

JERRY W. CRUTCHFIELD R.L.S. 1912
 TONY W. CRUTCHFIELD R.L.S. 1798
 P.O. BOX 292
 1912 & 1798

ROY
WILSON

THIS INSTRUMENT PREPARED BY:

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STEVE HALL
REGISTER OF DEEDS
KNOX COUNTY

PART OF MAP AND PARCEL #056-017.00

****DECLARATION OF JOINT PERMANENT EASEMENT
AND MAINTENANCE AGREEMENT****

THIS DECLARATION OF JOINT PERMANENT EASEMENT AND MAINTENANCE AGREEMENT, is made this 29th day of November, 2004, by **CHARLES H. BREWER & wife, KATHY BREWER**, of Campbell County, Tennessee, herein called "Declarants," as follows:

RECITALS:

WHEREAS, Declarants are the record owners of certain real property located in the Sixth Civil District of Knox County, Tennessee, and in the Powell Community, and being the same property more particularly described in Warranty Deed of Record as Instrument #20040511-0103975 in the Register's Office for Knox County, Tennessee; and

WHEREAS, by plat to be submitted to the Metropolitan Planning Commission for approval, Declarants intend to subdivide the above referenced property into five separate lots to be collectively known and designated as Wild Brier Subdivision; and

WHEREAS, access to each of the five lots as shown on the above-referenced plat is to be by means of a joint permanent easement crossing portions of each of the five lots, also as shown on the above-referenced plat; and

WHEREAS, Declarants now intend to dedicate the following described easement for egress and ingress and as a utility and drainage easement for the joint use and benefit of each of the five lots in Wild Brier Subdivision

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, and for the purpose of satisfying the requirements of the Metropolitan Planning Commission, Declarants hereby establish a joint permanent easement for the purpose of egress and ingress to and from Bell Campground Road and as a utility and drainage easement for the joint use and benefit of all five lots as shown on the plat designated as Wild Brier Subdivision, as prepared by Tony W. Crutchfield, R.L.S. #1788, dated October 20, 2004, said plat to be recorded in the Register's Office for Knox County, Tennessee, said easement being more particularly bounded and described on Exhibit "A" attached hereto.

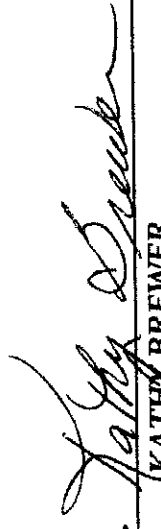
Responsibilities for the maintenance of the easement created hereby shall be the obligation of each of the property owners utilizing said easement, who shall be responsible for a pro-rata share of the costs and expenses associated with said maintenance based on the acreage within each Lot as shown on the plat of Wild Brier Subdivision. It is hereby stipulated that should one of the Lot owners desire to make improvements to said easement, then the other Lot owners shall be bound to contribute their pro-rata share of the costs of said improvement. In the event any Lot owner shall fail to contribute his/her/its pro rata share as established herein, such failure shall give rise to a lien in favor of the remaining lot owners. Said lien shall be enforceable by filing of a Notice of Lien in the Register of Deeds Office for Knox County, Tennessee and by commencing legal action in a court of competent jurisdiction for the enforcement of such lien created hereby.



Instr: 20041129004191 Page: 1 OF 3
REC'D FOR REC 11/29/2004 4:22:05PM
RECORD FEE: \$17.00
M. TAX: \$0.00 T. TAX: \$0.00

The easement created hereby shall run with the land and shall both benefit each of the five Lots in Wild Brier Subdivision, their owners and the heirs, successors, and assigns of such owners, and shall remain as an easement until such time as the easement may in the future be deemed a public roadway to be maintained by the appropriate governmental authority. The obligations assumed hereunder shall be from and after the date hereof enforceable by any parties in interest entitled to the land served by the easement.

IN WITNESS WHEREOF, the undersigned has executed this instrument on the date first above written.


CHARLES H. BREWER

KATHY BREWER

STATE OF TENNESSEE
COUNTY OF CAMPBELL

Personally appeared before me, the undersigned authority, a Notary Public in and for said County, the within named Grantor, CHARLES H. BREWER, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this

29

day of

November

2004

NOTARY PUBLIC

My Commission Expires: Dec. 11, 2005

STATE OF TENNESSEE
COUNTY OF CAMPBELL

Personally appeared before me, the undersigned authority, a Notary Public in and for said County, the within named Grantor, KATHY BREWER, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this

29

day of

November

2004

NOTARY PUBLIC

My Commission Expires: Dec. 11, 2005

OATH OF VALUE

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for the transfer or value of the property transferred, whichever is greater, is \$ 50, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.


GRANTOR/GRANTOR'S AGENT

Subscribed and sworn to before me this 29 day of Nov., 2004.

