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Workflow# 0000090743-0001  
Buncombe County, NC  
Drew Reisinger Register of Deeds  
BK 4939 PG 574-576

Prepared by Robert Browne and Deborah McKay. Return to R. Browne, 35 Pinkerton Corner, Fairview, NC 28730 ✓

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

AGREEMENT FOR ROAD MAINTENANCE CONTRIBUTION

This agreement is made this 13th day of December 2011, between each and all owners of developed and undeveloped properties in Butler Mountain Highlands (BMH) Association, Inc., and its Board of Directors, and the BMH developer; and with the Board of Directors of Butler Mountain Estates (BME) Property Owners Association, Inc.

1. **PURPOSE.** This agreement settles and resolves disagreement between parties regarding the amount of annual contribution toward maintenance of BME roadways and entry gate, which are used by BMH owners for ingress and egress.

2. **APPLICABILITY AND DURATION.** The agreement shall be permanently binding upon all parties who are current BMH property owners, future owners, their heirs, assigns and successors in interest. It shall also be permanently binding on the current BME Board and all future Boards of Directors.

3. **ELEMENTS OF THE AGREEMENT.**

a. **Contribution.** Beginning in 2011, and continuing each year thereafter, BMH individual property owners, including the developer, are obligated to contribute annually to BME at the rate of 87% of assessments set for BME members. These contributions fully satisfy the requirement to share in the annual maintenance expense for BME roads and gate. For any year that BME expenditures and obligations for other than the road fund, road repairs and improvements, and entry gate upkeep, should exceed thirteen percent (13%) of the total, then the following year BMH individual assessments will be reduced by one percentage point for each percentage point that 13% was exceeded. The BME Treasurer shall send written notice of the annual assessment to the BMH Treasurer at least thirty days prior to the due date. The BMH Treasurer shall forward the total amount due, one payment for each platted lot and one for each additional tax parcel, to the BME Treasurer prior to the due date. Collection of individual assessments is BMH responsibility and shall not delay payment to BME.

b. Exemption from certain expenses. BMH will not participate in any legal expenses that are not directly related to road or gate maintenance issues.

c. Transparency. The BMH Board will have access to annual BME budget and expense reports at the time they are available to BME members.

d. Representation. A representative of BMH will be an equal member on the BME Road Committee.

e. Roadway improvement. BME will construct three graveled "pull-outs" along Pinkerton Corner roadway to improve traffic flow and safety. These improvements will be made in coordination with BMH representatives and will be completed as soon as feasible after completion of this agreement.

f. Other essential action. BMH Board of Directors and members pledge a prompt change to the recorded BMH DECLARATION OF COVENANTS, BYLAWS AND ROAD MAINTENANCE AGREEMENT, which will reflect the complete language contained in paragraph 3a, above, of this agreement. The language of this agreement shall be added and amended to the MAINTENANCE OF OTHER ROADS Section, paragraph 3, page 4, of the current BMH covenants, and shall be recorded in Buncombe County property records on or before May 1, 2012.

4. AUTHENTICATION. This agreement will be in effect when signed and dated by the two Board presidents and the BMH developer. A statement shall be added below to confirm the date and percent majority of BMH members which accepted and passed the agreement. A similar statement will confirm acceptance and passage by the BME board of directors.

The BMH Board of Directors unanimously approved this agreement, with a quorum present, on September 8, 2011. The agreement was further approved by a 95% majority of the BMH Association membership on November 29, 2011. The BME Board of Directors unanimously approved this agreement, with a quorum present, on October 12, 2011. The agreement was further approved by a majority of the BME Association membership on December 1, 2011.

Name Robert Sparrel Wood  
Robert Sparrel Wood, President BMHA

Date 12/13/11

Name Virginia L. Callaway  
Virginia L. Callaway, President BMEPOA

Date 12/13/11

Name Elbert S. Brown, Jr.  
Elbert S. Brown, Jr., BMHA Developer

Date 12/13/11



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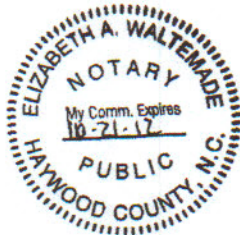
State of North Carolina

County of Buncombe

I, ELIZABETH A. WALTERMADE, a Notary Public for said county and state, do hereby certify that Robert Sparrel Wood, Virginia L. Callaway, and Elbert S. Brown, Jr., being duly sworn, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 13<sup>th</sup> day of December, 2011.

Elizabeth A. Waltemade

Notary Public



My commission expires 10-21, 2012.