

THIS INSTRUMENT PREPARED BY:
JAMES E. BONDURANT, JR., ATTORNEY
TENNESSEE VALLEY TITLE INSURANCE CO.
1500 FIRST TENNESSEE PLAZA
KNOXVILLE, TN 37929
(82735)

DECLARATION OF NON-EXCLUSIVE JOINT PERMANENT EASEMENTS

THIS DECLARATION OF Non-Exclusive Joint Permanent Easements is made by C.L. Greene Development, LLC, a Tennessee Limited Liability Company (hereinafter, "Greene") as of this 17 day of October, 2005.

WITNESSETH:

WHEREAS, Greene is the fee-simple owner of Lots 1, 2 and 3 as shown on the subdivision plat of Wisteria Plantation, being a subdivision to Knox County, Tennessee, as shown on the map recorded as Instrument No. 200505090089675, in the Knox County Register of Deeds Office; and

WHEREAS, Greene is developing Lot 1 into a residential development known as Wisteria Plantation Condominiums; and

WHEREAS, as a part of the development of Wisteria Plantation Condominiums, a Master Deed for Wisteria Plantation Condominiums, Phase One, is simultaneously being executed and recorded along with this Declaration of Non-Exclusive Joint Permanent Eastments (hereinafter the "Declaration"); and

WHEREAS, Greene desires to dedicate non-exclusive joint permanent easements for ingress, egress and utilities running over, across and through that portion of Lot 1 of Wisteria Plantation which is described as the "Easement Area" on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Greene desires to reserve the full rights of dedication of the Easement Area to Knox County, Tennessee or the City of Knoxville, Tennessee, for a public road or right of way over the Easement Area.

NOW THEREFORE, in consideration of the mutual benefits to be derived herefrom, Greene, as the fee-simple owner of Lots 1, 2 and 3, of the subdivision of Wisteria Plantation as shown on that map of record as Instrument No. 200505090089675, in the Knox County Register of Deeds Office, and as the developer of Wisteria Plantation Condominiums Phase One and such other phases as may be added from time to time, does hereby declare as follows:

1. Greene does hereby declare, dedicate, grant and convey to the present and future owners of Lots 1, 2 and 3 of the subdivision of Wisteria Plantation and to each and every subdivided portion of said Lots either now existing or hereafter created, and to each and every owner of a condominium unit in the Wisteria Plantation Condominiums which are being developed on Lot 1 of Wisteria Plantation, non-exclusive joint permanent easements for ingress, egress and underground utilities, running over, across and through the easement area described on Exhibit "A" attached hereto.
2. The easement rights granted and declared herein shall run to the benefit of all current and future owners of Lots 1, 2 and 3 of Wisteria Plantation as shown on the map of record as Instrument No. 200505090089675, in the Knox County Register of Deeds Office, and it shall run to each and every successor, assign, heir, devisee, guest, invitee, contractor, subcontractor, and agent of the owners of Lots 1, 2 and 3 and said easements shall run to the benefit of each and every unit owner in the Wisteria Plantation Condominium project being developed on Lot 1 and to each and every future unit owner for any additional phases added to Wisteria Plantation Condominiums. The easements granted

herein are intended to benefit Lots 1, 2 and 3 and all parts thereof and shall be an appurtenance to each and every part thereof, and run with the land.

3. The owners of Lots 1, 2 and 3, shall share the expense of maintaining the Easement Area in a good and proper condition. The maintenance expenses for these easements shall be equally divided between the respective owners of Lots 1, 2 and 3 of Wisteria Plantation. However, this maintenance expense allocation may be reallocated and a greater burden of the maintenance expense placed on the Wisteria Plantation Condominiums as that project is developed. Greene does hereby specifically reserve the right to unilaterally reallocate this maintenance expense to a more equitable division among these lots at some future date.
4. Greene does further reserve to itself and to its successors and assigns the right to dedicate and specifically convey that property described as the Easement Area on Exhibit "A" attached hereto to Knox County, Tennessee or the City of Knoxville, Tennessee for a public road or right of way.
5. Any party which might damage the Easement Area in its use of the Non-Exclusive Joint Permanent Easement for ingress, egress and underground utilities running over, across and through the Easement Area, shall be required to fully restore the Easement Area to its condition prior to the damage.
6. The Easement Area is to remain open and unobstructed and the parking of vehicles on this Easement Area is prohibited.
7. This Declaration shall run with the land and be binding upon the successors, heirs, assigns and devisees of Greene.

