STATE OF NORTH CAROLINA
DECLARATION OF PERMANENT
COVENANTS AND RESTRICTIONS

BERTIE COUNTY
SPO File Number 08-M, 08-020.001
EEP Parcel ID 696
Prepared by and return to
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

THIS DECLARATION OF COVENANTS AND RESTRICTIONS, made this ___ day of _____, 2010, by the State of North Carolina, whose address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. This declaration of covenants and restrictions is meant to be binding on the owner, their heirs, successors and assigns.

WITNESSETH:

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 143-214.8 et seq., the State of North Carolina has established the Ecosystem Enhancement Program (formerly known as the Wetlands Restoration Program) within the Department of Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, creating an preserving wetland an riparian resources that contribute to the protection an improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, the Ecosystem Enhancement Program in the North Carolina Department of Environment and Natural Resources ("EEP") has approved the acceptance of this instrument; and

WHEREAS, the State of North Carolina has received funding from EEP for the acquisition of the Property conveyed and described in the attached Warranty Deed ("the Property") located in Deed Book 874 Page 578 of the Bertie County Registry.

WITNESSETH

In consideration of the funding provided by EEP for the acquisition of the Property and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the following Permanent Covenants and Restrictions are hereby placed upon the Property in perpetuity.

The State hereby sets aside, declares, reserves and recognizes a perpetual protected area, hereinafter identified as the (**"Restricted Area"**). The Restricted Area extends over the entire parcel of each tract in Exhibit A and Exhibit B in Deed Book 874 Page 578. The Restricted Area as defined is subject to the restrictions as recited below and will be forever conserved and managed in a manner that will improve and protect the quality of the waters of the Salmon Creek and otherwise promote the public purposes authorized under the provisions of N.C. General Statute § 143-214.8 and pursuant to the mitigation requirements associated with section 404 of the Clean Water Act (33 U.S.C. 1344).

The purposes of these Covenants and Restrictions are to maintain, restore, enhance, create and preserve wetland and/or riparian resources within the Restricted Area that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; to maintain permanently the Restricted Area in its natural condition, consistent with these purposes; and to prevent any use of the Restricted Area that will significantly impair or interfere with these purposes. To achieve these purposes, the following restrictions are permanently placed upon the Property:

RESERVED USES AND RESTRICTED ACTIVITIES

A. Motorized Vehicles. Usage of motorized vehicles in the Restricted Area is prohibited, except as they are used exclusively for management, maintenance, or stewardship purposes, and on existing trails, paths or roads for the purposes recited above.

B. Vegetative Cutting. Except as related to the removal of non-native plants, diseased or damaged trees, and vegetation that obstructs destabilizes or renders unsafe the Restricted Area to persons or natural habitat, all cutting, removal, mowing, harming, or destruction of any trees and vegetation in the Restricted Area is prohibited.

C. Industrial, Agricultural, Residential and Commercial Uses. All are prohibited in the Restricted Area.

D. New Construction. There shall be no building, facility, mobile home, antenna, utility pole, tower, or other structure constructed or placed in the Restricted Area.

E. Roads and Trails. There shall be no new construction of roads, trails, walkways, or paving in the Restricted Area. Existing roads or trails located in the Restricted Area may be maintained with loose gravel, soil, or permanent vegetation in order to minimize runoff, prevent sedimentation and for access to the interior of the Property for management, maintenance, stewardship purposes, or undeveloped recreational and educational uses of the Restricted Area.

F. Signs. No signs shall be permitted in the Restricted Area except interpretive signs describing restoration activities and the conservation values of the Restricted Area, signs identifying the owner of the Property, signs giving directions, or signs prescribing rules and regulations for the use of the Restricted Area.

G. Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances or machinery, or other material in the Restricted Area is prohibited.

H. Grading, Mineral Use, Excavation, Dredging. Unless related to approved restoration activities, there shall be no grading, filling, excavation, dredging, mining, or drilling within the Restricted Area.

