FILED
CHEROKEE COUNTY NC
DAPHNE DOCKERY
REGISTER OF DEEDS

FILED	Jan 20, 2012
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END PAGE	0210
INSTRUMENT #	00321
EXCISE TAX	(None)

Prepared by and return to:
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321
SPO File No. 20-ZA
EEP No. 92633 Martin Creek II
CHEROKEE COUNTY

TEMPORARY CONSTRUCTION EASEMENT (TCE)
Extension of Time Period for TCE recorded in Deed Book 1410 Page 1038, Cherokee County Registry

This Agreement, made this 10 day of Dec, 2011, between **Barbara H. Lutz and Ann Rohrbacher, Co-Trustees of the 1991 Francis C. Bourne, Sr. Trust for Barbara H. Lutz and others; Susan H. Mahoney (individually), and Kathleen Hounsom, formerly known as Kathleen H. Rowland (individually), (Grantor")**, hereinafter designated as **Grantor**, and the **State of North Carolina**, acting by and through the **Ecosystem Enhancement Program (formerly known as the Wetlands Restoration Program)**, hereinafter designated **Grantee**, does hereby grant unto the **Grantee**, its successors, assigns, agents, contractors, subcontractors and employees the exclusive right to perform those certain construction activities necessary to perform a stream restoration, enhancement and/or wetlands restoration, enhancement or creation project, hereinafter designated **Project**, along with the right of reasonable ingress and egress to the **Project** along Martin Creek in Cherokee County for the benefit of the **Grantor.**

Grantor, for the true and actual consideration of Ten Dollars and other valuable consideration does convey to **Grantee**, its successors and assigns, an extension of the time period to the **Temporary Construction Easements**, hereinafter **Easement**, for specified work areas on Grantors' properties as noted in the original Temporary Construction Easement recorded in Deed Book 1410 Page 1038, Cherokee County Registry which are incorporated and attached hereto as "**Exhibit A.**"

Grantor agrees the consideration recited herein is just compensation for the **Easement**, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and said **Project**.

The **Grantor** also grants to the **Grantee**, its successors, assigns, agents, contractors, and employees the right to erect and use construction equipment at the sites of the **Easement** herein

described for the purpose of construction a stream restoration along Martin Creek, Cherokee County.

IT IS UNDERSTOOD that the **Easement** rights herein granted shall automatically terminate 12 months from the date of expiration of the original Temporary Construction Easement as shown in "**Exhibit A**" or upon completion of the above referenced **Project**, whichever is sooner.

All other term, provisions and conditions of the referenced Temporary Construction Easement executed March 28, 2011(Deed Book 1410 Page 1038) shall apply to all properties listed in said documents and shall be binding to all parties. This Extension Agreement for a Temporary Construction Easement is hereby incorporated and made a part of the aforesaid documents.

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written,

(Remainder of page intentionally left blank)

GRANTOR

By: Barbara H. Lutz **(SEAL)**
Barbara H. Lutz, Co-Trustee of the 1991
Francis C. Bourne, Sr. Trust for Barbara H. Lutz and others

STATE OF CT

COUNTY OF Middlesex

I, Kathleen Race, a Notary Public in and for the County and State aforesaid, do hereby certify that Barbara H. Lutz, Co-Trustee of the 1991 Francis C. Bourne, Sr. Trust for Barbara H. Lutz and others, Grantor, 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 6 day of January ~~2011~~. 2012

Kathleen L Race
Notary Public

My commission expires:

KATHLEEN L. RACE
Notary Public, State of Connecticut
My Commission Expires 11/30/13

KATHLEEN L. RACE
Notary Public, State of Connecticut
My Commission Expires 11/30/13

(Notary Seal)

KATHLEEN L. RACE NOTARY PUBLIC CONNECTICUT

GRANTOR

By: _____ **(SEAL)**
Ann Rohrbacher, Co-Trustee of the 1991
Francis C. Bourne, Sr. Trust for Barbara H. Lutz and others

STATE OF Washington
COUNTY OF Klickitat

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that Ann Rohrbacher, Co-Trustee of the 1991 Francis C. Bourne, Sr. Trust for Barbara H. Lutz and others, Grantor, 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 29th day of December 2011.

Barbara Cosner
Notary Public

My commission expires: May 19, 2013

BARBARA B COSNER
COMMISSION EXPIRES
NOTARY PUBLIC
MAY 19, 2013
STATE OF WASHINGTON
(Notary Seal)

GRANTOR:

By: Susan H. Mahoney (SEAL)
Susan H. Mahoney

STATE OF Georgia

COUNTY OF Fulton

I, WALTER EUGENE COX a Notary Public in and for the County and State aforesaid, do hereby certify that Susan H. Mahoney, Grantor, 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 10 day of DEC, 2011.

Walter Eugene Cox
Notary Public

My commission expires:

2/15/14

WALTER EUGENE COX
NOTARY PUBLIC
EXPIRES
GEORGIA
FEB 15 2014
FULTON COUNTY
(Notary Seal)

GRANTOR:

By: Kathleen Hounsom **(SEAL)**
Kathleen Hounsom, formerly known as Kathleen H. Rowland

STATE OF North Carolina

COUNTY OF Buncombe

I, Joel Tomberlin, **a Notary Public in and for the County and State aforesaid, do hereby certify that Kathleen Hounsom, formerly known as Kathleen H. Rowland, Grantor, 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 9th **day of** December, **2011.**

Notary Public

My commission expires:

12/6/15

JOEL D TOMBERLIN
Notary Public
Madison County
North Carolina
My Commission Expires Dec 6, 2015

(Notary Seal)