

DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT is made on this 12<sup>R</sup> day of may, 2011, by Wanda Coghill (hereinafter referred to as "Declarant.")

WHEREAS, Coghill is the owner of that property known as 8226 Ft. Smallwood Road, Pasadena, Maryland, which property is also known as Lot 137 as shown on the Plat of "Greenland Beach", which Plat is recorded among the Plat Records of Anne Arundel County at Plat Book 2, Page 7. The property is further identified by the Anne Arundel County Tax Account Number 3395-0613-7600 (hereinafter referred to as the "Dominant Property");

WHEREAS, Coghill is also the owner of that property is known as 8224 Smallwood Road, Pasadena, Maryland, which property is also known as Lot 138 as shown on the above-referenced Plat of "Greenland Beach". The property is further identified by the Anne Arundel County Tax Account Number 3395-1786-9600 (hereinafter referred to as the "Servient Property").

WHEREAS, the Dominant Property and the Servient Property share a common side property line;

WHEREAS, certain improvements used by or belonging to the Dominant Property are located on the Servient Property, including a portion of a wrap-around covered porch on the north side of the house located on the Dominant Property (said improvements hereinafter referred to as the "Encroachments");

WHEREAS, the location of said Encroachments on the Servient Property is as set forth on a survey prepared by Schulte & Associates, Inc., attached hereto as Exhibit A;

WHEREAS, Coghill wishes to create a permanent easement over a portion of the Servient Property for the continued location of said Encroachments and any required maintenance of same and for that reason this easement is executed.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Coghill hereby declares and creates a permanent and perpetual easement over, across, on, and through that portion of the Servient Property indicated on Exhibit A, and labeled "Area of Porch Encroachment". The exact Easement is further described by metes and bounds description on Exhibit B attached hereto. This Easement shall permit the perpetual location of the porch onto the portion of the Servient Property as indicated on Exhibit A and Exhibit B. In addition, a seven (7) foot strip of land on the Servient Property immediately around the porch is hereby declared subject to a maintenance Easement to permit the owner of the Dominant Property from time to time the perpetual

IMP FD SURE \$ 20.00  
RECORDING FEE 20.00  
TOTAL 40.00  
RPD VJT Blk # 1288  
Rpt # 25411  
May 18, 2011

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 23491 p.0343 MSA\_CE\_59\_23835. Date available 6/7/2011. Printed 3/12/2026 4:49:20 PM. Reg 0002  
T/Ref 0002035234  
01 - Recordation Tax Division \$0.00  
Validation Number: 0002-035212  
Instrument Type: Easement  
CLERK'S NOTATION  
Document submitted for record in a condition not permitting satisfactory photographic reproduction.  
LAW OFFICE OF ROBERT J. FUOCO  
105 PADFIELD BLVD.  
CEN BURNIE, MARYLAND 21001  
(410) 708-6733

RECEIVED FOR RECORD  
CIRCUIT COURT, A.A. COUNTY  
2011 MAY 18 P 3:08

right to maintain and repair the porch. The above two areas shall hereinafter be referred to as the "Easement Area."

2. As set forth above, the Easement Area shall be for the benefit of the owner of the Dominant Property from time to time and their personal representatives, successors, heirs and assigns and their respective guests, agents and invitees.

3. The use of the Easement Area shall be to enjoy those Encroachments that exist on the Easement Area as of the time of execution of this Agreement. The owner of the Dominant Property and their personal representatives, successors, heirs and assigns shall be entitled to repair, replace, and/or maintain any of the improvements that currently exist in the Easement Area but may not enlarge any of the Encroachments.

4. If the owner of the Dominant Property and the Servient Property are not the same, the owner of the Dominant Property shall save, hold harmless, indemnify and defend the owner of the Servient Property from and against any costs, expenses and liabilities as a result of said use of the Easement Area by the owner of the Dominant Property and their respective guests, agents, and/or invitees, which indemnification shall apply to any damage to property or injury to persons as a result of such use.

5. This Easement shall run with and be binding on the Dominant Property and the Servient Property in perpetuity.

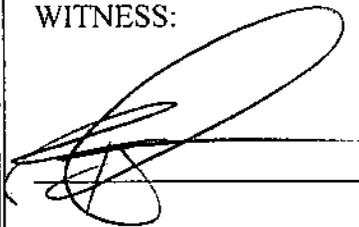
6. This Easement shall be recorded among the Land Records of Anne Arundel County.

7. This Agreement shall be binding upon and inure to the benefit of the owner(s) of the two properties described herein from time to time and their personal representatives, successors, heirs and assigns.

8. This Agreement may not be modified except by a document executed by all owners of the properties affected by this easement.

IN WITNESS HEREOF, the parties set their hands and seals hereto on the year and date first above written.

