



30 June 2023

Dear Heritage Estates POA members,

With an eye towards promoting a fuller understanding of the common areas and their legal standing, the Board of Directors wished to give annual notice regarding decorative fencing on the Heritage Estates right of way (ROW). Understanding that there are many acceptable uses and encouraged improvements on the ROW (for instance driveway pillars, lamp posts, address signs, as well as decorative fences and other landscaping features), it is still important to point out those that decorative fences might become problematic if misconstrued or applied to for precedent. Accordingly, the Board has this statement to the membership.

Many forms of improvements to ROW are allowed by our governing documents, including decorative fencing, *but these should not serve to enclose or cut off significant portions of the ROW, or obstruct functions implied by the ROW boundaries*. Nor can they serve to abrogate the permanent legal standing of the ROW boundaries and the usages of that ROW as detailed in our governing documents and employed in our routine practices (for instance, per structure construction set-backs and as areas served in common area or ROW mowing). Specifically, decorative fencing does not imply adverse possession, provide color of title, abrogate easement, or change the legal standing of the ROW inherent in the subdivision's original design, as shown by the 1999 Record Map (attached).

Most respectfully,

Duane Esarey

2023 HEPOA President

Attachments: Heritage Estates Record Map

RECORD MAP OF
SHEET 1 OF 2
HERITAGE ESTATES

Obids Township Ashe County, N.C.
The Thomas Herman Co.
Professional Land Surveyor
P.O. Box 519
131 West Main Street
Jefferson, N.C. 28640
(336) 246-3352

Scale: 1" = 100'
Date: Nov. 1, 1989



STATE OF NORTH CAROLINA
COUNTY OF ASHE
I, Thomas D. Wallace, Surveyor, do hereby certify that this map was drawn from an actual field survey by me or an assistant under my supervision, that the ratio of precision as calculated by latitudes and departures is not less than 1/10,000, and that this map was prepared in accordance with G.S. 42-30 as amended and recorded in such manner as to be a part of the public records regulated as to an ordinance that regulates parcels of land.
Witness my hand and seal this 19th day of NOV, 1989.
P.L.S.
Thomas D. Wallace
L-26833

Presented for registration and recording in Plot Book 5566 this 10th day of NOVEMBER, 1989, at 5:55 o'clock A.M.
Shirley B. Wallace
Register of Deeds
By: Donald H. Finner
Deputy Register of Deeds

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF ASHE
I, DENNIS FINNEY, Review Officer of the ASHE County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
Dennis Finney
Review Officer
Date: 11-10-89

CERTIFICATE OF APPROVAL OF RECORDING
I hereby certify that the subdivision plat shown hereon has been found to comply with all applicable regulations of Ashe County, North Carolina, including the Subdivision Regulations of Ashe County, with the exceptions of such variances, if any, as noted in the minutes of the planning board, and are recorded on the plat and that it has been approved by the Ashe County Planning Board at their regular meeting of 11-4-89.
For recording in the office of the Register of Deeds.
11-10-89 J. Martin
Chairman, Ashe County Planning Board
THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS OF WAY OF RECORD PRIOR TO DATE THIS PLAT.

20' Drive Easement
For
Lots 14 & 15 Only
Description
COURSE BEARING DISTANCE
L S 85°42'14"E 55.00'
M S 85°42'14"E 55.00'
N S 85°42'14"E 55.00'
O S 85°42'14"E 55.00'
P S 85°42'14"E 55.00'
Q S 85°42'14"E 55.00'
R S 85°42'14"E 55.00'
S 85°42'14"E 55.00'

20' Drive Easement
For
Lots 14 & 15 Only
Description
COURSE BEARING DISTANCE
F S 85°42'14"E 55.00'
G S 85°42'14"E 55.00'
H S 85°42'14"E 55.00'
I S 85°42'14"E 55.00'
J S 85°42'14"E 55.00'
K S 85°42'14"E 55.00'