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the day and year first above written.

C.L. Greene Development, LLC
a Tennessee limited liability company

By: Calvin L. Greene

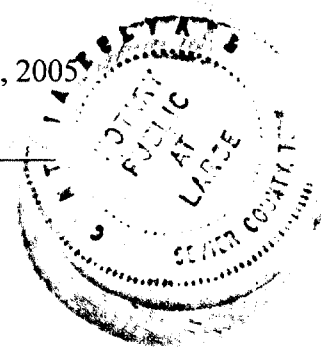
Title: CHIEF MANAGER

STATE OF TENNESSEE)
)SS.
COUNTY OF KNOX)

PERSONALLY APPEARED before me, the undersigned authority, a Notary Public in and for said County and State, Calvin L. Greene, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Chief Manager of C.L. Greene Development, LLC, the within-named bargainer, a Tennessee limited liability company, and that he as such Chief Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as Chief Manager.

WITNESS my hand and official seal at office this 17th day of October, 2005

[Signature]
Notary Public



My commission expires: 3/20/09

t:drizzo/decs/82735.non-exclJPEmts

EXHIBIT "A"

Easement Area

SITUATED in the Eighth (8th) Civil District of Knox County, Tennessee, and lying without the corporate limits of the City of Knoxville, Tennessee, and being a part of Lot 1 as shown on the subdivision plat of Wisteria Plantation, being a subdivision to Knox County, Tennessee, as shown by map recorded as Instrument No. 200505090089675, in the Knox County Register of Deeds Office, and being that portion of Lot 1 which lies south of Lot 3 and north of Lot 2, and directly west of Strawberry Plains Pike, and being known as the "Easement Area" and being more particularly bounded and described as follows:

BEGINNING at a point lying in the northwestern right of way line of Strawberry Plains Pike, said point lying in a southwesterly direction, 1,224.00 feet, more or less, from the point of intersection of the northwestern right of way line of Strawberry Plains Pike with the western right of way line of Pine Grove Road, said point being corner to Lot 1 and Lot 3 in the subdivision plat of Wisteria Plantation; thence leaving said point and place of BEGINNING and running along the northwestern right of way line of Strawberry Plains Pike, South 30 deg. 43 min. 28 sec. West, 150.03 feet to a point lying in the line of Lot 2; thence running with the line of Lot 2 the following two (2) calls and distances: First running with the arc in a curve to the left in a circle having a radius of 50.00 feet, and an arc length of 77.48 feet, a chord call and distance of North 13 deg. 40 min. 12 sec. West, 69.96 feet to a point; thence North 58 deg. 03 min. 52 sec. West, 191.43 feet to a point; thence leaving the line of Lot 2 and running North 30 deg. 54 min. 12 sec. East, 50.01 feet to a point, being corner to Lot 3; thence running with the line of Lot 3, South 58 deg. 03 min. 52 sec. East, 189.16 feet to a point; thence running with the arc in a curve to the left in a circle having a radius of 50.00 feet, an arc length of 79.60 feet, a chord call and distance of North 76 deg. 19 min. 48 sec. East, 71.45 feet to a point, marking the point and place of BEGINNING and being according to the survey of Benjamin J. Moorman, TRLS #1501, dated March 18, 2005. The address of the surveyor is Bench Mark Associates, Inc. 10308 Hardin Valley Road, Knoxville, TN, 37932.

Source of title ^{D.O.E.} 200405070102878

I hereby swear or affirm that the actual consideration or true value of this transfer, whichever is greater, is \$ 50.00 Affiant J. B. [unclear] Sr.
Subscribed and sworn to before me this 17 day of Oct 2005 Deputy Register S. [unclear]