

DEED OF EASEMENT
AGREEMENT

AGREEMENT and deed of easement dated this 17 day of OCTOBER, 1986, by and between the Owners of the following described property in Volusia County, Florida, to-wit:

Lots 19, 20 and 21, Block 54, BETHUNE-VOLUSIA BEACH SUBDIVISION NO. 6, as per map in Map Book 11, pages 155-161, of the Public Records of Volusia County, Florida.

said Owners being MARION W. KENT and GRACE C. KENT, husband and wife, hereinafter referred to as "Grantors", and the Owners of the following described property in Volusia County, Florida, to-wit:

Lots 1 and 2, Block 54, BETHUNE-VOLUSIA BEACH SUBDIVISION NO. 6, as per map in Map Book 11, pages 155-161, of the Public Records of Volusia County, Florida.

and

Lots 3 and 4, Block 54, BETHUNE-VOLUSIA BEACH SUBDIVISION NO. 6, as per map in Map Book 11, pages 155-161, of the Public Records of Volusia County, Florida,

said Owners being BETHUNE BEACH BUILDERS, INC. and FORTY-FOUR INVESTMENTS, INC., both Florida corporations, hereinafter referred to as "Grantees":

W I T N E S S E T H :

For and in consideration of the mutual promises, covenants and agreements hereinafter set forth, the legal sufficiency of which is hereby mutually acknowledged by the parties hereto, the parties do hereby agree as follows:

1. This Deed of Easement Agreement rescinds and supercedes that prior Deed of Easement Agreement between the parties hereto dated January 10, 1986, filed January 24, 1986, in Official Record Book 2777, page 987, of the Public Records of Volusia County, Florida.

2. Grantors do hereby grant unto Grantees and Grantees' assigns, successors in interest, heirs at law, beneficiaries, etc. a non-exclusive easement for ingress and egress for a deep-water dock and walkway to be constructed by Grantees pursuant to the terms and conditions hereof over and westerly of Grantors' aforesaid real property, said easement being more particularly described as:

The Southerly 10.00 feet of Lots 19, 20 and of the Easterly 12.67 feet of Lot 21 and the Southerly 30.00 feet of Lot 21, except the Easterly 12.67 feet of said Lot 21, Block 54, BETHUNE VOLUSIA UNIT NO. 6 of 7 UNITS, as shown on map in Map Book 11, page 160 of the Public Records of Volusia County, Florida.

3. Grantors agree to cooperate with Grantees in connection with the application of construction permits for the aforesaid deep-water dock.

4. If constructed, the aforesaid dock shall be maintained by Grantees and Grantees' assigns, successors in interest, heirs at law, beneficiaries, etc. for as long as Grantors own Lots 19, 20 and 21, Block 54, BETHUNE-VOLUSIA BEACH SUBDIVISION UNIT NO. 6. Upon the death of Grantors, or upon the sale or other transfer of the aforesaid real property, maintenance costs shall be equally divided and paid by the new subsequent owners of the two (2) parcels of subject property, to-wit: Parcel 1: Lots 19, 20 and 21, Block 54; Parcel 2: Lots 1, 2, 3 and 4, Block 54, BETHUNE-VOLUSIA BEACH SUBDIVISION UNIT NO. 6.

5. It is the intent of the parties hereto that the obligations incurred hereunder run with the land and that said obligations may be assigned in whole or in part by Grantors and/or Grantees.

6. The walkway to be constructed over Grantors' real property shall be of shell, wood or some other non-permanent material.

7. Grantors shall have the right to use the deep-water dock to be constructed by Grantees and to berth a boat at the dock for as long as they are the record title owners of Lots 19, 20 and 21, Block 54, BETHUNE-VOLUSIA BEACH SUBDIVISION NO. 6.

8. If the dock so constructed should ever be destroyed or become unusable for any reason whatsoever, Grantees and Grantees' assigns, successors in interest, heirs at law, beneficiaries, etc. shall have one (1) year from the date of destruction or non-use to reconstruct the dock and/or make the dock usable. If the dock is not reconstructed or made reusable in this one year period of time then the easement granted herein and all of the terms, conditions and agreements contained herein shall terminate automatically.

9. Grantees shall have a 36-months from the date hereof to complete construction of the said deep-water dock. If not constructed by then, this Deed of Easement and Agreement shall be null and void.

WITNESS our hands and seals on the day and year first above written in New Smyrna Beach, Volusia County, Florida..

Heaven A. Dennis
Witness
Joyce E. Pasman
Witness

Marion W. Kent
Marion W. Kent
Grace C. Kent
Grace C. Kent

Joyce E. Pasman
Witness
Jammy K. Pilblad
Witness

BETHUNE BEACH BUILDERS, INC.
By: Brent Millikan
Brent Millikan, President

Joyce E. Pasman
Witness
Jammy K. Pilblad
Witness

FORTY-FOUR INVESTMENTS, INC.
By: Brent Millikan
Brent Millikan, President

AMENDMENT TO DEED EASEMENT BETWEEN MARION KENT & GRACE C. KENT BETHUNE BEACH BUILDERS INC. & FORTY FOUR INVESTMENTS INC.

10. Upon sale of lot 19, 20, 21 Bl. 54 Bethune Volusia Beach Subdivision Unit No. 6 by the Grantors the new subsequent owners shall have the right to use the deep water dock and to berth a boat for as long as they are the record title owner of these lots.

Leanna R. Dornio
Witness

Marion W. Kent
Marion W. Kent

[Signature]
Witness

Grace C. Kent
Grace C. Kent
Bethune Beach Builders, Inc.

Witnesses

by *Brent Millikan*
Brent Millikan, President
Forty-Four Investments, Inc.

