

R/R (K. Hovnanian) 7



Prepared By:  
*[Signature]*  
Robert J. Curley, Esq.

RECORD AND RETURN TO:  
Robert J. Curley, Esq.  
110 Fieldcrest Avenue, CN - 7825  
Edison, NJ 08818-7825



**DEED OF EASEMENT AND RIGHT-OF-WAY**

THIS INDENTURE, made as of the 31<sup>st</sup> day of August, 1998.

CLERK'S OFFICE  
MONMOUTH COUNTY  
NEW JERSEY

INSTRUMENT NUMBER  
1998125894  
RECORDED ON  
Sep 02, 1998  
12:10:36 PM  
BOOK=DB-5745  
PAGE=960  
Total Pages: 7

BETWEEN K. HOVNIANIAN AT WALL TOWNSHIP V, INC. a New Jersey Corporation, having a mailing address of 110 Fieldcrest Avenue, CN - 7825, Edison, New Jersey, 08818-7825. New Jersey, hereinafter collectively referred to as the "GRANTOR"

and

GREENHORN, INC., 1441 Lakewood Road, Manasquan, New Jersey, 08736 hereinafter referred to as "GRANTEE"

COUNTY RECORDING FEES	\$25.00
DEDICATED TRUST FUND COMMISSION	\$2.00
TOTAL	\$27.00

WITNESSETH

WHEREAS, the Grantor is the owner, in fee simple, of a certain tract or parcel of real property situate in the Township of Wall, County of Monmouth described on Schedule A and depicted on the plan attached hereto as Schedule C (the "Grantor's lands"); and

WHEREAS, Grantee is the owner of certain real property situate in the Township of Wall, County of Monmouth, and State of New Jersey, being known and designated as Block 893, Lot 49 on the Official Tax Map of the Township of Wall (the appurtenant property); and

WHEREAS, it is in the interests of the GRANTOR and the GRANTEE that a portion of the GRANTOR's lands, as described herein below, shall be burdened with an easement and right of way for the purpose of providing access to the appurtenant property upon and across a portion of GRANTOR'S lands to benefit the appurtenant property; and

WHEREAS, the Grantor does hereby agree to convey a nonexclusive EASEMENT to Grantee for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its assigns and successors in interest as specifically provided herein.

Not Certified Copy

SCHEDULE A

DESCRIPTION OF PROPERTY  
(Four Seasons at Wall - Access Easement for Block 893, Lot 49)

ALL THAT CERTAIN 56.00 foot wide access easement situate in the Township of Wall, County of Monmouth and the State of New Jersey being more particularly described as follows.

BEGINNING AT A POINT in the easterly line of Block 893, Lot 200, where the same is intersected by the southerly line of Morningstar Road (a 56.00 foot wide private road) as illustrated on a plan entitled "Final Major Subdivision Plat - Four Seasons at Wall Phases 4 & 5" (sheet 8 of 9) dated July 10, 1996 revised October 14, 1997 and filed in the Monmouth County Clerk's Office on December 5, 1997 as Case No. 266, sheets 4 through 12 and from said beginning point runs; thence, along said southerly line of Morningstar Road (1) N 52° 32' 26" W 143.52 feet to a point in the same; thence, through the same (2) N 37° 27' 34" E 56.00 feet to a point in the northerly line of said Morningstar Road and in the southerly line of Block 893, Lot 49; thence, along the same (3) S 52° 32' 26" E 142.77 feet to a point in the same; thence, through said Morningstar Road (4) S 36° 41' 34" W 56.00 feet to the point and place of beginning.

SAID ABOVE DESCRIBED 56.00 foot wide access easement containing within said bounds 8,016 square feet.

Date: May 15, 1998

Thomas Muir  
Thomas Muir  
NJ Licensed Land Surveyor No. 21218

SCHEDULE B

DESCRIPTION OF EASEMENT  
(Four Seasons at Wall - Roadway Easement - Block 893, Lot 49)

ALL THAT CERTAIN variable width roadway easement situate in the Township of Wall, County of Monmouth and the State of New Jersey being more particularly described as follows.

