410

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Recorded: 12/29/2005 at 12:44:12 PM
Fee Amt: $20.00 Page 1 of 3
Franklin County North Carolina
Linda H. Stone Register of Deeds
BK 1519 PG 410-412

by: Carolyn Coley, Asst.

Mail after recording to: Jolly, Williamson & Williamson
Jason C. Peoples
123 N. Main Street
P.O. Box 1161
Louisburg, NC 27549

SPO File No. 035-AJ

State of North Carolina

ASSIGNMENT OF CONSERVATION EASEMENT

County of Franklin

THIS ASSIGNMENT is made on the 22nd day of December, 2005, by and between **TAR RIVER LAND CONSERVANCY,** Inc., a North Carolina non-profit corporation (the "**TAR RIVER LAND CONSERVANCY**") to the **STATE OF NORTH CAROLINA**, (the "**STATE**" or "**ASSIGNEE**") acting by and through the **NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM** ("**EEP**").

WITNESSETH:

WHEREAS, EEP has agreed to provide funding to **TAR RIVER LAND CONSERVANCY** for the purchase of a Conservation Easement over real property situated along Little Shocco Creek within the Upper Tar River Basin, and

WHEREAS, pursuant to the funding, the **TAR RIVER LAND CONSERVANCY** has, on the 29th day of December, 2005, acquired Conservation Easements, over the property of **James H. Wheless and Senora M. Wheless**, which easements are recorded in Deed Book 1519, Page 400, Franklin County Registry, and

WHEREAS, in furtherance of the terms and conditions of the Grant Agreement, the **TAR RIVER LAND CONSERVANCY** desires to assign its right, title, and interest in the Conservation Easement to the **STATE**, and the **STATE** has agreed to this Assignment.

NOW, THEREFORE, in consideration of funding paid by **EEP** to the **TAR RIVER LAND CONSERVANCY**; the mutual benefits accruing to the **STATE**, the **TAR RIVER LAND CONSERVANCY**, and the public from the Conservation Easement herein referenced and assigned, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the **TAR RIVER LAND CONSERVANCY** conveys and assigns to the **STATE**, acting by and through the **EEP**, all the rights, title, easement, privilege and interest (and subject to all conditions contained therein), in those Conservation Easements conveyed to the **TAR RIVER LAND CONSERVANCY** by **James H. Wheless and Senora M. Wheless** dated the 22nd day of December, 2005, and recorded in Deed Book 1519, Page 400, Franklin County Registry.

The **TAR RIVER LAND CONSERVANCY** hereby expressly reserves from this Assignment the rights to make "Educational Visits" found in found in Section III A, and the nonexclusive rights initially acquired by the Conservation Easement to inspect monitor, enforce and maintain the Conservation Easement found in Sections III and IV, and to access the property for such purposes as described in the easement.

TO HAVE AND TO HOLD the said right, privilege and easement herein granted and assigned to the **STATE**, its successors and assigns in perpetuity.

AND the **ASSIGNOR** covenants that it is properly vested with the Conservation Easement; has the right to assign the same to the **ASSIGNEE**; that the Easement is free from encumbrances except as may be expressly excepted to by the terms and conditions of the Conservation Easement; and that the **ASSIGNOR** will warrant and defend title to the same against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the **TAR RIVER LAND CONSERVANCY**, has executed the foregoing in its corporate name, under seal, signed by the **BOARD PRESIDENT** with proper authorization by **TAR RIVER LAND CONSERVANCY**, the date and year first above written.

TAR RIVER LAND CONSERVANCY, Inc., a North Carolina non-profit corporation

By: _____ (SEAL)
Ernest B. Averett, III
Board President

ATTEST

By: _____
Jason C. Peoples
Assistant Secretary

ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

I, Jeffrey A. Fisher, a Notary Public of ~~said County and State~~ Orange County, North Carolina JAF, do hereby certify that **Jason C. Peoples,** personally known to me, personally appeared before me this day and acknowledged that he is the Assistant Secretary of the Tar River Land Conservancy, a North Carolina non-profit corporation, and that by authority duly given and as an act of the corporation the foregoing Instrument was voluntarily signed in its name by its President, **Ernest B. Averett, III**, and attested by his/herself as its Assistant Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 22nd day of December, 2005.

Jeffrey A. Fisher

Jeffrey A. Fisher Notary Public
(Print name)

My commission expires:

6/22/2010

JEFFREY A. FISHER NOTARY PUBLIC ORANGE COUNTY, N.C.