Witnesses

by *Brent Millikan*
Brent Millikan, President

State of North Carolina
County of Macon

Before me an officer duly authorized to take and administer oaths personally appeared Marion W. Kent and Grace C. Kent his wife who after being duly sworn deposed and said that they executed the foregoing Deed of Easement and Agreement for the purpose set forth therein

Sworn to and subscribed before me this 21 day of October 1986

My commission expires 4/22/90

Leanna R. Dornio
Notary Public

State of Florida
County of Volusia

Before me an officer duly authorized to take and administer oaths personally appeared BRENT MILLIKAN President of Bethune Beach Builders Inc. who after being duly sworn deposed and said that he executed the foregoing Deed of Easement and Agreement for the purposes set forth therein

Sworn to and subscribed before me this 21 day of October 1986

My commission expires
Notary Public, State of Florida at Large
My Commission Expires February 5, 1990
Bonded thru Huckleberry, Sibley & Harvey Insurance and Bonds, Inc.

Mary W. Blanton
Notary Public

State of Florida
County of Volusia

Before me an officer duly authorizes to take and administer oaths personally appeared BRENT MILLIKAN, President of FORTY-FOUR INVESTMENTS, INC. who after being duly sworn, deposed and said that he executed the foregoing Deed of Easement and Agreement for the purposes set forth therein,

Sworn to and subscribed before me this 21 day of October 1986

My commission expires
Notary Public, State of Florida at Large
My Commission Expires February 5, 1990
Bonded thru Huckleberry, Sibley & Harvey Insurance and Bonds, Inc.

Mary W. Blanton
Notary Public

STATE OF North Carolina
COUNTY OF Wayne

BEFORE ME, an officer duly authorized to take and administer oaths, personally appeared MARION W. KENT and GRACE C. KENT, husband and wife, who after being duly sworn, deposed and said that they executed the foregoing Deed of Easement and Agreement for the purposes set forth therein.

SWORN TO and subscribed before me this 21st day of October, 1986.

James A. Y. Brown
Notary Public

My commission expires: 4/22/90

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, an officer duly authorized to take and administer oaths, personally appeared BRENT MILLIKAN, President of BETHUNE BEACH BUILDERS, INC., who after being duly sworn, deposed and said that he executed the foregoing Deed of Easement and Agreement for the purposes set forth therein.

SWORN TO and subscribed before me this 17 day of October, 1986.

Mary W. Blanton
Notary Public

My commission expires:
Notary Public, State of Florida at Large
My Commission Expires February 5, 1990
Bonded thru Huckleberry, Sibley &
Harvey Insurance and Bonds, Inc.

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, an officer duly authorized to take and administer oaths, personally appeared BRENT MILLIKAN, President of FORTY-FOUR INVESTMENTS, INC., who after being duly sworn, deposed and said that he executed the foregoing Deed of Easement and Agreement for the purposes set forth therein.

SWORN TO and subscribed before me this 17 day of October, 1986.

Mary W. Blanton
Notary Public

My commission expires:
Notary Public, State of Florida at Large
My Commission Expires February 5, 1990
Bonded thru Huckleberry, Sibley &
Harvey Insurance and Bonds, Inc.

PLAT OF BOUNDARY SURVEY OF

lots 3 and 4, Block 54, BETHUNE VOLUSIA BEACH UNIT 6 of 7 UNITS, as shown on map in Map Book 11, page 160 of the Public Records of Volusia County Florida.

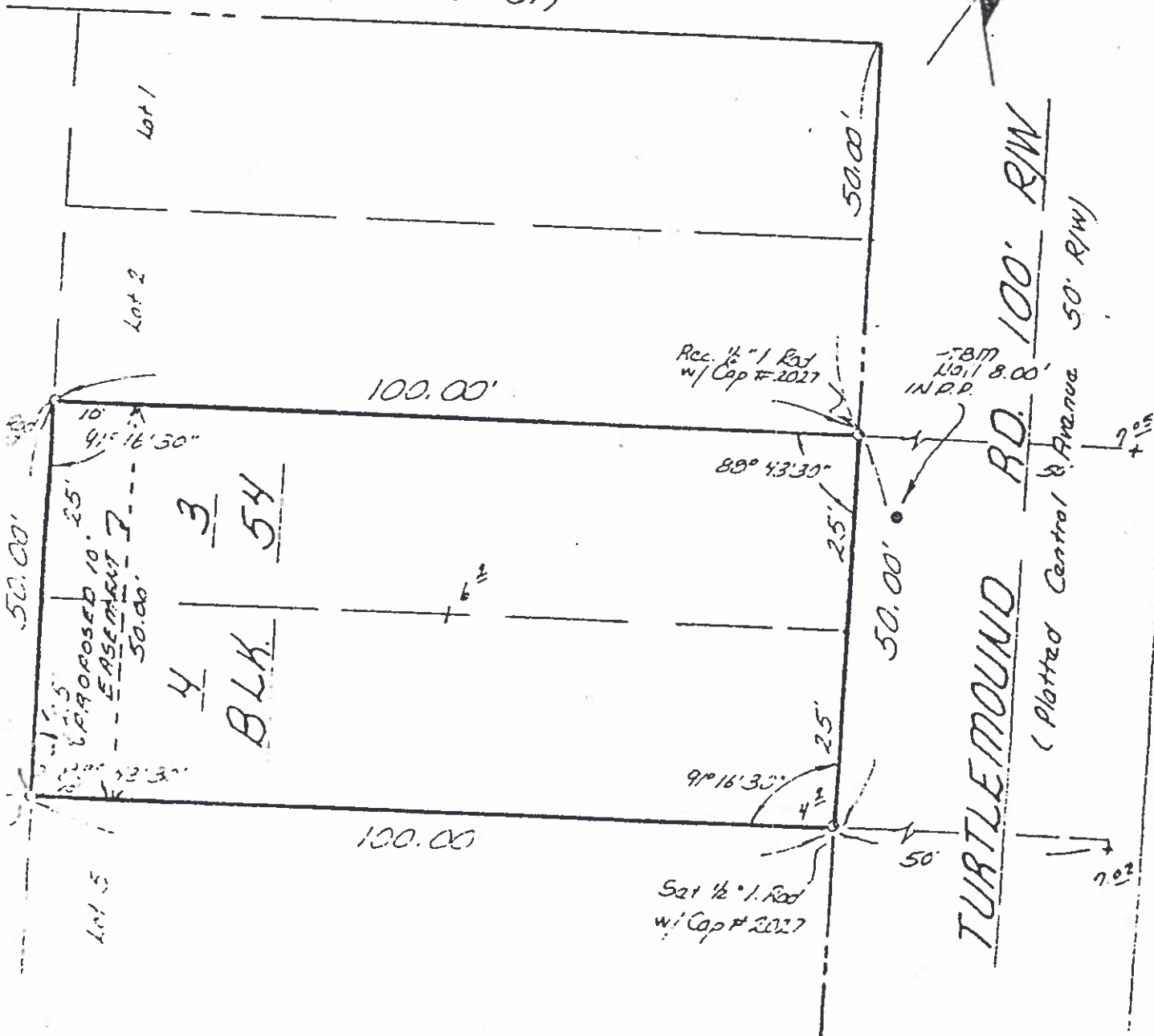
CONVEYOR'S NOTES:

