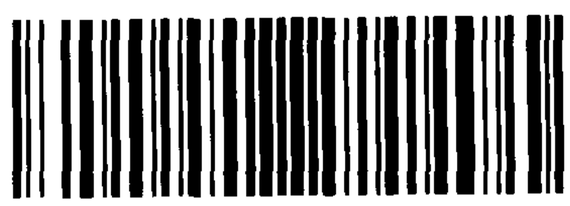
FOR REGISTRATION REGISTER OF DEEDS
Stephanie A. Norman
Burke County, NC
05/01/2020 at 01:56:47 PM
Book 2462 Page 362 (6)
FEE: $26.00

INSTRUMENT # 2017039758



INSTRUMENT # 2017039758

Presented By: Richard W. Beyer-Attorney

STATE OF NORTH CAROLINA

COUNTY OF BURKE

SPO FILE 12-EB

CORRECTION AND AMENDMENT TO CONSERVATION EASEMENT AND ACCESS ROAD

(DB 1585, PG 658) (DB 2067, PG 751)

THIS CORRECTION AND AMENDMENT OF CONSERVATION EASEMENT AND ACCESS ROAD, is made as of the date set forth in the notary acknowledgement below, by and between TIMOTHY L. CONWAY, TRUSTEE OF THE ELIZABETH B. CONWAY REVOCABLE TRUST, UA, DATED AUGUST 6, 1997, successor in estate, interest, and title from SEVEN SPRINGS FARM, INC., hereinafter, party of the first part, and the STATE OF NORTH CAROLINA, hereinafter the "STATE";

WITNESSETH:

THAT, WHEREAS, SEVEN SPRINGS FARM, INC., granted a collective 5.06+/- acres to the STATE in an instrument recorded August 2, 2006 in Deed Book 1585, Page 658, Burke County Registry, and also at Plat Book 31 , Page 249, and identified on plat as being 30' Access Easement containing 1.98 acres, and Conservation Easement Area C containing 2.72 acres, and Conservation Easement Area D containing 0.36 acres;

AND, WHEREAS, SEVEN SPRINGS FARM, INC., granted a second Conservation Easement to the STATE to include additional acreage in an instrument recorded January 23, 2013 in Deed Book 2067, Page 751, Burke County Registry, and also at Map Book 43 , Page 25, and identified on plat as being 30' Access Easement containing 1.98 acres, and Conservation Easement Area C containing 3.14 acres, and Conservation Easement Area D containing 0.36 acres;

WHEREAS, in the course of a new survey, errors were discovered in the surveys of the 30' access easement and conservation easement, and the lines were not properly surveyed; and the parties hereto desire to amend the access easement and conservation easement to correct the alignment and area of the 30' access easement and conservation easement. All rights, privileges and easements as originally conveyed in the conservation easement shall remain in full force and effect.

NOW, THEREFORE, the party of the first part, their heirs, successors and assigns, and the STATE, their successors and assigns, hereby agree to amend the 30' access easement and conservation easement, to that new map of survey as completed by Suttles Surveying, and sealed by Kenneth D. Suttles, PLS L-2678 and Douglas Suttles, PLS L-3728 dated April 28th, 2020, and titled "Survey of the: Silver Creek – Conway Conservation Easement for the State Property Office of North Carolina, IMS # 92218, Stewardship # 228, SPO # 12-EB, Silver Creek Township, Burke County, North Carolina" and as recorded in Map Book 53, Page 66 and as more particularly described on attached **"Exhibit A".**

Signatures follow

IN TESTIMONY WHEREOF, the Party of the First Part has hereunto set his hand and seal, as of the date set forth in the notary acknowledgement below.

Timothy L. Conway, TRUSTEE OF THE
ELIZABETH B. CONWAY REVOCABLE TRUST,
UA, DATED AUGUST 6, 1997

NORTH CAROLINA

COUNTY OF Burke

I, Faye W. Noles, a Notary Public in and for the County and State aforesaid, do hereby certify that Timothy L. Conway, Timothy L. Conway, TRUSTEE OF THE ELIZABETH B. CONWAY REVOCABLE TRUST, UA, DATED AUGUST 6, 1997, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 1st. day of May, 2020.

Faye W. Noles
Notary Public

Print name: FAYE W. NOLES

My Commission Expires: 8 - 15 - 2021

FAYE W. NOLES
NOTARY PUBLIC
BURKE COUNTY, N. C.

IN TESTIMONY WHEREOF, the STATE OF NORTH CAROLINA has caused this instrument to be executed in its name by the undersigned as of the date set forth in the notary acknowledgement below.

