

**Instructions to Preparing Attorney  
Deed of Easement for Sanitary Sewer Purposes**

The following are instructions to the drafting attorney for preparation of the form Deed of Easement for Sanitary Sewer Purposes (the “Sewer Easement”) in accordance with the requirements of the City of Raleigh.

This Sewer Easement must be recorded immediately after recording of the subdivision plat and must be the first encumbrance against the subdivided Property, with priority granted only to other easements required by the City of Raleigh. Any mortgages, non-governmental liens, or deeds of trust against the Property must be subordinated to this Sewer Easement.

**Preparation of this form may be deemed to be the practice of law in the State of North Carolina and should only be performed by an attorney licensed to practice in the State of North Carolina.**

Before preparing this form, you should have copies of all approval documents issued for the proposed development by the City of Raleigh. These approval documents may list additional conditions of approval that must be satisfied prior to authorization to record lots or issuance of permits for the project. Once completed, submit the completed Sewer Easement with copies of any map that will be recorded and serve as the property description for this instrument to the City at [LegalDocumentReview@raleighnc.gov](mailto:LegalDocumentReview@raleighnc.gov) for review by City staff prior to execution.

The instructions below are numbered in accordance with the areas in the Sewer Easement requiring customization for each individual project. All fields must be filled out and none should be left blank or with the reference number remaining. The terms in this instructions document shall bear the same meaning as defined in the Sewer Easement.

- [1] Name of attorney (or law firm) preparing this form for submission to the City for review.
- [2] Wake County Tax Property Identification Number.
- [3] City of Raleigh Project ID Number. Typically starts with S, SP, Z, SR or R.
- [4] Legal name of Grantor, which should match name of owner in property records and in deed conveying property to Grantor.
- [5] State of legal formation of Grantor. If Grantor is an unmarried individual, then insert “N/A” in this field. If Grantor is a married individual and his or her spouse is either on the deed conveying the Property to Grantor or has marital interest in the Property, then insert the legal name of spouse in this field.
- [6] Type of legal entity of Grantor. If Grantor is an unmarried individual, then insert “N/A” in this field. If Grantor is a married individual and his or her spouse is either on the deed conveying the Property to Grantor or has marital interest in the Property, then insert “spouse” in this field.
- [7] Insert “X” in the appropriate box to describe the status of the Property. Please “blank” the other box.
- [8] Print name and title of individual signing on behalf of Grantor. The individual signing the Sewer Easement on behalf of Grantor must be authorized to bind the Property to the terms of the instrument. If Grantor is an individual signing in a personal capacity, “N/A” may be inserted for title.
- [9] Insert legal name of trustee on deed of trust to be subordinated to Sewer Easement, if applicable. Multiple subordination pages must be utilized if multiple deeds of trust, mortgages, or liens must be subordinated. If

not applicable, indicate "N/A" in this field.

**[10]** Insert legal name of beneficiary on deed of trust to be subordinated to Sewer Easement. If not applicable, indicate "N/A" in this field.

**[11]** Insert deed book and page information for deed of trust being subordinated to Sewer Easement. If not applicable, indicate "N/A" in this field.

**[12]** Insert full name of attorney (as licensed) and NC State Bar identification number for the attorney that prepared this Sewer Easement form.

Upon approval of the form by City staff, the instrument may be executed and recorded.

Instrument prepared by: Christopher A. Crowson  
*[Utilizing City of Raleigh Form Instrument]*

Brief description for index: Sewer Easement  
Property: Wake County Tax ID # 1739472918; 1739472842; 1739373895;  
City Project ID: 1739374798; 1739386062; 1739376866; 1739377758; 1739378818;  
1739387076; 1739389025; 1739376941  
SPR-0154-2021

Mail after recording to: City of Raleigh  
Real Estate Office  
P.O. Box 590  
Raleigh, NC 27602

### **DEED OF EASEMENT FOR SANITARY SEWER PURPOSES**

This Deed of Easement for Sanitary Sewer Purposes (this “Sewer Easement”) is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Wakefield Manor, LLC, a North Carolina limited liability company, and Wakefield Affordable Housing, LLC, a North Carolina limited liability company (the “Grantor”) to the City of Raleigh, a North Carolina municipal corporation, with a mailing address of PO Box 590, Raleigh, NC 27602 (the “City”).