BEGINNING at a point in the curved westerly line of New Jersey State Highway Route No. 70 (variable width) where the same is intersected by the northerly line of Block 893, Lot 53 as illustrated on a plan entitled "Roadway Easement Plan" prepared by Najarian Associates, Inc. and dated January 16, 1996 and from said beginning point runs; thence, along said northerly line of Lot 53 (1) N 71° 07' 22"W 49.22 feet to a point in the easterly line of Block 893, Lot 50; thence, along said easterly line of Lot 50 (2) N 36° 41' 32"E 133.98 feet to a point corner to the same; thence, through Block 893, Lot 49 (3) S 52° 32' 25"E 6.57 feet to a point in the aforementioned curved westerly line of New Jersey State Highway Route No. 70; thence, along said curve on a curve to the right having a radius of 4137.28 feet (4) Southwestwardly an arc distance of 125.48 feet (the chord of said arc being S 17° 57' 53"W 125.48 feet) to the point and place of beginning.



SAID ABOVE DESCRIBED variable width roadway easement containing within  
said bounds 0.082 Acres.

Not Certified Copy

Date: 1/17/96

Thomas Muir, P.L.S.  
New Jersey Licensed Land Surveyor No. 21218

NOW, THEREFORE, in consideration of the making of this Instrument and in consideration of the sum of TEN (\$10.00) DOLLARS, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and other good and valuable consideration, it is hereby agreed that:

FIRST: Grantor does hereby GIVE, GRANT AND CONVEY unto the Grantee, its assigns and successors in interest, a nonexclusive EASEMENT upon, over and across the lands of the Grantor described herein below ("Easement Area"), and certain of Grantee's lands ("Grantee's Lands") which were the subject of an exclusive easement granted by Grantee to Grantor dated March 14, 1996 and recorded in the Monmouth County Clerk's Office at Deed Book 5490, Page 273, with full rights, privileges and authority for Grantee to enter upon same from time to time, without notice to Grantor, for the limited purpose of utilizing the Easement Area to gain access to the appurtenant property from and to New Jersey State Highway Route 70, subject to all necessary governmental regulations, ordinances, statutes and required approvals, the procurement of which shall be solely Grantee's responsibility. The rights conveyed herein are limited to access only and not intended to convey any greater rights than those rights expressly conveyed herein and specifically Grantor does not convey any rights to Grantee to make, construct or install any improvements on, over or under either the Easement Area or Grantee's Lands as described herein.

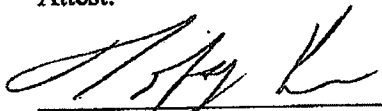
To have and to hold the above granted Easement unto the said Grantee, its successors and assigns, forever.

SECOND: Said Easement Area is more particularly described on "Schedule A" attached hereto and made a part hereof and depicted on the sketch attached hereto and made a part hereof as "Schedule C". Grantee's Lands are more particularly described on "Schedule B" attached hereto.

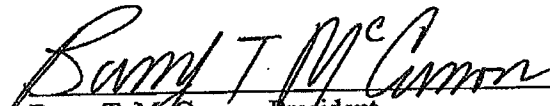
THIRD: The provisions of this Indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their respective heirs, successors in interest, licensees and assigns. The agreements, conditions, covenants and promises herein contained are intended to be covenants running with the land.

IN WITNESS WHEREOF, the Grantor has duly signed and sealed these presents the day and year first above written.

Attest:

  
Robert J. Carley, Asst. Secretary

K. Hovnanian at Wall Township VI, Inc.

  
Barry T. McCarron, President

STATE OF NEW JERSEY

ss:

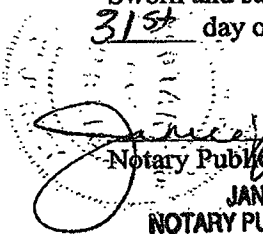
COUNTY OF MIDDLESEX

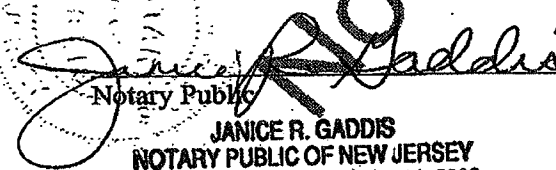
I certify that on August 31, 1998, Robert J. Curley personally came before me and acknowledged under oath, to my satisfaction, that:

- a) Robert J. Curley is thew assistant secretary of the corporation named in the attached document;
- b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Barry T. McCarron, the President of the corporation;
- c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- d) this person knows the proper seal of the corporation which was affixed to this document; and
- e) this person signed this proof to attest to the truth of these facts.

  
Robert J. Curley, Assistant Secretary

Sworn and subscribed to before me this  
31<sup>st</sup> day of August, 1998.

  
Notary Public

  
JANICE R. GADDIS  
NOTARY PUBLIC OF NEW JERSEY  
My commission Expires Sept. 24, 2000