- Angles per plat of record.
- Description per client.
- Subject to restrictions, reservations, limitations, easements and right of ways, if any, appearing of record.
- Elevations shown refer to NGVD and based on USCEGS Monuments.

TYPE: BOUNDARY SURVEY

On October 15, 1986 -- Added to plat proposed easement being described as follows: The Westerly 10.00 feet of Lots 3 and 4, Block 54, Bethune Volusia Beach Unit 6 of 7 Units as shown on map in Map Book 11, page 160 of the Public Records of Volusia County, Florida.

SNOOK AVE. 50' R/W
(Not Open)
(Plotted 18-A St)



WITH EMBOSSED SEAL

certified to meet the minimum technical standards of the Florida Board of Land Surveyors per Section 403.05

DANIEL W. CORY SURVEYOR, INC.
300 CANAL STREET
NEW SMYRNA BEACH FLA 32063
PHONE 904-427-9575

PLAN OF BOUNDARY SURVEY OF

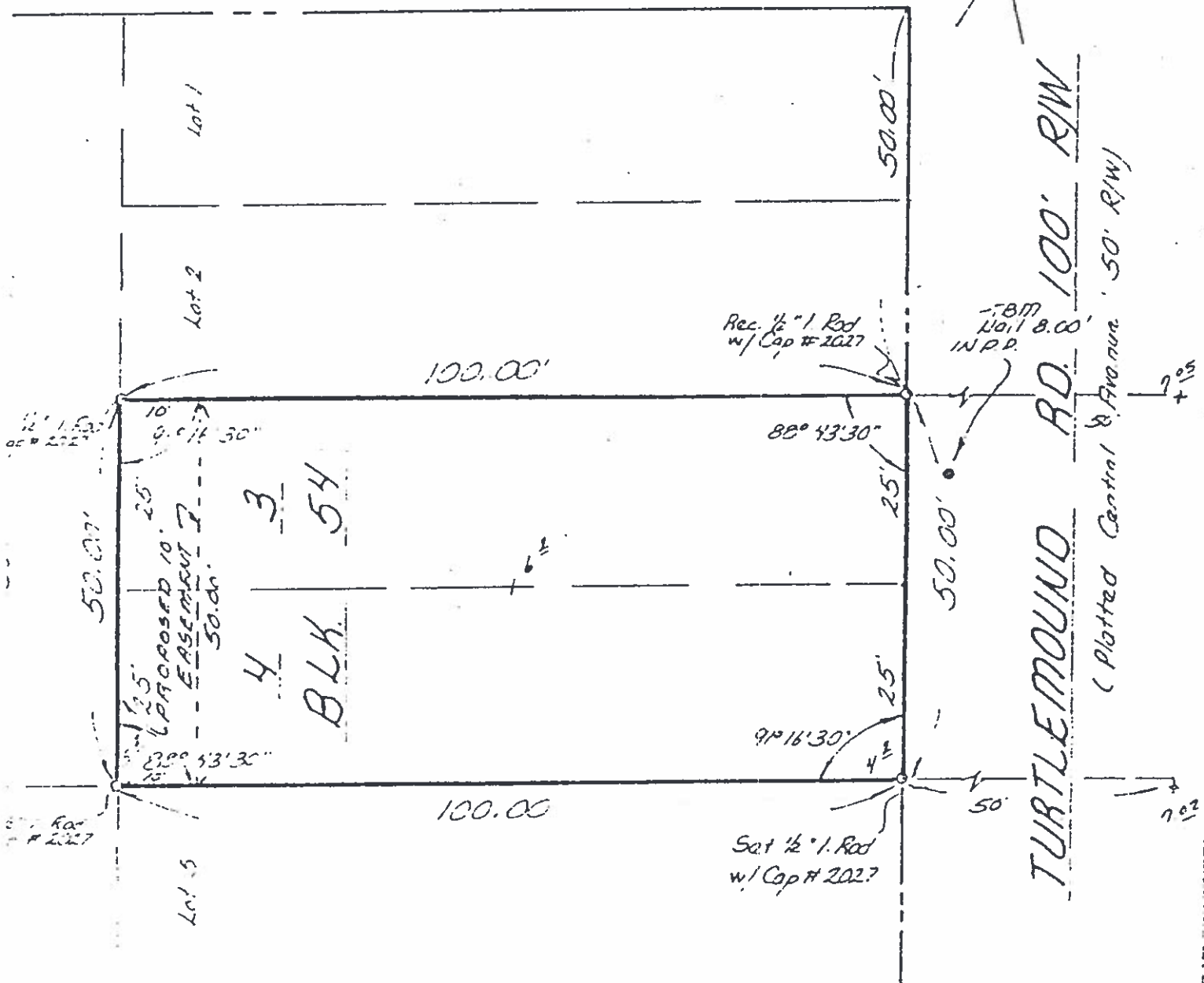
Lots 3 and 4, Block 54, BETHUNE VOLUSIA BEACH UNIT 6 of 7 UNITS, as shown on map in Map Book 11, page 160 of the Public Records of Volusia County Florida.