Grantor warrants that it is the owner of the property (the “Property”) described in the instrument recorded at Book 11693, Page 757, Wake County Registry, that it is vested of the premises in fee simple, and that the premises are free from encumbrances except as expressly stated within this instrument.

For valuable consideration, the receipt of which is hereby acknowledged by Grantor, which may include permitting and approvals of the City for development activity on the Property, and in further consideration of the mutual covenants and terms, conditions and restrictions hereinafter set forth, the Grantor hereby gives, grants, bargains and conveys unto the City, its successors and assigns, in perpetuity, the right, privilege and easement, now and hereafter, to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a system of pipelines or mains for public sanitary sewer purposes, together with all appurtenant facilities and equipment (the “Facilities”) necessary or convenient thereto in, upon and across the Property, the area subject to this easement being more particularly identified and described in Exhibit A as “City of Raleigh Sanitary Sewer Easement” (or by an equivalent label), attached hereto and incorporated herein by reference.

THE PROPERTY HEREIN DESCRIBED AND CONVEYED IS: (choose one)

Located on a parcel that includes the Grantor's primary residence, but the Grantor's primary residence is not a property interest being conveyed; or

Does not include a primary residence.

**Subordination**

[Any existing deeds of trust, mortgages, or liens encumbering the Property, other than property tax liens for the current tax year or governmental improvement assessment liens, must be subordinated to this Sewer Easement. Such encumbrances must be listed and the Sewer Easement must be executed by the beneficiary and trustee (if trustee execution is necessary per the terms of the security instrument), mortgagee, or lien holder to evidence such subordination.]

GRANTOR REPRESENTS THAT NO SUPERIOR DEEDS OF TRUST, MORTGAGES, OR LIENS (OTHER THAN PROPERTY TAX LIENS FOR THE CURRENT TAX YEAR OR GOVERNMENTAL IMPROVEMENT ASSESSMENT LIENS) ENCUMBER OR AFFECT THE PROPERTY AT THE TIME OF THE EXECUTION AND RECORDING OF THIS SEWER EASEMENT, OR THAT IF ANY OF THE FOREGOING EXIST, THEY SHALL BE SUBORDINATE TO THIS SEWER EASEMENT THROUGH THE SUBORDINATION LANGUAGE HEREIN.

Grantor acknowledges that the City is acting in reliance on Grantor's authority to enter into this Sewer Easement and the terms, conditions, obligations, and restrictions imposed herein in its authorization to either subdivide the Property or in the issuance of any permits or development approvals associated with any construction of improvements on the Property and that the City may suffer irreparable harm from the violation of the terms established herein.

TO HAVE AND TO HOLD the terms, conditions, obligations and restrictions imposed herein shall be binding upon the Grantor, its successors and assigns, and shall continue as a servitude running with the land in perpetuity. Grantor covenants that it is vested of the Property in fee simple, has the right to convey the same in fee simple, that the Property is free from encumbrances except as herein stated or subordinated herein, and that Grantor will warrant and defend such title to the same against claims of all persons. This Sewer Easement shall not divest the Grantor of any rights or interests in its Property not herein mentioned.

THE FURTHER TERMS AND CONDITIONS of the easement interest herein conveyed are as follows:

1. The City is authorized hereunder to remove and keep removed from the easement all trees, vegetation, and other obstructions as necessary to maintain, repair or protect said sanitary sewer line or lines and appurtenances. This easement shall not prohibit the Grantor from (i) constructing, maintaining, and using the easement area for paved or unpaved drives and parking areas; and (ii) planting and maintaining shallow-rooted ground cover material within the easement area, all subject to applicable laws and regulations. All risk of damage

to such improvements caused by maintenance or repair of the sewer line(s) and appurtenant facilities shall be with the Grantor.