Riversound Description
COURSE BEARING DISTANCE
10 N 85°42'14"E 55.00'
11 S 85°42'14"E 55.00'
12 S 85°42'14"E 55.00'
13 S 85°42'14"E 55.00'
14 S 85°42'14"E 55.00'
15 S 85°42'14"E 55.00'
16 S 85°42'14"E 55.00'
17 S 85°42'14"E 55.00'
18 S 85°42'14"E 55.00'
19 S 85°42'14"E 55.00'

20' Drive Easement
For
Lots 23 & 24 Only
Description
COURSE BEARING DISTANCE
A S 85°42'14"E 55.00'
B S 85°42'14"E 55.00'
C S 85°42'14"E 55.00'
D S 85°42'14"E 55.00'
E S 85°42'14"E 55.00'

AUTUMN RUN
Description
COURSE BEARING DISTANCE
60 N 85°42'14"E 55.00'
61 S 85°42'14"E 55.00'
62 S 85°42'14"E 55.00'
63 S 85°42'14"E 55.00'
64 S 85°42'14"E 55.00'
65 S 85°42'14"E 55.00'
66 S 85°42'14"E 55.00'
67 S 85°42'14"E 55.00'
68 S 85°42'14"E 55.00'
69 S 85°42'14"E 55.00'

20' Drive Easement
For
Lots 10 & 11 Only
Description
COURSE BEARING DISTANCE
L S 85°42'14"E 55.00'
M S 85°42'14"E 55.00'
N S 85°42'14"E 55.00'
O S 85°42'14"E 55.00'
P S 85°42'14"E 55.00'
Q S 85°42'14"E 55.00'
R S 85°42'14"E 55.00'

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For
Lots 10 & 11 Only
Description
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I S 85°42'14"E 55.00'
J S 85°42'14"E 55.00'
K S 85°42'14"E 55.00'

Riversound Description
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13 S 85°42'14"E 55.00'
14 S 85°42'14"E 55.00'
15 S 85°42'14"E 55.00'
16 S 85°42'14"E 55.00'
17 S 85°42'14"E 55.00'
18 S 85°42'14"E 55.00'
19 S 85°42'14"E 55.00'

Total Area: 59.018 Acres

NOTE: BEING A PORTION OF THE HERITAGE ESTATES, INC. PROPERTY AS DESCRIBED IN DEED BOOK 235 PAGE 1874 AND DEVELOPED BY JAMES PARSONS, INC.
NOTE: RESTRICTIVE COVENANTS RECORDED IN DEED BOOK 244 PAGE 2555.
NOTE: ALL ROADS ARE PRIVATE AND FALL WITHIN THE COMPLEX OF THE SUBDIVISION.

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Lots 23 & 24 Only
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66 S 85°42'14"E 55.00'
67 S 85°42'14"E 55.00'
68 S 85°42'14"E 55.00'
69 S 85°42'14"E 55.00'

