

Return to:  
Ronald L. Spahn, Esq.  
5401 Twin Knolls Road, Suite 7  
Columbia, MD 21045

**DECLARATION OF MAINTENANCE  
OBLIGATIONS FOR PRIVATE USE IN COMMON EASEMENT  
FOR INGRESS AND EGRESS ACROSS AND WITHIN  
LOTS 2, 3 AND 4 "WARFIELD BROTHERS"  
AND LOTS 1 THRU 4 "K&D STABLES"**

THIS DECLARATION of Maintenance Obligations for Private Use in Common Easement for Ingress and Egress Across and Within Lots 2, 3 and 4 "Warfield Brothers" and Lots 1 thru 4 "K&D Stables" is made this 7<sup>th</sup> day of June, 2006, by **NVR, INC.** (hereinafter referred to as "Owner")

WHEREAS, Owner owns a parcel of ground described in a deed dated November 3, 2005 and recorded among the Land Records of Howard County, Maryland in Liber 9725, folio 675, containing Lots 1, 2 and 3 of Warfield Bros., and being shown on plat entitled, "Warfield Bros., Lots 1 thru 4" and recorded in Plat Book 8841; and

WHEREAS, Owner owns a parcel of ground described in a deed dated November 3, 2005 and recorded among the Land Records of Howard County, Maryland in Liber 9651, folio 214, containing Lot 4 of Warfield Bros., and being shown on plat entitled, "Warfield Bros., Lots 1 thru 4" and recorded in Plat Book 8841; and

WHEREAS, Owner owns a parcel of ground described in a deed dated November 3, 2005 and recorded among the aforesaid Land Records in Liber 9633, folio 106, containing Lots 2 and 3 of K&D Stables, and being shown on plat entitled, "K&D Stables, Lots 1 thru 4" and recorded in Plat Book 9336; and

WHEREAS, Owner owns a parcel of ground described in a deed dated April 18, 2006 and recorded among the aforesaid Land Records in Liber 9957, folio 497, containing Lot 1 of K&D Stables, and being shown on plat entitled, "K&D Stables, Lots 1 thru 4" and recorded in Plat Book 9336; and

WHEREAS, Owner owns a parcel of ground described in a deed dated October 5, 2005 and recorded among the aforesaid Land Records in Liber 9537, folio 032, containing Lot 4 of K&D Stables, and being shown on plat entitled, "K&D Stables, Lots 1 thru 4" and recorded in Plat Book 9336; and

WHEREAS, this Declaration is necessary as it establishes a Private Use in Common Easement for Ingress and Egress across and within Lots 2, 3 and 4 "Warfield Brothers," as shown on "Warfield Bros., Lots 1 - 4," and Lots 1 thru 4 K&D Stables, as shown on "K&D Stables, Lots 1 thru 4," and any lots divided out of the said parcels which front on the said Private Use in Common Easement (hereinafter referred to as "Lots"), which are restricted to using the

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Private Use in Common Easement, whose width varies from twenty-four feet (24') to fifty feet (50') as shown on the aforementioned Subdivision Plats, to Howard Road, Glenelg, Howard County, Maryland; and

WHEREAS, Howard County has required the Owner to establish the maintenance obligations of some of the owners of the lots for the Private Use in Common Easement.

NOW, THEREFORE, Owner hereby makes this Declaration, and declares and agrees as follows:

1. All covenants, conditions and agreements contained herein are made for the direct, mutual and reciprocal benefit of each and every of the aforesaid Lots. This Declaration shall create reciprocal rights and obligations between and/or among the respective owners of the aforesaid Lots and their respective personal representatives, successors and assigns.
2. The parties hereto agree that should any of the aforesaid Lots be sold under a foreclosure of the aforementioned mortgage or by deed in lieu of foreclosure of sale by a trustee in bankruptcy or other sales under distress, such sales or conveyances will be subject to this Declaration.
3. Each lot owner, their family, agents, employees and guests shall have the use of the Private Use in Common Easement for ingress and egress to their lot. No lot owner may take any action which would interfere with the other lot owners' use.
4. The owners of Lots 1, 2, 3 and 4 of "K&D Stables, Lots 1 thru 4," and Lots 2 and 3 of "Warfield Bros., Lots 1 - 4," shall be jointly responsible for maintaining the Private Use in Common Easement as shown on the Subdivision Plat in good condition for all weather use so as to provide safe access for emergency vehicles. The lot owners shall agree to the repairs or maintenance. This maintenance and repair obligation shall constitute a covenant to run with the land, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations on all future lot owners, this Declaration of Maintenance Obligations being designed for the purpose of maintaining good access for the identified lots in the subdivision. Any damage caused by a lot owner or their family, agent, employee or guest shall be the lot owner's responsibility.
5. The "whereas" clauses are included herein.
6. Any disputes shall be resolved by arbitration under the auspices of the American Arbitration Association or its successor. Any judgment award shall include monetary damages, interest, costs, attorney's fees and expert expenses.
7. Every person and/or entity who now or hereafter owns or acquires any right, title or interest in and/or to any of the aforesaid Lots is and shall be conclusively deemed to have consented and agreed to every condition, standard and covenant contained herein, whether or not