I. Water Quality and Drainage Patterns. Unless related to approved restoration activities, there shall be no diking, draining, dredging, channeling, filling, leveling, pumping, impounding or diverting, causing, allowing or permitting the diversion of surface or underground water in the Restricted Area. There shall be no altering or tampering with water control structures or devices, or disruption or alteration of the restored, enhanced, or created drainage patterns. Any use of pesticide or biocides is prohibited.

J. Subdivision and Conveyance. No further subdivision, partitioning, or dividing of the Restricted Area is allowed.

K. Disturbance of Natural Features. Any change, disturbance, alteration or impairment of the natural features of the Restricted Area or any intentional introduction of non-native plants, trees and/or animal species is prohibited.

L. Restoration Activities Are Permitted. Includes but not limited to planting of trees, shrubs and herbaceous vegetation, installation of monitoring wells, utilization of heavy equipment to grade, fill, and prepare the soil, modification of the hydrology of the site, and installation of natural and manmade materials as needed to direct in-stream, above ground, and subterraneous water flow according to a restoration plan as provided, contracted, or managed by the N.C. Ecosystem Enhancement Program, successors or assigns.

M. Enforcement. The right of enforcement of these Restrictions is hereby granted to and vested entirely with the N.C. Ecosystem Enhancement Program, its successors and assigns.

N. Notice. The owner of the Property shall notify the U.S. Army Corps of Engineers in writing sixty (60) days prior to the initiation of any amendment or change to these Covenants and Restrictions or any transfer of all or any part of the Property. Such notification shall be addressed to : Justin McCorkle, General Counsel, US Army Corps of Engineers, 69 Darlington Avenue, Wilmington, NC 28403.

IN TESTIMONY WHEREOF, the State of North Carolina has caused this instrument to be executed in its name by BEVERLY E. PERDUE, Governor, attested by ELAINE F. MARSHALL, Secretary of State, and the Great Seal of the State of North Carolina hereunto affixed, by virtue of the power and authority aforesaid, all as of the date set forth in the notary acknowledgment below.

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

COUNTY OF WAKE

I, Jennell Baughman, a Notary Public of Johnston County 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 E. 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 Notary Seal, this the 18th day of May, ~~2009~~. 2010.

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

Jennell Baughman
Notary Public
Print Name: Jennell Baughman

My Commission Expires: 11-21-2011

Bertie County--Register of Deeds
Belinda S. White, Register of Deeds
Inst# 19687 Book 874 Page 578
Pgs: 10 10/02/2007 02:59:13pm
Excise Tax Paid $ 328.00

B0902 P0823 05-26-2010 10:31:28.000
Belinda S. White
Bertie County, NC Register of Deeds page 6 of 12

This certifies that there are no delinquent ad valorem real estate taxes, which the Bertie County Tax Collector is charged with collecting that are a lien on: Pin # 6853-61-1194
Bertie County Office of Land Records. This is not a Certification that the Pin # matches the deed description.

10-2-07
Tax Collector Date

"Attachment"

Prepared By: Pritchett & Burch, PLLC, P. O. Drawer 100, Windsor, NC 27983

Return to: Attorney General's Office, Property Control Section
9001 MSC/Property Control, Raleigh, NC 27699-9001

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF BERTIE

THIS DEED, made and entered into this the 13th day of September, 2007, by and between the **WINDSOR CHARGE OF THE UNITED METHODIST CHURCH,** Aka Windsor United Methodist Church, aka Windsor Methodist Church **acting by and through its duly constituted Board of Trustees,** 408 South Queens Street, Windsor, NC 27983, Grantor and the **STATE OF NORTH CAROLINA**, c/o State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321, Grantee;

WITNESSETH:

THAT the said Grantor, in consideration of the sum of ONE HUNDRED SIXTY THREE THOUSAND EIGHT HUNDRED SIXTY SEVEN AND 50/100 ($163,867.50) DOLLARS, to Grantor paid by the Grantee, receipt of which is hereby acknowledged, has bargained and sold and by these presents does bargain, sell and convey, unto the said Grantee, its successors and

assigns, certain portions of the tract or parcel of land situate, lying and being the J. B. Nichols Farm in Merry Hill Township, Bertie County, North Carolina, and being more particularly described as follows:

SEE **EXHIBIT A** AND **EXHIBIT B** ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the aforesaid tracts or parcels or land and all privileges and appurtenances thereunto belonging to the State of North Carolina, its successors and assigns forever.