SURVEYOR'S NOTES:

- Angles per plat of record.
- Description per client.
- Subject to restrictions, reservations, limitations, easements and right of ways, if any, appearing of record.
- Elevations shown refer to NGVD and based on USC&GS Monuments.
- TYPE: BOUNDARY SURVEY

October 15, 1986 -- Added to plat proposed easement being described as follows: The Westerly 10.00 feet of Lots 3 and 4, Block 54, Bethune Volusia Beach Unit 6 of 7 Units as shown on map in Map Book 11, page 160 of the Public Records of Volusia County, Florida.

SNOOK AVE. 50' R/W
(Not Open)
(Plotted 18-A St)



VOID ONLY WITH EMBOSSED SEAL

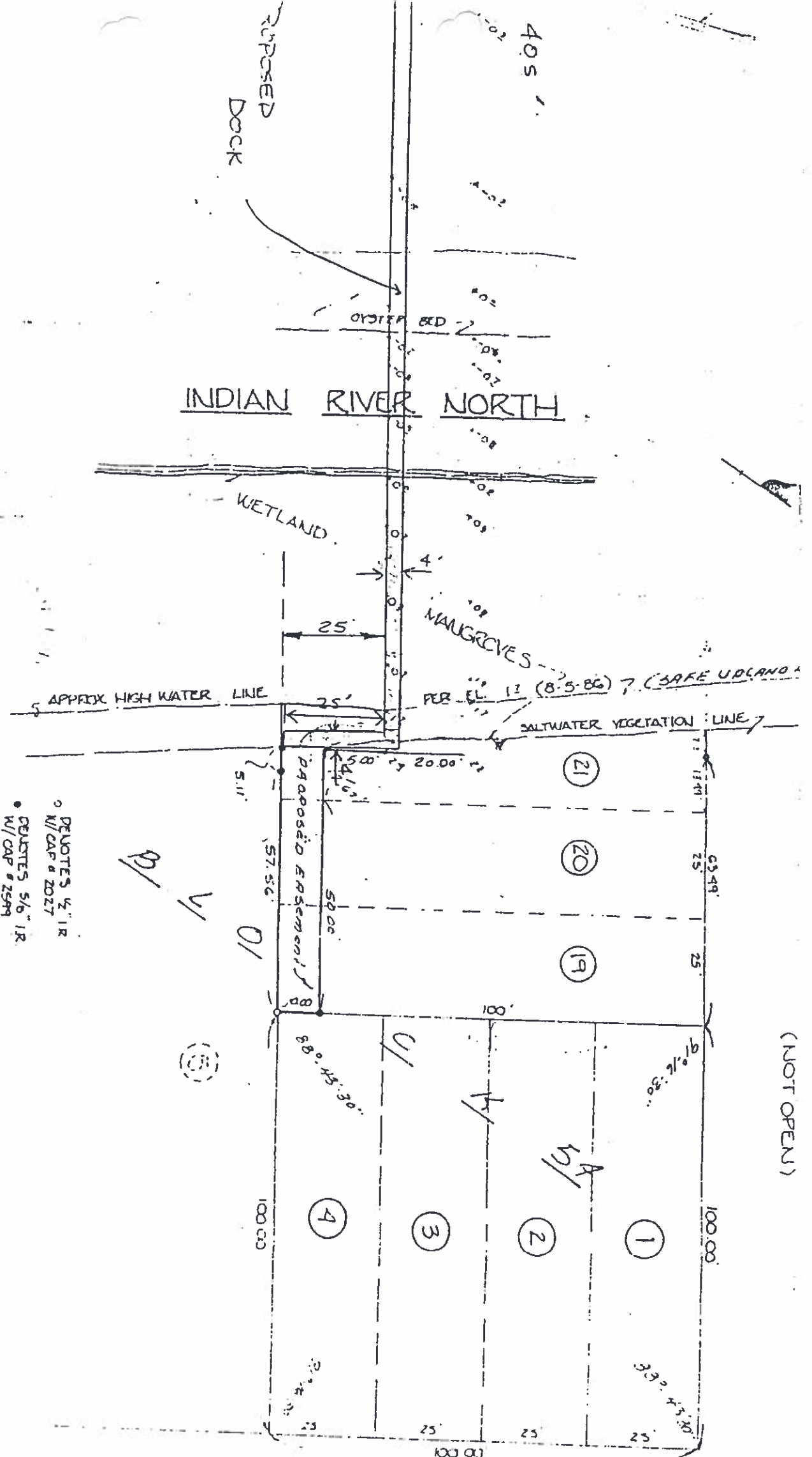
Surveying that is certified to meet the minimum technical standards prescribed by the Florida Board of Land Surveyors per Section 10, Florida Statutes.

DANIEL W. CORY SURVEYOR, INC.
300 CANAL STREET
NEW SMYRNA BEACH FLA 32069
PHONE 904-427-9573

Daniel W. Cory

100000' SCALE

and right of ways, if any, appearing of record.
 Elevation 12.349 feet.
 SLS, Bureau of Survey and Mapping, Dept. of



VALID ONLY WITH EMBOSSED SEAL

The foregoing plat is certified to meet the minimum technical standards as established by the Florida Board of Land Surveyors, per Section 472.027, Florida Statutes.

