

right-of-way easement shall cross that certain strip designated "Reserved by Owner" on the aforementioned plat and located between Lot 100 and that lot designated as the site of a lift station to be installed by the Western Carolina Regional Sewer Authority. This right-of-way shall extend from its intersection with Crosswinds Street in Silverleaf Subdivision along said strip and terminate at the common property line of the undersigned and that 10.40 acre tract owned by Joy K. Ayers and General Painting Company, Inc.

Joy K. Ayers and General Painting Company, Inc. by the acceptance and recording of this Easement and Agreement, do hereby agree as follows:

1. In the event of the development of said 10.40 acre tract, the easement granted herein shall be developed into a street according to County specification, and the cost for all improvements necessary to convert said easement into a street for the purposes of ingress and egress for said 10.40 acre tract and the cost of placing said road in the County road system shall be borne entirely by Joy K. Ayers and General Painting Company, Inc., their heirs, successors and assigns;

A development is defined as more than four residences on the tract. In the event of no development, parties agree the right of way will be a private drive for use only of owners, guests and authorized persons. Further, the right of way would not be deeded to the county.

2. Joy K. Ayers and General Painting company, Inc. shall <sup>hold life JKA</sup> American Service Corporation and the Western Carolina Regional Sewer Authority harmless from any and all liability which may result in connection with the improvement or construction of said fifty-foot (50') easement;

3. Joy K. Ayers and General Painting Company, Inc. hereby agree not to sell any lots of the 10.40 acre tract for a period of twelve (12) months from the date of the execution of this Easement and Agreement.

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