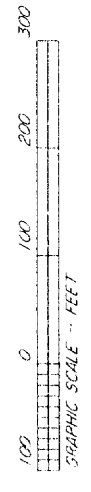
Sheet 2 of 2 5/566

RECORD MAP OF
SHEET 2 OF 2

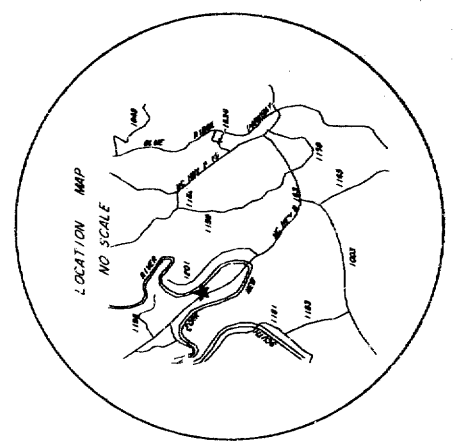
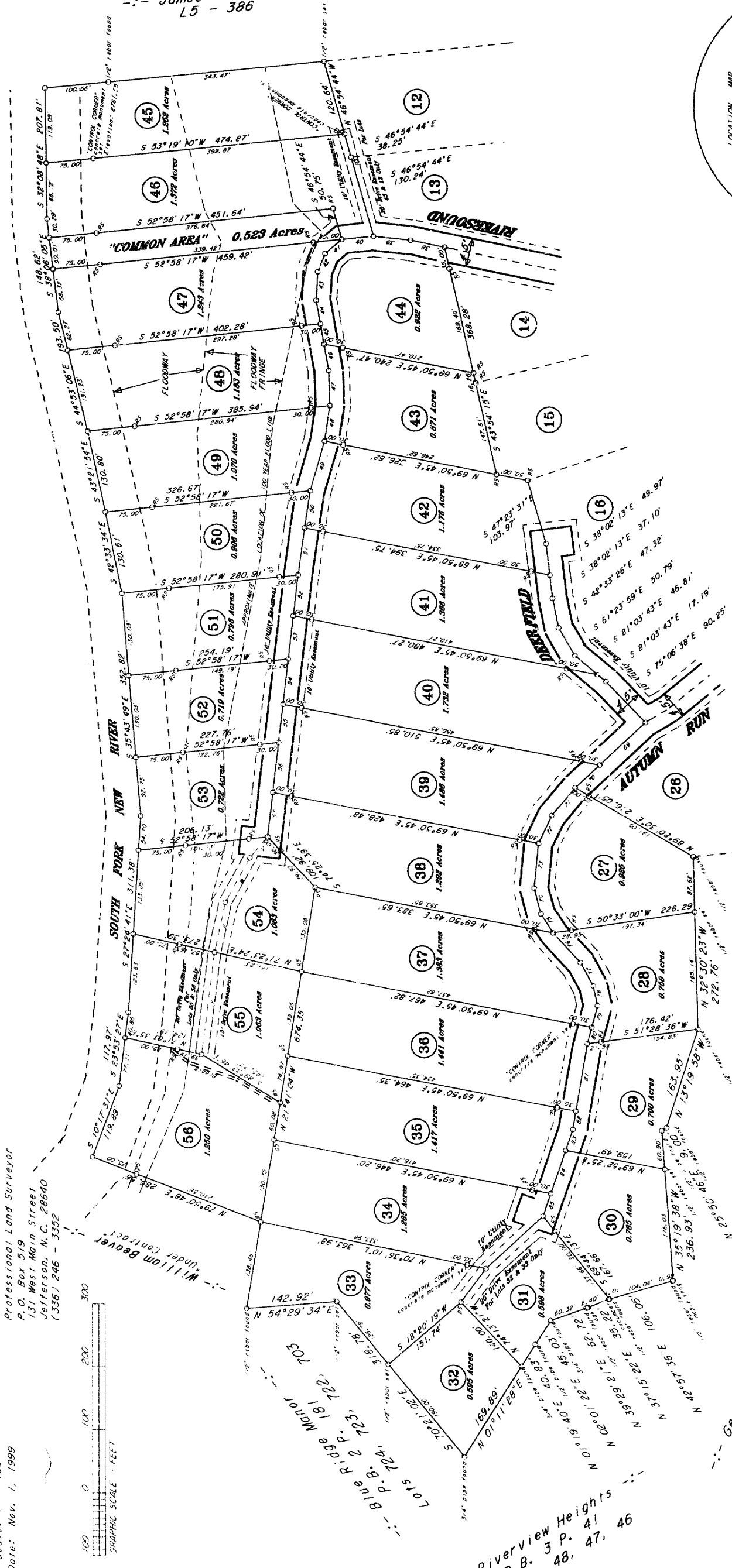
HERITAGE ESTATES

Obids Township Ashe County, N.C.