AND the said Grantor does covenant that it is seized of the said premises in fee simple and has the right to convey the same in fee simple; that the same is free from any encumbrances; and that it will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said Grantor has caused this instrument to be executed in its name by and through its duly authorized trustees as of the day and year first above written. This Deed is executed pursuant to a resolution adopted by the Charge Conference of the Windsor United Methodist Church, a copy of which is attached hereto as **EXHIBIT C,** and approved by the district superintendent of the Elizabeth City District of the United Methodist Church and the pastor of the Windsor Charge of the United Methodist Church as required by ¶ 2539 of the Book of Discipline of the United Methodist Church.

WINDSOR UNITED METHODIST CHURCH (SEAL)

By: Rodney A. Hoggard

Henry G. Alston

Holland Cayton

Dee Dee White Johnson

Trustees for the Board of Trustees for Windsor Charge of the United Methodist Church

Consented to by:

Won S. Namkoong
District Superintendent of the Elizabeth City District of the United Methodist Church

Pastor, Windsor Charge of the United Methodist Church

STATE OF NORTH CAROLINA
COUNTY OF BERTIE

I, Penny T. Harmon, a Notary Public in and for the aforesaid County and State do hereby certify that Rodney A. Hoggard, Henry G. Alston, Holland Cayton, and Dee Dee White Johnson, Trustees of the Board of Trustees for the Windsor Charge of the United Methodist Church, personally appeared before me this date and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 18th day of September, 2007.

Penny T. Harmon
Notary Public

PENNY T. HARMON NOTARY BERTIE COUNTY

My Commission Expires:
08-29-2009

B0902 P0826 05-26-2010 10:31:28.000
Belinda S. White
Bertie County, NC Register of Deeds page 9 of 12

STATE OF NORTH CAROLINA
COUNTY OF BERTIE

I, Ida M Saunders, a Notary Public in and for the aforesaid County and State do hereby certify that Won S Namkoong, District Superintendent of the Elizabeth City District of the United Methodist Church, personally appeared before me this date and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 13 day of September 13, 2007.

Ida M Saunders
Notary Public

IDA M. SAUNDERS NOTARY PUBLIC PERQUIMANS CO.

My Commission Expires:
September 5, 2009

STATE OF NORTH CAROLINA
COUNTY OF BERTIE

I, Penny T. Harmon, a Notary Public in and for the aforesaid County and State do hereby certify that David L. Woolsey, Pastor of the Windsor Charge of the United Methodist Church, personally appeared before me this date and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 18th day of September, 2007.

Penny T. Harmon
Notary Public

PENNY T. HARMON NOTARY PUBLIC BERTIE COUNTY, N.C.

My Commission Expires:
08-20-2009

B0902 P0827 05-26-2010 10:31:28.000
Belinda S. White
Bertie County, NC Register of Deeds page 10 of 12

Exhibit A

That certain tract or parcel of land located in Merry Hill Township, Bertie County, North Carolina. Being described as follows;

Beginning at a pk set in the intersection of NC. Highway 45 and State Road 1502, said beginning point being located S 31°20' 35" E a distance of 217.68 feet from NC GS Station "W 211" having NC grid coordinates of N = 830,653.7652 E = 2,657,395.2003 (NAD 83).