any reference to this Declaration is contained in the instrument by which such person and/or entity acquired such interest in the aforesaid Lots. This easement shall be perpetual and run with the land.

8. House number identification signs are to be provided for installation and maintenance in accordance with the office of Planning and Zoning House Numbering System and per Section 3.503(a) of the Howard County Code - Public Signs.

9. A description of this Private Use in Common Easement is attached hereto and made a part hereof.

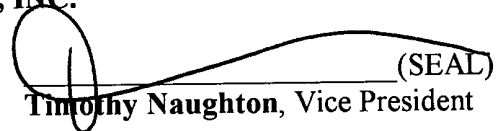
AS WITNESS, the hands and seals of the parties hereto the day and year first above written.

ATTEST:

  
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NVR, INC.


By:

 (SEAL)  
Timothy Naughton, Vice President

STATE OF MARYLAND, ~~CITY~~/COUNTY OF HOWARD, to wit:


I HEREBY CERTIFY that on this 17<sup>th</sup> day of June, 2006, before me, the subscriber, a Notary Public of the State and City/County aforesaid, personally appeared **Timothy Naughton**, who acknowledged himself to be the Vice President of **NVR, INC.**, and that as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein stated.

IN WITNESS WHEREOF, I hereunto set my hand and official seal:

  
Notary Public EHOT G. STRIAR

My commission expires: 01-01-07

This instrument was prepared by Ronald L. Spahn, Esquire, an attorney qualified to practice before the Maryland Court of Appeals.

  
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Ronald L. Spahn

March 28, 2006

**DESCRIPTION OF A  
PRIVATE USE IN COMMON EASEMENT  
FOR INGRESS AND EGRESS  
ACROSS AND WITHIN  
LOTS 2, 3 AND 4  
"WARFIELD BROTHERS"  
AND LOTS 1 THRU 4  
"K & D STABLES"  
PLAT INTENDED TO BE RECORDED  
FIFTH ELECTION DISTRICT  
HOWARD COUNTY, MARYLAND**

**BEING** a piece or parcel, situate and lying in the Fifth Election District of Howard County, Maryland for the purpose of a Private Use In Common Easement for Ingress and Egress within, through, over and across part of the property described in a conveyance intended to be recorded among the Land Records of Howard County, Maryland from Ten Oaks Properties, Inc. to NVR Inc. and shown on a Plat entitled "Revision Plat, Warfield Brothers, Lots 1 - 4" and a Plat entitled "Revision Plat, K & D Stables, Lots 1 thru 4" intended to be recorded among the aforesaid Land Records; said piece or parcel being more particularly described, as now surveyed in the Maryland State Coordinate System NAD'83 Datum, as projected by Howard County Geodetic Control, as follows:

**BEGINNING FOR THE SAME** at a point at the beginning of the North  $31^{\circ}50'09''$  East 372.29 foot line of Lots 3 and 4 as shown on the aforesaid "Warfield Brothers" Plat, said point also being on the Southern or North  $64^{\circ}23'35''$  West 308.53 foot Right of Way line of Howard Road in common with Lot 4; thence running with and binding on part of said line the following course and distance:

- 1) South  $31^{\circ}50'09''$  West 338.86 feet to a point; thence leaving said line to run over, across and through Lot 4 for new lines the following two (2) courses and distances:
- 2) South  $31^{\circ}59'13''$  East 235.04 feet to a point; thence
- 3) South  $79^{\circ}26'17''$  East 84.19 feet to a point on the North  $30^{\circ}28'34''$  East 684.16 foot line of the aforesaid "Warfield Brothers" Plat in common with the North  $30^{\circ}28'34''$  East 857.68 foot line of the aforesaid "K & D Stables" Plat; thence running over, across and