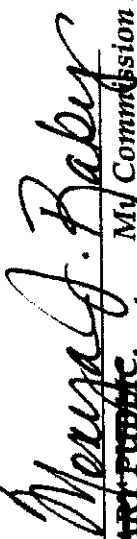

NOTARY PUBLIC. My Commission Expires: _____





EXHIBIT "A"
LEGAL DESCRIPTION OF JOINT PERMANENT EASEMENT AREA

SITUATE IN THE SIXTH CIVIL DISTRICT OF KNOX COUNTY, TENNESSEE AND BEING A PARCEL OF PROPERTY LOCATED IN THE POWELL COMMUNITY, SAID PARCEL BEING A PORTION OF THE BREWER PROPERTY REFERENCED IN INSTRUMENT 20040511-0103975 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE NORTH EDGE OF THE RIGHT-OF-WAY OF BELL CAMPGROUND ROAD APPROXIMATELY 250.0 FEET NORTHEAST OF THE CRUZE DRIVE INTERSECTION, SAID PIN BEING A CORNER OF THE HERBERT WELCH PROPERTY (611/541) AND BEING FURTHER LOCATED BY REFERENCE 30.0 FEET NORTH OF THE CENTER LINE OF THE ASPHALT PAVEMENT OF SAID BELL CAMPGROUND ROAD; THENCE LEAVING SAID CORNER OF WELCH AND GOING WITH THE MEANDERS OF THE NORTH EDGE OF SAID RIGHT-OF-WAY OF BELL CAMPGROUND ROAD SOUTH 58 DEGREES, 10 MINUTES, 33 SECONDS WEST, 69.20 FEET TO AN IRON PIN, SAID PIN BEING THE SOUTHEAST CORNER OF LOT 5 OF THE WILD BRIER SUBDIVISION. THENCE LEAVING SAID RIGHT-OF-WAY OF BELL CAMPGROUND ROAD AND GOING WITH THE EASTERN BOUNDARY OF SAID LOT 5 THE FOLLOWING COURSES: THENCE GOING ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 25.0 FEET, HAVING A DELTA ANGLE OF 98 DEGREES, 05 MINUTES, 09 SECONDS, HAVING AN ARC LENGTH OF 42.80 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 09 DEGREES, 07 MINUTES, 58 SECONDS EAST, 37.76 FEET; THENCE NORTH 39 DEGREES, 54 MINUTES, 36 SECONDS WEST, 38.57 FEET; THENCE CONTINUING ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 171.97 FEET, HAVING A DELTA ANGLE OF 54 DEGREES, 29 MINUTES, 20 SECONDS, HAVING AN ARC LENGTH OF 163.55 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 70 DEGREES, 05 MINUTES, 20 SECONDS WEST, 157.46 FEET TO AN IRON PIN, SAID PIN BEING THE NORTH CORNER OF LOT 4 OF SAID DEVELOPMENT. THENCE LEAVING SAID LINE OF LOT 5 AND GOING WITH THE NORTHERN BOUNDARY OF SAID LOT 4 THE FOLLOWING COURSES: THENCE ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 171.97 FEET, HAVING A DELTA ANGLE OF 07 DEGREES, 43 MINUTES, 26 SECONDS, HAVING AN ARC LENGTH OF 23.18 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 78 DEGREES, 48 MINUTES, 16 SECONDS WEST, 23.17 FEET; THENCE CONTINUING ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, HAVING A DELTA ANGLE OF 72 DEGREES, 18 MINUTES, 23 SECONDS, HAVING AN ARC LENGTH OF 63.10 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 54 DEGREES, 17 MINUTES, 35 SECONDS WEST, 58.99 FEET TO AN IRON PIN, SAID PIN BEING THE NORTH CORNER OF LOT 3 OF SAID DEVELOPMENT. THENCE LEAVING SAID LINE OF SAID LOT 3 AND GOING WITH THE EASTERN BOUNDARY OF SAID LOT 2 ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, HAVING A DELTA ANGLE OF 60 DEGREES, 12 MINUTES, 13 SECONDS, HAVING AN ARC LENGTH OF 52.54 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 00 DEGREES, 45 MINUTES, 06 SECONDS EAST, 50.15 FEET TO AN IRON PIN, SAID PIN BEING THE SOUTH CORNER OF LOT 1 OF SAID DEVELOPMENT. THENCE LEAVING SAID LINE OF LOT 2 AND GOING WITH THE SOUTHERN BOUNDARY OF SAID LOT 1 THE FOLLOWING COURSES: ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, HAVING A DELTA ANGLE OF 120 DEGREES, 07 MINUTES, 49 SECONDS, HAVING AN ARC LENGTH OF 104.83 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES, 04 MINUTES, 54 SECONDS EAST, 86.66 FEET; THENCE CONTINUING ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 211.13 FEET, HAVING A DELTA ANGLE OF 60 DEGREES, 02 MINUTES, 01 SECONDS, HAVING AN ARC LENGTH OF 221.22 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 73 DEGREES, 29 MINUTES, 17 SECONDS EAST, 211.24 FEET TO AN IRON PIN, SAID PIN BEING A CORNER IN THE BOUNDARY OF THE HERBERT WELCH PROPERTY (611/541). THENCE LEAVING SAID LINE OF LOT 1 AND GOING WITH SAID LINE OF WELCH SOUTH 39 DEGREES, 54 MINUTES, 36 SECONDS EAST, 77.29 FEET TO AN IRON PIN, SAID PIN BEING THE POINT OF BEGINNING. THIS PARCEL OF LAND, BEING A JOINT PERMANENT EASEMENT OF THE WILD BRIER SUBDIVISION (FORMERLY THE BREWER PROPERTY) CONTAINS 0.44 ACRES MORE OR LESS ACCORDING TO THE SURVEY OF TONY W. CRUTCHFIELD R.L.S. 1788 DATED 10-20-04.

