this be formalized in writing so that the owner of the dominant tract shall be granted an easement or right of way for the use, maintenance, repair, and upkeep of the septic system . . .

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Westside Church of Christ, by and through its Trustees, Cecil Drumhiller, Brett Broyles, Edward Herren, and Marvin Lain, being the owner in fee simple of the servient tract as referenced above, do hereby create, designate, perpetuate, and impose a right of way or easement for the use and benefit of the dominant tract as follows:

1. Said easement shall be for the use and benefit of said dominant tract, shown in Deed Book 2057 at Page 060 and in Plat Book 89 at Page 224.

2. Said easement shall be an easement appurtenant to the dominant tract, for the use and benefit of the current or future owner of said dominant tract, and shall be an easement which is exclusive to the use and benefit of the said dominant tract.

3. This easement shall continue in full force and effect until such time as a public sewer line becomes available to the dominant tract, in which event the owner of the dominant tract, at the request of the owner of the servient tract, agrees to connect to the public sewer system. In that event, the owner of the dominant tract agrees to execute such instruments as might be requested by the owner of the servient tract to terminate this Right of Way Easement Grant.

4. In the further event that the owner of the servient tract should need the use of the property where the septic system is located, and this use shall conflict with the use of the septic system, the owner of the servient tract may relocate the septic system, provided same is done without cost to the owner of the dominant tract, and provided further that the relocating of the septic system shall not be done in such a fashion as to diminish the capacity of the system, and any such relocating must be done at such a time so as not to interfere with the business use of the property of the dominant tract.

5. If the owner of the dominant tract should acquire title to any property adjoining the dominant tract, it shall cause a PERC test to be done within thirty days from the date the adjoining property was acquired. In the event the property shall pass a PERC test for purposes of a septic tank system, lines, and effluent field which is substantially the same as the one presently in place on the property of the servient tract, such a septic tank system

and related equipment must be installed within 120 days from the date the adjoining property was acquired. In that event, the owner of the dominant tract shall disconnect the septic tank presently in place on the property of the servient tract, and shall execute whatever instruments are required to terminate the within right of way easement grant. Any and all expenses in connection with this shall be borne by the owner of the dominant tract. It is the intent of this portion of the Agreement that no expenses shall be incurred by the owner of the servient tract.

6. The terms, covenants, provisions, and conditions of this instrument shall extend to and be binding upon the heirs, personal representatives, successors, and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has hereunto set their hands and seals this 26th day of January, 1997.

WITNESSES:

Cecil P Brewster
Warrell H. Clark

WESTSIDE CHURCH OF CHRIST

BY: Cecil Drumhiller
Cecil Drumhiller, Trustee

Cecil P Brewster
Warrell H. Clark

BY: Brett Broyles
Brett Broyles, Trustee

Cecil P Brewster
Warrell H. Clark

BY: Edward Herren
Edward Herren, Trustee

Cecil P Brewster
Warrell H. Clark

BY: Maryin Lain
Maryin Lain, Trustee

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

PROBATE AS TO CECIL DRUMHILLER

PERSONALLY appeared before me the undersigned, who on oath says that (s)he saw the within named Westside Church of Christ by its Trustee, Cecil Drumhiller, sign, seal, and as its act and deed, deliver the within written RIGHT OF WAY EASEMENT GRANT, and that (s)he with the other subscribing witness, witnessed the execution thereof.

SWORN TO AND SUBSCRIBED)
before me this the 26th)
day of January, 1997.)
Cecil P Brewster (LS))
Notary Public for S.C.)
My Comm. Expires: 6-12-2000)

Warrell H. Clark

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

PROBATE AS TO BRETT BROYLES

PERSONALLY appeared before me the undersigned, who on oath says that (s)he saw the within named Westside Church of Christ by its Trustee, Brett Broyles, sign, seal, and as its act and deed, deliver the within written RIGHT OF WAY EASEMENT GRANT, and that (s)he with the other subscribing witness, witnessed the execution thereof.

SWORN TO AND SUBSCRIBED)
before me this the 26th)
day of January, 1997.)
Carol P. Burton (LS))
Notary Public for S.C.)
My Comm. Expires: 6-12-2000)

Danell H. Clark

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

PROBATE AS TO EDWARD HERREN

PERSONALLY appeared before me the undersigned, who on oath says that (s)he saw the within named Westside Church of Christ by its Trustee, Edward Herren, sign, seal, and as its act and deed, deliver the within written RIGHT OF WAY EASEMENT GRANT, and that (s)he with the other subscribing witness, witnessed the execution thereof.

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Carol P. Burton (LS))
Notary Public for S.C.)
My Comm. Expires: 6-12-2000)

Danell H. Clark

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

PROBATE AS TO MARVIN LAIN

PERSONALLY appeared before me the undersigned, who on oath says that (s)he saw the within named Westside Church of Christ by its Trustee, Marvin Lain, sign, seal, and as its act and deed, deliver the within written RIGHT OF WAY EASEMENT GRANT, and that (s)he with the other subscribing witness, witnessed the execution thereof.

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Carol P. Burton (LS))
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Danell H. Clark

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R M C DEPARTMENT ANDERSON CO
Montez Burton, Director
Register of Mesne Conveyance