**FISHER,  
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&  
CARTER,  
INC.**

CIVIL ENGINEERING CONSULTANTS  
and LAND SURVEYORS

10272 Baltimore National Pike  
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through Lots 1 thru 4 of the aforesaid "K & D Stables" Plat for new lines the following five (5) courses and distances:

- 4) South  $79^{\circ}26'17''$  East 289.57 feet to a point; thence
- 5) 29.20 feet with the arc of a tangential curve to the left, having a radius of 30.00 feet, and being subtended by a chord of North  $72^{\circ}40'34''$  East 28.06 feet to a point of reverse curvature; thence
- 6) 254.42 feet with the arc of a tangential curve to the right, having a radius of 50.00 feet, and being subtended by a chord of South  $10^{\circ}33'43''$  West 56.25 feet to a point of reverse curvature; thence
- 7) 29.20 feet with the arc of a tangential curve to the left, having a radius of 30.00 feet, and being subtended by a chord of North  $51^{\circ}33'09''$  West 28.06 feet to a point of tangency on the South  $79^{\circ}26'17''$  East 304.42 foot common line of Lots 1 and 2 of the aforesaid "K & D Stables" Plat; thence running reversely with the remainder of said line:
- 8) North  $79^{\circ}26'17''$  West 300.44 feet to a point on the North  $30^{\circ}28'34''$  East 684.16 foot line of the aforesaid "Warfield Brothers" Plat in common with the North  $30^{\circ}28'34''$  East 857.68 foot line of the aforesaid "K & D Stables" Plat; thence running over, across and through Lots 2, 3 and 4 of the aforesaid "Warfield Brothers" Plat for new lines the following seven (7) courses and distances:
  - 9) North  $79^{\circ}26'17''$  West 86.50 feet to a point on the North  $31^{\circ}59'13''$  West 325.20 foot line of Lot 3 in common with Lot 4; thence running with and binding on part of said line:
  - 10) North  $31^{\circ}59'13''$  West 196.01 feet to a point; thence leaving said line and running over, across and through Lot 3
  - 11) North  $58^{\circ}09'51''$  West 58.63 feet to a point on the North  $85^{\circ}22'36''$  East 118.25 foot line of Lot 3 in common with Lot 2; thence running reversely with and binding on part of said line:

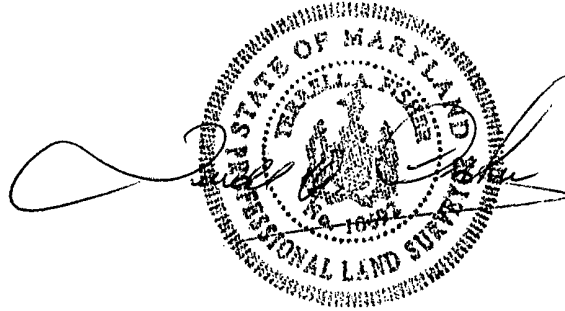
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- 12) South 85°22'36" West 31.09 feet to a point; thence leaving said line and running over, across and through Lot 2, and running with and binding on all of the North 31°50'09" East 371.43 foot line of Lot 1 in common with Lot 2:
- 13) North 31°50'09" East 402.53 feet to a point on the 210.33 arc-foot line of the southern Right of Way line for the aforesaid Howard Road; thence running with and binding on said Right of Way line the following two (2) courses and distances:
- 14) 22.25 feet with the arc of a non-tangential curve to the left, having a radius of 355.00 feet, and being subtended by a chord of South 62°35'57" East 22.25 feet to a point of tangency; thence
- 15) South 64°23'35" East 27.99 feet to the point of beginning; containing 1.073 Acres, more or less.

SEE PLAT attached hereto to be recorded with this description.