Scale: 1" = 100'
Date: Nov. 1, 1999
The Thomas Herman Co.
Professional Land Surveyor
P.O. Box 519
131 West Main Street
Jefferson, N.C. 28640
(336) 246 - 3352



James Parsons
L5 - 386



RIVERSOUND

COURSE	BEARING	DISTANCE
1	N 70°43'01"E	56.00'
2	N 69°02'50"E	56.40'
3	N 68°02'50"E	56.40'
4	N 67°02'50"E	56.40'
5	N 66°02'50"E	56.40'
6	N 65°02'50"E	56.40'
7	N 64°02'50"E	56.40'
8	N 63°02'50"E	56.40'
9	N 62°02'50"E	56.40'
10	N 61°02'50"E	56.40'
11	N 60°02'50"E	56.40'
12	N 59°02'50"E	56.40'
13	N 58°02'50"E	56.40'
14	N 57°02'50"E	56.40'
15	N 56°02'50"E	56.40'
16	N 55°02'50"E	56.40'
17	N 54°02'50"E	56.40'
18	N 53°02'50"E	56.40'
19	N 52°02'50"E	56.40'
20	N 51°02'50"E	56.40'
21	N 50°02'50"E	56.40'
22	N 49°02'50"E	56.40'
23	N 48°02'50"E	56.40'
24	N 47°02'50"E	56.40'
25	N 46°02'50"E	56.40'
26	N 45°02'50"E	56.40'
27	N 44°02'50"E	56.40'
28	N 43°02'50"E	56.40'
29	N 42°02'50"E	56.40'
30	N 41°02'50"E	56.40'
31	N 40°02'50"E	56.40'
32	N 39°02'50"E	56.40'
33	N 38°02'50"E	56.40'
34	N 37°02'50"E	56.40'
35	N 36°02'50"E	56.40'
36	N 35°02'50"E	56.40'
37	N 34°02'50"E	56.40'
38	N 33°02'50"E	56.40'
39	N 32°02'50"E	56.40'
40	N 31°02'50"E	56.40'
41	N 30°02'50"E	56.40'
42	N 29°02'50"E	56.40'
43	N 28°02'50"E	56.40'
44	N 27°02'50"E	56.40'
45	N 26°02'50"E	56.40'
46	N 25°02'50"E	56.40'
47	N 24°02'50"E	56.40'
48	N 23°02'50"E	56.40'
49	N 22°02'50"E	56.40'
50	N 21°02'50"E	56.40'
51	N 20°02'50"E	56.40'
52	N 19°02'50"E	56.40'
53	N 18°02'50"E	56.40'
54	N 17°02'50"E	56.40'
55	N 16°02'50"E	56.40'
56	N 15°02'50"E	56.40'
57	N 14°02'50"E	56.40'
58	N 13°02'50"E	56.40'

AUTUMN RUN

COURSE	BEARING	DISTANCE
1	N 15°03'47"E	56.40'
2	N 14°03'47"E	56.40'
3	N 13°03'47"E	56.40'
4	N 12°03'47"E	56.40'
5	N 11°03'47"E	56.40'
6	N 10°03'47"E	56.40'
7	N 09°03'47"E	56.40'
8	N 08°03'47"E	56.40'
9	N 07°03'47"E	56.40'
10	N 06°03'47"E	56.40'
11	N 05°03'47"E	56.40'
12	N 04°03'47"E	56.40'
13	N 03°03'47"E	56.40'
14	N 02°03'47"E	56.40'
15	N 01°03'47"E	56.40'
16	N 00°03'47"E	56.40'
17	N 359°03'47"E	56.40'
18	N 358°03'47"E	56.40'
19	N 357°03'47"E	56.40'
20	N 356°03'47"E	56.40'
21	N 355°03'47"E	56.40'
22	N 354°03'47"E	56.40'
23	N 353°03'47"E	56.40'
24	N 352°03'47"E	56.40'
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29	N 347°03'47"E	56.40'
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31	N 345°03'47"E	56.40'
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33	N 343°03'47"E	56.40'
34	N 342°03'47"E	56.40'
35	N 341°03'47"E	56.40'
36	N 340°03'47"E	56.40'
37	N 339°03'47"E	56.40'
38	N 338°03'47"E	56.40'
39	N 337°03'47"E	56.40'
40	N 336°03'47"E	56.40'
41	N 335°03'47"E	56.40'
42	N 334°03'47"E	56.40'
43	N 333°03'47"E	56.40'
44	N 332°03'47"E	56.40'
45	N 331°03'47"E	56.40'
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50	N 326°03'47"E	56.40'
51	N 325°03'47"E	56.40'
52	N 324°03'47"E	56.40'
53	N 323°03'47"E	56.40'
54	N 322°03'47"E	56.40'
55	N 321°03'47"E	56.40'
56	N 320°03'47"E	56.40'
57	N 319°03'47"E	56.40'
58	N 318°03'47"E	56.40'

