Drawn By: Environmental Health Dept.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BOOK PAGE
4236 0023

SEPTIC TANK AGREEMENT

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The undersigned, Tommy Sustar, owner of property located at Stallings Road (T.C. po 215-151-01), ("the site") and described in instrument recorded in Book 4210 at Page 0368, Mecklenburg Public Registry, hereby acknowledges that he applied to the Department of Environmental Health for a permit to install a septic tank sewage disposal system on the site; the Department evaluated the site for suitability for such a system in accord with the regulations promulgated by the North Carolina Commission for Health Services as 10 NCAC 10A .1900 et seq; that the Department found the site as UNSUITABLE and an appropriate permit was issued by the Department.

The undersigned further acknowledges that the proper design, construction and maintenance of such septic tank system is his responsibility and that neither the Department nor its officials, employees, or agents warrant or guarantee that the said system installed pursuant to the permit issued by the Department will function in a satisfactory manner for any given period of time, or that the Department, its officials, employees or agents assume any liability for damages, consequential or direct, which are caused, or which may be caused, by a malfunction of such system.

This document shall be placed on the public records of the Register of Deeds of Mecklenburg County and indexed therein under the Grantor Index in the name or names of the undersigned, and the foregoing acknowledgements shall henceforth be binding on all persons claiming any right, title, or interest in the site.

And the undersigned further agrees for himself, his heirs and assigns, that he shall idemnify and hold harmless the Department and its successors, as well as Mecklenburg County, for any damages or other claims of any person or persons whatsoever arising out of the installation, operation, or failure, of said septic tank system.

And the undersigned further agrees for his heirs and assigns that, in the event any septic tank system installed under authority of the aforesaid permit fails to perform adequately, in any respect, he will take whatever measures are required to correct same; or if such is impossible he will discontinue use of said system immediately.

Use of the singular masculine pronoun forms herein shall be deemed to also include the plural and feminine forms as the context may require.

This 20 day of Sept., 1979

Tommy Sustar (Seal)

(Seal)

STATE OF NORTH CAROLINA,
COUNTY OF MECKLENBURG

I, Billie H. Utley, a Notary Public for said County and State, do hereby certify that Tommy Sustar, personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 24 day of Sept., 1979.

Billie H. Utley
Notary Public
My Commission Expires: My Commission Expires July 4, 1984

STATE OF NORTH CAROLINA,
COUNTY OF MECKLENBURG

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he is _____ of _____, and that by authority duly given and as the act and deed of said corporation, the foregoing instrument was signed in its name by the _____, sealed with its corporate seal and attested by _____ as _____.

WITNESS my hand and notarial seal, this ____ day of _____, 19__

_____
Notary Public
My Commission Expires:

Mail to: Tommy Sustar
5001 Stallings Road

MECKLENBURG COUNTY, N.C. REGISTRATION
SEP 24 2 20 PM

(Above space for Recorder's use only)

THIS INSTRUMENT WAS PREPARED BY
AND AFTER RECORDING RETURN TO:
James, McElroy & Diehl, P.A., BOX 228
525 n. Tryon St., Suite 700
Charlotte, NC 28202
Attn: H. Heath Alexander

TERMINAITON OF SEPTIC TANK AGREEMENT

THIS TERMINATION OF SEPTIC TANK AGREEMENT (this "**Termination Agreement**") is made as of this ____ day of _____, 2022 by and among **VALLEY SILVER OAKS, LLC,** a North Carolina limited liability company **("Owner")**, and **MECCKLENBURG COUNTY, NORTH CAROLINA** ("**County**").

EXPLANATORY STATEMENT

A. Owner is the owner of a certain parcel of land located in Mecklenburg County, North Carolina, more particularly described in **Exhibit A** attached hereto and made a part hereof (the "**Owner Parcel**").

B. A prior owner of the Owner Parcel entered into that certain Septic Tank Agreement with the County's Department of Environmental Health dated September 20, 1979 and recorded in the Mecklenburg County Public Registry at Book 4236, Page 23 (the "**Agreement**").

C. The parties now wish to terminate the Agreement as set forth below.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby covenant, warrant and agree as follows:

1. **Recitals**. The foregoing Recitals are hereby deemed to be true and correct and are incorporated herein by this reference.

2. **Termination of Agreement**. The Agreement is terminated as of the date of this Termination Agreement and, except as specifically set forth in this Termination Agreement, neither Owner nor the County shall have any further rights or obligations thereunder.

3. **Governing Law.** This Termination Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this Termination Agreement as of the day and year first above written, with the intention of creating an instrument under seal.

OWNER:

VALLEY SILVER OAKS, LLC, a North Carolina limited liability company

By: _____
Name: _____
Title: _____

STATE OF NORTH CAROLINA)
) **SS**
COUNTY OF MECKLENBURG)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____of Valley Silver Oaks, LLC, a North Carolina limited liability company, on behalf of such limited liability company.

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

_____
Notary for Mecklenburg County, NC
My commission expires: _____

COUNTY:

MECLENBURG COUNTY, NORTH CAROLINA
[Department of Environmental Health]

By: Angela Lynn Lee
Name: Angela Lynn Lee
Title: Assistant Health Director

LYDIA J. PLACIDE
My Commission Expires
NOTARY PUBLIC
January 17, 2027
MECKLENBURG COUNTY, NC

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF MECKLENBURG)

The foregoing instrument was acknowledged before me this 21 day of March, 2022, by Angela Lynn Lee, Assistant Health Director of Mecklenburg County, North Carolina, on behalf of the Mecklenburg County Department of Environmental Health..

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

Lydia J Placide
Notary Public for Mecklenburg County, NC
My commission expires: 1/17/2027

EXHIBIT A
Legal Description of the Owner Parcel

BEING the same property described in that certain Deed dated July 10, 1979 from T.H.Sustar and wife, Bleeka Lee Sustar to Tommy M. Sustar recorded in Book 4210, Page 368 of the Mecklenburg County Public Registry.