

Jewey

Doc ID: 010212240006 Type: GRP
 Recorded: 12/19/2012 at 03:59:28 PM
 Fee Amt: \$26.00 Page 1 of 6
 Onslow County, NC
 Rebecca L. Pollard Reg. of Deeds
 BK **3903** Pg **446-451**

STATE OF NORTH CAROLINA
 COUNTY OF ONSLOW

**ASSIGNMENT OF DECLARANT'S RIGHTS
 FOR COLE'S FARM WEST SUBDIVISION**

Prepared by and return to:
 Gaylor Edwards & Vatcher, P.A.

THIS ASSIGNMENT OF DECLARANT'S RIGHTS FOR COLE'S FARM WEST SUBDIVISION (the "Assignment") is made this 19th day of December, 2012, by and between **CODA LAND DEVELOPMENT, LLC.**, a North Carolina limited liability company, hereinafter referred to as "Assignor", and **ONLOW DEVELOPMENT GROUP, LLC**, a North Carolina limited liability company, hereinafter referred to as "Assignee".

WITNESSETH:

WHEREAS, Assignor is the "Declarant" in that certain Master Declaration of Covenants, Restrictions and Easements for Cole's Farm West Subdivision, recorded January 27, 2011 in Book 3544, Page 1, in the Office of the Register of Deeds of Onslow County, North Carolina, and amendments thereto recorded in Book 3727, Page 246, Book 3903, Page 435, collectively hereinafter referred to as the "Declaration"; and

WHEREAS, the Declaration subjects certain real property, as same are shown and delineated on a map of Cole's Farm West, Section I recorded in Map Book 60, Pages 78 - 78A, in the Office of the Register of Deeds of Onslow County, North Carolina, (including, but not limited to, Lots number 1 through 27, inclusive, and Lot 45), hereinafter referred to as "Cole's Farm West, Section I" to the covenants, restrictions and easements set forth in the Declaration; and

WHEREAS, in accordance with the Declaration, all the real property described on a map entitled, "Cole's Farm West, Section II, a Planned Residential Development, White Oak Twp., Onslow County, North Carolina", recorded in Map Book 65, Page 177, Onslow County Registry, (including, but not limited to, Lots number 28 through 44, inclusive, and Lot number 46), hereinafter referred to as "Cole's Farm West, Section II", has been annexed and made a part of the Cole's Farm West Subdivision by that certain document entitled, "Addition and Annexation of Additional Property to the Master Declaration of Covenants, Restrictions and Easements for Cole's Farm West Subdivision as Amended" recorded December 19, 2012, in Book 3903, Page 431, Onslow County Registry;

WHEREAS, Assignor has sold, transferred and conveyed to Assignee, the sixteen (16) remaining Lots

owned by Assignor in Cole's Farm West, Section I, and all the property described as Cole's Farm West, Section II, including all of the eighteen (18) lots therein, by deed recorded in Book 3968, Page 441, Onslow County Registry; and

WHEREAS, as part of the consideration for the purchase of the lots in Cole's Farm West, Section I, and Cole's Farm West, Section II, Assignor agreed to transfer and assign all its rights, title and interest as the Declarant under the Declaration;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor and Assignee hereby agree as follows:

1. Assignor hereby transfers and assigns to Assignee all of Assignor's rights, powers, and authority as the Declarant as set forth in the Declaration, including, but not limited to, the right to annex into the, and to make such annexed property subject to the restrictions and covenants set forth in the Declaration without the consent of the owners of the Lots in the Cole's Farm West Subdivision.

2. Assignor agrees to cooperate and execute any additional documents Assignee shall reasonably request to enable Assignee to exercise its rights, powers, privileges and authority set forth in the Declaration as hereby assigned.

3. Assignor hereby appoints and designates Assignee as Assignor's attorney-in-fact for exercising all rights, powers and authority, and performing all duties as the Declarant set forth in the Declaration. This power of attorney is coupled with an interest, is irrevocable and shall not be affected by the merger, dissolution or liquidation of the Assignor.

4. Assignor shall remain liable for all acts or omissions in connection with performance of its duties and obligations prior to the date of recordation of this Assignment.

5. This Assignment shall be governed by the laws of the State of North Carolina and shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment on the date first above written.

SIGNATURES AND ACKNOWLEDGMENTS ON FOLLOWING PAGES

CODA LAND DEVELOPMENT, LLC, a North Carolina
limited liability company

By: Kaye S Davis
Name: Kaye S. Davis
Title: Member - Manager

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

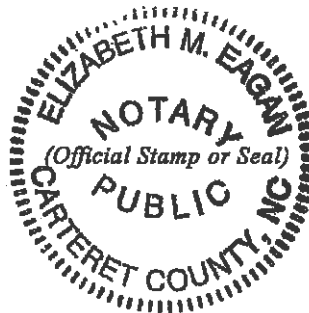
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity(ies) indicated: **Kaye S. Davis**

Date: December 18, 2012

Elizabeth M Eagan
(Official Signature of Notary)

Elizabeth M Eagan
(Notary's printed or typed name)

My commission expires: 1-19-2013



CODA LAND DEVELOPMENT, LLC, a North Carolina
limited liability company

By: 
Name: William Russell Davis
Title: Member - Manager

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

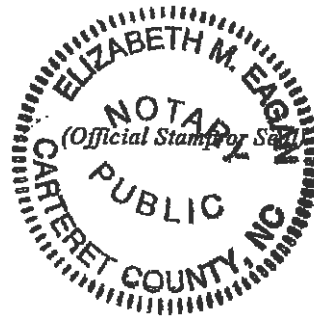
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity(ies) indicated: **William Russell Davis**

Date: December 18, 2012


(Official Signature of Notary)

Elizabeth M Eagan
(Notary's printed or typed name)

My commission expires: 1.19.2013



CODA LAND DEVELOPMENT, LLC, a North Carolina
limited liability company

By: [Signature]
Name: Gene D. Cole
Title: Member - Manager

By: [Signature]
Name: Candace M. Cole
Title: Member - Manager

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

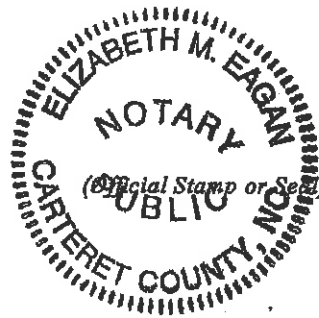
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity(ies) indicated: **Gene D. Cole and Candace M. Cole**

Date: December 18, 2012

[Signature]
(Official Signature of Notary)

Elizabeth M Eagan
(Notary's printed or typed name)

My commission expires: 1-19-2013



ONslow DEVELOPMENT GROUP, LLC, a North Carolina limited liability company

By: Elijah T. Morton
Elijah T. Morton, Manager

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity(ies) indicated:
Elijah T. Morton

Date: December 19, 2012

J. Dewey Edwards, Jr.
(Official Signature of Notary)

J. Dewey Edwards, Jr.
(Notary's printed or typed name)



(Official Stamp or Seal)

My commission expires: July 9, 2016