Thence from said point of beginning and running along the centerline of State Road 1502 S 80°02' 46" W 45.14 feet to a pk set; thence continuing along centerline of State Road 1502 the following courses and distances S 76° 51' 52" W 170.71 feet to a pk set; thence S 77° 56' 09" W 123.92 feet; thence S 78° 43' 02" W 90.20 feet to a pk set; thence S 82° 21' 51" W 102.81 feet to a pk set; thence S 86° 28' 50" W 45.67 feet to a pk set in the corner of Tract #2; thence leaving the centerline of State Road 1502 and running a new established line for Windsor Methodist Church said Tract #2 the following courses and distances: N 09° 41' 42" W 167.49 feet to a point; thence N 42° 33' 01" E 139.87 feet to a point; thence N 16° 42' 15" W 242.32 feet to a point; thence N 10° 04' 00" E 69.34 feet to a point; thence N 75° 01' 00" W 214.20 feet to a point; thence N 16° 06' 15" W 181.78 feet; thence N 25° 18' 02" E 200.80 feet to a point; thence N 52° 03' 43" W 655.22 feet to a point; thence S 23° 13' 42" W 372.87 feet to a point; thence S 05° 07' 24" W 337.42 feet to a point; thence N 81° 25' 03" E 377.41 feet to a point; thence S 47° 04' 31" E 198.43 feet to a point; thence S 17° 06' 25" E 316.17 feet to a point; thence N 51° 26' 52" E 88.81 feet to a point; thence S 16° 57' 20" E 396.66 feet to a pk set in the center line of State Road 1502; thence running along centerline of State Road 1502 the following courses and distances; N 84° 50' 12" W 104.07 feet to a pk set; thence N 78° 25' 37" W 108.42 feet to a pk set; thence N 73° 13' 57" W 100.83 feet to a pk set; thence N 67° 38' 44" W 97.89 feet to a pk set in the intersection of State Road 1502 and State Road 1506; thence continuing along the centerline of State Road 1502 N 65° 13' 59" W 433.57 feet to a pk set; thence N 65° 20' 46" W 416.12 feet to a pk set; thence N 65° 45' 02" W 94.05 feet to a pk set; thence N 66° 18' 21" W 96.86 feet to a pk set; thence N 67° 26' 24" W 100.35 feet to a pk set; thence N 67° 54' 50" W 54.96 feet to a pk set; thence leaving the centerline of State Road 1502 and running N 11° 21' 17" E 352.09 feet to a point in the run of a branch; thence running along the centerline of said branch the following courses and distances N 10° 11' 19" E 137.50 feet to a point; thence N 09° 16' 54" E 162.54 feet to a point; thence N 17° 22' 09" E 99.32 feet to a point; thence N 35° 16' 12" E 50.58 feet to a point; thence N 11° 17' 12" E 227.58 feet to a point; thence N 07° 23' 43" W 200.73 feet to a point; thence N 51° 16' 50" W 288.07 feet to a point; thence N 45° 16' 46" W 153.21 feet to a point; thence N 05° 05' 25" E 284.88 feet to a point in the intersection of a another branch; thence continuing along the run of another branch N 08° 29' 22" E 56.04 feet to a point; thence N 31° 04' 22" W 96.52 feet to a point; thence N 06° 02' 58" W 59.34 feet to a point; thence N 15° 45' 38" W 103.39 feet to a point; thence N 29° 46' 52" E 59.30 feet to appoint; thence N 26° 40' 42" E 103.73 feet to a point; thence N 44° 01' 48" E 113.17 feet to a point; thence N 64°

47' 49" E 44.58 feet to a point; thence N 33° 44' 26" E 38.63 feet to a point in the intersection of two branches; thence running along the run of another branch S 18° 46' 16" E 255.94 feet to a point; thence S 59° 40' 31" E 99.02 feet to a point; thence S 63° 04' 59" E 39.44 feet to a point; thence S 82° 45' 54" E 214.26 feet to a EIP; thence leaving the centerline of branch and running along the line of Tarheel Cotton the following courses and distances S 59° 21' 37" W 22.83 feet to an EIP; thence S 19° 49' 56" W 443.60 feet to an EIP; thence S 36° 22' 10" E 193.71 feet to an EIP; thence S 73° 10' 44" E 632.43 feet to an EIP; thence S 16° 26' 35" W 157.37 feet to an EIP; thence S 65° 26' 28" E 281.51 feet to an EIP; thence S 03° 09' 47" E 185.60 feet to an EIP; thence S 69° 50' 58" E 207.97 feet to an EIP; thence S 89° 13' 07" E 286.19 feet to an EIP on the right of way of NC Highway 45; thence leaving said right of way and running N 66° 49' 23" E 50.43 feet to a pk set in the centerline of NC Highway 45; thence running along the centerline of NC Highway 45 the following courses and distances S 16° 59' 08" E 764.03 feet to a pk set; thence S 16° 56' 33" E 57.73 feet to a pk set; thence S 16° 56' 33" E 445.48 feet to the pk set the point of beginning.

Said parcel being Tract #1 of a map by Roanoke Land Surveying for State of North Carolina Ecosystem Enhancement Program SPO Project # 08-M dated March 13, 2007, being recorded in Plat Cabinet C, Slide 131 in Bertie County Register of Deeds. Together with and subject to all right of ways, easements, zoning and/or restrictive covenants of record. Said property contains a net of 56.63 +/- acres.

Exhibit B

That certain tract or parcel of land located in Merry Hill Township, Bertie County, North Carolina. Being described as follows:

Beginning at a pk set in the centerline of NC Highway 45 said beginning point being located N 16° 56' 33" W 445.48 feet from a pk set in the intersection of State Road 1502 and NC Highway 45 said pk set in the intersection being located S 31° 20' 35" E 217.68 feet from NC GS Station "W 211" having NC grid coordinates N = 830,653.7652 E = 2,657,395.2003 "NAD 83".

Thence from said point of beginning and running along the centerline of NC Highway 45 N 16° 56' 33" W 57.73 feet to a pk set continuing along said centerline N 16° 59' 08" W 764.03 feet to a pk set; thence leaving the centerline of NC Highway 45 and running a new established line for the Windsor Methodist Church N 59° 29' 35" E 46.5 feet to an IRS; thence continuing along said new established line for Windsor Methodist church the following courses and distances N 66° 27' 51" E 67.45 feet to an IRS; thence N 10° 18' 21" W 73.25 feet to an IRS; thence S 88° 30' 09" E 61.33 feet to an IRS; thence S 16° 09' 18" E 121.43 feet to an IRS; thence S 50° 42' 19" E 278.20 feet to an IRS; thence S 80° 15' 49" E 97.43 feet to an IRS; thence N 75° 29' 33" E 84.73 feet to an IRS; thence N 50° 06' 19" E 154.00 feet to an IRS; thence N 38° 30' 23" E 100.49 feet to an IRS; thence N 45° 49' 25" E 137.13 feet to an IRS; thence N 53° 46' 59" E 82.14 to an IRS; thence S 74° 02' 47" E 116.33 feet to an IRS; thence N 71° 51' 35" E 612.19 feet to an IRS on the right of way of State Road 1540; thence running along said right of way S 16° 09' 28" E 372.59 feet to an IRS; thence S 14° 28' 33" E 108.3 feet to an IRS; thence leaving the right of way of State Road 1540 and running along a new established line for Windsor Methodist Church the following courses and distances S 83° 12' 43" W 726.30 feet to an IRS; thence S 77° 34' 55" W 124.82 feet to an IRS; thence S 75° 55' 25" W 119.88 feet to an IRS; thence N 70° 48' 25" W 50.56 feet to an IRS; thence S 14° 56' 02" W 26.84 feet to an IRS; thence S 72° 51' 11" E 38.29 feet to an IRS; thence S 39° 47' 13" W 169.02 feet to an IRS; thence S 11° 47' 05" W 81.41 feet to an IRS; thence S 24° 18' 33" W 150.07 feet to an IRS; thence S 69° 36' 22" W 202.43 feet to an IRS; thence S 69°36' 22" W 163.39 feet to the pk set the point of beginning.

Said parcel being Tract #3 of a map by Roanoke Land Surveying for State of North Carolina Ecosystem Enhancement Program SPO Project # 08-M, dated March 13, 2007. Being recorded in Plat Cabinet C, Slide 131 in Bertie County Register of Deeds. Together with and subject to all right of way, easements, zoning and/or restrictive covenants of record. Said property contains a net of 16.2 +/- acres.