2. Nothing herein shall be construed to grant to the City any right of access through or over any other property of the Grantor except that lying within the easement herein described and conveyed.
3. The Grantor shall retain fee simple ownership of the Property through and over which this easement passes; provided, however, no use may be made of the Property which interferes or is inconsistent with the City's easement rights and full, reasonable use thereof for sanitary sewer purposes.
4. To the extent reasonably necessary and incidental to the installation of Facilities within the sanitary sewer easement area herein described, Grantor grants to City a temporary construction easement for the movement and storage of vehicles and equipment, construction staging, the repair, reconstruction and reconnection of a private driveway or driveways onto adjacent public street right-of-way, and similar purposes. If so granted to the City, the temporary construction easement is more particularly identified and described on Exhibit A as "Temporary Construction Easement" (or an equivalent label). Following the installation of the Facilities within the sanitary sewer easement herein described, any temporary construction easement interest herein conveyed to the City shall terminate; and further, the area within the sanitary sewer and temporary easements shall be re-graded, mulched, and re-seeded or otherwise restored in accordance with generally accepted landscaping and engineering practices.
5. This Deed of Easement for Sanitary Sewer Purposes is being recorded in conjunction with that certain Conditional Release of Sanitary Sewer Easement and Capacity Agreement by KB Home Raleigh-Durham, Inc., a Delaware corporation ("KB"), and both documents are being recorded to supersede and replace that certain Sanitary Sewer Easement and Capacity Agreement recorded in Book 18581, at Page 1032, of the Wake County Registry between KB and Wakefield Manor, LLC, and Wakefield Affordable Housing, LLC.

*[Signature pages follow this page]*

**[Grantor Signature Page]**

IN WITNESS WHEREOF, Grantor hereby executes this Sewer Easement under seal as of the day and year first above written.

GRANTOR:

WAKEFIELD MANOR, LLC, a North Carolina limited liability company

By: Wakefield Senior Housing, Inc., its Manager

By: \_\_\_\_\_(SEAL)

Name: \_\_\_\_\_

Its: \_\_\_\_\_(Title)

NORTH CAROLINA

WAKE COUNTY

GRANTOR  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

**PROPERTY DESCRIPTION VERIFIED AND  
APPROVED FOR RECORDING:  
PUBLIC UTILITIES DEPARTMENT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[Grantor Signature Page]

IN WITNESS WHEREOF, Grantor hereby executes this Sewer Easement under seal as of the day and year first above written.

GRANTOR:

WAKEFIELD AFFORDABLE HOUSING, LLC, a North Carolina limited liability company  
By: Common Oaks Affordable Housing, Inc., its Manager

By: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Its: \_\_\_\_\_ (Title)

NORTH CAROLINA

WAKE COUNTY

GRANTOR  
ACKNOWLEDGEMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

**PROPERTY DESCRIPTION VERIFIED AND  
APPROVED FOR RECORDING:  
PUBLIC UTILITIES DEPARTMENT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

*[Subordination signature pages follow this page.]*

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and Providence Bank, as Beneficiary, under that certain Deed of Trust recorded in Book 13764, Page 713, Wake County Registry by virtue of the Loan Document Assignment and Transfer Instrument recorded in Book 14100, Page 435, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By: N/A (SEAL)  
Name: N/A  
Its: N/A (Title)

BENEFICIARY:

Providence Bank, a North Carolina banking corporation

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgments for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and Providence Bank, as Beneficiary, under that certain Deed of Trust recorded in Book 13567, Page 4, Wake County Registry by virtue of the Loan Document Assignment and Transfer Instrument recorded in Book 14100, Page 433, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By: N/A (SEAL)  
Name: N/A  
Its: N/A (Title)

BENEFICIARY:

Providence Bank, a North Carolina banking corporation

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and North Carolina Housing Finance Agency, as Beneficiary, under that certain Deed of Trust recorded in Book 12870, Page 44, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By: N/A (SEAL)  
Name: N/A  
Its: N/A (Title)

BENEFICIARY:

North Carolina Housing Finance Agency, a public agency of the State of North Carolina

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and North Carolina Housing Finance Agency, as Beneficiary, under that certain Deed of Trust recorded in Book 13764, Page 764, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By:     N/A     (SEAL)  
Name:     N/A      
Its:     N/A     (Title)

BENEFICIARY:

North Carolina Housing Finance Agency, a public agency of the State of North Carolina

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and DHIC, Inc., as Beneficiary, under that certain Deed of Trust recorded in Book 13764, Page 757, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By: N/A (SEAL)  
Name: N/A  
Its: N/A (Title)

BENEFICIARY:

DHIC, Inc., a North Carolina non-profit corporation

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

**[Subordination Signature Page]**

\_\_\_\_\_, as Trustee, and DHIC, Inc., as Beneficiary, under that certain Deed of Trust recorded in Book 13567, Page 78, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By:   N/A   (SEAL)  
Name:   N/A    
Its:   N/A   (Title)

BENEFICIARY:

DHIC, Inc., a North Carolina non-profit corporation

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

[Subordination Signature Page]

The undersigned are the beneficiary and trustee under a certain deed of trust dated July 17, 2009, and recorded in Book 13629, Page 336, Wake County Registry (the "Deed of Trust"). The undersigned hereby consent to and approve of the deed of easement to which this Consent and Subordination is attached (the "Deed of Easement") and hereby acknowledge and agree that their right, title, interest and estate by virtue of the Deed of Trust in and to that portion of Grantor's (as defined in the Deed of Easement) property identified and depicted as the "Sanitary Sewer Easement" area in Exhibit A attached to the Deed of Easement shall be subject and subordinate to this Deed of Easement. The undersigned hereby evidences such consent, approval, agreement, and subordination by causing its duly authorized officers to sign, seal and deliver this Consent and Subordination this \_\_\_\_ day of \_\_\_\_\_, 2022. This Consent and Subordination is given for the sole purpose of consenting to, and subordinating, the undersigned's interest in and to the Grantor's property as identified in the Deed of Easement and further depicted in Exhibit A attached to the Deed of Easement.

Attested by:

\_\_\_\_\_  
Name: Yvonne C. Gilyard  
Title: Deputy Clerk to the Board

**BENEFICIARY:**

**WAKE COUNTY**, a body politic and corporate

By: \_\_\_\_\_  
Sig Hutchinson, Chair  
Wake County Board of Commissioners

**TRUSTEE:**

By: N/A \_\_\_\_\_  
\_\_\_\_\_, Trustee

NORTH CAROLINA  
COUNTY OF WAKE

WAKE COUNTY  
ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for the said County and State, do hereby certify that Yvonne C. Gilyard personally appeared before me this day and acknowledged that she is the Deputy Clerk of the Wake County Board of Commissioners, and by authority duly given and as the act of said Board, the foregoing instrument was signed by its Chairman of the Wake County Board of Commissioners, sealed with its corporate seal and attested by Yvonne C. Gilyard as its Deputy Clerk.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Notary Printed or Typed Name

\_\_\_\_\_  
City Reviewer Initials

NORTH CAROLINA  
COUNTY OF WAKE

WAKE COUNTY  
ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for the said County and State, do hereby certify that the following person personally appeared before me this day and acknowledged that they signed the foregoing instrument: \_\_\_\_\_, as Trustee.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Printed or Typed Name

\_\_\_\_\_  
My Commission Expires

[Subordination Signature Page]

The undersigned are the beneficiary and trustee under a certain deed of trust dated August 29, 2008, and recorded in Book 13231, Page 105, Wake County Registry (the "Deed of Trust"). The undersigned hereby consent to and approve of the deed of easement to which this Consent and Subordination is attached (the "Deed of Easement") and hereby acknowledge and agree that their right, title, interest and estate by virtue of the Deed of Trust in and to that portion of Grantor's (as defined in the Deed of Easement) property identified and depicted as the "Sanitary Sewer Easement" area in Exhibit A attached to the Deed of Easement shall be subject and subordinate to this Deed of Easement. The undersigned hereby evidences such consent, approval, agreement, and subordination by causing its duly authorized officers to sign, seal and deliver this Consent and Subordination this \_\_\_\_ day of \_\_\_\_\_, 2022. This Consent and Subordination is given for the sole purpose of consenting to, and subordinating, the undersigned's interest in and to the Grantor's property as identified in the Deed of Easement and further depicted in Exhibit A attached to the Deed of Easement.

Attested by:

\_\_\_\_\_  
Name: Yvonne C. Gilyard  
Title: Deputy Clerk to the Board

**BENEFICIARY:**

**WAKE COUNTY**, a body politic and corporate

By: \_\_\_\_\_  
Sig Hutchinson, Chair  
Wake County Board of Commissioners

**TRUSTEE:**

By: N/A \_\_\_\_\_  
\_\_\_\_\_, Trustee

NORTH CAROLINA  
COUNTY OF WAKE

WAKE COUNTY  
ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for the said County and State, do hereby certify that Yvonne C. Gilyard personally appeared before me this day and acknowledged that she is the Deputy Clerk of the Wake County Board of Commissioners, and by authority duly given and as the act of said Board, the foregoing instrument was signed by its Chairman of the Wake County Board of Commissioners, sealed with its corporate seal and attested by Yvonne C. Gilyard as its Deputy Clerk.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Printed or Typed Name

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
City Reviewer Initials

NORTH CAROLINA  
COUNTY OF WAKE

WAKE COUNTY  
ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for the said County and State, do hereby certify that the following person personally appeared before me this day and acknowledged that they signed the foregoing instrument: \_\_\_\_\_, as Trustee.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Printed or Typed Name

\_\_\_\_\_  
My Commission Expires

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and City of Raleigh, North Carolina, as Beneficiary, under that certain Deed of Trust recorded in Book 13650, Page 1061, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By: N/A (SEAL)  
Name: N/A  
Its: N/A (Title)

BENEFICIARY:

City of Raleigh, North Carolina, a municipal corporation chartered by the State of North Carolina

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

[Subordination Signature Page]

\_\_\_\_\_, as Trustee, and City of Raleigh, North Carolina, as Beneficiary, under that certain Deed of Trust recorded in Book 13567, Page 36, Wake County Registry, North Carolina, join in this Sewer Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Sewer Easement.

TRUSTEE:

\_\_\_\_\_

By: N/A (SEAL)  
Name: N/A  
Its: N/A (Title)

BENEFICIARY:

City of Raleigh, North Carolina, a municipal corporation chartered by the State of North Carolina

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_ (Title)

*[Notary acknowledgements for the Trustee and Beneficiary follow this page.]*

NORTH CAROLINA

WAKE COUNTY

TRUSTEE  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY  
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_

(Print name of signatory in blank)

Date: \_\_\_\_\_

My Commission Expires:

Print Name: \_\_\_\_\_

[Affix Notary Stamp or Seal]

**Attorney Certification:**

I, Christopher A. Crowson, an attorney licensed to practice law in the State of North Carolina, certify to the City of Raleigh that this Sewer Easement has been prepared in accordance with the instructions provided by the City of Raleigh, that I am familiar with the requirements of any development approvals of the City of Raleigh associated with this Sewer Easement and have prepared this instrument in accordance with such requirements. If a deed of trust is being subordinated to this Sewer Easement and the signature of the trustee is not provided, I hereby certify that I have reviewed that deed of trust and verify that the terms of the deed of trust do not require trustee consent or signature for the subordination to be effective.

\_\_\_\_\_  
Attorney at Law

NC Bar #: \_\_\_\_\_

**EXHIBIT A**

*[Exhibit A follows this page]*