FILED Catawba County
on Aug 19, 2009 at 03:48:00 pm
Excise Tax $0.00 (BR)
INST. # 17167
DONNA HICKS SPENCER,
Register of Deeds
Bk 02988 Pg 1697-1701

STATE OF NORTH CAROLINA

RELEASE OF EASEMENT

COUNTY OF CATAWBA

THIS RELEASE OF EASEMENT, is made as of the date set forth in the notary acknowledgment below, by the STATE OF NORTH CAROLINA, hereinafter party of the first part and Kermit L. Nash, Jr. and wife Norma K. Nash (aka Kay J. Nash), hereinafter party of the second part,

W I T N E S S E T H:

THAT, WHEREAS, Charles Neil Wike and wife, Celia Jean Tucker, granted a 12.42 acre Conservation Easement to the State of North Carolina in an instrument dated April 19, 2002 recorded in Deed Book 2356, Page 837, Catawba County Registry for compensatory mitigation in the Catawba River Basin; and

WHEREAS, On February 18, 2008, Charles Neil Wike and wife, Celia Jean Tucker sold the parent tract encumbered with the State of North Carolina Conservation Easement, to Kermit L. Nash, Jr. and wife, Norma Kay Nash (aka Kay J. Nash) and

WHEREAS, the parties hereto desire to release 0.30 acres of the property described herein from said Conservation Easement such that a 50' wide right of way may be constructed to allow access to unencumbered interior sections of the parent tract; and

Prepared by: Office of the Attorney General, Property Control Section
Mail to: NC Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321

NOW, THEREFORE, the party of the first part in consideration of $10.00 DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged, has remised and released and by these presents does hereby remise, release and forever quitclaim unto the party of the second part, its heirs and assigns, all right, title, claim and interest of the party of the first part in and to that certain tract or parcel of land lying in Catawba Township, Catawba County, North Carolina and being that 0.30 acres more particularly described as follows:

See attached Exhibit "A"

TO HAVE AND TO HOLD, the aforesaid tract of land, together with all privileges and appurtenances thereunto belonging, to it, the said party of the second part, its heirs and assigns free and discharged from the aforementioned Conservation Easement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN TESTIMONY WHEREOF, the STATE OF NORTH CAROLINA has caused this instrument to be executed in its name by BEVERLY EAVES PERDUE, Governor, attested by ELAINE F. MARSHALL, Secretary of State, and the Great Seal of the State of North Carolina to be hereto affixed by virtue of the power and authority aforesaid.

STATE OF NORTH CAROLINA

By: _____

Governor

ATTEST:

By: _____

Secretary of State

APPROVED AS TO FORM:

ROY COOPER
ATTORNEY GENERAL

By: _____

Assistant Attorney General

STATE OF NORTH CAROLINA **1700**

COUNTY OF WAKE

I, Jennell Baughman, a Notary Public in and for the aforesaid County of Johnston and State of North Carolina, do hereby certify that ELAINE F. MARSHALL, Secretary of State of North Carolina, personally came before me this day and acknowledged that she is Secretary of State of North Carolina, and that by authority duly given and as the act of the State, the foregoing instrument was signed in its name by BEVERLY EAVES PERDUE, Governor of the State of North Carolina, sealed with the Great Seal of the State of North Carolina, and attested by herself as Secretary of State of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 19th day of May, 2009.

Jennell Baughman
Notary Public

JENNELL BAUGHMAN
Notary Public
Johnston County
State of North Carolina
My Commission Expires Nov 21, 2011

Print Name: Jennell Baughman

My Commission Expires: 11-21-2011

"EXHIBIT A "
Legal Description for Release of Right of Way
On Tax Parcel ID # 377202650545
Catawba Township, Catawba County
As shown in Catawba County, North Carolina
Deed Book 2893 Page 0626
Plat Book 68 Page 83

Right of Way release

Beginning at a Concrete Monument in the westerly margin of Kermit Street, located N56-55-18E 10.55' from an existing ¾" rod in the northerly line of the property of Ronald T. Brown (now or formerly) as described in deed recorded in Book 1344, Page 871, Catawba County Public Registry, thence N08-05-29E 261.58' to a 5/8" rebar with cap, thence N58-42-01E 64.71' to a 5/8" rebar with cap, thence S08-05-08W 258.91' to a 36" Oak Tree, thence S56-55-18W 66.45' to the Point of Beginning and Containing 0.30 Acres as shown on a Survey by J. Mike Honeycutt NCRLS L-1360 dated 11-07-08, Revised 5-9-09 Entitled "Addition to Easement: State of North Carolina, Conservation Easement Modification for Lyle Creek, Site ID #71" JMH File: B-2424, recorded in Plat Book 68, Page 83, Catawba County Public Registry.