

**STATE OF NORTH CAROLINA
COUNTY OF PENDER**

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT entered into this 7th day of May, 2014, by and between PAUL M. WOLFF and wife, CARLA D. WOLFF, parties of the first part, hereinafter referred to as WOLFF, and GERALD J. KOPECKY and wife, JANE M. KOPECKY, party of the second part, hereinafter referred to as KOPECKY.

W I T N E S S E T H :

Whereas, WOLFF intends to purchase that property described as Lot 1, Section G, Mallard Bay Subdivision, as shown on that map recorded in Map Book 18, at Page 12, of the Pender County Registry; and

Whereas, KOPECKY is the owner of that property described as Lot 1, Section H, Mallard Bay Subdivision, as shown on that map recorded in Map Book 18 at Page 12 of the Pender County Registry; and

Whereas, as shown on the survey map attached hereto as Exhibit A, a building owned by KOPECKY primarily located on Lot 1, Section H, encroaches onto Lot 1, Section G, by a distance of as much as 1.9 feet; and

Whereas, as shown on the survey map attached hereto as Exhibit A, the driveway owned by KOPECKY primarily located on Lot 1, Section H, encroaches onto Lot 1, Section G, by a distance of as much as 4.3 feet; and

Whereas, WOLFF has agreed to allow the said building encroachment to continue to exist until such time as the encroaching building is demolished or falls down, or until the

✓ Returned to & Received
by CARLA D. WOLFF

sale of either of the herein-described lots by their respective undersigned owners, and

WHEREAS, SAID parties have agreed so that the said driveway encroachment be continue to exist until such time as the encroaching driveway is demolished or falls into disrepair, or until the sale of either of the herein-described lots by their respective undersigned owners.

IN WITNESS WHEREOF, in consideration of the agreements hereinbefore mentioned and other considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The building encroachment onto Lot 1, Section G, Mallard Bay Subdivision, as said lot is shown on that map recorded in Map Book 18, at Page 12, of the Pender County Registry, and as said encroachment is shown on the attached survey, may continue to exist until such time as the encroaching building is demolished or falls down, or until the sale of either of the herein-described lots by their respective undersigned owners. In the event that the building is destroyed, the parties agree that the building shall be rebuilt without encroaching onto Lot 1, Section G.

2. The driveway encroachment onto Lot 1, Section G, Mallard Bay Subdivision, as said lot is shown on that map recorded in Map Book 18, at Page 12, of the Pender County Registry, and as said encroachment is shown on the attached survey, may continue to exist until such time as the encroaching driveway is demolished or falls into disrepair, or until the sale of either of the herein-described lots by their respective undersigned owners. In the event that the driveway is destroyed, the parties agree that the driveway shall be rebuilt without encroaching onto Lot 1, Section G.

IN WITNESS WHEREOF, Paul M. Wolff, Carla D. Wolff, Gerald J. Kopecky and Jane M. Kopecky have hereunto set their hands and seals, this 7th day of May, 2014.

Paul M. Wolff (SEAL)
Paul M. Wolff

Carla D. Wolff (SEAL)
Carla D. Wolff

Gerald J. Kopecky (SEAL)
Gerald J. Kopecky

Jane M. Kopecky (SEAL)
Jane M. Kopecky

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, a Notary Public of the County and State aforesaid, certify that Paul M. Wolff and Carla D. Wolff personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this 8th day of May, 2014.