Daniel W. Cory

TYPE "SPECIFIC PURPOSE SURVEY"	
DRAWN BY	DATE
CALC	
SURV DWT	

DANIEL W. CORY SURVEYOR, INC
 300 CANAL STREET
 NEW SMYRNA BEACH, FLA 32069
 PHONE 904 427 9575

(PLATTED CENTRAL AVE. 50' R/W)

405'

5
4
3
2
1
0
-1
-2
-3
-4
-5
ATION
VE
SL

1/4" GALVANIZED
CARRIAGE BOLT CONNECTION

2" X 6" DECK

2" X 6" PRESS. TREATED OUTSIDE STRINGER

WETLAND ISLAND
(SEMI-SUBMERGED LAND)

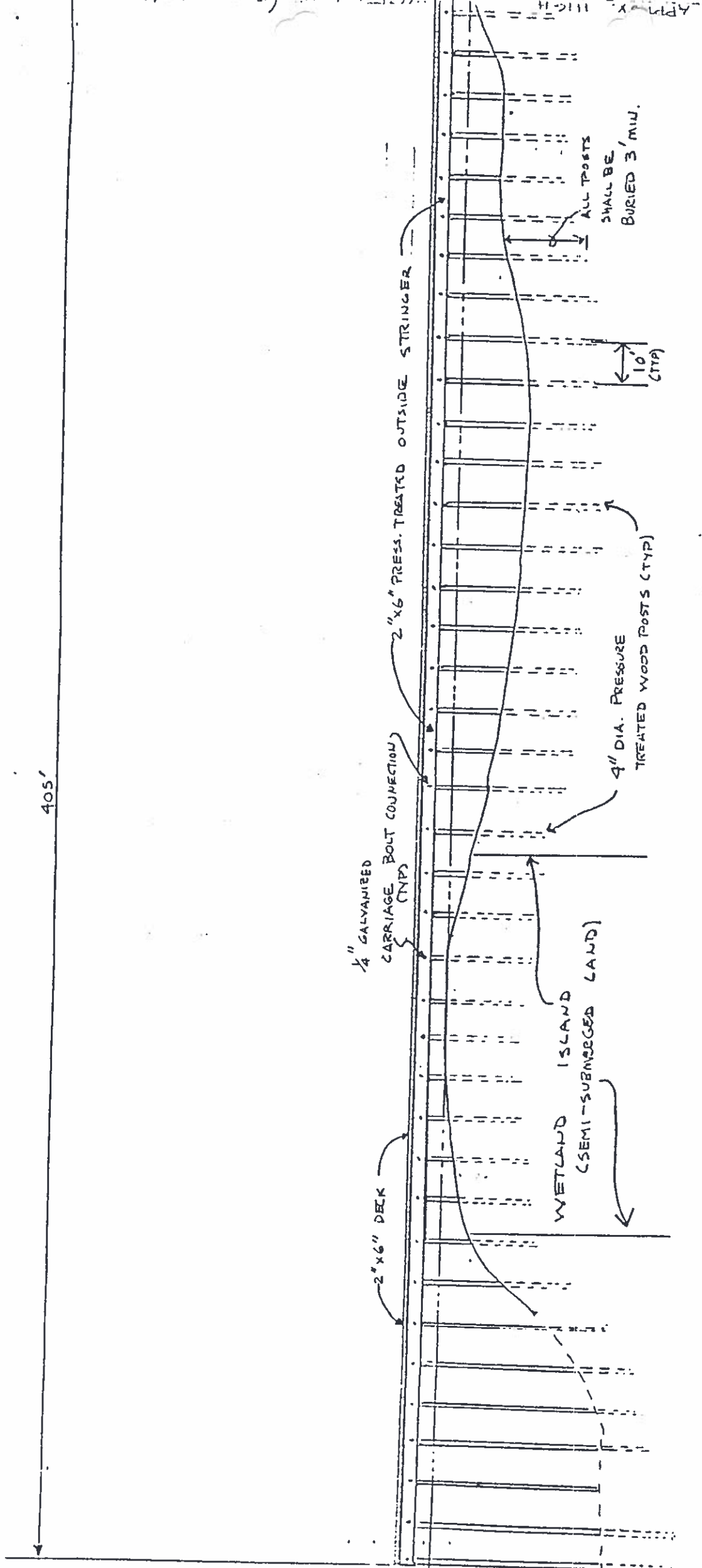
4" DIA. PRESSURE
TREATED WOOD POSTS (TYP)

ALL POSTS
SHALL BE
BURIED 3' MIN.

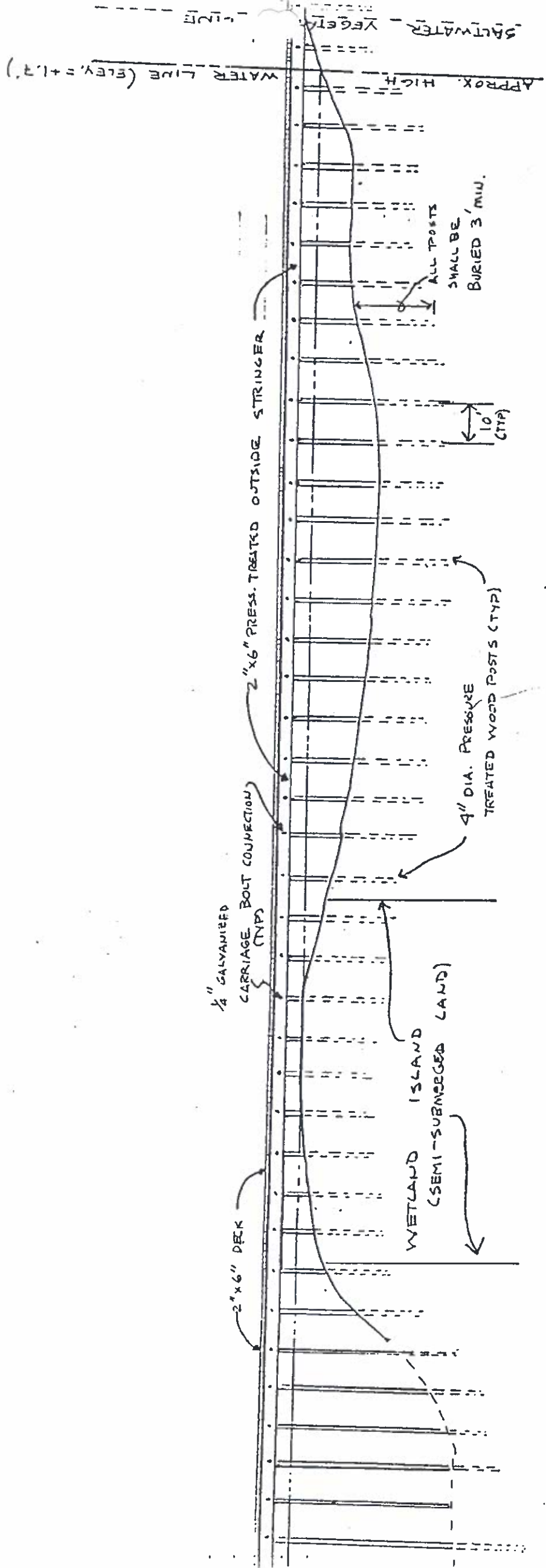
10'
(CTP)