20' Drive Easement

COURSE	BEARING	DISTANCE
1	N 00°03'47"E	42.83'
2	N 01°03'47"E	42.83'
3	N 02°03'47"E	42.83'
4	N 03°03'47"E	42.83'
5	N 04°03'47"E	42.83'
6	N 05°03'47"E	42.83'
7	N 06°03'47"E	42.83'
8	N 07°03'47"E	42.83'
9	N 08°03'47"E	42.83'
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42	N 41°03'47"E	42.83'
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44	N 43°03'47"E	42.83'
45	N 44°03'47"E	42.83'
46	N 45°03'47"E	42.83'
47	N 46°03'47"E	42.83'
48	N 47°03'47"E	42.83'
49	N 48°03'47"E	42.83'
50	N 49°03'47"E	42.83'
51	N 50°03'47"E	42.83'
52	N 51°03'47"E	42.83'
53	N 52°03'47"E	42.83'
54	N 53°03'47"E	42.83'
55	N 54°03'47"E	42.83'
56	N 55°03'47"E	42.83'
57	N 56°03'47"E	42.83'
58	N 57°03'47"E	42.83'

Wanda Little
(No Deed Reference Found
in Tax Records)

Riverview Heights
P.B. 3 P. 41
Lots 43, 44, 45

George A. Burgess
G5 - 385

Riverview Heights
P.B. 3 P. 41
Lots 49, 48, 47, 46

BLUE RIDGE MANOR (LOT OWNERS)
LOT 703: WILLIE F. VAN SICKLE AND WIFE, CHRISTINE F. VAN SICKLE - D.B. 0-3 P. 11
LOT 702: J. THOMAS JERNIGAN AND WIFE, CAROLITA JERNIGAN - D.B. 132 P. 1
LOT 701: GAIL BROS. - D.B. 146 P. 193
LOT 700: ALLAN JACOBS AND MADELINE JACOBS - D.B. 132 P. 1306
RIVERVIEW HEIGHTS (LOT OWNERS)
LOT 41: WARREN H. JOHNSON AND WIFE, DOROTHY JOHNSON - D.B. 1-5 P. 446
LOT 42: WARREN H. JOHNSON AND WIFE, DOROTHY JOHNSON - D.B. 160 P. 1415
LOT 43: FREDERICK B. GERMANO AND WIFE, ELIZABETH P. GERMANO - D.B. 133 P. 654
LOT 44: RIVERVIEW HEIGHTS OF NORTH CAROLINA, INC. - D.B. 143 P. 1254
LOT 45: RIVERVIEW HEIGHTS OF NORTH CAROLINA, INC. - D.B. 143 P. 1254
LOT 46: JACOB E. LEE AND WIFE, RUTH A. LEE - D.B. 158 P. 1680
LOT 49: JACOB E. LEE AND WIFE, RUTH A. LEE - D.B. 158 P. 1680