My October 16, 2015 Commission Expires:
D. Mah Notary Public



STATE OF NORTH CAROLINA
COUNTY OF PENDER

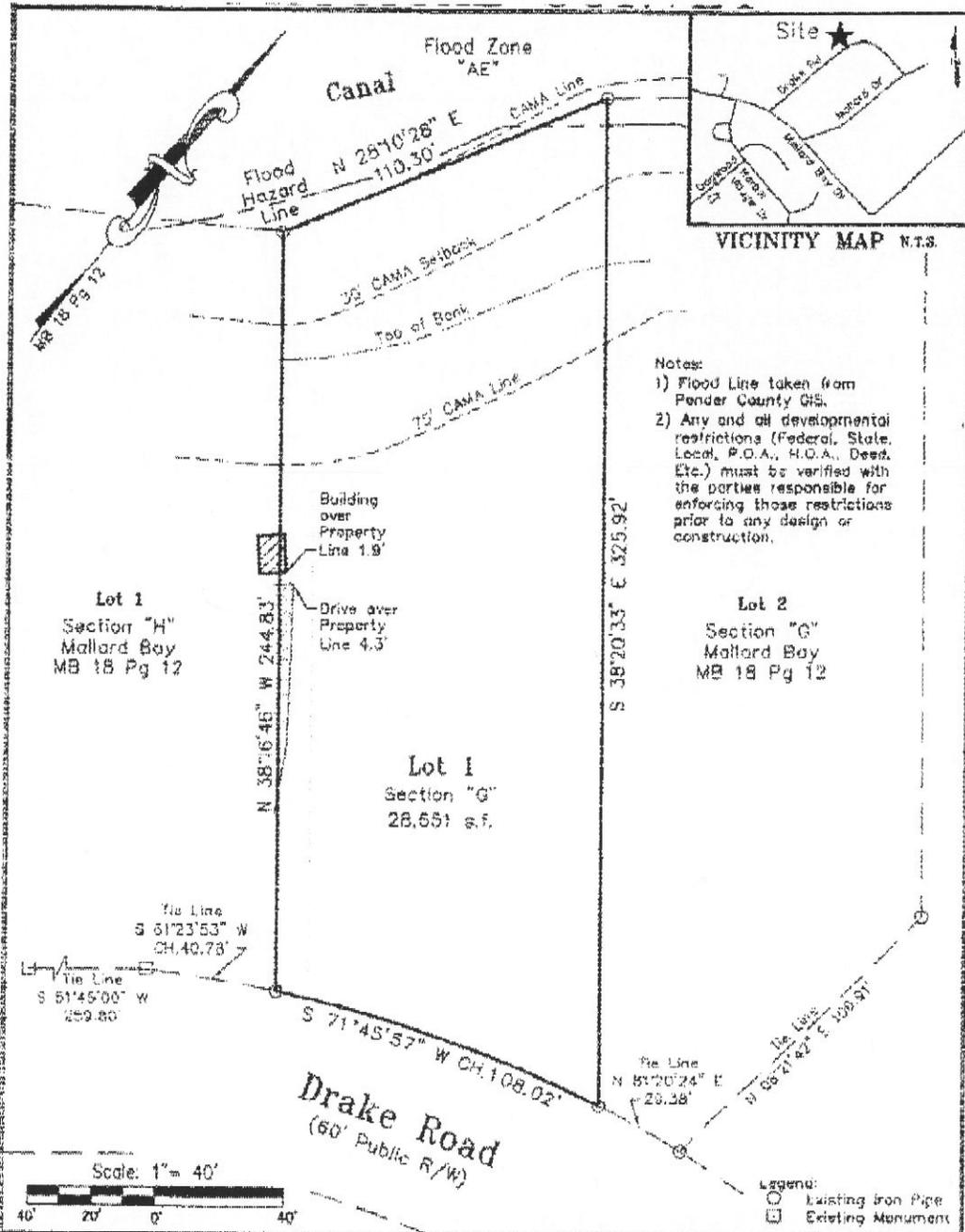
I, a Notary Public of the County and State aforesaid, certify

that Gerald J. Kopecky and Jane M. Kopecky personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this 7th day of May, 2014. ✓

My Robert Michael Servick Commission
ROBERT MICHAEL SERVICKEY Notary Public

Expires:
JUNE 27, 2015





<p>SURVEY FOR:</p> <p>Paul & Carla Wuff Drake Road Lot 1, Section "G" Mallard Bay Subdivision Topsail Township, Pender County, NC</p>	<p>I, Paul D. Talbot, do certify that this actual survey and map was performed and drawn under my supervision in accordance with "The Standards of Practice for Land Surveying in North Carolina" witness my original signature, license number and etal.</p> <p><i>Paul D. Talbot</i></p> <p>Paul D. Talbot, P.L.S. L-4098</p>
<p>Date: April 18, 2014</p> <p>Survey Reference: Deed Book 586 Page 259 Map Book 18 Page 12</p> <p>A portion of this property is located within a Special Flood Hazard Area.</p> <p>Project #: 1429 Map Name: 1429_BNDY.dwg Drafter: PJT</p>	<p>Talbot Land Surveying, P.C. 16747 U.S. Hwy 17, Suite 106 Hampstead, North Carolina 28443 Firm License C-2722 Phone: (910) 270-9834 Fax: (910) 270-9826</p>