ELEVATION

HORIZ. SCALE: 1" = 30'
VERT. SCALE: 1" = 5'



405'



1/4" GALVANIZED
CARRIAGE BOLT CONNECTION

2" X 6" PRESS. TREATED OUTSIDE STRINGER

4" DIA. PRESSURE
TREATED WOOD POSTS (TYP)

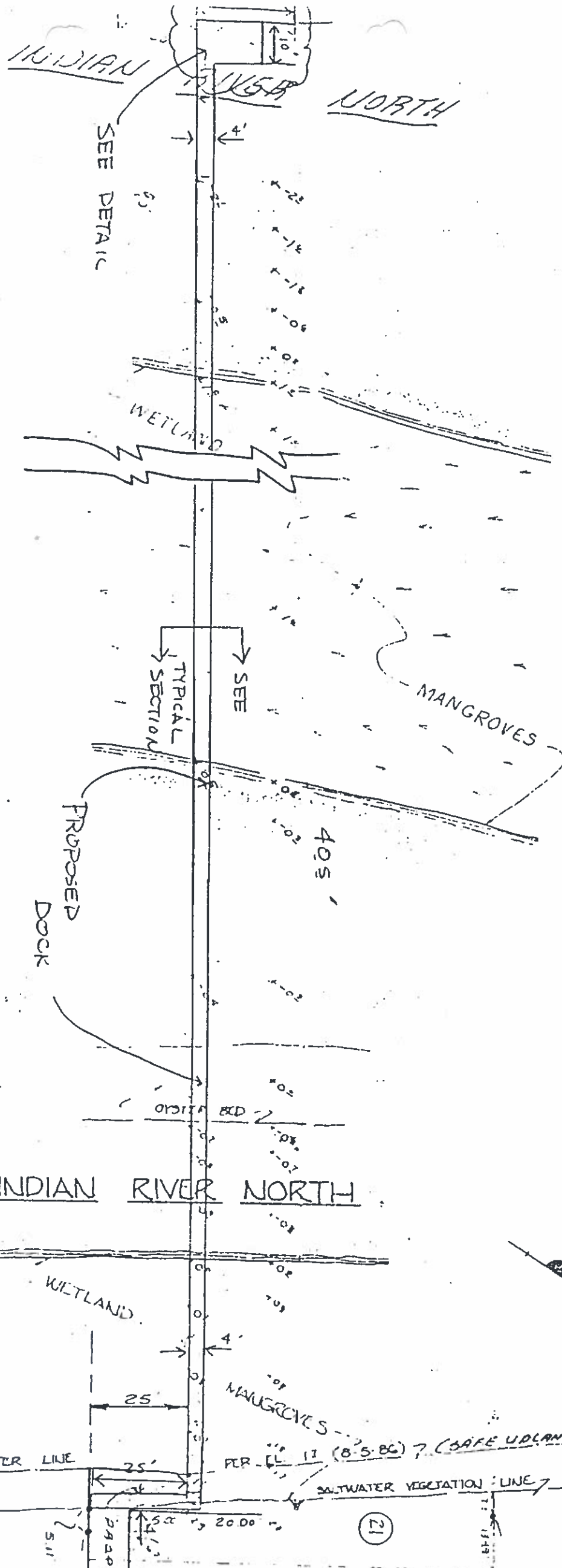
10"
(TYP)

WETLAND
(SEMI-SUBMERGED LAND)

APPROX. HIGH
WATER LINE (ELEV. = +1.7)

SALTWATER - VEGETATION
LINE

ALL POSTS
SHALL BE
BURIED 3' MIN.