STATE OF NORTH CAROLINA

By: Tim Walton

Tim Walton, Director of the State Property Office
North Carolina Department of Administration

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, R. Michael Moser, a Notary Public in and for the aforesaid County of Wake and the State of North Carolina, do certify that Tim Walton, personally came before me this day and acknowledged that he is Director, State Property Office, NC Department of Administration, State of North Carolina, and that by authority duly given and as the act of the State, has signed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 30th day of April, 2020.

R. Michael Moser

Notary Public

Print name: R. Michael Moser

My Commission Expires: 9/30/22

R. Michael Moser
NOTARY
PUBLIC
Wake County, NC

EXHIBIT A

TRACT I

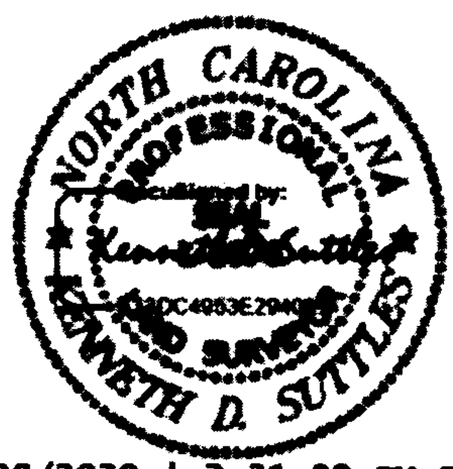
This is a description of the Access Easement to be conveyed to the State of North Carolina to serve Conservation Areas A, B, C, & D as shown on Plat Book 43, Page 25 and also those areas as shown on Plat Book 27, Pages 119-120, located in Silver Creek Township, Burke County, North Carolina and more particularly described as follows:

BEGINNING at a PK nail set in the center of Dysartsville Road, S.R. 1129, said nail having grid coordinates of N=705,248.78 ft., E=1,156,630.77 ft., Elevation=1242.43 ft., NAD 83/2011, and also being located S 24°02'58" E a distance of 91.33' from a PK nail set in the intersection of Dysartsville Road and John Reep Street, S.R. 1130; thence, from the POINT OF BEGINNING with the north margin of a 30 ft easement through the property of Seven Springs Farm described in Deed Book 2137, Page 067, S 74°55'22" E a distance of 38.56' to a 5/8" rebar set with plastic cap and continuing the same bearing a distance of 136.84' to a 5/8" rebar set with plastic cap, a new corner for a total distance of 175.39'; thence, S 86°32'25" E a distance of 72.82' to a 5/8" rebar set with plastic cap, a new corner; thence, S 75°13'49" E a distance of 76.49' to an existing 1/2" rebar, disturbed with nail at base, a corner of Seven Springs Farm and also a corner of the Herbert Frank Queen Revocable Living Trust described in Deed Book 2413, Page 561; thence, with the line of the Queen property the following seven (7) courses and distances: (1) S 84°32'25" E a distance of 34.95' to an existing nail in the center of an 8 ft gravel drive; (2) N 84°50'12" E a distance of 100.12' to a PK nail set; (3) N 69°17'57" E a distance of 200.22' to a PK nail set; (4) N 80°32'58" E a distance of 163.69' to a PK nail set; (5) S 73°02'02" E a distance of 140.25' to a PK nail set; (6) S 57°45'03" E a distance of 202.79' to a PK nail set; (7) S 47°54'02" E a distance of 103.21' to a PK nail set, a corner of the Queen property and a corner of Seven Springs Farm property as described in Deed Book 1111, Page 995; thence, with the line of the Seven Springs Farm property the following eleven (11) courses and distances: (1) S 47°52'16" E a distance of 50.01' to a 5/8" rebar set with plastic cap; (2) S 32°12'17" E a distance of 158.58' to a 5/8" rebar set with plastic cap; (3) S 44°28'17" E a distance of 253.62' to a 5/8" rebar set with plastic cap; (4) S 39°52'17" E a distance of 255.17' to a 5/8" rebar set with plastic cap; (5) S 65°44'55" E a distance of 69.48' to a 5/8" rebar set with plastic cap; (6) S 73°11'42" E a distance of 98.32' to a 5/8" rebar set with plastic cap; (7) S 57°33'12" E a distance of 80.36' to a 5/8" rebar set with plastic cap; (8) S 63°17'18" E a distance of 74.79' to a 5/8" rebar set with plastic cap; (9) S 74°21'02" E a distance of 131.96' to a 5/8" rebar set with plastic cap; (10) S 83°34'30" E a distance of 139.52' to a 5/8" rebar set with plastic cap; (11) N 86°06'40" E a distance of 50.15' to an existing 1/2" inch rebar, a corner of Seven Springs Farm and a corner of the aforementioned Herbert Frank Queen Revocable Living Trust, said rebar being located S 13°39'17" E a distance of 545.29' from an existing 3/4" iron pipe, a corner of the Queen property and Seven Springs Farm property; thence, with the line of the Queen property, N 86°03'03" E a distance of 166.43' to an existing 1/2" iron pipe, thence, continuing with the Queen property, S 78°37'07" E a distance of 94.42' to an existing 1/2" iron pipe, disturbed with nail set at base, said iron pipe also being a corner of the access easement through the Queen property; thence, continuing with the Queen property S 46°40'23" E a distance of 93.03' to an existing 3/4" iron pipe, disturbed with nail set at base; thence, leaving the Queen property and running with a new line through the Seven Springs Farm property the following twenty-four (23) courses and distances: (1) N 65°29'06" W a distance of 84.61' to an unmarked point in the center of a creek; (2) N 78°37'07" W a distance of 6.41' to a 5/8" rebar set with plastic cap and continuing the same bearing a distance of 80.52' to a 5/8" rebar set with plastic cap for a total distance of 86.93'; (3) S 86°03'03" W a distance of 159.44' to a 5/8" rebar set with plastic cap; (4) N 83°34'30" W a distance of 198.77' to a 5/8" rebar set with plastic cap; (5) N 74°21'02" W a distance of 135.51' to a 5/8" rebar set with plastic cap; (6) N 63°17'18" W a distance of 77.73' to a 5/8" rebar set with plastic cap; (7) N 57°33'12" W a distance of 78.62' to a 5/8" rebar set with plastic cap; (8) N 73°11'42" W a distance of 96.88' to a 5/8" rebar set with plastic cap;

(9) N 65°44'55" W a distance of 98.29' to a 5/8" rebar set with plastic cap; (10) N 39°52'17" W a distance of 237.94' to a 5/8" rebar set with plastic cap; (11) N 44°28'17" W a distance of 255.64' to a 5/8" rebar set with plastic cap; (12) N 32°12'17" W a distance of 157.67' to a 5/8" rebar set with plastic cap; (13) N 47°52'16" W a distance of 45.87' to a 5/8" rebar set with plastic cap; (14) N 47°54'02" W a distance of 100.62' to a 5/8" rebar set with plastic cap; (15) N 57°45'03" W a distance of 196.18' to a 5/8" rebar set with plastic cap; (16) N 73°02'02" W a distance of 129.18' to a 5/8" rebar set with plastic cap; (17) S 80°32'58" W a distance of 153.69' to a 5/8" rebar set with plastic cap; (18) S 69°17'57" W a distance of 201.37' to a 5/8" rebar set with plastic cap; (19) S 84°50'58" W a distance of 106.78' to a 5/8" rebar set with plastic cap; (20) N 84°38'08" W a distance of 40.37' to a 5/8" rebar set with plastic cap; (21) N 75°13'49" W a distance of 75.98' to a 5/8" rebar set with plastic cap; (22) N 86°32'25" W a distance of 72.90' to a 5/8" rebar set with plastic cap; (23) N 74°55'22" W a distance of 117.73' to a 5/8" rebar set with plastic cap and continuing a distance of 37.30' to a PK nail set in the center of Dysartsville Road for a total distance of 155.03'; thence, with the center of said road, N 21°22'16" W a distance of 16.35' to a PK nail set in center of road; thence, with center of said road N 24°02'58" W a distance of 21.72' to the POINT OF BEGINNING and containing 1.86 acres, 81,161 sq. ft, by coordinates.

TRACT II

BEGINNING at a 5/8" Rebar Set with plastic Cap, said rebar being labeled point number 563 on recorded plat in Plat Book 53, Page 66; thence S 83°01'13" E a distance of 45.56' to a 5/8" Rebar set with plastic cap in the west edge of a gravel drive; thence crossing the aforementioned gravel drive N 71°43'24" E a distance of 43.45' to a 5/8" Rebar Set with plastic Cap, south of the gravel drive; thence N 71°11'24" E a distance of 74.49' to a 5/8" Rebar Cap in the Conway and Queen Boundary line; thence with the Conway and Queen boundary line S 78°26'28" W a distance of 160.23' to a 5/8" Rebar with Plastic Cap; which is the point of BEGINNING, having an area of 1175.5 square feet, 0.027 acres



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