

THIS INSTRUMENT PREPARED BY:
Katie B. Moore
Croley, Davidson & Huie, PLLC
800 S. Gay Street, Suite 1700
Knoxville, TN 37929
File No. 240640

**DECLARATION OF 20' EXCLUSIVE PERMANENT JOINT ACCESS
EASEMENT WITH MAINTENANCE PROVISIONS**

The undersigned, Cave Creek Developers, LLC, a Tennessee limited liability company (the "Declarant"), hereby declare that it is the owner of certain real property situated in District No. 3 of Roane County, Tennessee, being known and designated as Lots 5, 6, 7, and 8 of the _____ (hereinafter collectively the "Lots"), filed of record in Book _____, page _____ in the Roane County Register of Deeds Office (the "Subdivision").

Declarant, desiring to establish an exclusive permanent joint access easement for pedestrian, vehicular, and utility access to the Lots, hereby declares and grants to the present and/or future owners of the Lots, their heirs, successors, assigns, invitees, administrators, personal representatives and successors in interest, a permanent, exclusive joint access easement for pedestrian, vehicular, and utility access and ingress and egress upon, over and through the property described on Exhibit "A" attached (the "Easement Area"), which permanent easement shall run with the land.

The owners and future grantees of the Lots shall equally bear the expense of maintaining the driveway as well as retaining walls, landscaping and any other improvements located within the Easement Area. Maintenance of the aforesaid driveway, landscaping, retaining walls and other improvements shall be performed when the lot owners elect to do so. Failure of a lot owner to contribute to such maintenance shall result in the right of the owner(s) paying for the same to file and enforce a lien against such non-contributing owner and such owner's lot. The Easement Area shall be maintained in a clean and neat condition. Maintenance shall include pot hole repair and periodic repaving of the driveway, snow and ice removal, trimming of vegetation and replacement thereof as needed and regular pickup and removal of trash and debris.

This Declaration of 20' Exclusive Permanent Joint Access Easement with Maintenance Provisions is made by and between Declarant and the future owners of the aforesaid lots in the Subdivision. The term "future owner" shall include the successors, assigns, invitees, administrators, personal representatives and successors in interest of such owner.

The owners of the Lots shall each maintain liability insurance coverage with respect to their respective lots with coverage to be in such amount as customarily carried in connection with properties of similar use and occupancy in Roane County, Tennessee.

The provisions of this Declaration of 20' Exclusive Permanent Joint Access Easement with Maintenance Provisions may be terminated, modified, rescinded or amended in whole or in part only with the prior written consent of the owners of the Lots or their successors in interest.

The undersigned hereby covenants that it is lawfully seized and possessed of the hereinbefore described real property and that it has a good and lawful right to convey the rights and privileges herein set forth and binds itself and its successors and assigns, to warrant and defend title to the easement and right-of-way herein described.

If any term or provision hereof is found by a court of competent jurisdiction to be illegal or unenforceable, such finding shall not be deemed to adversely affect any other term or provision hereof.

This Declaration of 20' Exclusive Permanent Joint Access Easement with Maintenance Provisions shall be deemed to have been made and shall be construed and interpreted in accordance with the laws of the State of Tennessee.

Whenever in this instrument a pronoun is used it shall be construed to represent either singular or plural, or masculine, feminine or neuter gender, as the case may demand.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the ____ day of _____, 2024.

Cave Creek Developers, LLC
A Tennessee limited liability company

By: _____

Name: _____

Title: _____