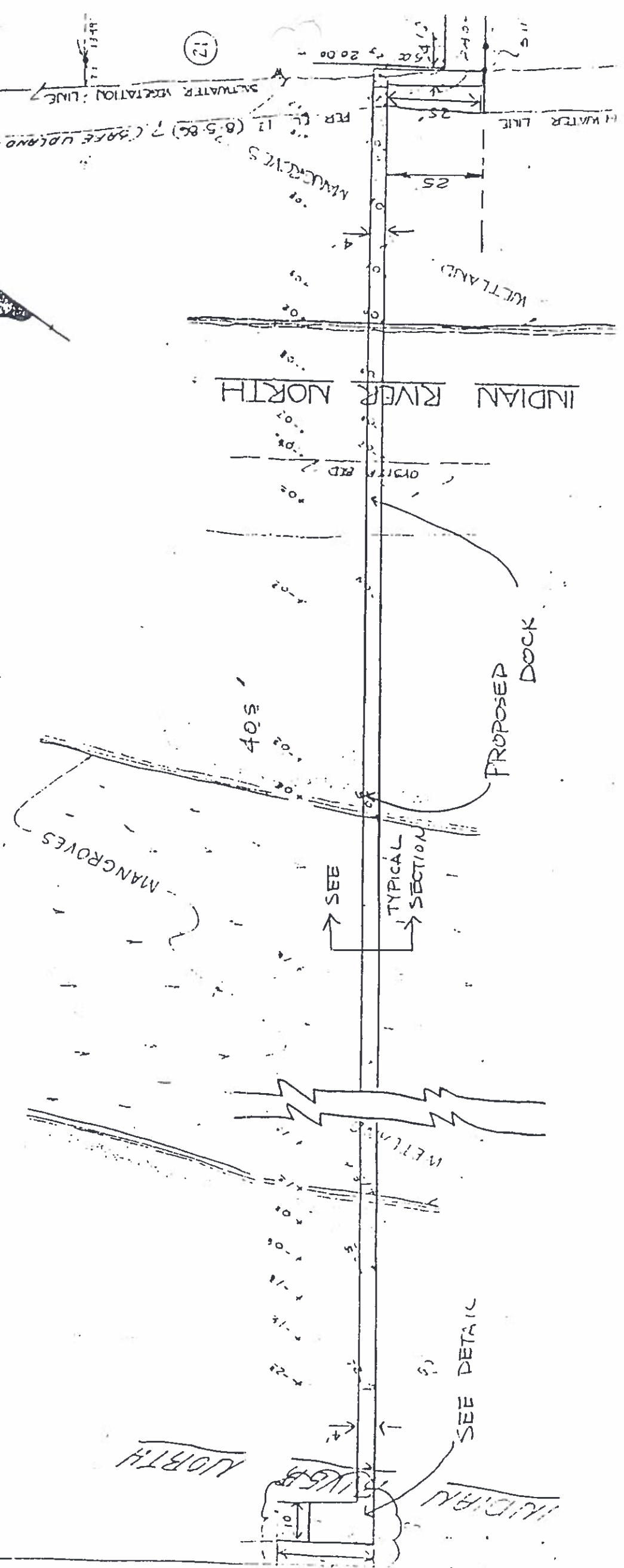


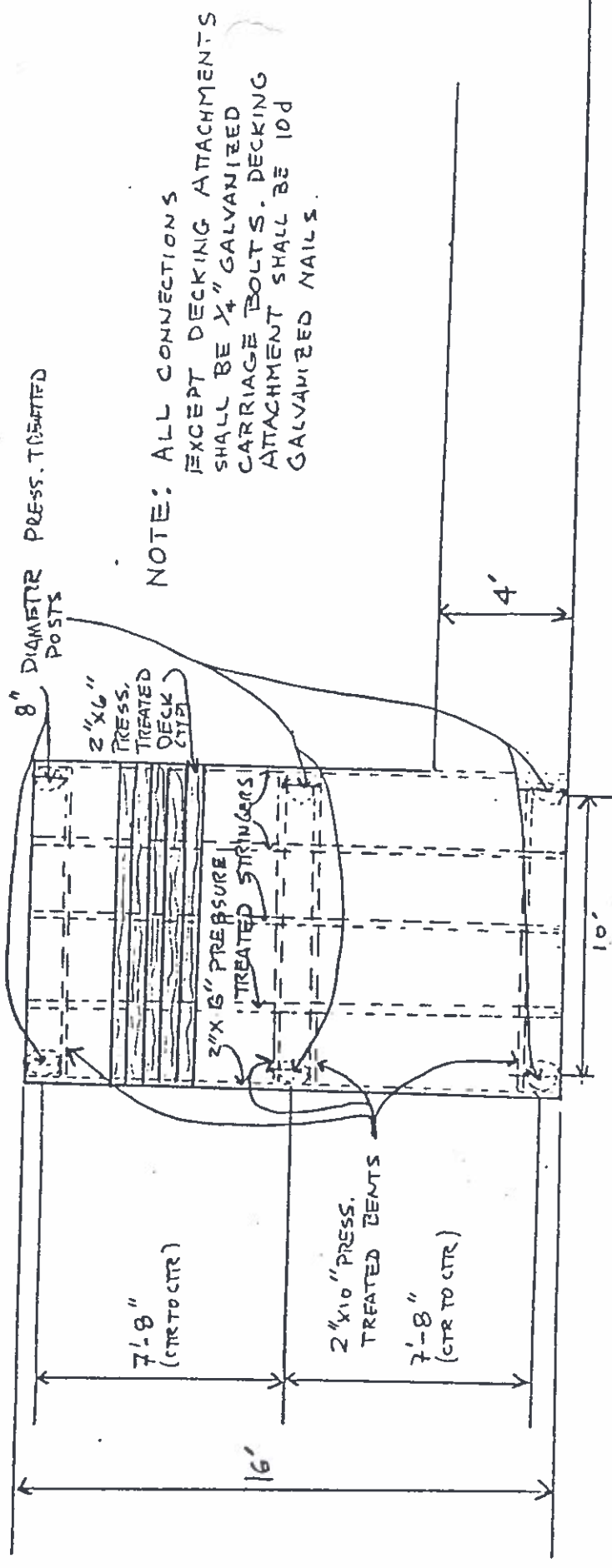
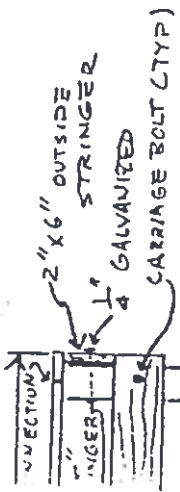
- SURVEYOR'S NOTES:**
1. Legal description prepared by the undersigned.
 2. Angles per plat of record.
 3. Subject to restrictions, reservations, easements and right of ways, if any, appearing of record.
 4. Elevations refer to NGVD and based on USCGS Monument U-212, elevation 12.349 feet.

VALID ONE
The foregoing

SPECIFIC PURPOSE SURVEY

Showing elevations of submerged and semi submerged land lying westerly of Lot 21, Block 54, BETHUNE VOLUSIA UNIT NO. 6 of 7 UNITS, as shown on map in Map Book 11, page 160 of the Public Records of Volusia County, Florida, together with a proposed easement described as follows: The Southerly 10.00 feet of Lots 19 and 20 and of the Easterly 12.67 feet of Lot 21 and the Southerly 30.00 feet of Lot 21, except the Easterly 12.67 feet of said Lot 21, Block 54, BETHUNE VOLUSIA UNIT NO. 6 of 7 UNITS, as shown on map in Map Book 11, page 160 of the Public Records of Volusia County, Florida.