Prepared By JB

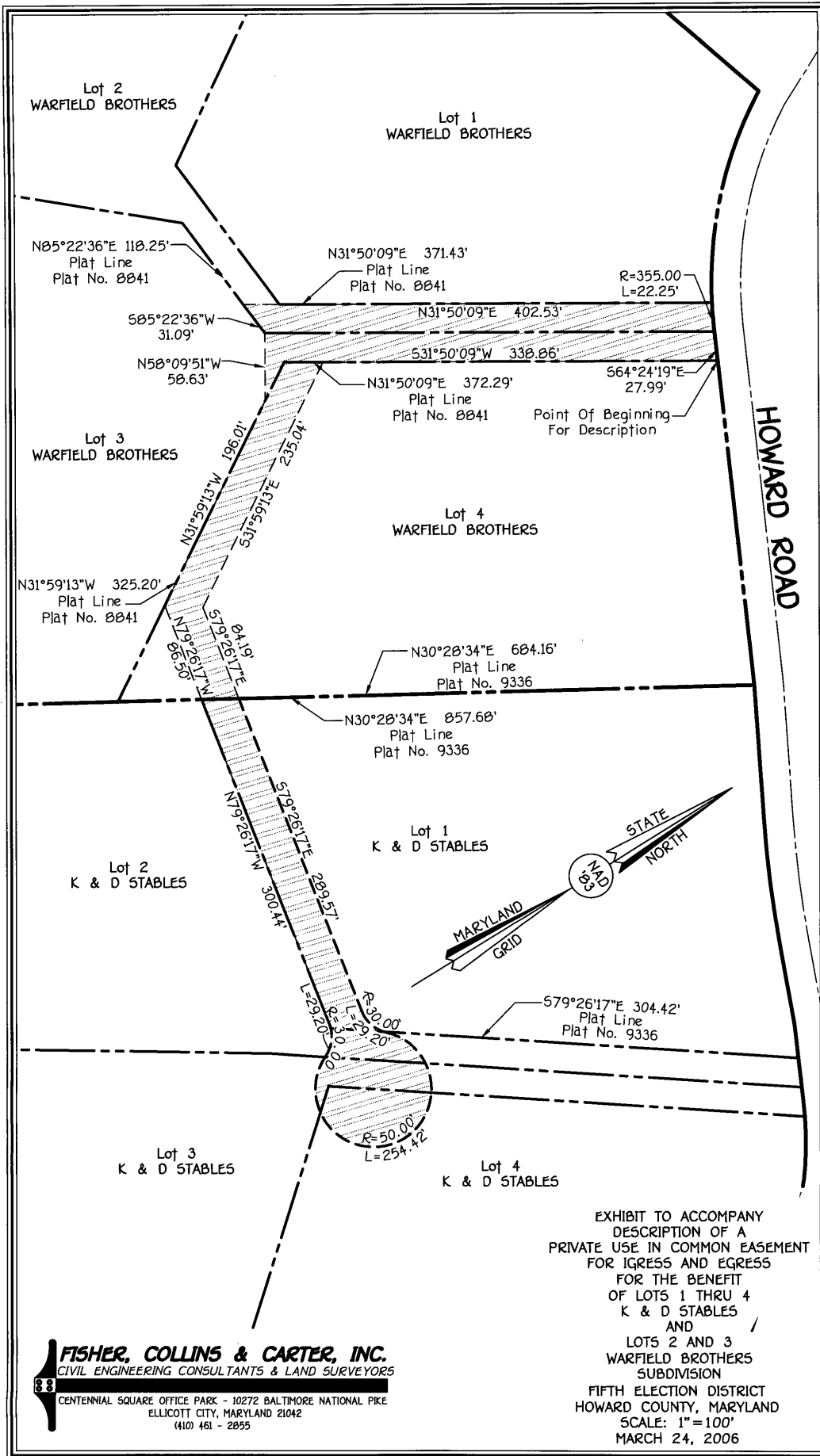
Checked By JAV

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IMP FU SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00
Rest # 6	Rcpt # 43751
HR # MEN	Blk # 907
Jun 08, 2006	01:33 PM



K:\Drawings 3\30310 Warfield Homestead\DWG\30310 EXHIBIT FOR NEW EASEMENT.dwg, 3/27/2006 11:45:55 AM, 1:1

**FISHER, COLLINS & CARTER, INC.**  
 CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS  
 CENTENNIAL SQUARE OFFICE PARK - 10272 BALTIMORE NATIONAL PIKE  
 ELLICOTT CITY, MARYLAND 21042  
 (410) 461 - 2855

EXHIBIT TO ACCOMPANY  
 DESCRIPTION OF A  
 PRIVATE USE IN COMMON EASEMENT  
 FOR IGRESS AND EGRESS  
 FOR THE BENEFIT  
 OF LOTS 1 THRU 4  
 K & D STABLES  
 AND  
 LOTS 2 AND 3  
 WARFIELD BROTHERS  
 SUBDIVISION  
 FIFTH ELECTION DISTRICT  
 HOWARD COUNTY, MARYLAND  
 SCALE: 1"=100'  
 MARCH 24, 2006