

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

UTILITY EASEMENT AGREEMENT

This Utility Easement Agreement (the "Agreement") is made and entered into this 7th day of September 2000 by WHITEHALL DEVELOPMENT LIMITED PARTNERSHIP, a North Carolina limited partnership (the "Grantor") and WHITEHALL MASTER ASSOCIATION, INC., A North Carolina corporation.

WITNESSETH:

WHEREAS, Grantor is the owner of fee simple title to that certain tract of land containing approximately 18.60 acres, more or less, located on Interstate 485 and Arrowood Road Extension in Mecklenburg County, North Carolina, and described in Exhibit A, which is attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, Grantor wishes to give and grant to Grantee a Utility Easement as such term is described in that one certain Declaration of Covenants, Conditions and Restrictions for Whitehall Business Park recorded in Book 8219, Page 854, Mecklenburg County Public Registry, as duly amended (the "Declaration").

NOW THEREFORE, for and in consideration of the premises and for the purposes set forth herein, Grantor, for itself, its successors and assigns, does hereby give, grant, sell and convey to Grantee a Utility Easement over and across the Property within the easement area shown on the map, attached hereto as Exhibit B and incorporated herein for all purposes, and entitled "Exhibit Map Utility Easement" for the purpose of constructing, accessing, maintaining, repairing and replacing certain irrigation equipment located in the easement area shown on the map and for the purpose of obtaining water from Johnston Lake to be used for irrigation purposes within Whitehall Business Park. The easement herein granted shall be for use by the Association pursuant to the terms and provisions of the Declaration.

The Grantor hereby reserves the right to use the easement area in any manner that is not incompatible with the rights granted to Grantee herein, including but not limited to landscaping. Additionally, Grantor hereby reserves the right to grant other easements in the easement area, so long as such easements do not unreasonably interfere with Grantee's use provided herein.

The provisions hereof are covenants running with the land which are binding upon and inure to the benefit of Grantor and Grantee and their respective successors and assigns. The terms and provisions hereof shall be governed by the laws of the State of North Carolina and this Utility Easement Agreement may be modified or terminated only by written agreement of the parties hereto, their successors and assigns, recorded in the Mecklenburg County Public Registry.

Drawn By: Kennedy Covington, et al
Mail To: Culp Elliott + Carpenter
227 W. Trade St., Ste. 1500
Charlotte, NC 28202

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

GRANTOR:

WHITEHALL DEVELOPMENT LIMITED PARTNERSHIP, a North Carolina limited partnership

By: Crosland Investors, Inc., a North Carolina corporation, General Partner

By: James E. McField
Title: V.P.

GRANTEE:

WHITEHALL MASTER ASSOCIATION, INC. a North Carolina corporation

By: James E. McField
Title: President

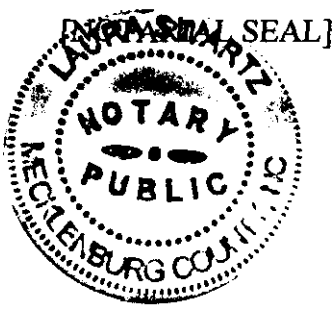
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Laura Swartz, a Notary Public of the County and State aforesaid, do hereby certify that James E. McField personally came before me this day and acknowledged that he is the Vice President of CROSLAND INVESTORS, INC., a North Carolina corporation, general partner of WHITEHALL DEVELOPMENT LIMITED PARTNERSHIP, a North Carolina limited partnership, and that he as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

Laura Swartz
Notary Public

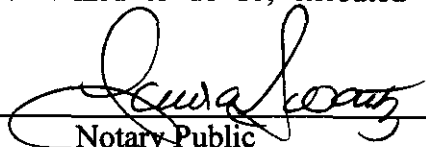
My commission expires:
4-15-04



STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Laura Swartz, a Notary Public of the County and State aforesaid, do hereby certify that ~~Paul E. Kowalek~~ personally came before me this day and acknowledged that he is the President of WHITEHALL MASTER ASSOCIATION, INC., a North Carolina corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation.


Notary Public

My commission expires:

4-15-04

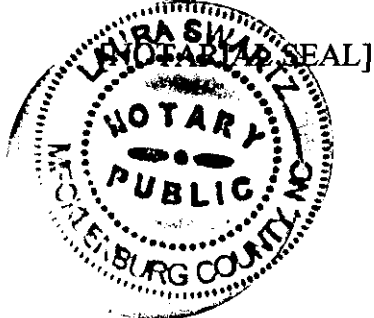


EXHIBIT A

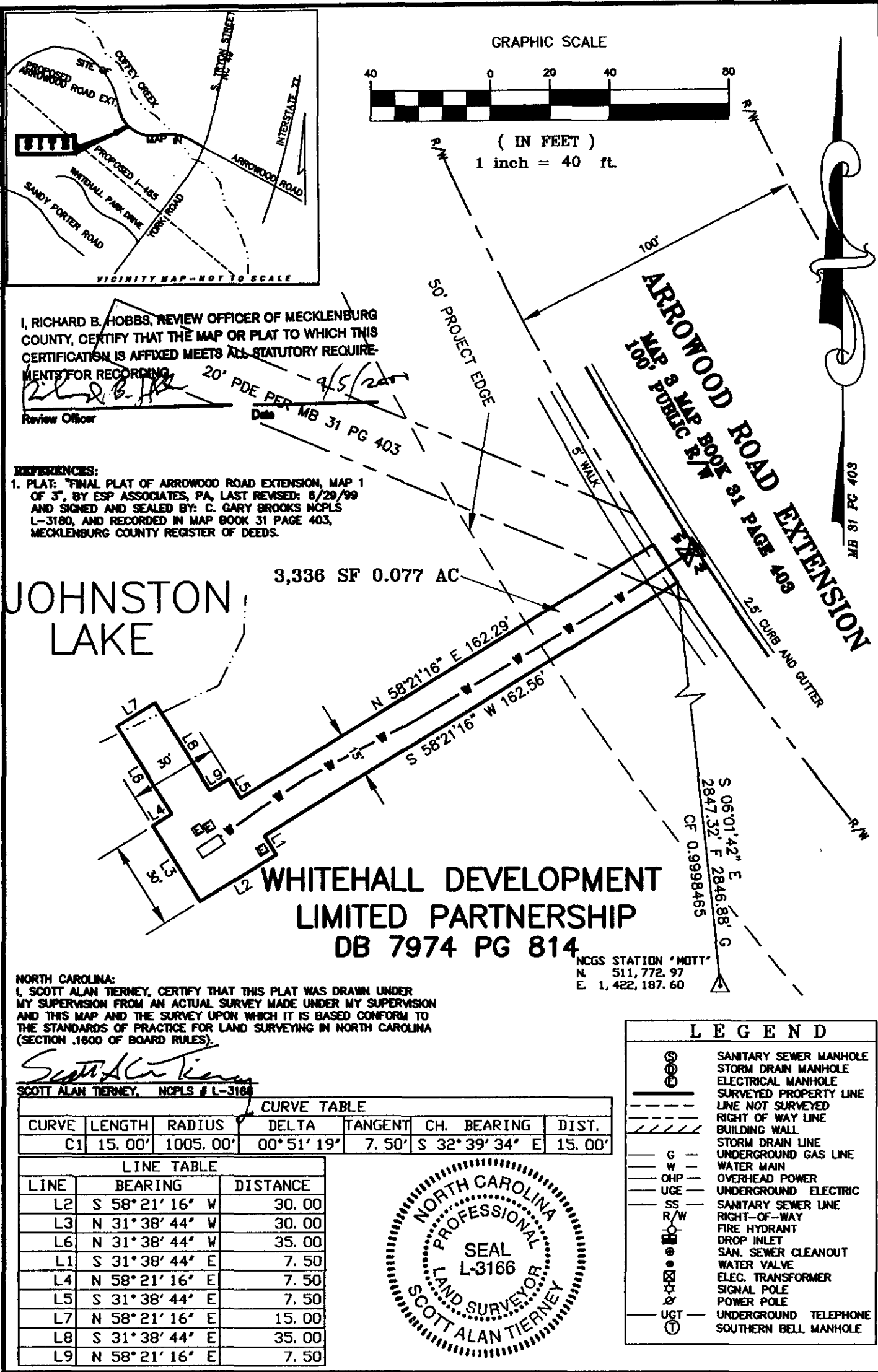
THE DEXTER AND BIRDIE YAGER FAMILY LIMITED PARTNERSHIP

Legal Description of Property

ALL THAT TRACT OR PARCEL OF LAND lying in or being in Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

To locate the point of beginning, commence at NCGS Monument "MOTT" (now destroyed) (location of "MOTT" established prior to its destruction), located at State Plane Coordinates of North 511,772.97, East 1,422,187.60 and being located within the right-of-way of the Proposed Outerbelt I-485, as recorded in Deed Book 7889 at Page 280 and Deed Book 8459 at Page 400, Mecklenburg County Public Registry, thence N 34-25-41 W 2,276.03 feet to the point and place of BEGINNING, said point also being located in the southwestern corner of property owned (now or formerly) by Whitehall Commons, LLC, as recorded in Deed Book 8890 at Page 502, Mecklenburg County Public Registry and said beginning point also having NCGS Grid Coordinates North 513,650.03, East 1,420,901.00; thence along the westerly boundary of the aforementioned property, the following (2) courses and distances: (1) N 52-22-55 E 940.49 feet to an existing #4 rebar; and (2) along the arc of a circular curve to the right, having a radius of 500.00 feet, an arc distance of 457.30 feet, said arc being subtended by chord bearing N 35-26-17 E 441.53 feet to a point located in the southwesterly boundary of the right of way of Proposed Arrowood Road Extension (100' right of way), thence along the southwesterly boundary of the right of way of the Proposed Arrowood Road Extension, along the arc of a circular curve to the right, having a radius of 1,005.00 feet, an arc distance of 205.09 feet, said arc being subtended by chord bearing N 28-39-33 W 204.73 feet to a point; thence leaving the right of way of Proposed Arrowood Road Extension and along the southerly boundary of property owned (now or formerly) by IRP, LLC, as recorded in Deed Book 10170 at Page 533, the following eight (8) courses and distances: (1) S 69-48-17 W 571.05 feet to a point; (2) S 77-39-23 W 119.40 feet to a point; (3) N. 78-43-36 W 130.49 feet to a point; (4) S 60-03-09 W 275.04 feet to a point; (5) S 54-00-53 W 126.99 feet to a point; (6) S 63-12-35 W 89.70 feet to a point; (7) S 67-13-19 W 238.04 feet to a point; and (8) S 60-01-23 W 125.18 feet to a point, located in the northeasterly margin of the right of way of Proposed Outerbelt I-485, as recorded in Deed Book 7889 at Page 280 and Deed Book 8459 at Page 400, Mecklenburg County Public Registry; thence along the northeasterly margin of the right of way of Proposed Outerbelt I-485, S 50-54-31 E 807.61 feet to the point and place of BEGINNING.

Containing 18.60 acres, more or less, as shown on the Boundary Survey for IRP, LLC, prepared by ESP Associates, P.A., dated May 29, 1998, last revised on January 5, 1999.



I, RICHARD B. HOBBS, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Richard B. Hobbs
 Review Officer
 Date: 4/5/2000
 20' PDE PER MB 31 PG 403

REFERENCES:

1. PLAT: FINAL PLAT OF ARROWOOD ROAD EXTENSION, MAP 1 OF 3, BY ESP ASSOCIATES, PA, LAST REVISED: 8/29/99 AND SIGNED AND SEALED BY: C. GARY BROOKS NCPLS L-3180, AND RECORDED IN MAP BOOK 31 PAGE 403, MECKLENBURG COUNTY REGISTER OF DEEDS.

JOHNSTON LAKE

3,336 SF 0.077 AC

WHITEHALL DEVELOPMENT
 LIMITED PARTNERSHIP
 DB 7974 PG 814

NORTH CAROLINA:
 I, SCOTT ALAN TIERNEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THIS MAP AND THE SURVEY UPON WHICH IT IS BASED CONFORM TO THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (SECTION .1600 OF BOARD RULES).

Scott Alan Tierney
 SCOTT ALAN TIERNEY, NCPLS # L-3184

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CH. BEARING	DIST.
C1	15.00'	1005.00'	00° 51' 19"	7.50'	S 32° 39' 34" E	15.00'

LINE TABLE

LINE	BEARING	DISTANCE
L2	S 58° 21' 16" W	30.00
L3	N 31° 38' 44" W	30.00
L6	N 31° 38' 44" W	35.00
L1	S 31° 38' 44" E	7.50
L4	N 58° 21' 16" E	7.50
L5	S 31° 38' 44" E	7.50
L7	N 58° 21' 16" E	15.00
L8	S 31° 38' 44" E	35.00
L9	N 58° 21' 16" E	7.50



LEGEND

⊙	SANITARY SEWER MANHOLE
⊙	STORM DRAIN MANHOLE
⊙	ELECTRICAL MANHOLE
---	SURVEYED PROPERTY LINE
- - -	LINE NOT SURVEYED
- - -	RIGHT OF WAY LINE
///	BUILDING WALL
---	STORM DRAIN LINE
---	UNDERGROUND GAS LINE
---	WATER MAIN
---	OVERHEAD POWER
---	UNDERGROUND ELECTRIC
---	SANITARY SEWER LINE
---	RIGHT-OF-WAY
⊙	FIRE HYDRANT
⊙	DROP INLET
⊙	SAN. SEWER CLEANOUT
⊙	WATER VALVE
⊙	ELEC. TRANSFORMER
⊙	SIGNAL POLE
⊙	POWER POLE
---	UNDERGROUND TELEPHONE
⊙	SOUTHERN BELL MANHOLE

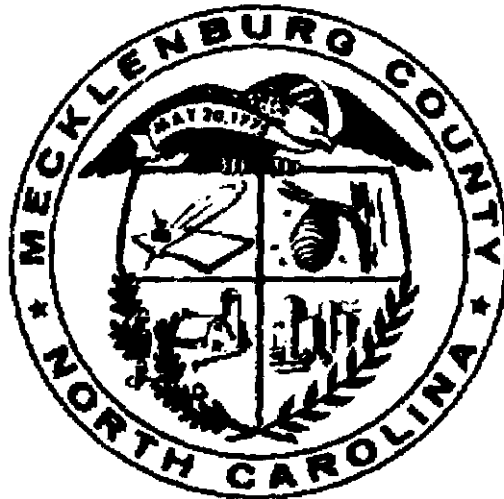
EXHIBIT MAP

UTILITY EASEMENT

LOCATED ON ARROWOOD ROAD EXTENSION
 MAP 1 OF 3, MB 31 PG 403
 CITY OF CHARLOTTE STEELE CREEK TOWNSHIP
 MECKLENBURG CO., NORTH CAROLINA
 PROJECT NO.: CH00.0485.SU DRAWN BY: SAT
 DATE: 03/27/00 SHEET: 1 OF 1
 REVISED: 05/08/00 (TO SHOW TIE TO JOHNSON LAKE)
 SCALE: 1" = 40' CADD FILE: EASE_LEGL.DWG

GEOSCIENCE GROUP, INC.

500-K Clanton Road
 Charlotte, NC 28217
 704-525-2003
 704-525-2051(fax)



JUDITH A. GIBSON
REGISTER OF DEEDS , MECKLENBURG COUNTY
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE NC 28202

Filed For Registration: 09/07/2000 04:13 PM
Book: RE 11559 Page: 506-511
Document No.: 2000130321
ESMT 6 PGS \$16.00
Recorder: NANCY JONES

State of North Carolina, County of Mecklenburg

The foregoing certificate of LAURA SWARTZ Notary is certified to be correct. This 7TH of September 2000

JUDITH A. GIBSON, REGISTER OF DEEDS By Nancy Jones
Deputy/Assistant Register of Deeds



2000130321