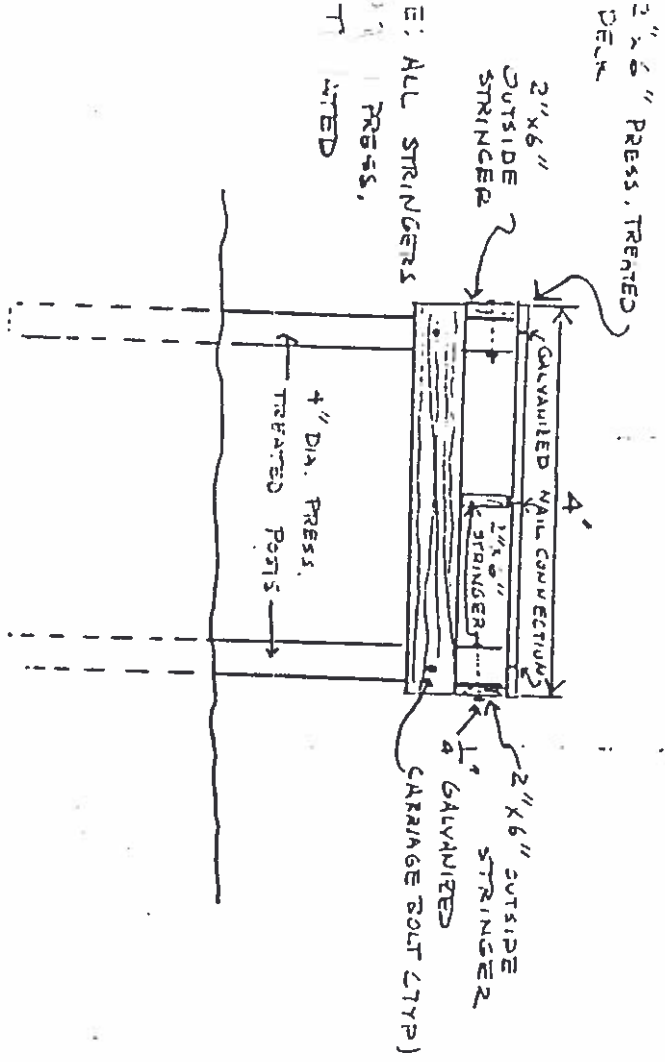


NOTE: ALL CONNECTIONS EXCEPT DECKING ATTACHMENTS SHALL BE 1/4" GALVANIZED CARRIAGE BOLTS. DECKING ATTACHMENT SHALL BE 10d GALVANIZED NAILS.

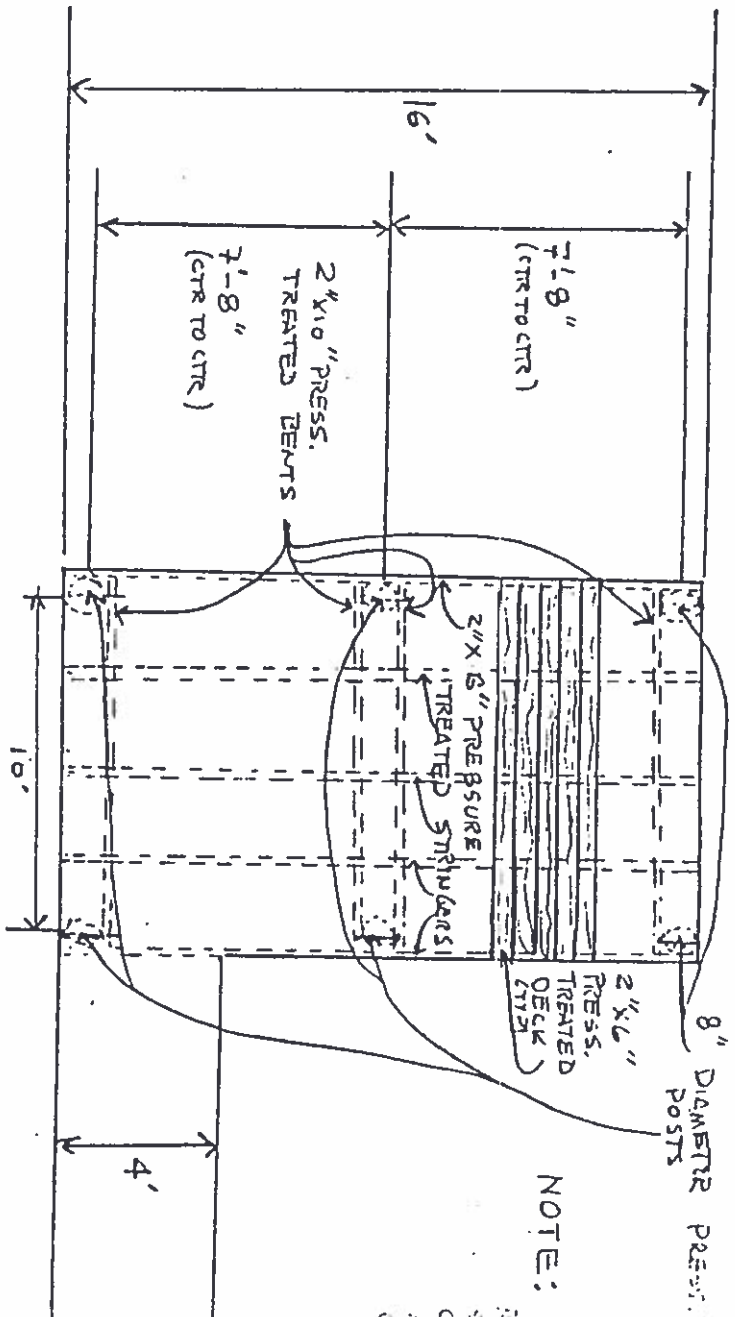
DETAIL

SCALE: 1/4" = 5'

CONNECTION



TYPICAL SECTION
SCALE: 1" = 2'



DETAIL
SCALE: 1" = 5'

NOTE: