

STATE OF NORTH CAROLINA
COUNTY OF WAKE

MAINTENANCE AGREEMENT

THIS AGREEMENT made this _____ day of _____, _____ to and between _____ (hereinafter, "Homeowner"), who resides at _____, Cary, Wake County, North Carolina and the TROON AT KILDAIRE ASSOCIATION, INC. (hereinafter, "Association") of Cary, Wake County, North Carolina.

WITNESSETH, that the Homeowner is the owner of certain property located in Wake County and described as follows: _____ (hereinafter, "the Unit") The homeowner has asked the Association for permission to install a solar tube, and has received approval pursuant to the Declaration of Covenants for the Association from the Board of Directors for such exterior installation subject to the execution of this Maintenance Agreement.

NOW, THEREFORE, in consideration of the sum of \$5.00 and of the covenants and parts herein Contained, the parties do hereby covenant and agree as follows:

1. Exterior Addition. The Homeowner has asked for and has received approval from the Board of Directors of the Association to install a solar tube, which shall attach to the roof of his/her condominium in conformity with plans and specifications submitted by the Homeowner, which are attached hereto and incorporated by reference herein. The Homeowner agrees that the solar tube shall be in conformity with such plans and specifications. In the event that the homeowner fails to construct such improvement as approved by the Board of Directors, the Homeowner will be directed to correct such nonconforming conditions or to remove the entire improvement and restore the roof to its original condition. The cost of such correction or removal shall be the responsibility of the Homeowner.
2. Restriction as to Liens Against Association. No action shall be taken with respect to this installation which will cause any lien or encumbrance of any kind against the Association.
3. Responsibility for Future Maintenance. Notwithstanding the provisions of the Declaration of Covenants, the parties hereto specifically covenant that the Homeowner and his/her successors in title and assigns shall provide all future maintenance, repair, restoration, replacement, and removal costs without limitation to the solar tube, to the roof section surrounding the solar tube, and to Unit caused by any failure of the solar tube installation. The Homeowner and his/her successors in title and assigns shall forever indemnify and hold the Association harmless from any loss, cost, expense, damage, cause of action, or liability out of respect to the modification described in paragraph 1 above.
4. Severability. Invalidation of any provision of this agreement or any portion thereof by a judgment or court order shall not affect any other provisions, which shall remain in full force and effect.
5. Governing Rule. This agreement shall be governed and construed in accordance with the laws of the State of North Carolina.
6. Entire Agreement. This agreement contains the entire understanding between the parties and may not be altered, modified, terminated, or discharged except in writing.

7. Filing. A copy of this agreement shall be filed in the office of Wake County Register of Deeds at the expense of the Homeowner and shall be notice to all prospective purchasers, successors in title and assigns.
8. Authorized Signatures. Each person who signs this agreement on behalf of the Association is authorized to do so.
9. Benefit. This agreement shall be binding upon each of the parties, their heirs, devisees, representatives, successors in title and assigns.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

_____, Homeowner

TROON AT KILDAIRE HOA, INC.

By:

_____, Secretary

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that _____, Grantor and Homeowner, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that _____, Grantor and Secretary of Troon at Kildaire HOA, Inc., personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, _____.

Notary Public

My Commission Expires: _____