WITNESS:

  
\_\_\_\_\_

  
WANDA COGHILL

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, ss:

I HEREBY CERTIFY that on this 20th day of May 2011, before me, a Notary Public of the State of Maryland, in and for the county of Anne Arundel personally appeared **WANDA COGHILL**, known to me, or satisfactorily proven to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Gina L. Kane  
Notary Public

My commission expires:

9-8-2014



Gina L. Kane  
Notary Public  
Anne Arundel County, MD  
My Commission Expires 9-8-2014

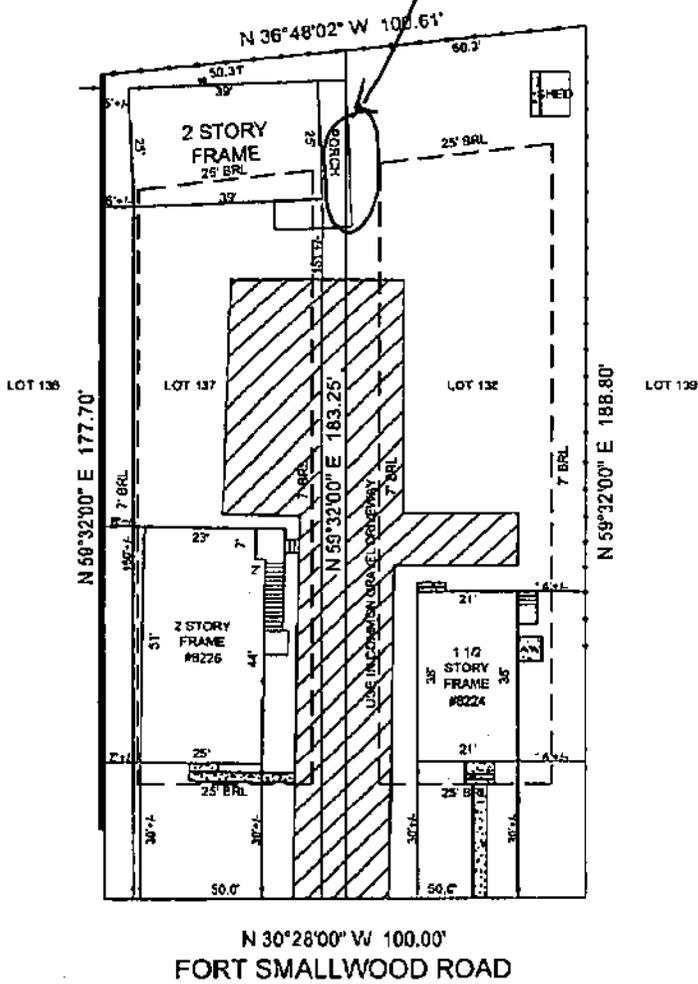
This Agreement was prepared by an attorney licensed to practice law before the Maryland Court of Appeals.

Robert J. Fuoco, Esq.

EXHIBIT A

NOTE: THESE PROPERTIES ARE SUBJECT TO A SAVINGS AND EXCEPTING FOR THE PURPOSES OF ROAD WIDENING ALONG FT. SMALLWOOD ROAD STATE RIGHT OF WAY PLAT #6065

*Area of Porch Encroachment*



N 30°28'00\"/>

THIS PLAT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF ESTABLISHING BOUNDARY LINES!!!

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.

 = CONCRETE

- GENERAL NOTES**
- 1). THIS PLAT IS OF BENEFIT TO THE CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OF A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH A CONTEMPLATED TRANSFER, FINANCING, OR RE-FINANCING.
  - 2). THIS PLAT IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR ANY OTHER FUTURE IMPROVEMENTS.
  - 3). THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THIS TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.

LOCATION DRAWING:  
I HEREBY CERTIFY THAT THE IMPROVEMENTS ARE LOCATED AS SHOWN HEREON, AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON, AND THAT THE IMPROVEMENTS APPEAR TO BE IN FLOOD ZONE C. THIS SURVEY IS TO ESTABLISH THESE ABOVE GROUND IMPROVEMENTS ONLY AND NOT INTENDED TO FIND UNDERGROUND UTILITIES OR OTHER INSTALLATIONS. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1' +/-



**Schulte & Assoc. Inc.**  
4399 MOUNTAIN ROAD  
PASADENA, MD 21122  
PHONE: 410-360-9464  
FAX: 410-360-0247

Address: 8224 & 8226 FORT SMALLWOOD RD. PASADENA, MD 21122		Property Description: LOCATION DRAWING OF LOTS 137 & 138 PLAT BK.# 2 PG. 7 PLAT REF.# 1 GREENLAND BEACH DEED REF.# 3556/22 DEED REF.# 2023/063	
Date: 12/08/10	Job #: 10115		
Scale: 1"=40'			

*Walter T. Tydings*  
Walter T. Tydings  
Property Line Surveyor # 150  
Date: 12/8/10

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 23491 p.0346 MSA\_CE\_59\_23835. Date available 6/7/2011. Printed 3/12/2026

BK 23491 PG 0346

**Commencing** at the southeast end of the common division line between lots 137 and 138 as shown on a plat entitled "Greenland Beach" dated May 1922 recorded among the Land Records of Anne Arundel County in Plat Book 2 Page 7. Said point of beginning being North 59°32'00" East 5.72' feet from said corner and running thence leaving said point of beginning and continuing to bind on said common division line;

1.) North 59° 32' 00" East 33.03' feet,

thence leaving said common division line and running over and through said lot 138 for new lines of easement, viz:

2.) North 32° 45' 18" West 2.24' feet,

3.) South 57° 14' 42" West 33.00' feet, and

4.) South 32° 45' 18" East 0.92' feet,

to the point of beginning.

Containing 52 s.f. or 0.001 acres more or less.

**Being** a part of lot 138 as shown on a plat entitled "Greenland Beach" dated May 1922 recorded among the Land Records of Anne Arundel County in Plat Book 2 Page 7, and also being a part of that parcel of land as conveyed by a deed dated January 25, 1983 from Boyd Walter Lawton et al and Boyd Walter Lawton and recorded among said land records in Liber 3556, folio 273.

